

Ada County Drainage District No. 3  
Stormwater Management Plan  
NPDES # IDS-027561

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JANUARY 2015

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## ACRONYMS

The following acronym list is provided as a comprehensive resource for those reading the Drainage District #3 Stormwater Management Plan.

ACHD	Ada County Highway District
BMP	Best Management Practices
CWA	Clean Water Act
DD3	Ada County Drainage District No. 3
EAP	Erosion Control Annual Permit
EPA	Environmental Protection Agency
ERP	Enforcement Response Policy
ESC	Erosion and Sediment Control
ESCP	Erosion and Sediment Control Plan
IDEQ	Idaho Department of Environmental Quality
LID	Low Impact Development
MEP	Maximum Extent Practicable
MS4	Municipal Separate Storm Sewer System
MSGP	Multi-Sector General Permit; Industrial Stormwater Permit
NOI	Notice of Intent (EPA filing requirement for construction sites requiring CGP)
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
PoC	Pollutants of Concern
SWMP	Stormwater Management Plan
SWPP	Stormwater Pollution Prevention Plan



# **1. INTRODUCTION**

## **1.1 Scope and Purpose**

Ada County Drainage District No. 3's (DD3) Stormwater Management Program (SWMP) is a comprehensive program plan designed to reduce the discharge of pollutants from DD3's Municipal Separate Storm Sewer System (MS4) to the Maximum Extent Practicable (MEP). The goal of the program is to restore and protect the quality of the Boise River and its tributaries. The SWMP includes control measures, Best Management Practices (BMPs), storm water drainage system design, and engineering methods to control and minimize the discharge of pollutants from the MS4 system. DD3 adopted the SWMP in January 2014. There have been no changes to the SWMP for 2015.

## **1.2 Applicability**

DD3 is authorized with other Boise metropolitan area jurisdictions to discharge storm water to the Boise River and its tributaries under the National Pollutant Discharge Elimination System (NPDES), in compliance with the Clean Water Act (CWA). In addition to DD3, the NPDES Permit No. IDS-027561 authorizes the following Permittees to discharge from MS4 outfalls: Ada County Highway District (ACHD), the City of Boise, Garden City, Boise State University, and Idaho Transportation Department District #3 (collectively the Permittees). The NPDES permit (Permit) became effective on February 1, 2013, and includes next generation MS4 program requirements to be implemented incrementally. The Permit is provided in full in Appendix A.

This program document describes the SWMP as prescribed by the Permit including: The MS4 facilities and outfalls DD3 owns and operates, the control measures and program activities implemented to reduce the discharge of pollutants to the Boise River, related regulatory controls,

and DD3's participation and cooperation with other Permittees to ensure compliance with the conditions of the Permit. DD3's roles and responsibilities under the Municipal Storm Water Permit have been established in an Intergovernmental Agreement between the Permittees (Appendix B).

### **1.3 Program Administration and Annual SWMP Documentation Update**

DD3's SWMP shall be evaluated and updated annually, and revised SWMP documentation shall be included in the Annual Stormwater Report submitted to the EPA and IDEQ for review. This first edition document of the SWMP under the Permit has been made available for public comment and will be included in the 2014 Annual Stormwater Report.

## **2. PHYSICAL DESCRIPTION OF DD3'S MS4**

DD3 was established in the early 1920s through the statutory process (chapter 29, title 42, Idaho Code) and by court order. DD3 is comprised of three appointed Commissioners, a part-time water supervisor, engineer, and legal counsel. No separate offices are maintained by DD3. DD3's function is to operate and maintain six drains serving the Southeast Boise area and portions of what is referred to as the First Bench. When most of Ada County was farmland, DD3 drained irrigated lands and helped remove irrigation runoff water. These six drains now provide drainage for the remaining irrigated lands, including discharge from several irrigation canals and storm water (as well as sprinkler drainage) from the commercial and residential developments throughout southeast Boise. The six drains inter tie with several ACHD facilities and Boise City facilities. DD3 also maintains two pumps in the Apple Street / Bergeson Street area.

### **2.1 ACHD MS4 in DD3**

All MS4 structures, facilities, and outfalls draining public streets and roadways within the DD3 area are owned and operated by ACHD. ACHD is responsible for management,

maintenance, and monitoring of the MS4; DD3 is responsible for limiting the discharge of pollutants to the portion of the MS4 within DD3's boundaries and involving its six drains. The SWMP control measures designed to accomplish this goal to the Maximum Extent Practicable (MEP) are discussed in *Minimum Control Measures*. As noted in the Introduction, an Intergovernmental Agreement and Operating Guidelines (Appendix B) have been drafted with the ACHD and other Permittees to establish the roles and responsibilities of each entity under the Permit.

## **2.2 DD3 MS4**

DD3, through its Supervisor, District Engineer (Quadrant Consulting), and through a contract with MSE (Millennium Science and Engineering) prepared a Book of Maps, which among other things identifies the location of the DD3 drains and discharges of those drains to either ACHD facilities, the Boise River, or irrigation facilities (See Appendix C). For those drains which are owned and operated by DD3, DD3 carries out regular inspections concerning their operation and discharges. Steps taken to evaluate discharges and other activities are described in the DD3 Operation and Maintenance System Plan (Appendix D).

## **3. SWMP MINIMUM CONTROL MEASURES**

This section describes the six minimum control measures that must be accomplished by DD3's SWMP according to the Permit Part II.B. The six minimum control measures are:

1. Construction Site Runoff Control Program;
2. Stormwater Management for Areas of New Development and Redevelopment;
3. Industrial and Commercial Stormwater Discharge Management;
4. Illicit Discharge Management;
5. Stormwater Infrastructure and Street Management; and
6. Education, Outreach, and Public Involvement.

For each required control measure for which DD3 is responsible, a description of existing activities that meet Permit requirements is provided as well as a schedule of implementations to be completed.

### **3.1 Stormwater Management for Areas of New Development and Redevelopment/Construction Sites**

New development and redevelopment in the DD3 boundaries are required to be designed to manage storm water runoff and shall include permanent controls to protect water quality and restrict discharges to surface waters of the MS4. In general, the rate of storm water runoff from any proposed land development shall not exceed the runoff rate prior to the development regardless of the storm event evaluated. Construction Site runoff is primarily the responsibility of either ACHD or Boise City. In the event the DD3 Supervisor observes a problem at a construction site, the Supervisor will advise and notify either ACHD or Boise City.

#### **3.1.1 Training and Education**

DD3 works together with all Permittees as a member of Partners for Clean Water to provide stormwater management education and training opportunities to regional developers and appropriate audiences. The City of Boise is the lead agency for public education and outreach. DD3 helps by providing funding and planning support for program activities. Among the various outreach activities are annual training conferences regarding permanent stormwater controls and LID techniques. In addition to Boise's outreach program, DD3 uses the drainage design reviews, onsite inspections, and distributes educational materials to interact with and educate persons on the proper management of stormwater runoff and maintenance of permanent controls.

DD3 staff and counsel attend and participate in stormwater management training events provided by the City of Boise, the IDEQ, and the EPA when offered locally. The training curriculum typically covers stormwater design, drainage plan review, and inspection procedures

to determine the adequacy of stormwater management practices and treatment controls at new and existing DD3 developments.

### **3.1.2 Manuals and Standards**

DD3 relies upon those certain manuals and standards adopted by either ACHD or Boise City as it relates to regulation and enforcement of construction activity. Unless a development is covered under a drainage agreement with DD3, DD3 lacks legal authority to enforce those standards and requirements. Under standard drainage agreements, DD3 incorporates the appropriate Boise City and/or ACHD standards.

### **3.1.3 Annual Review**

At the end of each Permit year, DD3 will review and evaluate information and data received throughout the year concerning development, construction, and implementation activities to determine DD3 compliance with Permit requirements. The information will also assist in the evaluation of the effectiveness of the DD3 programs and allocation of time and resources to assess whether changes to the program should be considered.

### **3.1.4 Future NPDES Permit Requirements for the Stormwater Management for Development and Redevelopment Program**

<b>Permit Requirement</b>	<b>Due Date</b>
Update Stormwater Design Criteria Manual to include new permit requirements	September 30, 2015
Submit revised ordinance / regulatory mechanism within 5th Year Report if applicable	September 30, 2018
Inventory and track permanent controls installed after February 1, 2013. This data should include the GIS database and Mapping.	January 30, 2018
Submit written Green Infrastructure / LID Strategy in 3rd Year Report. Must include description of three selected pilot projects (see Permit II.B.2.c.i)	September 30, 2015
Riparian Zone Management and Outfall Disconnection	September 30, 2015
Inventory of all high priority locations with permanent stormwater controls	September 30, 2017

DD3 shall achieve this objective through activity coordinated with the Permittees.

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

Industrial and commercial operations within DD3's jurisdiction are observed for the purpose of reducing the discharge of pollutants to the Maximum Extent Practicable (MEP) as may be seen by the DD3 Supervisor.

#### **3.2.1 General Stormwater Inspection**

Major elements of the stormwater inspection of DD3 facilities include the following:

- ❖ Maintenance and condition of permanent stormwater control structures;
- ❖ Observation of drainage system design and cleanliness of impervious surfaces;
- ❖ Check for pollutant sources;
- ❖ Evaluate outdoor activities and stormwater BMPs that are implemented;
- ❖ Observe outdoor storage practices;
- ❖ Look for any non-stormwater discharges;
- ❖ Assess general compliance with stormwater regulations;
- ❖ Provide education and outreach through discussion and educational handouts; and
- ❖ Refer any enforcement actions to Boise City.

All inspection reports and completed inspection forms are stored with the DD3 Supervisor. Each year, the number of stormwater inspections conducted and any enforcement actions undertaken to ensure compliance are provided in the Annual Stormwater Report. Additionally, the data is used to build and update the activities by DD3.

#### **3.2.2 Stormwater Management for Areas of New Development and Redevelopment**

Any new development and redevelopment within the jurisdiction of DD3 is governed by Boise City Ordinance concerning management of stormwater runoff. DD3 typically participates in the land use review process through providing comment to Boise City.

### 3.2.3 Enforcement Actions

If violations of DD3's stormwater procedures or a failure to implement necessary BMPs to protect stormwater are observed during routine and priority inspections, DD3 contacts ACHD or Boise City to implement an enforcement schedule.

### 3.2.4 Training and Education

DD3 works together with all Permittees as a member of Partners for Clean Water to provide stormwater management education and training opportunities to regional developers and appropriate audiences. The city of Boise is the lead agency for public education and outreach. DD3 helps by providing funding and planning support for program activities. Among the various outreach activities are annual training conferences regarding permanent stormwater controls and LID techniques.

DD3 staff attends and participates in stormwater management training events provided by the city of Boise, the IDEQ, and EPA when offered locally and as appropriate. The training curriculum typically covers stormwater design, drainage plan review, and inspection procedures to determine the adequacy of stormwater management practices and treatment controls.

### 3.2.5 Future NPDES Permit Requirements for Stormwater Discharge Management

Permit Requirement	Due Date
In coordination with other Permittees, identify two specific industrial / commercial activities or sectors operating within DD3 that need improved stormwater discharge management and develop necessary BMPs	September 30, 2016

### **3.3 Illicit Discharge Management**

An illicit discharge is any discharge that is not composed entirely of stormwater. Illicit discharges are prohibited in DD3 by virtue of Boise City ordinance, and any illicit discharges or activities with the potential for illicit discharges are addressed accordingly and prohibited. In addition to routine stormwater inspections, illicit discharge surveillance is conducted by DD3 while traveling along the drainage canals.

#### **3.3.1 Inspections and Enforcement Actions**

DD3 has the authority to prohibit non-stormwater discharges to the MS4 through inspection activities for those projects under an approved drainage agreement. DD3 works in conjunction with ACHD and Boise City to enforce the prevention of illicit discharges.

#### **3.3.2 Stormwater Pollution Hotline and Complaint Response Program**

In cooperation with the other Permittees, DD3 participates in the Stormwater Pollution Hotline program that was established to allow citizens to call in illicit discharges or spills to the MS4 in the greater Boise area. The hotline number, (208)395-8888, is provided on stormwater educational handouts, can be reached via an operator or Ada County Dispatch, and is also provided on the websites for Boise, ACHD, Garden City, and the IDEQ. DD3 staff may also receive complaints or reports of illicit discharges by contacting ACHD or Boise City. Additionally, during stormwater inspections, the DD3 Supervisor encourages contact with DD3 if any illicit discharges, spills, or other conditions which may represent a pollutant source are observed. DD3 informs ACHD or Boise City of all complaints or reports of illicit discharges.



At the end of each year, a report is generated listing all Storm Water Response (STW) investigations, corrective actions taken, and the location of the incident. Using this data, DD3 may identify priority areas requiring increased surveillance and/or inspections.

### **3.3.3 Future NPDES Permit Requirements for Illicit Discharge Management**

<b>Permit Requirement</b>	<b>Due Date</b>
Illicit Discharge Mapping—Develop a map of reported and documented illicit discharges; update annually	September 30, 2014
Dry weather outfall screening program (ACHD); determine if applicable to DD3's MS4	September 30, 2015
Illicit discharge and spill training for inspectors, field staff, and code enforcement officers	September 30, 2014

DD3 will coordinate through the Permittee group to achieve the requirements.

### **3.4 Education, Outreach, and Public Involvement**

DD3 works with fellow Permittees to implement the requirements of the Permit regarding education, outreach, and public involvement. The Intergovernmental Agreement (Appendix B) designates the city of Boise as the lead agency responsible for the Public Education Program. To assist with program support, DD3 commits funding for its share of the annual cost of the program administration, which is determined during the annual budget meeting held every January.

Working together under the name Partners for Clean Water, the Permittees have developed a stormwater website to provide the general public and business members of the community with information regarding stormwater management, educational and volunteer opportunities, and to review the actions and activities completed annually by the Permittees to limit the discharge of pollutants discharge to the Boise River and its tributaries. The website: <http://www.partnersforcleanwater.org/>

To complement the Partners for Clean Water education and outreach program, DD3 has made efforts to educate and involve the public in the following ways:

- ❖ DD3 website: DD3’s website contains information concerning the SWMP and other DD3 documents. Website address: <http://www.adacountydrainagedistrict3.org/>
- ❖ Public notice requirements: A public review and comment period of DD3’s 2013 Stormwater Management Plan document has been provided. DD3’s Annual Stormwater Reports are placed on the Partners for Clean Water website for review by the public as well as the DD3 website

#### **4. DISCHARGES TO WATER QUALITY IMPAIRED RECEIVING WATERS**

In 2010, the IDEQ determined that sections of the Boise River are impaired by one or more of the following “Pollutants of Concern” (PoC): Total Phosphorous, Sediment, Temperature, and E. coli (bacteria). DD3 prohibits all non-stormwater discharges to the MS4 and each of the six Minimum Control Measures is designed to prohibit or prevent the discharge of pollutants of any kind, including the PoCs.

<b>Control Measure</b>	<b>Pollutant(s) of Concern Controlled</b>
Stormwater Management for New and Redevelopment	On-site retention and treatment requirements address all pollutants
Discharge Management	All non-stormwater discharges prohibited; inspections look for illicit discharges of all pollutants
Illicit Discharge Management	All non-stormwater discharges prohibited; inspections look for illicit discharges of all pollutants; E. coli from leaking trash containers
Stormwater Infrastructure	Sediment, total phosphorus, E. coli
Education, Outreach, and Public Involvement	Inform public about pollutants of concern and how to prevent discharges of all of them.

To evaluate the effectiveness of DD3’s SWMP in reducing the discharge of pollutants to the MS4, water quality monitoring data for sections of the Boise River impacted by DD3 will be periodically reviewed to detect any reductions or increase in levels of pollutants of concern

compared to 2010 data. Sources of monitoring data include the ACHD and IDEQ outfall and surface water quality monitoring programs.

## **5. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS**

The Intergovernmental Agreement (Appendix B) designates the ACHD as the lead agency responsible for the implementation of the MS4 monitoring program. To assist with program support, DD3 commits funding for its share of the annual cost of the monitoring program, which is determined during the annual budget meeting held every January.

### **5.1 DD3 Recordkeeping and Reporting Requirements**

DD3 retains records of all data and information in the development and implementation of the SWMP. All records are stored with the DD3 for up to five years or greater. All records are accessible by the IDEQ or EPA upon request to DD3; the public may access records by filing a Public Records Request.

Each year, DD3 compiles an Annual Stormwater Report for the NPDES required reporting periods of October 1 to September 30 the following year (please note the first Permit year is February 1, 2013—September 30, 2013). The Annual Report is submitted to the ACHD, the agency responsible for coordinating the preparation and submittal of all Permittees' Annual Reports to the IDEQ and EPA at the end of each January for the Permit term (February 1, 2013—January 30, 2008).

DD3's Annual Report shall follow the guidelines established in the NPDES Permit Part IV.C.3.c. The tracking of plan reviews, inspections, enforcement actions, and stormwater infrastructure maintenance provide data and statistics that are included in the report. The Annual Report is used in assessing DD3's compliance with Permit conditions and implementation schedule.

## 6. LEGAL AUTHORITY

DD3 has authority through the Intergovernmental Agreement (Appendix B) to control pollutant discharges into and from its MS4 to meet the requirements of the Permit Part II.G. Below is a summary of the unique legal authorities which satisfy the five legal authority criteria specifically listed in the Permit:

- ❖ Criteria 1: Must have authority to prohibit discharge of pollutants to the MS4 by illicit connections and discharges.
  - Satisfying Legal Authority:
    - DD3 has the authority to prohibit discharge of pollutants to the MS4 by illicit connections and discharges to any of its drainage facilities primarily through recourse to civil proceedings and as generally authorized by Idaho Code § 42-2939 and any applicable drainage agreement. The function, powers and authority are exercised by DD3 through its board, in the manner provided in the drainage district laws of the state.
- ❖ Criteria 2: Must have authority to control the discharge to the MS4 of spills, dumping, or disposal of materials other than stormwater.
  - Satisfying Legal Authority:
    - DD3 has the vested power and authority to control the discharge to the MS4 of spills, dumping, or disposal of materials other than storm water as set forth in Criteria 1.
- ❖ Criteria 3: Must control through interagency agreements the contribution of pollutants from one portion of the MS4 to another portion of the MS4.
  - Satisfying Legal Authority:

- DD3 has the vested power and authority to control, through interagency agreements, the contribution of pollutants from one portion of the MS4 to another portion of the MS4 as granted by I.C. § 42-2939.
- ❖ Criteria 4: Must have authority to require compliance with conditions.
  - Satisfying Legal Authority:
    - DD3 has the authority to require compliance with conditions as granted by I.C. § 42-2939 as augmented by intergovernmental agreement or drainage agreement.
- ❖ Criteria 5: Must have authority to carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and non-compliance with Permit conditions including the prohibition on illicit discharges to the MS4
  - Satisfying Legal Authority:
    - DD3 has the authority to carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and non-compliance with Permit conditions including the prohibition of illicit discharges to the MS4 as granted by I.C. § 42-2939 as augmented by intergovernmental agreement or drainage agreement.

# Appendix A

## Authorization to Discharge Municipal Stormwater to the Boise River under the National Pollutant Discharge Elimination System (NPDES)

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United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

**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 "Act",

**Ada County Highway District,  
Boise State University,  
City of Boise,  
City of Garden City,  
Drainage District #3,  
and the Idaho Transportation Department District #3,**

**(hereinafter "the Permittees")**

are authorized to discharge from all municipal separate storm sewer system (MS4) outfalls existing as of the effective date of this Permit to waters of the United States, including the Boise River and its tributaries, in accordance with the conditions set forth herein.

This Permit will become effective February 1, 2013.

This Permit, and the authorization to discharge, expires at midnight, January 30, 2018.

Permittees must reapply for permit reissuance on or before August 3, 2017, 180 days before the expiration of this Permit, if the Permittees intend to continue operations and discharges from the MS4s beyond the term of this Permit.

Signed this 12th day of December, 2012.

  
Daniel D. Opalski, Director  
Office of Water and Watersheds, Region 10  
U.S. Environmental Protection Agency

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## I. Applicability

**A. Permit Area.** This Permit covers all areas within the corporate boundary of the City of Boise and Garden City, Idaho, which are served by the municipal separate storm sewer systems (MS4s) owned or operated by the Ada County Highway District, Boise State University, City of Boise, City of Garden City, Drainage District #3, and/or the Idaho Transportation Department District #3 (the Permittees).

**B. Discharges Authorized Under This Permit.** Subject to the conditions set forth herein, the Permittees are authorized to discharge storm water to waters of the United States from the MS4s identified in Part I.A.

As provided in Part I.D, this Permit also authorizes the discharge of flows from the MS4s which are categorized as allowable non-storm water discharge, storm water discharge associated with industrial activity, and storm water discharge associated with construction activity.

### C. Permittees' Responsibilities

1. **Individual Responsibility.** Each Permittee is individually responsible for Permit compliance related only to portions of the MS4 owned or operated solely by that Permittee, or where this Permit requires a specific Permittee to take an action.
2. **Joint Responsibility.** Each Permittee is jointly responsible for Permit compliance:
  - a) related to portions of the MS4 where operational or storm water management program (SWMP) implementation authority has been transferred to all of the Permittees in accordance with an intergovernmental agreement or agreement between the Permittees;
  - b) related to portions of the MS4 where Permittees jointly own or operate a portion of the MS4;
  - c) related to the submission of reports or other documents required by Parts II and IV of this Permit; and
  - d) Where this Permit requires the Permittees to take an action and a specific Permittee is not named.
3. **Intergovernmental Agreement.** The Permittees must maintain an intergovernmental agreement describing each organization's respective roles and responsibilities related to this Permit. Any previously signed agreement may be updated, as necessary, to comply with this requirement. An updated intergovernmental agreement must be completed no later than July 1, 2013. A copy of the updated intergovernmental agreement must be submitted to the Environmental Protection Agency (EPA) with the 1<sup>st</sup> Year Annual Report.

**D. Limitations on Permit Coverage**

1. **Non-Storm Water Discharges.** Permittees are not authorized to discharge non-storm water from the MS4, except where such discharges satisfy one of the following three conditions:
  - a) The non-storm water discharges are in compliance with a separate NPDES permit;
  - b) The non-storm water discharges result from a spill and:
    - (i) are the result of an unusual and severe weather event where reasonable and prudent measures have been taken to prevent and minimize the impact of such discharge; or
    - (ii) consist of emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to prevent and minimize the impact of such discharges;
  - or
  - c) The non-storm water discharges satisfy each of the following two conditions:
    - (i) The discharges consist of uncontaminated water line flushing; potable water sources; landscape irrigation (provided all pesticides, herbicides and fertilizer have been applied in accordance with manufacturer's instructions); lawn watering; irrigation water; flows from riparian habitats and wetlands; diverted stream flows; springs; rising ground waters; uncontaminated ground water infiltration (as defined at 40 CFR § 35.2005(20)) to separate storm sewers; uncontaminated pumped ground water or spring water; foundation and footing drains (where flows are not contaminated with process materials such as solvents); uncontaminated air conditioning or compressor condensate; water from crawlspace pumps; individual residential car washing; dechlorinated swimming pool discharges; routine external building wash down which does not use detergents; street and pavement wash waters, where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed); fire hydrant flushing; or flows from emergency firefighting activities; and
    - (ii) The discharges are not sources of pollution to waters of the United States. A discharge is considered a source of pollution to waters of the United States if it:
      - 1) Contains hazardous materials in concentrations found to be of public health significance or to impair beneficial uses in receiving waters. (Hazardous materials are those

that are harmful to humans and animals from exposure, but not necessarily ingestion);

- 2) Contains toxic substances in concentrations that impair designated beneficial uses in receiving waters. (Toxic substances are those that can cause disease, malignancy, genetic mutation, death, or similar consequences);
  - 3) Contains deleterious materials in concentrations that impair designated beneficial uses in receiving waters. (Deleterious materials are generally substances that taint edible species of fish, cause taste in drinking waters, or cause harm to fish or other aquatic life);
  - 4) Contains radioactive materials or radioactivity at levels exceeding the values listed in 10 CFR Part 20 in receiving waters;
  - 5) Contains floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or in concentrations that may impair designated beneficial uses in receiving waters;
  - 6) Contains excessive nutrients that can cause visible slime growths or other nuisance aquatic growths that impair designated beneficial uses in receiving waters;
  - 7) Contains oxygen-demanding materials in concentrations that would result in anaerobic water conditions in receiving waters; or
  - 8) Contains sediment above quantities specified in IDAPA 58.01.02.250.02.e or in the absence of specific sediment criteria, above quantities that impair beneficial uses in receiving waters; or
  - 9) Contains material in concentrations that exceed applicable natural background conditions in receiving waters (IDAPA 58.01.02.200.09). Temperature levels may be increased above natural background conditions when allowed under IDAPA 58.01.02.401.
2. **Discharges Threatening Water Quality.** Permittees are not authorized to discharge storm water that will cause, or have the reasonable potential to cause or contribute to, an excursion above the Idaho water quality standards.
  3. **Snow Disposal to Receiving Waters.** Permittees are not authorized to push or dispose of snow plowed within the Permit area directly into waters of the United States, or directly into the MS4(s). Discharges from any Permittee's snow disposal and snow management practices are authorized under this Permit only when such sites and practices are designed, conducted, operated, and maintained to prevent and reduce pollutants in the discharges to the maximum



extent practicable so as to avoid excursions above the Idaho water quality standards.

4. **Storm Water Discharge Associated with Industrial and Construction Activity.** Permittees are authorized to discharge storm water associated with industrial activity (as defined in 40 CFR 122.26(b)(14)), and storm water associated with construction activity (as defined in 40 CFR 122.26(b)(14)(x) and (b)(15)), from their MS4s, only when such discharges are otherwise authorized under an appropriate NPDES permit.

## II. Storm Water Management Program (SWMP) Requirements

### A. General Requirements

1. **Reduce pollutants to the maximum extent practicable.** The Permittees must implement and enforce a SWMP designed to reduce the discharge of pollutants from their MS4 to the maximum extent practicable (MEP), and to protect water quality in receiving waters. The SWMP as defined in this Permit must include best management practices (BMPs), controls, system design, engineering methods, and other provisions appropriate to control and minimize the discharge of pollutants from the MS4s.
  - a) **SWMP Elements.** The required SWMP control measures are outlined in Part II. SWMP assessment/monitoring requirements are described in Part IV. Each Permittee must use practices that are selected, implemented, maintained, and updated to ensure that storm water discharges do not cause or contribute to an exceedance of an applicable Idaho water quality standard.
  - b) **SWMP Documentation.** Each Permittee must prepare written documentation of the SWMP as implemented within their jurisdiction. The SWMP documentation must be organized according to the program components in Parts II and IV of this Permit, and must provide a current narrative physical description of the Permittee's MS4, illustrative maps or graphics, and all related ordinances, policies and activities as implemented within their jurisdiction. Each Permittee's SWMP documentation must be submitted to EPA with the 1st Year Annual Report.
    - (i) Each Permittee must provide an opportunity for public review and comment on their SWMP documentation, consistent with applicable state or local requirements and Part II.B.6 of this Permit.
    - (ii) Each Permittee's SWMP documentation must be updated at least annually and submitted as part of each subsequent Annual Report. (The document format used for Annual Report(s) submitted to EPA by the Permittees' prior to the effective date of this Permit may be modified to meet this requirement.)
  - c) **SWMP Information.** The SWMP must include an ongoing program for gathering, tracking, maintaining, and using information to set priorities, evaluate SWMP implementation and Permit compliance.

- d) **SWMP Statistics.** Permittees must track the number of inspections, official enforcement actions and types of public education activities and outcomes as stipulated by the respective program component. This information must be included in the Annual Report.
- 2. **Shared Implementation with outside entities.** Implementation of one or more of the SWMP minimum control measures may be shared with or delegated to another entity other than the Permittee(s). A Permittee may rely on another entity only if:
  - a) The other entity, in fact, implements the minimum control measure;
  - b) The action, or component thereof, is at least as stringent as the corresponding Permit requirement; and
  - c) The other entity agrees to implement the minimum control measure on the Permittee's behalf. A binding written acceptance of this obligation is required. Each Permittee must maintain and record this obligation as part of the SWMP documentation. If the other entity agrees to report on the minimum control measure, the Permittees must supply the other entity with the reporting requirements in Part IV.C of this Permit. The Permittees remain responsible for compliance with the Permit obligation if the other entity fails to implement the required minimum control measure.
- 3. **Modification of the SWMP.** Minor modifications to the SWMP may be made in accordance with Part II.E of this Permit.
- 4. **Subwatershed Planning.** No later than September 30, 2016, the Permittees must jointly complete at least two individual sub-watershed plans for areas served by the MS4s within the Permit area. For the purposes of this Permit, the terms "subwatershed" and "storm sewershed" are defined as in Part VII. For each plan document, the subwatershed planning area must drain to at least one of the water bodies listed in Table II.C.

Selected subwatersheds must be identified in the 1<sup>st</sup> Year Annual Report. Two completed subwatershed plan documents must be submitted to EPA as part of the 4th Year Annual Report.

- a) The Permittees must actively engage stakeholders in the development of each plan, and must provide opportunities for public input, consistent with Part II.B.6.
- b) The Permittees may modify and update any existing watershed planning document(s) to address the requirements of this Part.
- c) Each subwatershed plan must describe the extent and nature of the existing storm sewershed, and identify priority aquatic resources and beneficial uses to be protected or restored within the subwatershed planning area. Each subwatershed plan must contain a prioritized list of potential locations or opportunities for protecting or restoring such resources or beneficial uses through storm water infiltration, evapotranspiration or rainfall

harvesting/reuse, or other site-based low impact development (LID) practices. See Parts II.B.2.a, and II.B.2.c.

- d) Each subwatershed plan must include consideration and discussion of how the Permittees will provide incentives, or enforce requirements, through their respective Stormwater Management Programs to address the following principles:
- (i) Minimize the amount of impervious surfaces (roads, parking lots, roofs) within each watershed, by minimizing the creation, extension and widening of roads and associated development.
  - (ii) Preserve, protect, create and restore ecologically sensitive areas that provide water quality benefits and serve critical watershed functions. These areas may include, but are not limited to; riparian corridors, headwaters, floodplains and wetlands.
  - (iii) Prevent or reduce thermal impacts to water bodies, including requiring vegetated buffers along waterways, and disconnecting discharges to surface waters from impervious surfaces such as parking lots.
  - (iv) Seek to avoid or prevent hydromodification of streams and other water bodies caused by development, including roads, highways, and bridges.
  - (v) Preserve and protect trees, and other vegetation with important evapotranspirative qualities.
  - (vi) Preserve and protect native soils, prevent topsoil stripping, and prevent compaction of soils.

**B. Minimum Control Measures.** The following minimum control measures must be accomplished through each Permittee's Storm Water Management Program:

1. **Construction Site Runoff Control Program.** The Permittees must implement a construction site runoff control program to reduce discharges of pollutants from public and private construction activity within its jurisdiction. The Permittees' construction site management program must include the requirements described below:
  - a) **Ordinance and/or other regulatory mechanism.** To the extent allowable under local or state law, Permittees must adopt, implement, and enforce requirements for erosion controls, sediment controls, and materials management techniques to be employed and maintained at each construction project from initial clearing through final stabilization. Each Permittee must require construction site operators to maintain adequate and effective controls to reduce pollutants in storm water discharges from construction sites. The Permittees must use enforcement actions (such as, written warnings, stop work orders or fines) to ensure compliance.



No later than September 30, 2015, each Permittee must update their ordinances or other regulatory mechanisms, as necessary, to be consistent with this Permit and with the current version of the *NPDES General Permit for Storm Water Discharges from Construction Activities*, Permit #IDR12-0000 (NPDES Construction General Permit or CGP).

- b) **Manuals Describing Construction Storm Water Management Controls and Specifications.** The Permittees must require construction site operators within their jurisdiction to use construction site management controls and specifications as defined within manuals adopted by the Permittees.

No later than September 30, 2015, the Permittees must update their respective manuals, as necessary, to include requirements for the proper installation and maintenance of erosion controls, sediment controls, and material containment/pollution prevention controls during all phases of construction activity. The manual(s) must include all acceptable control practices, selection and sizing criteria, illustrations, and design examples, as well as recommended operation and maintenance of each practice. At a minimum, the manual(s) must include requirements for erosion control, sediment control, and pollution prevention which complement and do not conflict with the current version of the CGP. If the manuals previously adopted by the individual Permittee do not meet these requirements, the Permittee may create supplemental provisions to include as part of the adopted manual in order to comply with this Permit.

- c) **Plan Review and Approval.** The Permittees must review and approve preconstruction site plans from construction site operators within their jurisdictions. Permittees must ensure that the construction site operator is prohibited from commencing construction activity prior to receipt of written approval.
- (i) The Permittees must not approve any erosion and sediment control (ESC) plan or Storm Water Pollution Prevention Plan (SWPPP) unless it contains appropriate site-specific construction site control measures meeting the Permittee's requirements as outlined in Part II.B.1.b.
  - (ii) Prior to the start of a construction project disturbing one or more acres, or disturbing less than one acre but is part of a larger common plan of development, the Permittees must advise the construction site operator(s) to seek or obtain necessary coverage under the NPDES Construction General Permit.
  - (iii) Permittees must use qualified individuals, knowledgeable in the technical review of ESC plans/SWPPPs, to conduct such reviews.
  - (iv) Permittees must document the review of each ESC plan and/or SWPPP using a checklist or similar process.
- d) **Construction Site Inspections.** The Permittees must inspect construction sites occurring within their jurisdictions to ensure compliance with their

applicable requirements. The Permittees may establish an inspection prioritization system to identify the frequency and type of inspection based upon such factors as project type, total area of disturbance, location, and potential threat to water quality. If a prioritization system is used, the Permittee must include a description of the current inspection prioritization in the SWMP document required in Part II.A, and summarize the nature and number of inspections conducted during the previous reporting period in each Annual Report.

- (i) Inspections of construction sites must include, but not be limited to:
  - As applicable, a check for coverage under the Construction General Permit by reviewing any authorization letter or Notice of Intent (NOI) during initial inspections;
  - Review the applicable ESC plan/SWPPP to determine if control measures have been installed, implemented, and maintained as approved;
  - Assessment of compliance with the Permittees' ordinances/requirements related to storm water runoff, including the implementation and maintenance of required control measures;
  - Assessment of the appropriateness of planned control measures and their effectiveness;
  - Visual observation of non-storm water discharges, potential illicit connections, and potential discharge of pollutants in storm water runoff;
  - Education or instruction related to on storm water pollution prevention practices, as needed or appropriate; and
  - A written or electronic inspection report.
- (ii) The Permittees must track the number of construction site inspections conducted throughout the reporting period, and verify that the sites are inspected at the minimum frequencies required by the inspection prioritization system. Construction site inspections must be tracked and reported with each Annual Report.
- (iii) Based on site inspection findings, each Permittee must take all necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance. Follow-up and enforcement actions must be tracked and reported with each Annual Report.



- e) **Enforcement Response Policy for Construction Site Management Program.** No later than September 30, 2016, each Permittee must develop and implement a written escalating enforcement response policy (ERP) appropriate to their organization. Upon implementation of the policy in its jurisdiction, each Permittee must submit its completed ERP to EPA with the 4th Year Annual Report. The ERP for City of Boise, City of Garden City, and Ada County Highway District must address enforcement of construction site runoff controls for all currently regulated construction projects within their jurisdictions. The ERP for Idaho Transportation Department District 3, Drainage District 3, and Boise State University must address contractual enforcement of construction site runoff controls at construction sites within their jurisdictions. Each ERP must describe the Permittee's potential responses to violations with an appropriate educational or enforcement response. The ERP must address repeat violations through progressively stricter responses as needed to achieve compliance. Each ERP must describe how the Permittee will use the following types of enforcement response, as available, based on the type of violation:
- (i) **Verbal Warnings:** Verbal warnings are primarily consultative in nature. At a minimum, verbal warnings must specify the nature of violation and required corrective action.
  - (ii) **Written Notices:** Written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.
  - (iii) **Escalated Enforcement Measures:** The Permittees must have the legal ability to employ any combination of the enforcement actions below (or their functional equivalent):
    - The ERP must indicate when the Permittees will initiate a Stop Work Order. Stop work orders must require that construction activities be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.
    - The Permittees must also use other escalating measures provided under local or state legal authorities, such as assessing monetary penalties. The Permittees may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate manner, such as collecting against the project's bond, or directly billing the responsible party to pay for work and materials.
- f) **Construction General Permit Violation Referrals.** For those construction projects which are subject to the NPDES Construction General Permit and do not respond to Permittee educational efforts, the Permittee may provide to EPA information regarding construction project operators which cannot demonstrate that they have appropriate NPDES Permit

coverage and/or site operators deemed by the Permittee as not complying with the NPDES Construction General Permit. Permittees may submit such information to the EPA NPDES Compliance Hotline in Seattle, Washington, by telephone, at (206) 553-1846, and include, at a minimum, the following information:

- Construction project location and description;
  - Name and contact information of project owner/ operator;
  - Estimated construction project disturbance size; and
  - An account of information provided by the Permittee to the project owner/ operator regarding NPDES filing requirements.
- (i) **Enforcement Tracking.** Permittees must track instances of non-compliance either in hard-copy files or electronically. The enforcement case documentation must include, at a minimum, the following:
- Name of owner/operator;
  - Location of construction project;
  - Description of violation;
  - Required schedule for returning to compliance;
  - Description of enforcement response used, including escalated responses if repeat violations occur;
  - Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations, etc.); and
  - Any referrals to different departments or agencies.
- g) **Construction Program Education and Training.** Throughout the Permit term, the Permittees must ensure that all staff whose primary job duties are related to implementing the construction program (including permitting, plan review, construction site inspections, and enforcement) are trained to conduct such activities. The education program must also provide regular training opportunities for construction site operators. This training must include, at a minimum:
- (i) *Erosion and Sediment Control/Storm Water Inspectors:*
- Initial training regarding proper control measure selection, installation and maintenance as well as administrative requirements such as inspection reporting/tracking and the implementation of the enforcement response policy; and

- Annual refresher training for existing inspection staff to update them on preferred BMPs, regulation changes, Permit updates, and policy or standards updates.
- (ii) *Other Construction Inspectors:* Initial training on general storm water issues, basic control measure implementation information, and procedures for notifying the appropriate personnel of noncompliance.
- (iii) *Plan Reviewers:*
- Initial training regarding control measure selection, design standards, review procedures;
  - Annual training regarding new control measures, innovative approaches, Permit updates, regulation changes and policy or standard updates.
- (iv) *Third-Party Inspectors and Plan Reviewers.* If the Permittee utilizes outside parties to either conduct inspections and or review plans, these outside staff must be trained per the requirements listed in Part II.B.1.f.i.-iii above.
- (v) *Construction Operator Education.* At a minimum, the Permittees must educate construction site operators within the Permit area as follows:
- At least once per year, the Permittees must either provide information to all construction companies on existing training opportunities or develop new training for construction operators regarding appropriate selection, installation, and use of required construction site control measures at sites within the Permit area.
  - The Permittees must require construction site operators to have at least one person on-site during construction that is appropriately trained in erosion and sediment control.
  - The Permittees must require construction operators to attend training at least once every three years.
  - The Permittees must provide appropriate information and outreach materials to all construction operators who may disturb land within their jurisdiction.



**2. Storm Water Management for Areas of New Development and**

**Redevelopment.** At a minimum, the Permittees must implement and enforce a program to control storm water runoff from new development and redevelopment projects that result in land disturbance of 5,000 square feet or more, excluding individual one or two family dwelling development or redevelopment. This program must apply to private and public sector development, including roads and streets. The program implemented by the Permittees must ensure that permanent controls or practices are utilized at each new development and redevelopment site to protect water quality. The program must include, at a minimum, the elements described below:

- a) **Ordinance or other regulatory mechanisms.** No later than the expiration date of this Permit, each Permittee must update its applicable ordinance or regulatory mechanism which requires the installation and long-term maintenance of permanent storm water management controls at new development and redevelopment projects. Each Permittee must update their ordinance/regulatory mechanism to the extent allowed by local and state law, consistent with the individual Permittee's respective legal authority. Permittees must submit their revised ordinance/regulatory mechanism as part of the 5<sup>th</sup> Year Annual Report.
  - (i) The ordinance/regulatory mechanism must include site design standards for all new and redevelopment that require, in combination or alone, storm water management measures that keep and manage onsite the runoff generated from the first 0.6 inches of rainfall from a 24-hour event preceded by 48 hours of no measureable precipitation. Runoff volume reduction can be achieved by canopy interception, soil amendments, bioretention, evapotranspiration, rainfall harvesting, engineered infiltration, extended filtration, and/or any combination of such practices that will capture the first 0.6 inches of rainfall. An Underground Injection Control permit may be required when certain conditions are met. The ordinance or regulatory mechanism must require that the first 0.6 inches of rainfall be 100% managed with no discharge to surface waters, except when the Permittee chooses to implement the conditions of II.B.2.a.ii below.
  - (ii) For projects that cannot meet 100% infiltration/evapotranspiration/reuse requirements onsite, the Permittees' program may allow offsite mitigation within the same subwatershed, subject to siting restrictions established by the Permittee. The Permittee allowing this option must develop and apply criteria for determining the circumstances under which offsite mitigation may be allowed. A determination that the onsite retention requirement cannot be met must be based on multiple factors, including but not limited to technical feasibility or logistic practicality (e.g. lack of available space, high groundwater, groundwater contamination, poorly infiltrating soils, shallow bedrock, and/or a land use that is inconsistent with

capture and reuse or infiltration of storm water). Determinations may not be based solely on the difficulty and/or cost of implementing such measures. The Permittee(s) allowing this option must create an inventory of appropriate mitigation projects and develop appropriate institutional standards and management systems to value, estimate and track these situations. Using completed subwatershed plans or other mechanisms, the Permittee(s) must identify priority areas within subwatersheds in which off-site mitigation may be conducted.

- (iii) The ordinance or regulatory mechanism must include the following water quality requirements:
    - Projects with potential for excessive pollutant loading(s) must provide water quality treatment for associated pollutants before infiltration.
    - Projects with potential for excessive pollutant loading(s) that cannot implement adequate preventive or water quality treatment measures to ensure compliance with Idaho surface water standards must properly convey storm water to a NPDES permitted wastewater treatment facility or via a licensed waste hauler to a permitted treatment and disposal facility.
  - (iv) The ordinance or other regulatory mechanism must include procedures for the Permittee's review and approval of permanent storm water management plans for new development and redevelopment projects consistent with Part II.B.1.d.
  - (v) The ordinance or other regulatory mechanism must include sanctions (including fines) to ensure compliance, as allowed under state or local law.
- b) **Storm Water Design Criteria Manual.** No later than September 30, 2015, each Permittee must update as necessary their existing Storm Water Design Criteria Manual specifying acceptable permanent storm water management and control practices. The manual must contain design criteria for each practice. In lieu of updating a manual, a Permittee may adopt a manual created by another entity which complies with this section. The manual must include:
- (i) Specifications and incentives for the use of site-based practices appropriate to local soils and hydrologic conditions;
  - (ii) A list of acceptable practices, including sizing criteria, performance criteria, design examples, and guidance on selection and location of practices; and
  - (iii) Specifications for proper long term operation and maintenance, including appropriate inspection interval and self-inspection checklists for responsible parties.

- c) **Green Infrastructure/Low Impact Development (LID) Incentive Strategy and Pilot Projects.** No later than September 30, 2015, the Permittees must develop a strategy to provide incentives for the increased use of LID techniques in private and public sector development projects within each Permittee's jurisdiction. Permittees must comply with applicable State and local public notice requirements when developing this Strategy. Pursuant to Part IV.A.2.a, the Strategy must reference methods of evaluating at least three (3) Green Infrastructure/LID pilot projects as described below. Permittees must implement the Green Infrastructure/LID Incentive Strategy, and complete an effectiveness evaluation of at least three pilot projects, prior to the expiration date of this Permit.
- (i) As part of the 3rd Year Annual Report, the Permittees must submit the written Green Infrastructure /LID Incentive Strategy; the Strategy must include a description of at least three selected pilot projects, and a narrative report on the progress to evaluate the effectiveness of each selected LID technique or practice included in the pilot project. Each pilot project must include an evaluation of the effectiveness of LID technique(s) or practice(s) used for on-site control of water quality and/or quantity. Each Pilot Project must involve at least one or more of the following characteristics:
- The project manages runoff from at least 3,000 square feet of impervious surface;
  - The project involves transportation related location(s) (including parking lots);
  - The drainage area of the project is greater than five acres in size; and/or
  - The project involves mitigation of existing storm water discharges to one or more of the water bodies listed in Table II.C.
- (ii) Consistent with Part IV.A.10, the Permittees must evaluate the performance of LID technique(s) or practice(s) in each pilot project, and include a progress report on overall strategy implementation in the 4<sup>th</sup> Annual Report. Final pilot project evaluations must be submitted in the 5<sup>th</sup> Year Annual Report. The Permittees must monitor, calculate or model changes in runoff quantities for each of the pilot project sites in the following manner:
- For retrofit projects, changes in runoff quantities shall be calculated as a percentage of 100% pervious surface before and after implementation of the LID technique(s) or practice(s).
  - For new construction projects, changes in runoff quantities shall be calculated for development scenarios both with LID technique(s) or practice(s) and without LID technique(s) or practice(s).



- The Permittees must measure runoff flow rate and subsequently prepare runoff hydrographs to characterize peak runoff rates and volumes, discharge rates and volumes, and duration of discharge volumes. The evaluation must include quantification and description of each type of land cover contributing to surface runoff for each pilot project, including area, slope, vegetation type and condition for pervious surfaces, and the nature of impervious surfaces.
  - The Permittees must use these runoff values to evaluate the overall effectiveness of various LID technique(s) or practice(s) and to develop recommendations for future adoption of LID technique(s) or practice(s) that address appropriate use, design, type, size, soil type and operation and maintenance practices.
- (iii) **Riparian Zone Management and Outfall Disconnection.** No later than September 30, 2015, the Permittees must identify and prioritize riparian areas appropriate for Permittee acquisition and protection. Prior to the expiration date of this Permit, the Permittees must undertake and complete at least one project designed to reduce the flow of untreated urban storm water discharging through the MS4 system through the use of vegetated swales, storm water treatment wetlands and/or other appropriate techniques. The Permittees must submit the list of prioritized riparian protection areas, and a status report on the planning and implementation of the outfall disconnection project, as part of the 3rd Year Annual Report. Documentation of the completed outfall disconnection project must be included in the 5<sup>th</sup> Year Annual Report.
- (iv) **Repair of Public Streets, Roads and Parking Lots.** When public streets, roads or parking lots are repaired (as defined in Part VII), the Permittees performing these repairs must evaluate the feasibility of incorporating runoff reduction techniques into the repair by using canopy interception, bioretention, soil amendments, evaporation, rainfall harvesting, engineered infiltration, rain gardens, infiltration trenches, extended filtration and/or evapotranspiration and/or any combination of the aforementioned practices. Where such practices are found to be technically feasible, the Permittee performing the repair must use such practices in the design and repair. These requirements apply only to projects whose design process is started after the effective date of this Permit. As part of the 5th Year Annual Report, the Permittees must list the locations of street, road and parking lot repair work completed since the effective date of the Permit that have incorporated such runoff reduction practices, and the receiving water body(s) benefitting from such practices. This documentation must include a general description of the project design, estimated total cost, and estimates of total flow

volume and pollutant reduction achieved compared to traditional design practices.

- d) **Plan Review and Approval.** The Permittees must review and approve pre-construction plans for permanent storm water management. The Permittees must review plans for consistency with the ordinance/regulatory mechanism and Storm Water Design Criteria Manual required by this Part. The Permittees must ensure that the project operator is prohibited from commencing construction activity prior to receipt of written approval from the Permittee.
- (i) The Permittees must not approve or recommend for approval any plans for permanent storm water controls that do not contain appropriate permanent storm water management practices that meet the minimum requirements specified in this Part.
  - (ii) Permittees must use qualified individuals, knowledgeable in the technical review of plans for permanent storm water controls to conduct such reviews.
  - (iii) Permittees must document the review of each plan using a checklist or similar process.
- e) **Operation and Maintenance (O&M) of Permanent Storm Water Management Controls.**
- (i) **Inventory and Tracking.** The Permittees must maintain a database tracking all new public and private sector permanent storm water controls. No later than January 30, 2018, all of the available data on existing permanent storm water controls known to the Permittees must be included in the inventory database. For the purposes of this Part, new permanent controls are those installed after February 1, 2013; existing permanent controls are those installed prior to February 1, 2013. The tracking must begin in the plan review stage with a database that incorporates geographic information system (GIS) information. The tracking system must also include, at a minimum: type and number of practices; O&M requirements, activity and schedule; responsible party; and self-inspection schedule.
  - (ii) **O&M Agreements.** Where parties other than the Permittees are responsible for operation and maintenance of permanent storm water controls, the Permittees must require a legally enforceable and transferable O&M agreement with the responsible party, or other mechanism, that assigns permanent responsibility for maintenance of structural or treatment control storm water management practices.
- f) **Inspection and Enforcement of Permanent Storm Water Management Controls.** The Permittees must ensure proper long term operation and



maintenance of all permanent storm water management practices within the Permittees' respective jurisdiction. The Permittees must implement an inspection program, and define and prioritize new development and redevelopment sites for inspections of permanent storm water management controls. Factors used to prioritize sites must include, but not be limited to: size of new development or redevelopment area; sensitivity and/or impaired status of receiving water(s); and, history of non-compliance at the site during the construction phase.

- (i) No later than September 30, 2017, all high priority locations must be inventoried and associated inspections must be scheduled to occur at least once annually. The inspections must determine whether storm water management or treatment practices have been properly installed (i.e., an "as built" verification). The inspections must evaluate the operation and maintenance of such practices, identify deficiencies and potential solutions, and assess potential impacts to receiving waters.
  - (ii) No later than September 30, 2017, the Permittees must develop checklists to be used by inspectors during these inspections, and must maintain records of all inspections conducted on new development and redevelopment sites.
  - (iii) No later than September 30, 2017, the Permittees must develop and implement an enforcement strategy similar to that required in Section II.B.1.e to maintain the integrity of permanent storm water management and treatment practices.
- g) **Education and Training on Permanent Storm Water Controls.** No later than September 30, 2015, the Permittees must begin a training program for appropriate audiences regarding the selection, design, installation, operation and maintenance of permanent storm water controls. The training program and materials must be updated as necessary to include information on updated or revised storm water treatment standards, design manual specifications, Low Impact Development techniques or practices, and proper operation and maintenance requirements.
  - (i) No later than September 30, 2016, and annually thereafter, all persons responsible for reviewing plans for new development and redevelopment and/or inspecting storm water management practices and treatment controls must receive training sufficient to determine the adequacy of storm water management and treatment controls at proposed new development and redevelopment sites.
  - (ii) No later than September 30, 2016, and at least annually thereafter, Permittees must provide training to local audiences on the storm water management requirements described in this Part.

**3. Industrial and Commercial Storm Water Discharge Management.** The Permittees must implement a program to reduce to the MEP the discharge of pollutants from industrial and commercial operations within their jurisdiction. Throughout the Permit term, the Permittees must conduct educational and/or enforcement efforts to reduce the discharge of pollutants from those industrial and commercial locations which are considered to be significant contributors of phosphorus, bacteria, temperature, and/or sediment to receiving waters. At a minimum, the program must include the following elements:

- a) **Inventory of Industrial and Commercial Facilities/Activities.** No later than September 30, 2016, the Permittees must update the inventory and map of facilities and activities discharging directly to their MS4s.
  - (i) At a minimum, the inventory must include information listing the watershed/receiving water body, facility name, address, nature of business or activity, and North American or Standard Industrial Classification code(s) that best reflect the facility's product or service;
  - (ii) The inventory must include the following types of facilities: municipal landfills (open and closed); Permittee-owned maintenance yards and facilities; hazardous waste recovery, treatment, storage and disposal facilities; facilities subject to Section 313 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11023; all industrial sectors listed in 40 CFR §122.26(b)(14); vehicle or equipment wash systems; commercial animal facilities, including kennels, race tracks, show facilities, stables, or other similar commercial locations where improper management of domestic animal waste may contribute pollutants to receiving waters or to the MS4; urban agricultural activities; and other industrial or commercial facility that the Permittees determine is contributing a substantial pollutant loading to the MS4 and associated receiving waters.
  - (iii) The Permittees must collectively identify at least two specific industrial/commercial activities or sectors operating within the Permit area for which storm water discharges are not being adequately addressed through existing programs. No later than September 30, 2016, the Permittees must develop best management practices for each activity, and educate the selected industrial/commercial audiences regarding these performance expectations. Example activities for consideration include, but are not limited to: landscaping businesses; wholesale or retail agricultural and construction supply businesses; urban agricultural activities; power washers; commercial animal facilities; commercial car/truck washing operations; and automobile repair shops.
- b) **Inspection of Industrial and Commercial Facilities/Activities.** The Permittees must work cooperatively throughout the Permit term to prioritize

and inspect selected industrial and commercial facilities/activities which discharge to receiving waters or to the MS4. No later than September 30, 2016, any existing agreements between the Permittees to accomplish such inspections must be updated as necessary to comply with this permit. At a minimum, the industrial and commercial facility inspection program must include:

- (i) Priorities and procedures for inspections, including inspector training, and compliance assistance or education materials to inform targeted facility/activity operators of applicable requirements;
  - (ii) Provisions to record observations of a facility or activity;
  - (iii) Procedures to report findings to the inspected facility or activity, and to follow-up with the facility/activity operator as necessary;
  - (iv) A monitoring (or self monitoring) program for facilities that assesses the type and quantity of pollutants discharging to the MS4s;
  - (v) Procedures to exercise legal authorities to ensure compliance with applicable local storm water ordinances.
- c) **Maintain Industrial and Commercial Facility/Activity Inventory.** The industrial and commercial facility/activity inventory must be updated at least annually. The updated inventory and a summary of the compliance assistance and inspection activities conducted, as well as any follow-up actions, must be submitted to EPA with each Annual Report.

**4. Storm Water Infrastructure and Street Management.** The Permittees must maintain their MS4 and related facilities to reduce the discharge of pollutants from the MS4 to the MEP. All Permittee-owned and operated facilities must be properly operated and maintained. This maintenance requirement includes, but is not limited to, structural storm water treatment controls, storm sewer systems, streets, roads, parking lots, snow disposal sites, waste facilities, and street maintenance and material storage facilities. The program must include the following:

- a) **Storm Sewer System Inventory and Mapping.** No later than January 30, 2018, the Permittees must update current records to develop a comprehensive inventory and map of the MS4s and associated outfall locations. The inventory must identify all areas over which each Permittee has responsibility. The inventory must include:
- (i) the location of all inlets, catch basins and outfalls owned/operated by the Permittee;
  - (ii) the location of all MS4 collection system pipes (laterals, mains, etc.) owned/operated by the Permittee, including locations where the MS4 is physically interconnected to the MS4 of another operator ;



- (iii) the location of all structural flood control devices, if different from the characteristics listed above;
- (iv) the names and locations of receiving waters of the U.S. that receive discharges from the outfalls;
- (v) the location of all existing structural storm water treatment controls;
- (vi) identification of subwatersheds, associated land uses, and approximate acreage draining into each MS4 outfall; and
- (vii) the location of Permittee-owned vehicle maintenance facilities, material storage facilities, maintenance yards, and snow disposal sites; Permittee-owned or operated parking lots and roadways.

A summary description of the Permittees' storm sewer system inventory and a map must be submitted to EPA as part of the reapplication package required by Part VI.B

- b) **Catch Basin and Inlet Cleaning.** No later than September 30, 2016, the Permittees must initiate an inspection program to inspect all Permittee-owned or operated catch basins and inlets at least every two years and take appropriate maintenance action based on those inspections. Inspection records must be maintained and summarized in each Annual Report.
- c) **Street and Road Maintenance.** No later than September 30, 2015, the Permittees responsible for road and street maintenance must update any standard operating procedures for storm water controls to ensure the use of BMPs that, when applied to the Permittee's activity or facility, will protect water quality, and reduce the discharge of pollutants to the MEP. The operating procedures must contain, for each activity or facility, inspection and maintenance schedules specific to the activity, and appropriate pollution prevention/good housekeeping procedures for all of the following types of facilities and/or activities listed below. Water conservation measures should be considered for all landscaped areas.
  - (i) **Streets, roads, and parking lots.** The procedures must address, but are not limited to: road deicing, anti-icing, and snow removal practices; snow disposal areas; street/road material (e.g. salt, sand, or other chemical) storage areas; maintenance of green infrastructure/low impact development practices; and BMPs to reduce road and parking lot debris and other pollutants from entering the MS4. Within four years of the effective date of this permit, the Permittees must implement all of the pollution prevention/good housekeeping practices established in the SOPs for all streets, roads, highways, and parking lots with more than 3,000 square feet of impervious surface that are owned, operated, or maintained by the Permittees.
  - (ii) **Inventory of Street Maintenance Materials.** Throughout the Permit term, all Permittees with street maintenance

responsibilities must maintain an inventory of street /road maintenance materials, including use of sand and salt, and document the inventory in the corresponding Annual Reports.

- (iii) **Manage Sand with Salt and Salt Storage Areas.** No later than September 30, 2017, the Permittees must address any sand, salt, or sand with salt material stockpiles at each of their materials storage locations to prevent pollutants in stormwater runoff from discharging to the MS4 or into any receiving waterbody. Examples how the Permittee may choose to address runoff from their material storage areas include, but are not limited to: building covered storage areas; fully containing the material stockpile area in a manner that prevents runoff from discharging to the MS4 or a receiving waterbody; relocating and/or otherwise consolidating material storage piles to alternative locations which prevents discharges to the MS4 or a receiving waterbody. The Permittees must identify their material storage locations in the SWMP documentation submitted to EPA with the 1<sup>st</sup> year Annual Report and reference the average quantity of material stored at each location in the inventory required in Part II.B.4.c.ii. Permittees must document in the 5<sup>th</sup> Year Annual Report how their material stockpiles have been addressed to prevent runoff from discharging to the MS4 or a receiving waterbody.

- d) **Street, Road and Parking Lot Sweeping.** Each Permittee with street, road, and/or public parking lot maintenance responsibilities must update their respective sweepings management plans no later than September 30, 2015. Each updated plan must designate all streets, roads, and/or public parking lots which are owned, operated or maintained by that Permittee to fit within one of the following categories for sweeping frequency based on land use, traffic volumes or other factors:

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

- (i) No later than September 30, 2014, each Permittee with street, road, and/or public parking lot maintenance responsibilities must inventory and map all of their designated streets, roads, and public parking lots for sweeping frequency. The resulting inventory and map must be submitted as part of the 2<sup>nd</sup> Year Annual Report.
- (ii) No later than September 30, 2015, Permittees with street, road, and/or public parking lot maintenance responsibilities must

sweep all streets, roads, and public parking lots that are owned, operated or maintained by that Permittee according to the following schedule:

Table II.B-2

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

- (iii) If a Permittee's existing overall street/road/parking lot sweeping program provides equivalent or greater street sweeping frequency to the requirements above, the Permittee must continue to implement its existing street/road/parking lot sweeping program.
- (iv) For areas where sweeping is technically infeasible, the Permittees with street, road, and/or public parking lot maintenance responsibilities must document in the 1st Year Annual Report each area and indicate why sweeping is infeasible. The Permittee must document what alternative sweeping schedule will be used, or how the Permittee will increase implementation of other trash/litter control procedures to minimize pollutant discharges to the MS4 and to receiving waters.
- (v) The Permittees with street, road, and/or public parking lot maintenance responsibilities must estimate the effectiveness of their street sweeping activities to minimize pollutant discharges to the MS4 and receiving waters, and document the following in each Annual Report:



- Identify any significant changes to the designated road/street/parking lot inventory and map, and the basis for those changes;
  - Report annually on types of sweepers used, swept curb and/or lane miles, dates of sweeping by general location and frequency category, volume or weight of materials removed and a representative sample of the particle size distribution of swept material;
  - Report annually on any public outreach efforts or other means to address excess leaves and other material as well as areas that are infeasible to sweep.
- e) **Implement appropriate requirements for pesticide, herbicide, and fertilizer applications.** Permittees must continue to implement practices to reduce the discharge of pollutants to the MS4 associated with the application, storage and disposal of pesticides, herbicides and fertilizers from municipal areas and activities. Municipal areas and activities include, at a minimum, municipal facilities, public right-of-ways, parks, recreational facilities, golf courses, and landscaped areas. All employees or contractors of the Permittees applying restricted use pesticides must be registered as certified applicators.
- f) **Develop and implement Storm Water Pollution Prevention Plans.** No later than September 30, 2015, the Permittees must develop and implement SWPPPs for all Permittee-owned material storage facilities, and maintenance yards located within the Permit area and identified in the inventory required in Parts II.B.3.a and II.B.4.a.viii. Permittee-owned facilities discharging storm water associated with industrial activity as defined in 40 CFR 122.26(b)(14) must obtain separate NPDES permit coverage as required in Part I.D.4 of this permit.
- g) **Storm Water Management.** Each Permittee must ensure that any storm water management projects it undertakes after the effective date of this Permit are designed and implemented to prevent adverse impacts on water quality.
- (i) Permittees must evaluate the feasibility of retrofitting existing storm water control devices to provide additional pollutant removal from collected storm water.
  - (ii) No later than the expiration date of this Permit, Permittees must identify and define all locations where such retrofit project opportunities are feasible, identify appropriate funding sources, and outline project timelines or schedule(s) for retrofit projects designed to better control the discharge of pollutants of concern to the Boise River and its tributaries.
- h) **Litter Control.** Throughout the Permit term, each Permittee must continue to implement effective methods to reduce litter within their jurisdiction. Permittees must work with others as appropriate to control litter on a

regular basis and after major public events to reduce the discharge of pollutants to receiving waters.

- i) **Training.** The Permittees must provide regular training to appropriate Permittee staff on all operations and maintenance procedures designed to prevent pollutants from entering the MS4 and receiving waters. Appropriate Permittee staff must receive training no later than September 30, 2015, and annually thereafter.

**5. Illicit Discharge Management.** An illicit discharge is any discharge to an MS4 that is not composed entirely of storm water. Exceptions are described in Part I.D. of this permit. The Permittees must continue to implement their illicit discharge management program to reduce to the MEP the unauthorized and illegal discharge of pollutants to the MS4. The program must include:

- a) **Ordinance or other regulatory mechanisms.** Upon the effective date of this Permit, the Permittees must effectively prohibit non-storm water discharges to the MS4 (except those identified in Part I.D of this permit) through enforcement of relevant ordinances or other regulatory mechanisms. Such ordinances/regulatory mechanisms must be updated prior to the expiration date of this Permit as necessary to provide adequate controls. To be considered adequate, an ordinance or regulatory mechanism must:
  - (i) Authorize the Permittee to prohibit, at a minimum, the following discharges to the MS4, unless otherwise authorized in Part I.D:
    - Sewage;
    - Discharges of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
    - Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility, including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.;
    - Discharges of wash water from mobile operations, such as mobile automobile or truck washing, steam cleaning, power washing, and carpet cleaning, etc.;
    - Discharges of wash water from the cleaning or hosing of impervious surfaces in municipal, industrial, commercial, and residential areas - including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, etc. - where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
    - Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials;



- Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool or fountain filter backwash water;
  - Discharges of sediment, pet waste, vegetation clippings, or other landscape or construction-related wastes; and
  - Discharges of food-related wastes (grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.).
- (ii) Prohibit and eliminate illicit connections to the MS4;
- (iii) Control the discharge of spills, and prohibit dumping or disposal of materials other than storm water into the MS4.
- b) **Illicit Discharge Complaint Reporting and Response Program.** At a minimum, Permittees must respond to reports of illicit discharges from the public in the following manner:
- (i) **Complaint/Reporting Hotline.** The Permittees must maintain the dedicated telephone number and email address, or other publicly available and accessible means in addition to the website required in Part II.B.6, for use by the public to report illicit discharges. This complaint hotline must be answered by trained staff during normal business hours. During non-business hours, a system must be in place to record incoming calls to the hotline and a system must be in place to guarantee timely response. The telephone number must be printed on appropriate education, training, and public participation materials produced under Part II.B.6, and clearly listed in the local telephone book as appropriate.
- (ii) **Response to Complaints/Reports.** The Permittees must respond to all complaints or reports of illicit discharges as soon as possible, but no later than within two working days.
- (iii) **Maintain log of complaints/reports received and actions taken.** The Permittees must maintain a record documenting all complaints or reports of illicit discharges and responses taken by the Permittees.
- c) **Illicit Discharge Mapping.** No later than September 30, 2014, the Permittees must develop a map of reported and documented illicit discharges or illicit connections to identify priority areas. The map must identify, at a minimum, the location, type and relative quantity or severity of the known, recurrent or ongoing non-storm water discharges to the MS4. This map must be updated annually and used to target the specific outfall locations for that field screening season.
- d) **Dry Weather Outfall Screening Program.** Permittees must implement, and update as necessary, a dry weather analytical and field screening monitoring program. This dry weather outfall screening program must emphasize frequent, geographically widespread monitoring to detect illicit discharges and illegal connections, and to reinvestigate potentially

problematic outfalls. At a minimum, the procedures must be based on the following guidelines and criteria:

- (i) **Outfall Identification.** The Permittees must update as necessary the storm water outfall identification and screening plan, describing the reconnaissance activities that must be performed and information used to prioritize targeted outfalls and associated land uses. The plan must discuss how chemical and microbiological analysis will be conducted on any flows identified during dry weather screening, including field screening methodologies and associated trigger thresholds to be used for determining follow-up action.
- (ii) **Monitoring Illicit Discharges.** No later than September 30, 2015, dry weather analytical and field screening monitoring must be conducted at least once annually (or more often if the Permittees deem necessary). One third of the outfalls to be screened annually must be conducted within the June 1 and September 30th timeframe.
  - Upon the effective date of the Permit, the Permittees must conduct visual dry weather screening of at least 20% of their total outfalls per year.
  - The outfalls must be geographically dispersed across the MS4 and must represent all major land uses in the Permit area. In addition, the Permittees must ensure that dry weather screening includes, but is not limited to, screening of 20% outfalls discharging to impaired waters listed in Table II.C.
  - When flows during dry weather are identified the Permittees must collect grab samples of the discharge for in-field analysis of the following indicator constituents: pH; total chlorine; detergents as surfactants; total copper; total phenols; *E. coli*; total phosphorus; turbidity; temperature; and suspended solids concentrations (to be measured in mg/L).
  - Photos may be used to document conditions.
  - Results of field sampling must be compared to established trigger threshold levels and/or existing state water quality standards. If the outfall is dry (no flowing or ponded runoff), the Permittees must make and record all applicable visual observations.
  - All dry weather flows previously identified or documented by the Permittees to be associated with irrigation flows or ground water seepage must be sampled to assess pollutant loading associated with such flows. The results must be evaluated to identify feasible actions necessary to eliminate such flows and ensure compliance with Part I.D of this Permit. If field sample

results of such irrigation or groundwater seepage comply with Part I.D of this permit, annual sampling of that dry weather flow at that outfall is no longer required. Permittees must document in the SWMP document the specific location(s) of outfalls associated with these results as well as the Permittee's rationale for the conclusion to discontinue future dry weather screening at that location.

- (iii) **Maintain Records of Dry Weather Screening.** The Permittees must keep detailed records of the dry weather screening with the following information at a minimum: time since last rain event; quantity of last rain event; site description (e.g., conveyance type, dominant watershed land uses); flow estimation (e.g., width of water surface, approximate depth of water, approximate flow velocity, flow rate); visual observations (e.g., odor, color, clarity, floatables, deposits/stains, vegetation condition, structural condition, and biology); results of any in field sampling; and recommendations for follow-up actions to address identified problems, and documentation of completed follow-up actions.
- e) **Follow-up.** The Permittees must investigate recurring illicit discharges identified as a result of complaints or as a result of dry weather screening inspections and sampling within fifteen (15) days of its detection to determine the source. Permittees must take appropriate action to address the source of the ongoing illicit discharge within 45 days of its detection.
- f) **Prevent and Respond to Spills to the MS4.** Throughout the Permit term, the Permittees must coordinate appropriate spill prevention, containment and response activities throughout all appropriate departments, programs and agencies to ensure maximum water quality protection at all times. The Permittees must respond to, contain and clean up all sewage and other spills that may discharge into the MS4 from any source (including private laterals and failing septic systems).
- g) **Facilitate Disposal of Used Oil and Toxic Materials.** The Permittees must continue to coordinate with appropriate agencies to ensure the proper management and disposal or recycling of used oil, vehicle fluids, toxic materials, and other household hazardous wastes by their employees and the public. Such a program must include educational activities, public information activities, and establishment of collection sites operated by the Permittees or other entity. The program must be implemented throughout the Permit term.
- h) **Training.** No later than September 30, 2014, and annually thereafter, the Permittees must develop and provide training to staff on identifying and eliminating illicit discharges, spill, and illicit connections to the MS4. At a minimum, the Permittee's construction inspectors, maintenance field staff, and code compliance officers must be sufficiently trained to respond to illicit discharges and spills to the MS4.



**6. Education, Outreach and Public Involvement.**

- a) **Comply with Applicable Requirements.** The Permittees must comply with applicable State and local public notice requirements when implementing their SWMP public involvement activities.
- b) **Implement an Ongoing Education Outreach and Involvement Program.** The Permittees must conduct, or contract with other entities to conduct, an ongoing joint education, outreach and public involvement program aimed at residents, businesses, industries, elected officials, policy makers, and Permittee planning staff /other employees.

The goal of the education and outreach program is to reduce or eliminate behaviors and practices that cause or contribute to adverse storm water impacts. The goal of the public involvement program is to engage interested stakeholders in the development and implementation of the Permittees' SWMP activities to the extent allowable pursuant to the respective authority granted individual Permittees under Idaho law.

The Permittees' joint education and public involvement program must be designed to improve each target audience's understanding of the selected storm water issues, engage stakeholders, and help target audiences understand what they can do to positively impact water quality by preventing pollutants from entering the MS4.

- (i) No later than September 30, 2014, the Permittees must implement or participate in an education, outreach and public involvement program using a variety of methods to target each of the audiences and at least one or more of the topics listed below:

- 1) General Public

- Watershed characteristics and subwatershed planning efforts as required in Part II.A.4;
- General impacts of storm water flows into surface water;
- Impacts from impervious surfaces;
- Source control best management practices and environmental stewardship, actions and opportunities for pet waste control/disposal, vehicle maintenance, landscaping and vegetative buffers;
- Water wise landscaping, water conservation, water efficiency.

- 2) General public and businesses, including home based and mobile businesses

- Best management practices for use and storage of automotive chemicals, hazardous cleaning supplies, vehicle wash soaps and other hazardous materials;

- Proper use and application of pesticides, herbicides and fertilizers;
  - Impacts of illicit discharges and how to report them;
  - Water wise landscaping, water conservation, water efficiency.
- 3) Homeowners, homeowner's associations, landscapers, and property managers
- Yard care techniques protective of water quality, such as composting;
  - Best management practices for use and storage of pesticides, herbicides, and fertilizers;
  - Litter and trash control and recycling programs;
  - Best management practices for power washing, carpet cleaning and auto repair and maintenance;
  - Low Impact Development techniques, including site design, pervious paving, retention of mature trees and other vegetation;
  - Storm water treatment and flow/volume control practices;
  - Water wise landscaping, water conservation, water efficiency.
- 4) Engineers, contractors, developers, review staff, and land use planners
- Technical standards for storm water site plans;
  - Low Impact Development techniques, including site design, pervious paving, retention of mature trees and other vegetation;
  - Storm water treatment and flow/volume control practices;
  - Water wise landscaping, water conservation, water efficiency.
- 5) Urban farmers and managers of public and private community gardens
- Water wise landscaping, water conservation, and water efficiency.
- (ii) The Permittees must assess, or participate in an effort to assess understanding and adoption of behaviors by the target audiences.

The resulting assessments must be used to direct storm water education and outreach resources most effectively.

- (iii) The Permittees must track and maintain records of public education, outreach and public involvement activities.
- c) **Targeted Education and Training.** For the specific topics identified in the Permit sections listed below, the Permittees must develop and implement, or contract with other entities to implement, targeted training programs to educate appropriate Permittee staff or other audiences within their jurisdiction. Where joint, cooperative education efforts to address these topics are not feasible, the individual Permittee must ensure that the necessary education and training occurs for the following topics:
  - (i) II.B.1.f - Construction Storm Water Management Training for construction site operators and Permittee staff;
  - (ii) II.B.2.g – Permanent Storm Water Control Training for project operators and Permittee staff;
  - (iii) II.B.4.i– Storm Water Infrastructure and Street Management/ Maintenance training for the Permittee staff; and
  - (iv) II.B.5.h – Illicit Discharge Management Training for Permittee staff.
- d) **Storm Water Website.** The Permittees must maintain and promote at least one publicly-accessible website that identifies each Permittee's SWMP activities and seeks to educate the audiences listed in Part II.B.6.b.i. The website(s) must describe and provide relevant information regarding the activities of all Permittees. The website must be updated no later than February 1, 2014, and updated at least quarterly thereafter as new material is available. The website must incorporate the following features:
  - (i) All reports, plans, or documents generated by each Permittee in compliance with this Permit must be posted on the website in draft form when input from the public is being solicited, and in final form when the document is completed.
  - (ii) Information and/or links to key sites that provide education, training, licensing, and permitting related to construction and post-construction storm water management controls and requirements for each jurisdiction. The website must include links to all applicable ordinances, policies and/or guidance documents related to the Permittees' construction and post-construction stormwater management control programs.
  - (iii) Information and/or links to appropriate controls for industrial and commercial activities,
  - (iv) Information and/or links to assist the public to report illicit connections and illegal dumping activity;

- (v) Appropriate Permittee contact information, including phone numbers for relevant staff and telephone hotline, mailing addresses, and electronic mail addresses.

**C. Discharges to Water Quality Impaired Receiving Waters.**

1. The Permittees must conduct a storm water discharge monitoring program as required in Part IV.
2. For the purposes of this Permit and as listed in Table II.C, the Clean Water Act §303 (d) listed water bodies are those cited in the IDEQ 2010 Integrated Report including, but not limited to the Lower Boise River, and its associated tributaries. "Pollutant(s) of concern" refer to the pollutant(s) identified as causing or contributing to the water quality impairment. Pollutants of concern for the purposes of this Permit are: total phosphorus, sediment, temperature, and *E. coli*.
3. Each Permittees' SWMP documentation must include a description of how the activities of each minimum control measure in Part II.B are implemented by the Permittee to control the discharge of pollutants of concern and ensure that the MS4 discharges will not cause or contribute to an excursion above the applicable Idaho water quality standards. This discussion must specifically identify how the Permittee evaluates and measures the effectiveness of the SWMP to control the pollutants of concern. For those activities identified in Part II.B requiring multiple years to develop and implement, the Permittee must provide interim updates on progress to date. Consistent with Part II.A.1.b, each Permittee must submit this description of the SWMP implementation to EPA and IDEQ as part of the 1<sup>st</sup> Year Annual Report required in Part IV.C, and must update its description annually in subsequent Annual Reports.



Table II.C	
Clean Water Act §303 (d) listed Water Bodies and Pollutants of Concern	
Receiving Water Body Assessment Unit/ Description	Pollutants of Concern Causing Impairment
<i>ID17050114SW011a_06</i> <i>Boise River – Diversion Dam to River Mile 50</i>	Temperature
<i>ID17050114SW005_06</i> <i>Boise River – River Mile 50 to Star Bridge</i>	Temperature, Sediment, <i>E. coli.</i>
<i>ID17050114SW005_06a</i> <i>Boise River – Star to Middleton</i>	Temperature, Sediment, <i>E. coli.</i>
<i>ID17050114SW005_06b</i> <i>Boise River- Middleton to Indian Creek</i>	Temperature, Total phosphorus, Sediment, <i>E. coli.</i>
<i>ID17050114SW001_06</i> <i>Boise River- Indian Creek to the mouth</i>	Temperature, Total phosphorus, Sediment, <i>E. coli.</i>
<i>ID17050114SW008_03</i> <i>Tennmile Creek - 3rd order below Blacks Creek Reservoir</i>	Sediment, <i>E. coli.</i>
<i>ID17050114SW010_02</i> <i>Fivemile Creek - 1<sup>st</sup> &amp; 2<sup>nd</sup> order tributaries</i>	<i>E. coli.</i>
<i>ID17050114SW010_03</i> <i>Fivemile Creek - 3<sup>rd</sup> order-tributaries</i>	Sediment, <i>E. coli.</i>



**D. Reviewing and Updating the SWMP.**

1. Permittees must annually review their SWMP actions and activities for compliance with this Permit as part of the preparation of the Annual Report required under Part IV.C.2.
2. Permittees may request changes to any SWMP action or activity specified in this Permit in accordance with the following procedures:
  - a) Changes to delete or replace an action or activity specifically identified in this Permit with an alternate action or activity may be requested by the Permittees at any time. Modification requests to EPA must include:
    - (i) An analysis of why the original action or activity is ineffective, infeasible, or cost prohibitive;
    - (ii) Expectations on the effectiveness of the replacement action or activity; and
    - (iii) An analysis of why the replacement action or activity is expected to better achieve the Permit requirements.
  - b) Change requests must be made in writing and signed by the Permittees in accordance with Part VI.E.
  - c) Documentation of any of the actions or activities required by this Permit must be submitted to EPA upon request.
  - d) EPA may review Annual Reports or other such documentation and subsequently notify the Permittees that changes to the SWMP actions and activities are necessary to:
    - (i) Address discharges from the MS4 that are causing or contributing to water quality impacts;
    - (ii) Include more stringent requirements necessary to comply with new federal or state statutory or regulatory requirements; or
    - (iii) Include other conditions deemed necessary by EPA to comply with water quality standards, and/or other goals and requirements of the CWA.
  - e) If EPA notifies the Permittees that changes are necessary pursuant to Parts II.D.2.a or II.D.2.d, the notification will offer the Permittees an opportunity to propose alternative program changes to meet the objectives of the requested modification. Following this opportunity, the Permittees must implement any required changes according to the schedule set by EPA.
4. Any modifications to this Permit will be accomplished according to Part VI.A of this Permit.

**E. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation.** The Permittees must implement the actions and activities of the SWMP in all new areas added or transferred to the Permittee's MS4 (or for which a Permittee becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from the date upon which the new areas were added. Such additions and schedules for implementation must be documented in the next Annual Report following the transfer.

**F. SWMP Resources.** The Permittees must continue to provide adequate finances, staff, equipment and other support capabilities to implement their SWMP actions and activities outlined in this permit. The Permittees must report on total costs associated with SWMP implementation over the prior 12 month reporting period in each Annual Report. Permittees are encouraged to consider establishing consistent funding sources for continued program implementation.

**G. Legal Authority.** To the extent allowable pursuant to the respective authority granted individual Permittees under Idaho law, each Permittee must operate to, at a minimum:

- Prohibit and eliminate, through statute, ordinance, policy, permit, contract, court or administrative order or other similar means, the contribution of pollutants to the MS4 by illicit connections and discharges to the MS4. Illicit connections include pipes, drains, open channels, or other conveyances that have the potential to allow an illicit discharge to enter the MS4. Illicit discharges include all non-storm water discharges not otherwise authorized under Part I.D. of this Permit;
- Control through statute, ordinance, policy, permit, contract, court or administrative order, or other similar means, the discharge to the MS4 of spills, dumping or disposal of materials other than storm water;
- Control through interagency agreements among the Permittees the contribution of pollutants from one portion of the MS4 to another portion of the MS4;
- Require compliance with conditions in statutes, ordinances, policy, permits, contracts, or court or administrative orders; and
- 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.

No later than January 30, 2014, each Permittee must review and revise its relevant ordinances or other regulatory mechanisms, (or adopt new ordinances or regulatory mechanisms that provide it with adequate legal authority as allowed and authorized pursuant to applicable Idaho law), to control pollutant discharges into and from its MS4 and to meet the requirements of this permit. As part of the SWMP documentation that accompanies the 1st Year Annual Report, each Permittee must summarize all of its unique legal authorities which satisfy the five criteria listed above.



**III. Schedule for Implementation and Required Submissions**

The Permittees must complete SWMP actions, and/or submit documentation, to EPA and IDEQ as summarized below. Unless otherwise noted, Annual Reports must include the interim or completed status of required SWMP activities occurring during the corresponding reporting period as specified in Part IV.C.3, and include program summary statistics, copies of interim or final documents, and/or other supporting information.

<b>Table III. Schedule for Implementation and Required Submissions</b>		
<b>Permit Part</b>	<b>Item/Action</b>	<b>Due Date</b>
I.C.3	Update intergovernmental agreement no later than July 1, 2013.	Submit updated intergovernmental agreement with the 1 <sup>st</sup> Year Annual Report.
II.A.1.b, II.C.3	SWMP documentation	Submit SWMP documentation with the 1 <sup>st</sup> Year Annual Report. Include updated documentation in each subsequent Annual Report.
II.A.4	Complete two subwatershed planning documents	Identify subwatersheds in 1 <sup>st</sup> Year Annual Report; Submit two completed planning documents with the 4 <sup>th</sup> Year Annual Report.
II.B.1.a	Update construction runoff control ordinances/regulatory mechanisms, if necessary	September 30, 2015; submit any updated ordinances etc w/ 3 <sup>rd</sup> Year Annual Report.
II.B.1.b	Update Construction Stormwater Management Manual(s)	September 30, 2015; submit any updated documents with 3 <sup>rd</sup> Year Annual Report.
II.B.1.e	Develop & Implement Enforcement Response Policy (ERP)	September 30, 2016; submit final ERPs w/ 4 <sup>th</sup> Year Annual Report
II.B.2.a	Update ordinance or regulatory mechanism requiring long term onsite stormwater management controls	January 30, 2018; submit ordinance or regulatory mechanism with 5 <sup>th</sup> Year Annual Report.
II.B.2.b	Update Stormwater Design Criteria Manual(s)	September 30, 2015; submit any updated ordinances etc w/ 3 <sup>rd</sup> Year Annual Report
II.B.2.c	Develop & Implement Green Infrastructure/Low Impact Development (LID) Incentive Strategy;	September 30, 2015;
II.B.2.c.i	Evaluate Effectiveness of LID Practices via three Pilot Projects;	Submit strategy document, identify 3 pilot projects in the 3 <sup>rd</sup> Year Annual Report.
II.B.2.c.ii, IV.A.10	Identify recommendations for specific LID practices to be adopted within the Permit area	Progress report on strategy implementation/ Pilot Project evaluations w/4 <sup>th</sup> Year Annual Report. Submit final evaluations & recommendations with the 5 <sup>th</sup> Year Annual Report.
II.B.2.c.iii	Develop Priority Riparian Area List	September 30, 2015; Submit priority area list with the 3 <sup>rd</sup> Year Annual Report.
II.B.2.c.iii	Complete Outfall Disconnection Project	Document progress on outfall disconnection project w/3 <sup>rd</sup> Year Annual Report. Complete outfall disconnection project by January 30, 2018; document completed project in 5 <sup>th</sup> Year Annual Report.

**Table III. Schedule for Implementation and Required Submissions, continued**

<b>Permit Part</b>	<b>Item/Action</b>	<b>Due Date</b>
II.B.2.c.iv	Consider/install stormwater runoff reduction techniques for streets, roads & parking lot repair work entering design phase after February 1, 2013 where feasible	Document all locations of street/road/parking lot repair projects where runoff reduction techniques were installed w/5 <sup>th</sup> Year Annual Report.
II.B.2.e.i	O&M Database of new permanent stormwater controls; Incorporate all existing controls into database	Include new controls beginning February 1, 2013; Existing controls, no later than January 30, 2018.
II.B.2.f.i	Identify high priority locations; annual inspections	September 30, 2017
II.B.2.f.ii	Develop inspection checklists	September 30, 2017
II.B.2.f.iii	Enforcement Response Policy for SW controls	September 30, 2017
II.B.2.g	Conduct Education/Training on Permanent SW Controls	September 30, 2015; staff training & training for local audiences, September 30, 2016.
II.B.3.a	Inventory Industrial & Commercial facilities/activities	September 30, 2016
II.B.3.a.iii	Identify two specific activities, develop BMPs, and begin compliance assistance education program	September 30, 2016
II.B.3.b	Update Permittee agreements; inspect selected industrial & commercial facilities/activities	September 30, 2016
II.B.3.c	Document industrial & commercial inspection and compliance assistance activities	Annually
II.B.4.a	Update MS4 system inventory & map	No later than January 30, 2018; include w/5 <sup>th</sup> Year Annual Report
II.B.4.b	Inspect of catch basins at least every two years	September 30, 2016
II.B.4.c	Update SOPs for Street & Road Maintenance	September 30, 2015
II.B.4.c.iii	Cover storage facilities for sand/salt storage areas	September 30, 2017; Identify locations in SWMP w/1 <sup>st</sup> year Annual Report; Final documentation w/5 <sup>th</sup> Year Annual Report
II.B.4.d	Update Street/Road/Parking Lot Sweeping Plans	September 30, 2015
II.B.4.d.i	Inventory/map designated areas	September 30, 2014; submit w/2 <sup>nd</sup> Year Annual Report
II.B.4.d.ii	Sweep according to schedule	September 30, 2015
II.B.4.d.iv,	Identify infeasible sweeping areas, alternative schedule or other program	Document in 1 <sup>st</sup> Year Annual Report
II.B.4.d.v	Estimate sweeping effectiveness	Document in each Annual Report
II.B.4.f	Develop facility& maintenance yards SWPPPs	September 30, 2015
II.B.4.i	Train Permittee staff	September 30, 2016; annually thereafter
II.B.4.g	Evaluate the feasibility of retrofitting existing control devices	January 30, 2018; submit evaluation with 5 <sup>th</sup> Year Annual Report



**Table III. Schedule for Implementation and Required Submissions, continued**

<b>Permit Part</b>	<b>Item/Action</b>	<b>Due Date</b>
II.B.5.c	Inventory/Map Illicit Discharge Reports	September 30, 2014, update annually
II.B.5.d.ii, IV.A.11	Conduct dry weather outfall screening; update screening plan; inspect 20% of outfalls per year	September 30, 2015; inspect 20% annual ly
II.B.6.b	Conduct public education & assess understanding to specific audiences	September 30, 2014; ongoing
II.B.6.d	Maintain, Promote, and Update Storm water Website	September 30, 2014, quarterly thereafter
II.C.3, II.A.1.b	Identify how Permittee controls are implemented to reduce discharge of pollutants of concern, measure SWMP effectiveness	Include discussion in SWMP documentation submitted with 1 <sup>st</sup> Year Annual Report
II.E	Implement SWMP in all geographic areas newly added or annexed by Permittee	No later than one year from date new areas are added to Permittee's jurisdiction
II.F	Report SWMP implementation costs for the corresponding 12 month reporting period	Within each Annual Report
II.G	Review & Summarize legal authorities or regulatory mechanisms used by Permittee to implement & enforce SWMP & Permit requirements	No later than January 30, 2014, summarize legal authorities within the required SWMP documentation submitted with 1 <sup>st</sup> Annual Report
IV.A.1	Assess & Document Permit Compliance	Annually; submit with Annual Reports
IV.A.2	Develop & Complete Stormwater Monitoring & Evaluation Plan	September 30, 2014; Submit Completed Plan with 2 <sup>nd</sup> Year Annual Report
IV.A.7.a	Update <i>Boise NPDES Municipal SW Monitoring Plan</i>	September 30, 2015
IV.A.7.b	Monitor Five Representative Outfalls During Wet Weather; sample three times per year thereafter	No later than September 30, 2014
IV.A.8	If Applicable: update SW Monitoring & Evaluation Plan to include WQ Monitoring and/or Fish Tissue Sampling	If applicable: Update SW Monitoring & Evaluation Plan by September 30, 2014 to include WQ Monitoring and/or Fish Tissue Sampling; submit with 2 <sup>nd</sup> Year Annual Report
IV.A.9	Evaluate Effectiveness of 2 Structural Control Techniques Currently Required by the Permittees	Begin evaluations no later than September 30, 2015; document in Annual Report(s)
IV.C.1	Submit Stormwater Outfall Discharge Data	2 <sup>nd</sup> Year Annual Report, annually thereafter
IV.C.2	Submit WQ Monitoring or Fish Tissue Sampling Data Report (if applicable)	2 <sup>nd</sup> Year Annual Report, annually thereafter
IV.C.3	Submit Annual Reports	1 <sup>st</sup> Year Annual Report due January 30, 2014; all subsequent Annual Reports are due annually no later than January 30 <sup>th</sup> ; See Table IV.C.
VI.B	Submit Permit Renewal Application	No later than 180 days prior to Permit Expiration Date; see cover page. Alternatively, Renewal Application may be submitted as part of the 4 <sup>th</sup> Year Annual Report.



#### IV. Monitoring, Recordkeeping and Reporting Requirements.

##### A. Monitoring

1. **Assess Permit Compliance.** At least once per year, each Permittee must individually evaluate their respective organization's compliance with these Permit conditions, and progress toward implementing each of the control measures defined in Part II. The compliance evaluation must be documented in each Annual Report required in Part IV.C.2.
2. **Stormwater Monitoring and Evaluation Program Plan and Objectives.** The Permittees must conduct a wet weather monitoring and evaluation program, or contract with another entity to implement such a program. This stormwater monitoring and evaluation program must be designed to characterize the quality of storm water discharges from the MS4, and to evaluate overall effectiveness of selected storm water management practices.
  - a) No later than September 30, 2014, the Permittees must develop a stormwater monitoring and evaluation plan that includes the quality assurance requirements, outfall monitoring, in-stream and/or fish tissue monitoring (as appropriate), evaluation of permanent storm water controls and evaluation of LID pilot project effectiveness as described later in this Part. In general, the Permittees must develop and conduct a stormwater monitoring and evaluation program to:
    - (i) Broadly estimate reductions in annual pollutant loads of sediment, bacteria, phosphorus and temperature discharged to impaired receiving waters from the MS4s, occurring as a result of the implementation of SWMP activities;
    - (ii) Assess the effectiveness and adequacy of the permanent storm water controls and LID techniques or controls selected for evaluation by the Permittees and which are intended to reduce the total volume of storm water discharging from impervious surfaces and/or improve overall pollutant reduction in stormwater discharges; and
    - (iii) Identify and prioritize those portions of each Permittee's MS4 where additional controls can be accomplished to further reduce total volume of storm water discharged and/or reduce pollutants in storm water discharges to waters of the U.S.
  - b) The final, updated stormwater monitoring and evaluation plan must be submitted to EPA with the 2<sup>nd</sup> Year Annual Report.
3. **Representative Sampling.** Samples and measurements must be representative of the nature of the monitored discharge or activity.
4. **Analytical Methods.** Sample collection, preservation, and analysis must be conducted according to sufficiently sensitive methods/test procedures approved under 40 CFR Part 136, unless otherwise approved by EPA. Where an approved 40 CFR Part 136 method does not exist, and other test procedures

have not been specified, any available method may be used after approval from EPA.

5. **Quality Assurance Requirements.** The Permittees must develop or update a quality assurance plan (QAP) for all analytical monitoring conducted in accordance with this Part. The QAP must be developed concurrently as part of the stormwater monitoring and evaluation plan. The Permittees must submit the QAP as part of the stormwater monitoring and evaluation plan to EPA and IDEQ in the 2<sup>nd</sup> Year Annual Report. Any existing QAP may be modified for the requirements under this section.
  - a) The QAP must be designed to assist in the collection and analysis of storm water discharges in support of this Permit and in explaining data anomalies when they occur.
  - b) Throughout all sample collection, analysis and evaluation activities, Permittees must use the EPA-approved QA/QC and chain-of-custody procedures described in the most current version of the following documents:
    - (i) *EPA Requirements for Quality Assurance Project Plans EPA-QA/R-5* (EPA/240/B-01/003, March 2001). A copy of this document can be found electronically at:  
<http://www.epa.gov/quality/qs-docs/r5-final.pdf>.
    - (ii) *Guidance for Quality Assurance Project Plans EPA-QA/G-5*, (EPA/600/R-98/018, February, 1998). A copy of this document can be found electronically at:  
<http://www.epa.gov/r10earth/offices/oea/epaqag5.pdf>;
    - (iii) *Urban Storm BMP Performance Monitoring*, (EPA-821-B-02-001, April 2002). A copy of this document can be found electronically at:  
<http://www.epa.gov/npdes/pubs/montcomplete.pdf>

The QAP should be prepared in the format specified in these documents.

- c) At a minimum, the QAP must include the following:
  - (i) Organization chart reflecting responsibilities of key Permittee staff;
  - (ii) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample representativeness and completeness, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements;
  - (iii) Data quality objectives;

- (iv) Map(s) and associated documentation reflecting the location of each sampling point and physical description including street address or latitude/longitude;
  - (v) Qualification and training of personnel;
  - (vi) Name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by the Permittees;
  - (vii) Data management;
  - (viii) Data review, validation and verification; and
  - (ix) Data reconciliation.
- d) The Permittees must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP. The amended QAP must be submitted to EPA as part of the next Annual Report.
- e) Copies of any current QAP must be maintained by the Permittees and made available to EPA and/or IDEQ upon request.
6. **Additional Monitoring by Permittees.** If the Permittees monitor more frequently, or in more locations, than required by this Permit, the results of any such additional monitoring must be included and summarized with other data submitted to EPA and IDEQ as required in Part IV.C.
7. **Storm Water Outfall Monitoring**
- a) No later than September 30, 2015, the Permittees must update the existing *Boise NPDES Municipal Storm Water Permit Monitoring Plan* to be consistent with the monitoring and evaluation program objectives and plan as described in Part IV.A.2. At a minimum, the plan must describe five outfall sample locations, and any additional or alternative locations, as defined by the Permittees. The outfalls selected by the Permittees to be monitored must be identified as representative of all major land uses occurring within the Permit area.
  - b) No later than September 30, 2014, the Permittees must begin monitoring discharges from the identified five storm water outfalls during wet weather events at least three times per year. The specific minimum monitoring requirements are outlined in Table IV.A, but may be augmented based on the Permittees' updated stormwater monitoring and evaluation plan required by Part IV.A.2. The Permittees must include any additional parameters to be sampled in an updated Table IV.A within the final updated stormwater monitoring and evaluation plan submitted to EPA with the 2<sup>nd</sup> Annual Report.



Table IV.A – Outfall Monitoring Requirements <sup>1, 2</sup>
PARAMETER SAMPLING
Ammonia
Total Kjeldahl Nitrogen (TKN) (mg/l)
Nitrate + Nitrite
Total Phosphorus (mg/l)
Dissolved Orthophosphate (mg/l)
<i>E. coli</i>
Biological Oxygen Demand (BOD <sub>5</sub> ) (mg/l)
Chemical Oxygen Demand (COD) (mg/l)
Total Suspended Solids (TSS) (mg/l)
Total Dissolved Solids (TDS) (mg/l)
Dissolved Oxygen
Turbidity (NTU)
Temperature
pH (S.U)
Flow/Discharge, Volume, in cubic feet
Arsenic – Total
Cadmium- Total and Dissolved
Copper – Dissolved
Lead – Total and Dissolved
Mercury – Total
Zinc – Dissolved
Hardness (as CaCO <sub>3</sub> ) (mg/l)
<p><sup>1</sup> Five or more outfall locations will be identified in the Permittees' updated stormwater monitoring and evaluation plan</p> <p><sup>2</sup> A minimum of <i>three (3) samples</i> must be collected during wet weather storm events in each reporting year, assuming the presence of storm events sufficient to produce a discharge.</p>

8. **Water Quality Monitoring and/or Fish Tissue Sampling.** At the Permittees' option and to augment the storm water discharge data collection required in Part IV.A.7 above, one or more of the Permittees may conduct, or contract with others to conduct, water quality monitoring and/or fish tissue sampling within the Lower Boise River Watershed.
- a) If the Permittees elect to conduct in-stream water quality monitoring and/or fish tissue sampling within the Lower Boise River Watershed, the Permittees must revise the stormwater monitoring and evaluation plan and QAP to describe the monitoring and/or sampling effort(s) per Part IV.A.2 and IV.A.5, no later September 30, 2014.
  - b) The documentation of the Permittees' intended in-stream water quality monitoring and/or fish tissue sampling activities must be included in the final updated stormwater monitoring and evaluation plan submitted with the 2<sup>nd</sup> Year Annual Report as required in Part IV.A.2.b.
  - c) The Permittees are encouraged to engage in cooperative efforts with other organizations to collect reliable methylmercury fish tissue data within a specific geographic area of the Lower Boise River Watershed. The objective of the cooperative effort is to determine if fish tissue concentrations of methylmercury in the Lower Boise River are compliant with Idaho's methylmercury fish tissue criterion of 0.3 mg/kg.
    - (i) In particular, the Permittees are encouraged to cooperate with other organizations to collect data through implementation of the Methylmercury Fish Tissue Sampling requirements specified in NPDES Permits # ID-002044-3 and ID-002398-1 as issued to the City of Boise. Beginning with the 2<sup>nd</sup> Year Annual Report, the Permittees' may (individually or collectively) submit documentation in each Annual Report which describes their specific involvement over the prior reporting period, and may reference fish tissue sampling plans and data reports as developed or published by others through the cooperative watershed effort.
9. **Evaluate the Effectiveness of Required Structural Controls.** Within two years of the effective date of this Permit, the Permittees must select and begin to evaluate at least two different types of permanent structural storm water management controls currently mandated by the Permittees at new development or redevelopment sites. For each selected control, this evaluation must determine whether the control is effectively treating or preventing the discharge of one or more of the pollutants of concern into waterbodies listed in Table II.C. The results of this evaluation, and any recommendations for improved treatment performance, must be submitted to EPA in subsequent Annual Reports as the evaluation projects are implemented and completed.
10. **Evaluate the Effectiveness of Green Infrastructure/Low Impact Development Pilot Projects.** The Permittees must evaluate the performance and effectiveness of the three pilot projects required in Part II.B.2.c of this Permit, or contract with another entity to conduct such evaluations. An evaluation summary of the LID technique or control and any recommendations



of improved treatment performance must be submitted in subsequent Annual Reports as the evaluation projects are implemented and completed.

11. **Dry Weather Discharge Screening.** The Permittees must implement a dry weather screening program, or contract with another entity to implement such a program, as required in Part II.B.5.d.

## **B. Recordkeeping**

1. **Retention of Records.** The Permittees must retain records and copies of all information (e.g., all monitoring, calibration, and maintenance records; all original strip chart recordings for any continuous monitoring instrumentation; copies of all reports required by this Permit; storm water discharge monitoring reports; a copy of the NPDES permit; and records of all data or information used in the development and implementation of the SWMP and 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 at the request of the EPA at any time.
2. **Availability of Records.** The Permittees must submit the records referred to in Part IV.B.1 to EPA and IDEQ only when such information is requested. At a minimum, the Permittees must retain all records comprising the SWMP required by this Permit (including a copy of the Permit language and all Annual Reports) in a location and format that are accessible to EPA and IDEQ. The Permittees must make all records described above available to the public if requested to do so in writing. The public must be able to view the records during normal business hours. The Permittees may charge the public a reasonable fee for copying requests.

## **C. Reporting Requirements**

1. **Storm Water Discharge Monitoring Report.** Beginning with the 2<sup>nd</sup> Year Annual Report, and in subsequent Annual Reports, all storm water discharge monitoring data collected to date must be submitted as part of the Annual Report. At a minimum, this Storm Water Discharge Monitoring Report must include:
  - a) Dates of sample collection and analyses;
  - b) Results of sample analyses;
  - c) Location of sample collection. and
  - d) Summary discussion and interpretation of the data collected, including a discussion of quality assurance issues and comparison to previously collected information, as appropriate.
2. **Water Quality Monitoring and/or Fish Tissue Sampling Report(s).** If the Permittees elect to conduct water quality monitoring and/or fish tissue sampling as specified in Part IV.A.8, all relevant monitoring data collected to date must

be submitted as part of each Annual Report beginning with the 2<sup>nd</sup> Year Annual Report. Summary data reports as prepared by other organizations with whom the Permittee(s) cooperate may be submitted to fulfill this requirement. At a minimum, this Water Quality Monitoring and/or Fish Tissue Sampling Report must include:

- a) Dates of sample collection and analyses;
- b) Results of sample analyses;
- c) Locations of sample collection; and
- d) Summary discussion and interpretation of the data collected, including discussion of quality assurance issues and comparison to previously collected information, as appropriate.

**3. Annual Report.**

- a) No later than January 30<sup>th</sup> of each year beginning in 2014, and annually thereafter, each Permittee must submit an Annual Report to EPA and IDEQ. The reporting period for the 1<sup>st</sup> Year Annual Report will be from February 1, 2013, through September 30, 2013. Reporting periods for subsequent Annual Reports are specified in Table IV.C. Copies of all Annual Reports, including each Permittee's SWMP documentation, must be available to the public, through a Permittee-maintained website, and/or through other easily accessible means.

Table IV.C - Annual Report Deadlines		
Annual Report	Reporting Period	Due Date
1 <sup>st</sup> Year Annual Report	February 1, 2013–September 30, 2013	January 30, 2014
2 <sup>nd</sup> Year Annual Report	October 1, 2013–September 30, 2014	January 30, 2015
3 <sup>rd</sup> Year Annual Report	October 1, 2014–September 30, 2015	January 30, 2016
4 <sup>th</sup> Year Annual Report	October 1, 2015–September 30, 2016	January 30, 2017
5 <sup>th</sup> Year Annual Report	October 1, 2016–December 31, 2017	January 30, 2018

- b) Preparation and submittal of the Annual Reports must be coordinated by Ada County Highway District. Each Permittee is responsible for content of their organization's SWMP documentation and Annual Report(s) relating to SWMP implementation for portions of the MS4s for which they are responsible.
- c) The following information must be submitted in each Annual Report:

- (i) A updated and current document describing the SWMP as implemented by the specific Permittee, in accordance with Part II.A.1.b;
  - (ii) A narrative assessment of the Permittee's compliance with this Permit, describing the status of implementing the control measures in Parts II and IV. The status of each control measure must be addressed, even if activity has previously been completed, has not yet been implemented, does not apply to the Permittee's jurisdiction or operation, or is conducted on the Permittee's behalf by another entity;
  - (iii) Discussion of any information collected and analyzed during the reporting period, including but not limited to storm water monitoring data not included with the Storm Water Discharge Monitoring Report; dry weather monitoring results; Green Infrastructure/LID pilot project evaluation results, structural control evaluation results, and any other information collected or used by the Permittee(s) to assess the success of the SWMP controls at improving receiving water quality to the maximum extent practicable;
  - (iv) A summary of the number and nature of public education programs; the number and nature of complaints received by the Permittee(s), and follow-up actions taken; and the number and nature of inspections, formal enforcement actions, or other similar activities as performed by the Permittee(s) during the reporting period;
  - (v) Electronic copies of new or updated education materials, ordinances (or other regulatory mechanisms), inventories, guidance materials, or other products produced as required by this Permit during the reporting period;
  - (vi) A description and schedule of the Permittee's implementation of additional controls or practices deemed necessary by the Permittee, based on monitoring or other information, to ensure compliance with applicable water quality standards;
  - (vii) Notice if the Permittee is relying on another entity to satisfy any of the Permit obligations, if applicable; and
  - (viii) Annual expenditures for the reporting period, and estimated budget for the reporting period following each Annual Report.
- d) If, after the effective date of this Permit, EPA provides the Permittees with an alternative Annual Report format, the Permittees may use the alternative format in lieu of the required elements of Part IV.C.3.c.



**D. Addresses**

Reports and other documents required by this Permit must be signed in accordance with Part VI.E and submitted to each of the following addresses:

IDEQ: Idaho Department of Environmental Quality  
Boise Regional Office  
Attn: Water Program Manager  
1410 North Hilton  
Boise, ID 83854

EPA: United States Environmental Protection Agency  
Attention: Storm Water MS4 Compliance Program  
NPDES Compliance Unit  
1200 6<sup>th</sup> Avenue, Suite 900 (OCE-133)  
Seattle, WA 98101

Any documents and/or submittals requiring formal EPA approval must also be submitted to the following address:

United States Environmental Protection Agency  
Attention: Storm Water MS4 Permit Program  
NPDES Permits Unit  
1200 6<sup>th</sup> Avenue, Suite 900 (OWW-130)  
Seattle, WA 98101

**V. Compliance Responsibilities.**

**A. Duty to Comply.** The Permittees must comply with all conditions of this Permit. 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.

**B. Penalties for Violations of Permit Conditions**

**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 of the Act, 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) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701) (currently \$37,500 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 Part 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) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701) (currently \$16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500). Pursuant to 40 CFR Part 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) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701) (currently \$16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$177,500).

### 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 one 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 two 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 three 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 six 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 two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both. The 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 six months per violation, or by both.

**C. Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for the Permittees in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Permit.

**D. Duty to Mitigate.** The Permittees must take all reasonable steps to minimize or prevent any discharge or disposal in violation of this Permit that has a reasonable likelihood of adversely affecting human health or the environment.

**E. Proper Operation and Maintenance.** The Permittees must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the 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 back-up or auxiliary facilities or similar systems which are installed by the Permittees only when the operation is necessary to achieve compliance with the conditions of the Permit.

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

**G. Planned Changes.** The Permittee(s) must give notice to the Director and IDEQ as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

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

**H. Anticipated Noncompliance.** The Permittee(s) must give advance notice to the Director and IDEQ of any planned changes in the permitted facility or activity that may result in noncompliance with this Permit.

**I. Twenty-four Hour Notice of Noncompliance Reporting**

1. The Permittee(s) must report the following occurrences of noncompliance by telephone within 24 hours from the time the Permittee(s) becomes aware of the circumstances:

- a) any noncompliance that may endanger health or the environment;
- b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV.F., "Bypass of Treatment Facilities");
- c) any upset that exceeds any effluent limitation in the permit (See Part IV.G., "Upset Conditions"); or
- d) any overflow prior to the stormwater treatment facility over which the Permittee(s) has ownership or has operational control. An overflow is any spill, release or diversion of municipal sewage including:
  - (1) an overflow that results in a discharge to waters of the United States; and
  - (2) an overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral) that does not reach waters of the United States.

2. The Permittee(s) must also provide a written submission within five days of the time that the Permittee(s) becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:

- a) a description of the noncompliance and its cause;
- b) the period of noncompliance, including exact dates and times;
- c) the estimated time noncompliance is expected to continue if it has not been corrected; and
- d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- e) if the noncompliance involves an overflow, the written submission must contain:
  - (1) The location of the overflow;

- (2) The receiving water (if there is one);
- (3) An estimate of the volume of the overflow;
- (4) A description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
- (5) The estimated date and time when the overflow began and stopped or will be stopped;
- (6) The cause or suspected cause of the overflow;
- (7) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
- (8) An estimate of the number of persons who came into contact with wastewater from the overflow; and
- (9) Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.



3. The Director of the Office of Compliance and Enforcement 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.
4. Reports must be submitted to the addresses in Part IV.D ("Addresses").

#### J. Bypass of Treatment Facilities

1. **Bypass not exceeding limitations.** The Permittee(s) may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
2. **Notice.**
  - a) **Anticipated bypass.** If the Permittee(s) knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.
  - b) **Unanticipated bypass.** The Permittee(s) must submit notice of an unanticipated bypass as required under Part III.G ("Twenty-four Hour Notice of Noncompliance Reporting").
3. **Prohibition of bypass.**
  - a) Bypass is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the Permittee(s) for a bypass, unless:
    - (1) The 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 that occurred during normal periods of equipment downtime or preventive maintenance; and
    - (3) The Permittee(s) submitted notices as required under paragraph 2 of this Part.



- b) The Director of the Office of Compliance and Enforcement may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this Part.

#### **K. Upset Conditions**

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 Permittee(s) meets the requirements of paragraph 2 of this Part. 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.** To establish the affirmative defense of upset, the Permittee(s) must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a) An upset occurred and that the Permittee(s) can identify the cause(s) of the upset;
  - b) The permitted facility was at the time being properly operated;
  - c) The Permittee(s) submitted notice of the upset as required under Part V.I, *"Twenty-four Hour Notice of Noncompliance Reporting;"* and
  - d) The Permittee(s) complied with any remedial measures required under Part V.D, *"Duty to Mitigate."*
3. **Burden of proof.** In any enforcement proceeding, the Permittee(s) seeking to establish the occurrence of an upset has the burden of proof.

### **VI. General Provisions**

#### **A. Permit Actions.**

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

- B. Duty to Reapply.** If the Permittees intend to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittees must apply for and obtain a

new permit. In accordance with 40 CFR §122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Director, the Permittees must submit a new application at least 180 days before the expiration date of this Permit, or alternatively in conjunction with the 4<sup>th</sup> Year Annual Report. The reapplication package must contain the information required by 40 CFR §122.21(f), which includes: name and mailing address(es) of the Permittees(s) that operate the MS4(s), and names and titles of the primary administrative and technical contacts for the municipal Permittees(s). In addition, the Permittees must identify any previously unidentified water bodies that receive discharges from the MS4(s); a summary of any known water quality impacts on the newly identified receiving waters; a description of any changes to the number of applicants; and any changes or modifications to the Storm Water Management Program as implemented by the Permittees. The re-application package may incorporate by reference the 4<sup>th</sup> Year Annual Report when the reapplication requirements have been addressed within that report.

**C. Duty to Provide Information.** The Permittees must furnish to the Director and IDEQ, within the time specified in the request, any information that the 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. The Permittees must also furnish to the Director or IDEQ, upon request, copies of records required to be kept by this Permit.

**D. Other Information.** When the Permittees become aware that it failed to submit any relevant facts in a Permit application, or that it submitted incorrect information in a Permit application or any report to the Director or IDEQ, the Permittees must promptly submit the omitted facts or corrected information.

**E. Signatory Requirements.** All applications, reports or information submitted to the Director and IDEQ must be signed and certified as follows.

1. All Permit applications must 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 the IDEQ must 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;
  - 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; and

- c) The written authorization is submitted to the Director and IDEQ.
3. **Changes to Authorization.** If an authorization under Part V.I.E.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.I.E.2 must be submitted to the Director and IDEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. **Certification.** Any person signing a document under this Part must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**F. Availability of Reports.** In accordance with 40 CFR Part 2, information submitted to EPA pursuant to this Permit may be claimed as confidential by the Permittees. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the Permittees. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

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

1. Enter upon the 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 purpose of assuring Permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

**H. 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.

**I. 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 Permittees 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.)

**J. State/Tribal Environmental Laws**

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

**K. Oil and Hazardous Substance Liability** Nothing in this Permit shall be constructed to preclude the institution of any legal action or relieve the Permittees from any responsibilities, liabilities, or penalties to which the Permittees is or may be subject under Section 311 of the CWA or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

**L. 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 the circumstances, and the remainder of this Permit shall not be affected thereby.

## **VII. Definitions and Acronyms**

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

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

“Animal facility” see “commercial animal facility.”

“Annual Report” means the periodic self–assessment submitted by the Permittee(s) to document incremental progress towards meeting the storm water management requirements and implementation schedules as required by this Permit. See Part IV.C.



“Best Management Practices (BMPs)” 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 runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 40 CFR § 122.2. BMP refers to operational activities, physical controls or educational measures that are applied to reduce the discharge of pollutants and minimize potential impacts upon receiving waters, and accordingly, refers to both structural and nonstructural practices that have direct impacts on the release, transport, or discharge of pollutants. See also “storm water control measure (SCM).”

“Bioretention” is the water quality and water quantity storm water management practice using the chemical, biological and physical properties of plants, microbes and soils for the removal of pollution from storm water runoff.

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

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

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

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

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

“Control Measure” as used in this Permit, refers to any action, activity, Best Management Practice or other method used to prevent or reduce the discharge of pollutants in stormwater to waters of the United States.

“CWA” or “The Act” means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended by 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 Environmental Protection Agency Regional Administrator, the EPA Director of the Office of Water and Watersheds, or an authorized representative.

“Discharge” when used without a qualifier, refers to “discharge of a pollutant” as defined at 40 CFR §122.2.

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

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

“Discharge of Storm Water Associated with Industrial Activity” as used in this Permit, refers to the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant included in the regulatory definition of storm water discharge associated with industrial activity at 40 CFR §122.26(b)(14).

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

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

“Engineered Infiltration” is an underground device or system designed to accept storm water and slowly exfiltrates it into the underlying soil. This device or system is designed based on soil tests that define the infiltration rate.

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

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

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

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

“EPA” means the Environmental Protection Agency Regional Administrator, the EPA Director of the Office of Water and Watersheds, or an authorized representative.

“Entity” means a governmental body, or a public or private organization.

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

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

“Fish Tissue Sampling” see “Methylmercury Fish Tissue Sampling”

“Green infrastructure” means runoff management approaches and technologies that utilize, enhance and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse.

“Hydromodification” means changes to the storm water runoff characteristics of a watershed caused by changes in land use.

“IDEQ” means the Idaho Department of Environmental Quality or its authorized representative.

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

“Illicit Discharge” is defined at 40 CFR §122.26(b)(2) and means any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES Permit for discharges from the MS4) and discharges resulting from fire fighting activities.

“Impaired Water” (or “Water Quality Impaired Water”) for purposes of this Permit means any water body identified by the State of Idaho or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards. Impaired waters include both waters with approved or established Total Maximum Daily Loads (TMDLs), and those for which a TMDL has not yet been approved or established.

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



“Industrial Storm Water” as used in this Permit refers to storm water runoff associated with the definition of “discharges of storm water associated with industrial activity”.

“Infiltration” is the process by which storm water penetrates into soil.

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

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

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

“Measurable Goal” means a quantitative measure of progress in implementing a component of a storm water management program.

“Methylmercury Fish Tissue Sampling” and “Methylmercury Fish Tissue Sampling Requirements” means the IDEQ-recommended cooperative data collection effort for the Lower Boise River Watershed. In particular, Methylmercury Fish Tissue Sampling requirements are otherwise specified in NPDES Permits # ID-002044-3 and ID-002398-1, as issued by EPA to the City of Boise and available online at <http://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/Current+ID1319>

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

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

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

“Municipal Separate Storm Sewer” is defined in 40 CFR §122.26(b) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to



State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

“National Pollutant Discharge Elimination System” or “NPDES” means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the CWA. The term includes an ‘approved program.’

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

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

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

“Permanent storm water management controls” see “post-construction storm water management controls.”

“Permitting Authority” means the U.S. Environmental Protection Agency (EPA)

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

“Pollutant” is defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

“Pollutant(s) of concern” includes any pollutant identified by IDEQ as a cause of impairment of any water body that will receive a discharge from a MS4 authorized under this Permit. See Table II.C.

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

“QA/QC” means quality assurance/quality control.

“QAP” means Quality Assurance Plan.

“Rainfall and Rainwater Harvesting” is the collection, conveyance, and storage of rainwater. The scope, method, technologies, system complexity, purpose, and end uses vary from rain barrels for garden irrigation in urban areas, to large-scale collection of rainwater for all domestic uses.

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

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

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

“Runoff Reduction Techniques” means the collective assortment of storm water practices that reduce the volume of storm water from discharging off site.

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

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

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

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

“Soil amendments” are components added to in situ or native soils to increase the spacing between soil particles so that the soil can absorb and hold more moisture. The amendment of soils changes

various other physical, chemical and biological characteristics so that the soils become more effective in maintaining water quality.

“Source control” storm water management means practices that control storm water *before* pollutants have been introduced into storm water

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

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

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

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

“Storm Water Management Practice” or “Storm Water Management Control” means practices that manage storm water, including structural and vegetative components of a storm water system.

“Storm Water Management Project” means a project that takes into account the effects on the water quality of the receiving waters and whether a structural storm water control device can be retrofitted to control water quality.

“Storm Water Management Program (SWMP)” refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system. For the purposes of this Permit, the SWMP consists of the actions and activities conducted by the Permittees as required by this Permit and described in the Permittees’ SWMP documentation. A “SWMP document” is the written summary describing the unique and/or cooperative means by which an individual Permittee or entity implements the specific storm water management controls Permittee within their jurisdiction.



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

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

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

“TMDL” means Total Maximum Daily Load, an analysis of pollutant loading to a body of water detailing the sum of the individual waste load allocations for point sources and load allocations for non-point sources and natural background. See 40 CFR §130.2.

“Treatment control” storm water management means practices that ‘treat’ storm water after pollutants have been incorporated into the storm water.

“Urban Agriculture” and “Urban Agricultural Activities” means the growing, processing, and distribution of food and other products through intensive plant cultivation and animal husbandry in and around cities. For the purposes of this Permit, the term includes activities allowed and/or acknowledged by the Permittees through a local comprehensive plan ordinance, or other regulatory mechanism. For example, see: *Blueprint Boise* online at [http://www.cityofboise.org/BluePrintBoise/pdf/Blueprint%20Boise/0\\_Blueprint\\_All.pdf](http://www.cityofboise.org/BluePrintBoise/pdf/Blueprint%20Boise/0_Blueprint_All.pdf), and/or *City of Boise Urban Agriculture ordinance amendment, ZOA11-00006*.

“Waters of the United States,” as defined in 40 CFR 122.2, means:

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate "wetlands";
3. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or



c. Which are used or could be used for industrial purposes by industries in interstate commerce;

4. All impoundments of waters otherwise defined as waters of the United States under this definition;

5. Tributaries of waters identified in paragraphs 1 through 4 of this definition;

6. The territorial sea; and

7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1 through 6 of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds for steam electric generation stations per 40 CFR Part 423) which also meet the criteria of this definition are not waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

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

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

## Appendix B

### Intergovernmental Agreements between NPDES Permittees

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**INTERGOVERNMENTAL AGREEMENT  
FOR ROLES AND RESPONSIBILITIES UNDER THE NPDES MUNICIPAL  
STORMWATER PERMIT (Permit #IDS-02756-1)**

This Intergovernmental Agreement entered into this 18<sup>th</sup> day of June, 20  , by and among the Ada County Highway District (ACHD), the City of Boise (Boise City), City of Garden City (Garden City), Boise State University (BSU), the Idaho Transportation Department, District #3 (ITD), and Ada County Drainage District #3 (DD3), collectively the "Permittees", is made for the purpose of complying with the Federal National Pollution Discharge Elimination System Municipal Stormwater Permit ("NPDES Permit").

**RECITALS**

WHEREAS, Congress in 1987 amended Section 402 of the Federal Clean Water Act (33 U.S.C.A. section 1342(p)) to require the Federal Environmental Protection Agency (EPA) to promulgate regulations ("Regulations") for applications for permits for stormwater discharges; and

WHEREAS, the Regulations are designed to control pollutants associated with stormwater discharges through the use of the NPDES Permit system which allows the lawful discharge of stormwater into the waters of the United States; and

WHEREAS, the Regulations are designed to require NPDES Permits for discharges from Municipal Separate Storm Sewer Systems (MS4s) from a system-wide or jurisdiction wide basis; and

WHEREAS, the Permittees have received a NPDES Permit, effective February 1, 2013; and

WHEREAS, the NPDES Permit requires that the Permittees must maintain an intergovernmental agreement describing each organization's respective roles and responsibilities related to this permit. Any previously signed agreement may be updated, as necessary, in accordance with this permit. A copy of an updated intergovernmental agreement must be completed by July 1, 2013, and submitted to the Environmental Protection Agency (EPA) with the first annual report.

NOW, THEREFORE, the foregoing sets forth the Agreement by and among the named Permittees.

**AGREEMENT**

**1. PURPOSE OF AGREEMENT**

The purpose of this Agreement is to detail the duties, roles and responsibilities to be provided by the Permittees with respect to compliance with Federal NPDES Stormwater rules, regulations and requirements and the commitments set forth in the NPDES Permit issued by EPA. Each Permittee is individually responsible for NPDES Permit compliance related only to portions of the MS4 owned or operated solely by that Permittee, or where this NPDES Permit requires a specific Permittee to take an action. Each Permittee is jointly responsible for NPDES Permit

**INTERGOVERNMENTAL AGREEMENT**

NPDES MUNICIPAL STORMWATER PERMIT – Page 1

compliance:

- a. related to portions of the MS4 where operational or storm water management program (SWMP) implementation authority has been transferred to all of the Permittees in accordance with an intergovernmental agreement or agreement between the Permittees;
- b. related to portions of the MS4 where Permittees jointly own or operate a portion of the MS4;
- c. related to the submission of reports or other documents required by Parts II and IV of this NPDES Permit; and
- d. where this NPDES Permit requires the Permittees to take an action and a specific Permittee is not named.

## **2. GENERAL PROVISIONS**

- a. ACHD, Boise City, Garden City, BSU, ITD and DD3 are Permittees in the Permit as provided in 40 CFR 122.26(v)(2).
- b. Each Permittee will be responsible for complying with any and all Permit conditions relating to discharges from those parts of the MS4 that it continues to operate and maintain.
- c. The Permittees will utilize available monitoring and enforcement mechanisms, in full cooperation with other Permittees, to control the contribution of pollutants from one MS4 to another.
- d. Each Permittee to this Agreement shall assign at least one representative to the Permittee group.

## **3. STORM WATER MANAGEMENT PROGRAM ROLES AND RESPONSIBILITIES**

The roles and responsibilities of each Permittee are as established in the NPDES Permit.

## **4. APPORTIONMENT OF COSTS**

### **A. Program Administration and Management**

The Stormwater Management Program shall be administered by ACHD as the lead agency. Program Administration and Management consist primarily of:

1. Preparing the agenda, minutes, and other documents related to the quarterly meetings and special meetings of the Permittees;

## **INTERGOVERNMENTAL AGREEMENT**

NPDES MUNICIPAL STORMWATER PERMIT – Page 2



2. Compiling the material from the Permittees for the filing of the annual report to the EPA; and

3. Coordinating the various activities among the Permittees under the NPDES permit.

The Permittees shall reimburse ACHD or the Permittee providing services described in this subsection 4.A. for their share of the Program Administration costs in the following amounts:

ACHD:	65.3% of the total Program Administration Cost
Boise City:	15.3% of the total Program Administration Cost
Garden City:	7.7% of the total Program Administration Cost
BSU:	3.9% of the total Program Administration Cost
ITD:	3.9% of the total Program Administration Cost
DD3:	3.9% of the total Program Administration Cost

Program and Administration shall also include expenses incurred by any Permittee in the drafting, preparation and completion of certain agreements or other documents specifically related to the collective Permittees' activities required by the Permit, by way of example but not by way of limitation this Intergovernmental Agreement. Such expenses shall be shared as stated in this Subsection 4.A. and processed through ACHD as set forth herein. Such expenses shall not include any activity related to any Permittee's own compliance requirements under the Permit.

#### B. Monitoring Program

Monitoring and planning shall be conducted by ACHD or its contractor as the lead agency. The Monitoring Program consists primarily of:

1. For Permit Year 1, preparing the proposed monitoring program plan as described in the NPDES Permit, including the monitoring protocol, testing, and other activity through a consultant arrangement between ACHD and its selected consultant;

2. After Permit Year 1, engaging in the monitoring program as approved and adopted by the Permittees.

The Permittees shall reimburse ACHD for their share of the Monitoring costs in the following amounts:

ACHD:	65.3% of the total Program Cost
Boise City:	15.3% of the total Program Cost
Garden City:	7.7% of the total Program Cost
BSU:	3.9% of the total Program Cost
ITD:	3.9% of the total Program Cost
DD3:	3.9% of the total Program Cost

C. Public Education Program

Boise City shall be the lead agency for the Public Education Program pursuant to this Agreement. The Public Education Program includes the development of an education outreach program as required by the NPDES Permit. The Public Education Program consists primarily of:

1. Conducting the public outreach program as described in the NPDES permit; and
2. Assessing the penetration of information and any changes in behavior as a result of the Education Program.

The Permittees shall reimburse Boise City for their share of the Public Education Program costs in the following amounts:

Boise City:	65.3% of the total Program Cost
Garden City:	15.3% of the total Program Cost
ACHD:	7.7% of the total Program Cost
BSU:	3.9 % of the total Program Cost
ITD:	3.9 % of the total Program Cost
DD3:	3.9 % of the total Program Cost

D. Timely Payments

All amounts due and owing for the costs of Program Administration, Monitoring and Public Education shall be paid within 45 days of invoice date by each respective Permittee.

E. Annual Review

The allocated percentages of the Permittees' charge shall be reviewed upon an annual basis and if necessary modified.

F. Operating Guidelines and Annual Budget

The Permittees have previously adopted a set of Operating Guidelines ("Guidelines"), a copy of which is attached hereto as Exhibit 1. The Guidelines address the process by which the annual budget is prepared, reviewed, and approved by the Permittees. In addition, the Guidelines also address the manner in which the Permittee meetings are conducted and action is taken by the Permittees. The Guidelines may be amended as set forth therein without requiring an amendment of this Agreement.

**5. TERMINATION AND MODIFICATION**

Any Permittee under this Agreement shall have the right to withdraw and terminate its responsibilities under this Agreement by serving written notice upon all Permittees in the time and manner described herein. Such written notice shall be served upon all Permittees no later

**INTERGOVERNMENTAL AGREEMENT**

NPDES MUNICIPAL STORMWATER PERMIT – Page 4

than the January meeting described in the Operating Guidelines, which meeting provides for the consideration of the budget for the following Permit Year. The written notice shall describe whether the withdrawal is in total for all activities set forth in this Agreement or whether the withdrawal is limited to either the Public Education or Monitoring activities described in this Agreement. If the withdrawal is not a total withdrawal, the Permittee shall remain responsible for its share of the Program and Administration allocated costs. In addition, the withdrawing Permittee shall provide the results of its Public Education or Monitoring program, including the preparation of the Monitoring Plan, for inclusion in the Permittees' annual report. Such withdrawal shall be deemed effective the Permit Year following the service of the written notice upon the other Permittees.

Notwithstanding the right of a Permittee to withdraw from this Agreement as described above, any responsibilities set out in the NPDES Permit with regard to the withdrawing Permittee shall not be affected by Permittee's withdrawal from this Agreement.

Should any Permittee to this Agreement seek to obtain a ruling from the EPA that said Permittee is not an operator of an MS4 or that it is not subject to the NPDES permit, such Permittee shall provide written notice to the other Permittees simultaneously with the filing of materials to the EPA. The Permittee seeking such ruling shall provide the other Permittees with all documents filed with the EPA and shall also provide the other Permittees of the decision or determination of the EPA. Should the Permittee seeking withdrawal appeal the decision or determination of the EPA or an appeal is filed by any other interested entity, the Permittee seeking such ruling shall provide the other Permittees with the documents related to said appeal and the decision or determination of the appellate body. Upon a final decision or determination of the EPA or appellate body finding the Permittee is not required to participate in the NPDES Permit, the Permittee shall be allowed to withdraw from this Agreement effective the next Permit Year after such final decision or determination of the EPA or appellate body. The Permittee seeking such ruling shall be responsible for all costs set forth in this Agreement prior to final withdrawal. Nothing herein shall prevent any other Permittee to participate in the EPA or appellate process concerning the request by the Permittee seeking the determination or decision from the EPA.

In the event of a withdrawal by a Permittee or a final decision or determination by the EPA or appellate body, such Permittee's costs as set forth in this Agreement shall be reallocated among the other Permittees as may be mutually agreed by those other Permittees.

This Agreement may be modified or amended in writing and effective when executed by all Permittees and approved by EPA.

#### **6. ATTORNEY FEES**

Should any Permittee find it necessary to employ an attorney for representation in any action seeking enforcement of any of the provisions of this Agreement, or to protect its interest in any matter arising under this Agreement, or to recover damages for the breach of this Agreement, or to resolve any disagreement in interpretation of this Agreement, the unsuccessful Permittee(s) in any final judgment entered therein agrees to reimburse the prevailing party or parties for all reasonable costs, charges and expenses, including attorneys' fees expended or incurred by the

**INTERGOVERNMENTAL AGREEMENT**  
**NPDES MUNICIPAL STORMWATER PERMIT – Page 5**

prevailing party or parties in connection therewith and in connection with any appeal, and the same may be included in such judgment.

## **7. NOTICES AND CONTACTS**

Any and all notices required to be given by any of the Permittees hereto shall be in writing and deemed delivered when either: (i) delivered personally, or (ii) sent by fax to the other parties at the fax telephone number as set forth; or (iii) deposited in the United States Mail, certified, return receipt requested, postage prepaid, addressed to the other Permittees at the address as set forth, or such other fax telephone number or mailing address as may be provided by written notice of such change given to the others in the same manner as above provided.

For the purpose of providing contact information under this Agreement and to provide notice as required, the following are the contacts and addresses of each representative designated by each Permittee:

Ada County Highway District:  
Stormwater Quality Coordinator  
Ada County Highway District  
318 E. 37<sup>th</sup> Street  
Garden City, ID 83714  
(Phone): 208-387-6254  
(Fax): 208-387-6391  
(Email): emaguire@achdidaho.org

City of Boise:  
Water Quality Manager  
City of Boise  
P.O. Box 500  
Boise, ID 83701-0500  
(Phone): 208-384-3900  
(Fax): 208-433-5650  
(Email): rfinch@cityofboise.org

City of Garden City:  
Environmental Manager  
City of Garden City  
201 E. 50<sup>th</sup> Street  
Garden City, ID 83714  
(Phone): 208-472-2900  
(Fax): 208-472-2998  
(Email): kwallis@gardencity.idaho.org

Boise State University:  
Environmental Health Manager  
Boise State University  
1910 University Drive  
Boise, ID 83725  
(Phone): 208-426-3999  
(Fax): 208-426-3343  
(Email): barbarabeagles@boisestate.edu

Idaho Transportation Department, District #3:  
Environmental Planner, Senior  
8150 Chinden Boulevard  
Boise, ID 83714  
(Phone): 208-334-8300  
(Fax): 208-334-8917  
(Email): greg.vitley@itd.idaho.gov

Ada County Drainage District #3:  
Counsel for Drainage District #3  
Elam & Burke  
P.O. Box 1539  
Boise, ID 83701  
(Phone): 208-343-5454  
(Fax): 208-384-5844  
(Email): rpa@elamburke.com



9. ENTIRE AGREEMENT

Except as provided otherwise herein, this instrument and any attachments hereto constitute the entire Agreement among the Permittees concerning the subject matter hereof.

IN WITNESS WHEREOF, the Permittees hereto have caused this Agreement to be duly executed as of the day and year first above written.

ADA COUNTY HIGHWAY DISTRICT

By:   
Sara Baker  
President, ACHD Commission

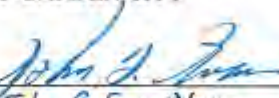
  
Attest: ACHD Director, Bruce S. Wong

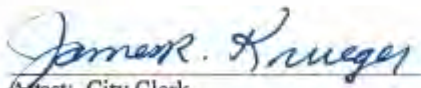
CITY OF BOISE CITY

By:   
David H. Bieler, Mayor

  
  
Jade Riley

CITY OF GARDEN CITY

By:   
John G. Evans, Mayor

  
Attest: City Clerk

BOISE STATE UNIVERSITY

By:   
Stacy Pearson  
Vice President, Finance and Administration

INTERGOVERNMENTAL AGREEMENT  
NPDES MUNICIPAL STORMWATER PERMIT - Page 7

IDAHO TRANSPORTATION DEPARTMENT,  
DISTRICT #3

By: [Signature]  
Debbie Jones, District Engineer

ADA COUNTY DRAINAGE DISTRICT No. 3

By: [Signature]  
Steve Nielsen, Chair

State of Idaho )  
                          )ss  
County of Ada )

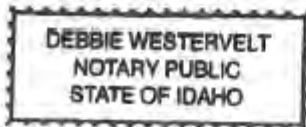
On this 21<sup>st</sup> day of June, 2013, before me, Stephanie L. Blake, a Notary Public in and for the state of Idaho, personally appeared Rita M. Baker and Bruce S. Wong, known or identified to me to be the President and Director of Ada county Highway District who executed this instrument, and acknowledged to me that Ada County Highway District executed the same.



[Signature]  
Notary Public for Idaho  
Commission expires: 3-4-2017

State of Idaho )  
                          )ss  
County of Ada )

On this 18<sup>th</sup> day of June, 2013, before me, Debbie Westervelt, a Notary Public in and for the state of Idaho, personally appeared David H. Bieter and Jade Riley, known or identified to me to be the Mayor and City Clerk of City of Boise who executed this instrument, and acknowledged to me that City of Boise executed the same.

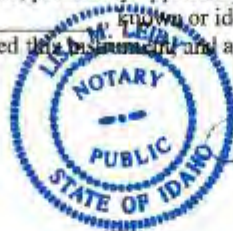


[Signature]  
Notary Public for Idaho  
Commission expires: 8-24-2015

INTERGOVERNMENTAL AGREEMENT  
NPDES MUNICIPAL STORMWATER PERMIT – Page 8

State of Idaho )  
 )ss  
County of Ada )

On this 16<sup>th</sup> day of May, 2013, before me, Lisa M. Leiby, a Notary Public in and for the state of Idaho, personally appeared John G. Evans and James R. Krueger known or identified to me to be the Mayor and City Clerk of Garden City who executed this instrument and acknowledged to me that Garden City executed the same.



Lisa M. Leiby  
Notary Public for Idaho  
Commission expires: 8/31/13

State of Idaho )  
 )ss  
County of Ada )

On this 24<sup>th</sup> day of May, 2013, before me, YOLANDA L. MICHAELS, a Notary Public in and for the state of Idaho, personally appeared PAUL BENSON, known or identified to me to be the Vice President, Finance and Administration, of Boise State University, who executed this instrument, and acknowledged to me that Boise State University executed the same.



Yolanda L. Michaels  
Notary Public for Idaho  
Commission expires: NOV 9, 2017

State of Idaho )  
 )ss  
County of Ada )

On this 28 day of June, 2013, before me, Linda B. Hunter, a Notary Public in and for the state of Idaho, personally appeared Dave Jones, known or identified to me to be the \_\_\_\_\_, of Idaho Department of Transportation, who executed this instrument, and acknowledged to me that Idaho Department of Transportation executed the same.



Linda B. Hunter  
Notary Public for Idaho  
Commission expires: 11-26-2014

**INTERGOVERNMENTAL AGREEMENT**  
NPDES MUNICIPAL STORMWATER PERMIT – Page 9

State of Idaho       )  
                                  )ss  
County of Ada        )

On this 9 day of May, 2013, before me Kendall Martinez, a Notary Public in and for the state of Idaho, personally appeared Steve Nielsen, known or identified to me to be the Chair of Ada County Drainage District # 3, who executed this instrument, and acknowledged to me that Ada County Drainage District #3 executed the same.



Kendall M. Martinez  
Notary Public for Idaho  
Commission expires: 5/4/2019

**INTERGOVERNMENTAL AGREEMENT**  
NPDES MUNICIPAL STORMWATER PERMIT – Page 10



COPY

Exhibit 1

## OPERATING GUIDELINES

THESE OPERATING GUIDELINES ("Guidelines") are adopted this 19<sup>th</sup> day of October, 2006, by the CITY OF BOISE CITY, hereinafter called CITY; ADA COUNTY HIGHWAY DISTRICT, hereinafter called ACHD; ADA COUNTY DRAINAGE DISTRICT NO. 3, hereinafter called DD3; IDAHO TRANSPORTATION DEPARTMENT, DISTRICT 3, hereinafter called ITD; BOISE STATE UNIVERSITY, hereinafter called BSU; and the CITY OF GARDEN CITY, hereinafter called GARDEN CITY; collectively the "Co-Permittees.

WHEREAS, Congress in 1987 amended Section 402 of the Federal Clean Water Act (33 U.S.C.A. section 1342(p)) to require the Federal Environmental Protection Agency ("EPA") to promulgate regulations ("Regulations") for applications for permits for stormwater discharges;

WHEREAS, the Regulations are designed to control pollutants associated with stormwater discharges through the use of the NPDES Municipal Stormwater Permit system which allows the lawful discharge of stormwater into the waters of the United States;

WHEREAS, the Regulations are designed to require NPDES Municipal Stormwater Permits for discharges from Municipal Separate Storm Sewer Systems (MS4s) from a system-wide or jurisdiction wide basis;

WHEREAS, the Co-Permittees received the first NPDES Municipal Stormwater Permit (Permit #IDS-0275601 [the "NPDES Permit"]), effective November 29, 2000, with subsequent renewals of the NPDES Permit through November, 2005;

WHEREAS, it was necessary to provide a basis for defining the Co-Permittees' primary intentions, relationships, responsibilities and obligations for ensuring compliance with the NPDES Municipal Stormwater requirements;

WHEREAS, the NPDES Permit requires the Agreement to define the respective obligations of the Co-Permittees;

WHEREAS, it is the declared policy of the Co-Permittees to enhance and preserve the quality and value of water resources of the State of Idaho in a manner pursuant to and consistent with the Clean Water Act;

WHEREAS, pursuant to 40 CFR § 122.26(d)(2)(iv) and the NPDES Permit, 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 municipal separate storm sewer systems (MS4) owned or operated or utilized by that Co-Permittee;

WHEREAS, pursuant to 40 CFR § 122.26(d)(2)(i)(A-F) and the NPDES Permit, each Co-Permittee shall, unless such discharges are excluded from NPDES Permit requirements pursuant to 40 CFR §122.3: (1) control through ordinance, permit, contract, order or similar

OPERATING GUIDELINES - 1

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) prohibit through ordinance, order, or similar means the discharge 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.

WHEREAS, the Co-Permittees, as public agencies, all have varying procedures concerning the setting of those entities' budgets and the time frame for the approval of those budgets;

WHEREAS, the Co-Permittees entered into that certain *Intergovernmental Agreement For Roles and Responsibilities Under the NPDES Permit*, dated October 21, 2001, which generally outlined the process by which the Co-Permittees shall fund certain activities in compliance with the NPDES Permit;

WHEREAS, the Co Permittees desire these Guidelines (including certain budget procedures), to guide the Co-Permittees through the activities in which all share in the cost and/or administration of the program;

NOW, THEREFORE, the Co-Permittees concur with the following process for:

A. The annual budget of costs to be shared by the Co-Permittees pursuant to the Permit and the Intergovernmental Agreement; and

B. Operating Guidelines on approval of activities and expenses.

Section 1. Schedule and Process:

Each January of each Permit Year, the lead Co-Permittee entity for the activities to be shared by all of the Co-Permittees, shall present at a scheduled Co-Permittee meeting, a proposed budget outlining the costs for the upcoming year as well as providing a comparison for similar activities within the previous year.

For purposes of these Guidelines, "Permit Year" shall be deemed the equivalent of "Water Year" even though those terms may not be similar as defined in the NPDES Permit.

The Co-Permittees shall consider such budget, provide comment, and the budget shall be approved at the Co-Permittee meeting held in March of each Permit Year, upon motion and approval by a majority of the Co-Permittees present.

OPERATING GUIDELINES - 2

Section 2. Budget Revisions:

Throughout the Permit Year revisions to the approved budget to reallocate funds among categories and classifications or to reduce the approved budget may be considered by the Co-Permittees. Such reduction or reallocation shall be reviewed and approved by the Co-Permittees representatives at a duly noticed Co-Permittee meeting. No overall increase in the budget or additional funds shall be authorized unless approved by the Co-Permittees, upon motion and approval by a majority of the Co-Permittees present, and each Co-Permittee has budget authority for such revisions.

Section 3. Co-Permittee Budget Approval:

Nothing herein shall affect the process or authority of each Co-Permittee to obtain from its governing body the necessary approval for the budget as required by each Co-Permittee's governing laws, regulations or policy and each Co-Permittee's own activities for which it is responsible under the Permit.

Section 4. Operating Guidelines:

Generally, the Co-Permittee meetings shall be managed in such a manner to achieve the objectives of the NPDES Permit and the NPDES program. For those items previously approved by way of the budget, the lead Co-Permittee shall provide sufficient notice of such expenditure prior to incurring the obligation. Provided, however, that the Co-Permittees may dispense of this guideline by action taken at a regularly scheduled Co-Permittee meeting. Approval of expenses and approval of certain programs shall occur at a regularly scheduled Co-Permittee meeting, upon motion and approval by a majority of the Co-Permittees present.

Co-Permittee meetings will be conducted on an informal basis facilitated by the ACHD representative. The ACHD representative shall also be responsible for taking and distributing minutes, providing an agenda, and, to the greatest extent possible, forwarding information to the Co-Permittees for consideration at the meeting. Any action to be taken shall be accomplished by motion and vote. To the greatest extent possible, Roberts Rules of Order shall govern the voting process.

Section 5. Effect:

These Operating Guidelines have been adopted by the Co-Permittees at the Co-Permittee meeting dated October 17, 2006. Nothing herein shall be deemed to infringe upon any Co-Permittees legal authority concerning the expenditure of public funds.

Section 6. Amendment:

These Operating Guidelines may be amended in writing, upon at least ten (10) days written notice of such amendment to each Co-Permittee. Any amendment shall be approved by majority vote of the Co-Permittees present at the meeting called for such purpose.

ADA COUNTY HIGHWAY DISTRICT

By: Michael A. Nagan  
Its Co-Permittee NPDES Representative

CITY OF BOISE CITY

By: [Signature]  
Its Co-Permittee NPDES Representative

CITY OF GARDEN CITY

By: [Signature]  
Its Co-Permittee NPDES Representative

BOISE STATE UNIVERSITY

By: [Signature]  
Its Co-Permittee NPDES Representative

IDAHO TRANSPORTATION DEPARTMENT,  
DISTRICT #3

By: [Signature]  
Its Co-Permittee NPDES Representative



By: P. An  
Its Co-Permittee NPDES Representative

Drainage District No. 3 SWMP

# Appendix C

## Drainage District No. 3 MS4 Maps

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# DISTRICT MAPS

## ADA COUNTY DRAINAGE DISTRICT #3

PO BOX 1539  
BOISE, IDAHO 83701

### BOARD MEMBERS

JOHN "PAT" TATE, CHAIRMAN

JOE ICENHOWER, SECRETARY TREASURER

STEVE NIELSEN, BOARD MEMBER

RYAN ARMBRUSTER, DISTRICT COUNSEL

DEAN CALLEN, DISTRICT SUPERINTENDENT

**MAY 2010**

CALL BEFORE YOU DIG!

**DIGLINE: 342-1585**

#### OTHER CONTACT NUMBERS

ACHD DRAINAGE = 387-6320

BOISE CITY PUBLIC WORKS = 384-3900

GARDEN CITY PUBLIC WORKS = 375-3194

NAMPA & MERIDIAN IRRIGATION DIST. = 466-7861

BOISE PROJECT BOARD OF CONTROL = 344-1141

SOUTH BOISE MUTUAL IRRIGATION CO. = 344-3062

DRAINAGE DISTRICT #2 = 342-4591

DRAINAGE DISTRICT #4 = 342-4591

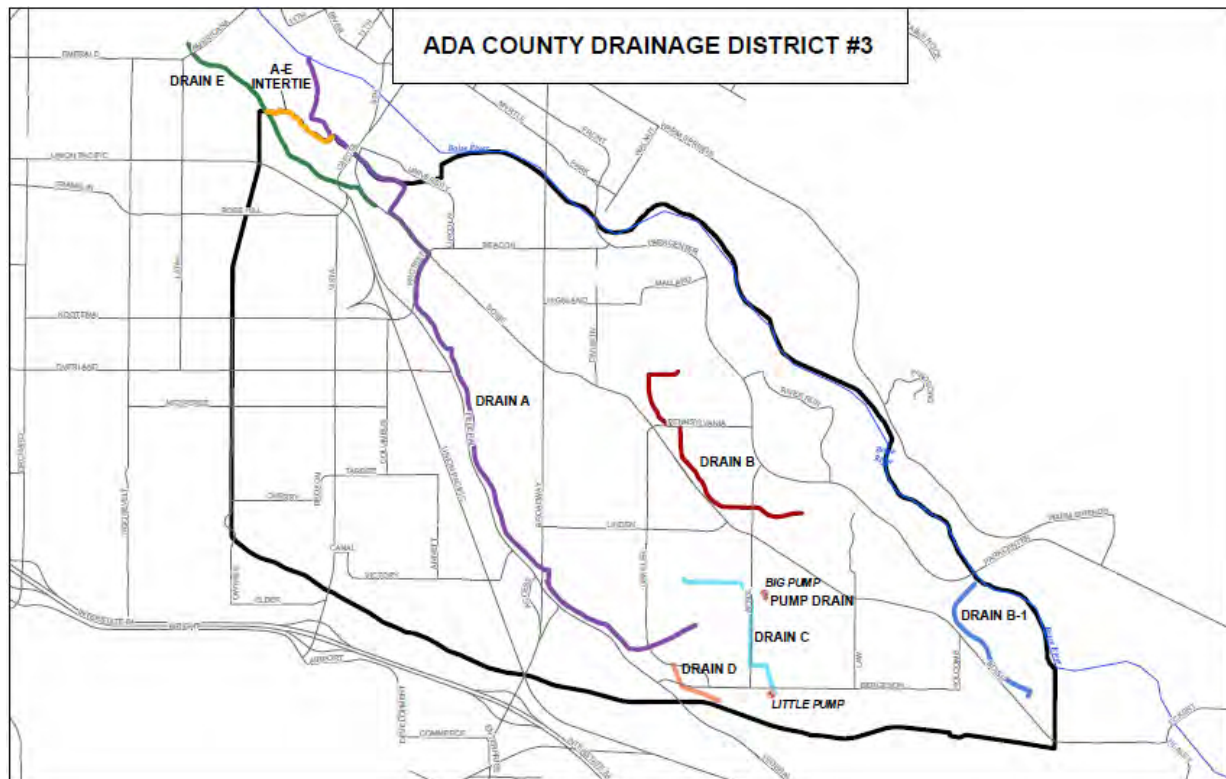
SOUTH BOISE WATER CO. = 761-6450

PROJECT COORDINATED FOR  
ADA COUNTY DRAINAGE  
DISTRICT #3 BY



MAPBOOK DEVELOPED BY  
MILLENNIUM SCIENCE & ENGINEERING  
GIS & NATURAL RESOURCES DEPT.

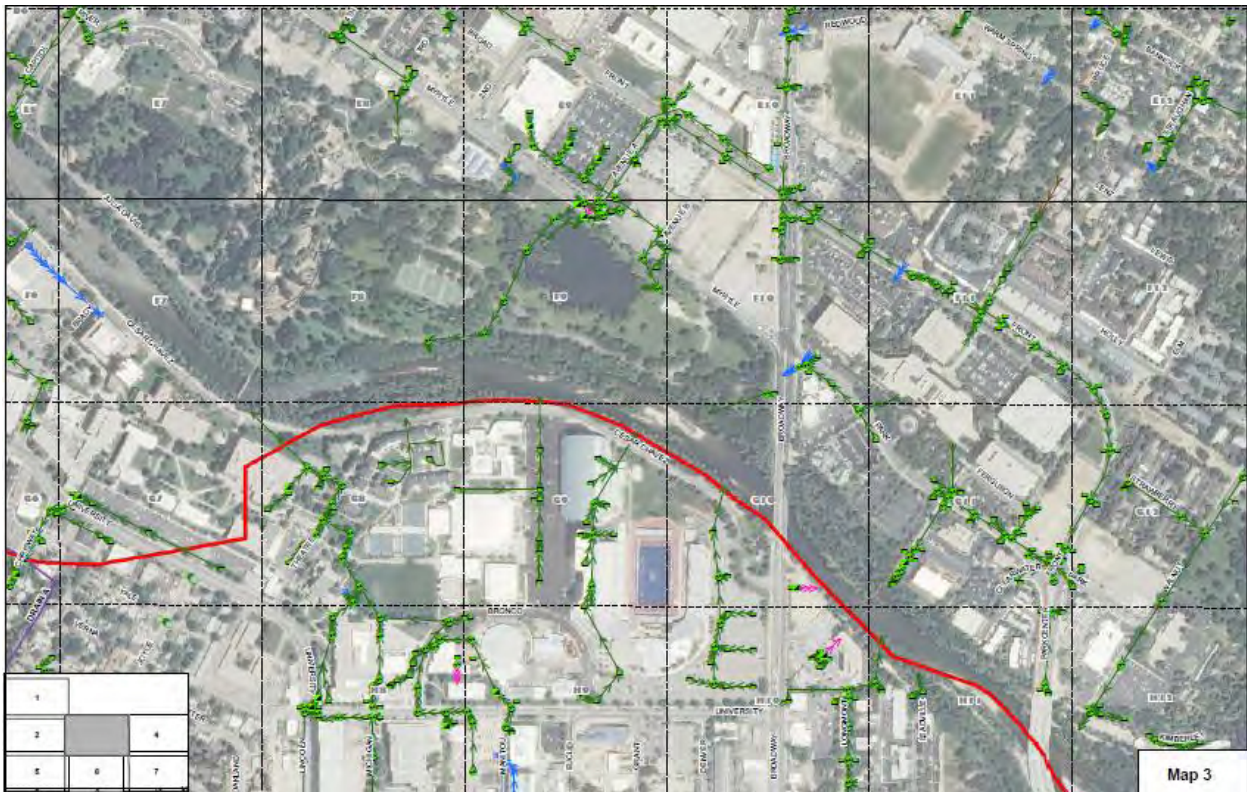
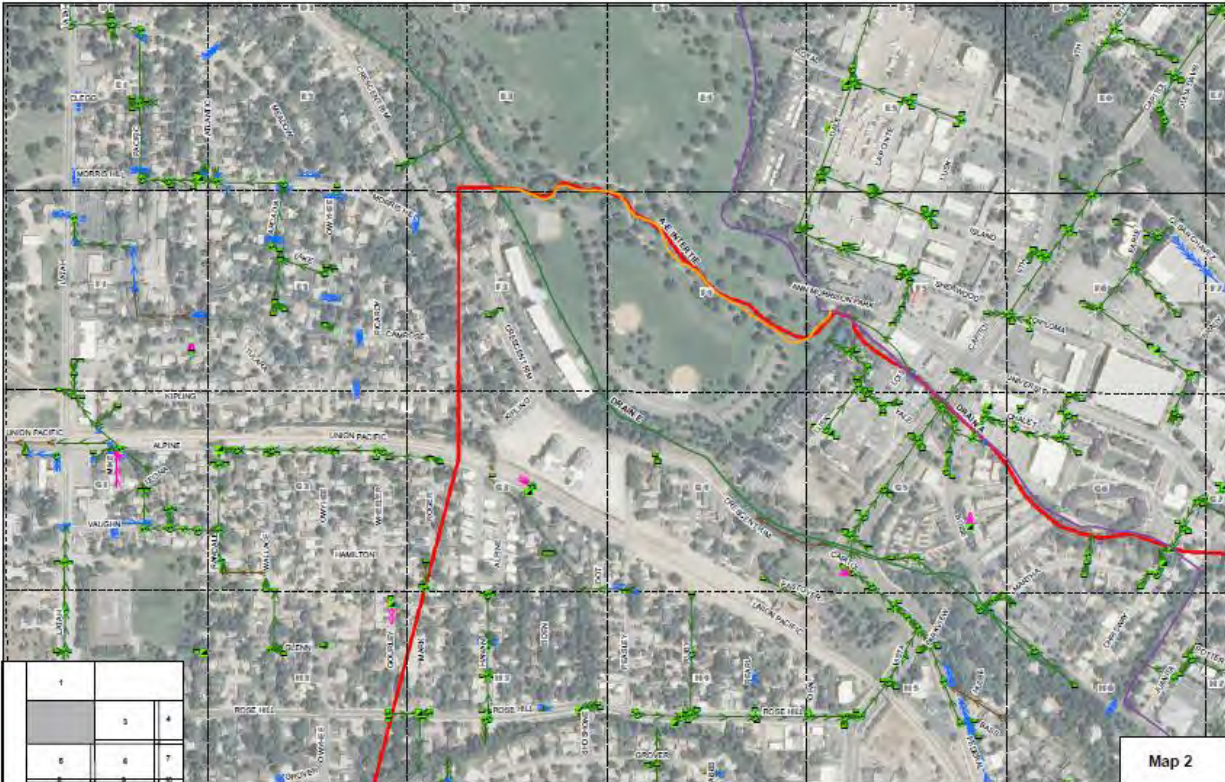
**MSE** Millennium Science & Engineering



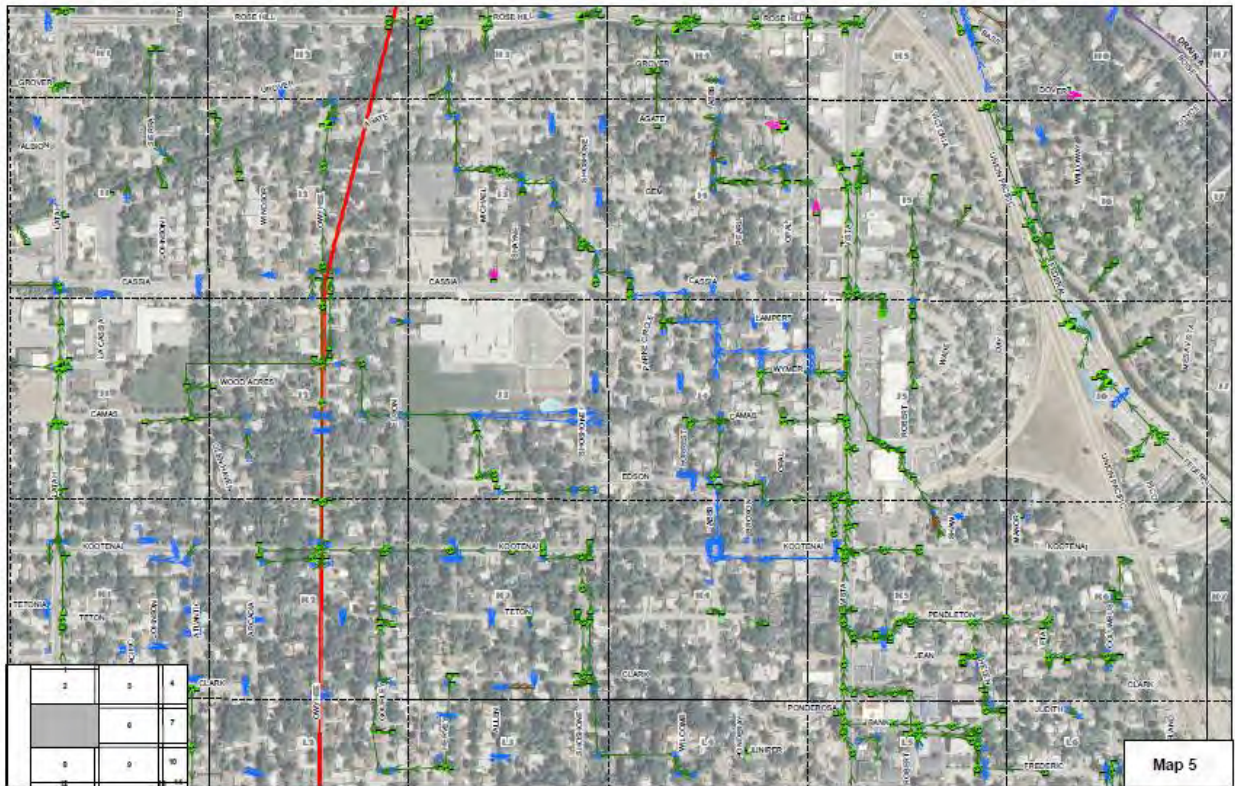
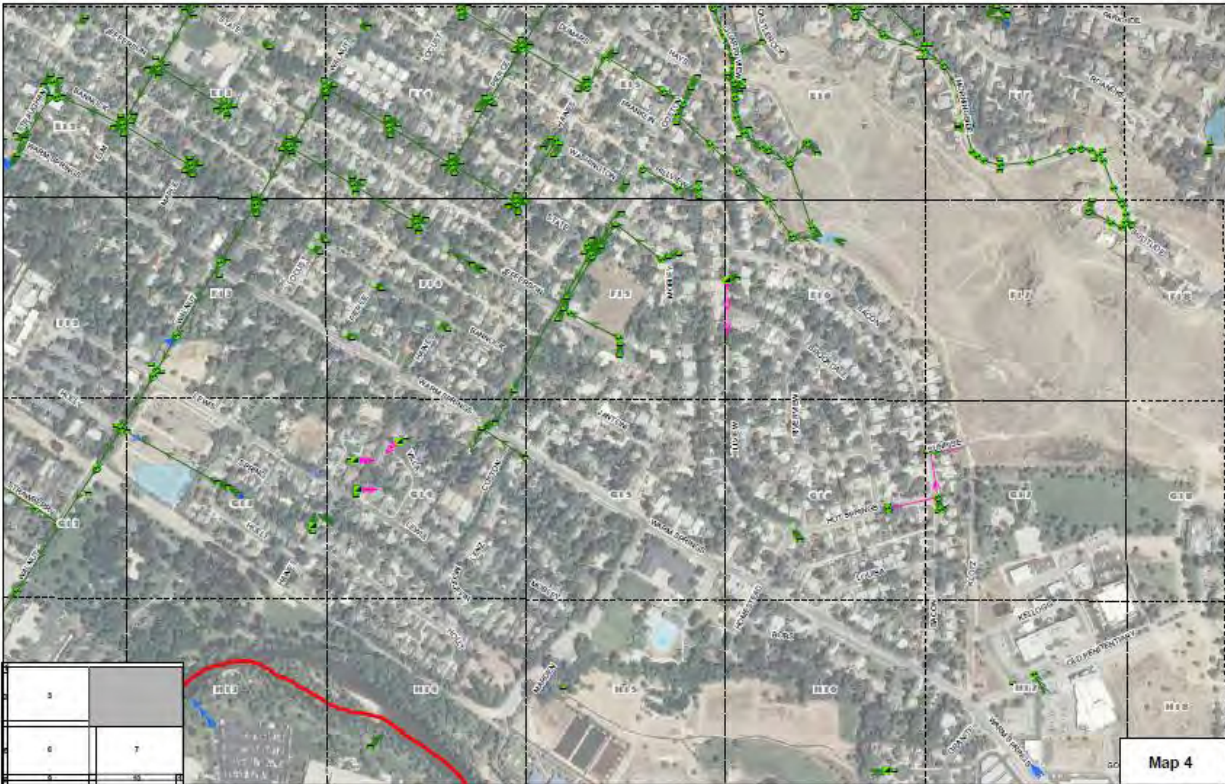




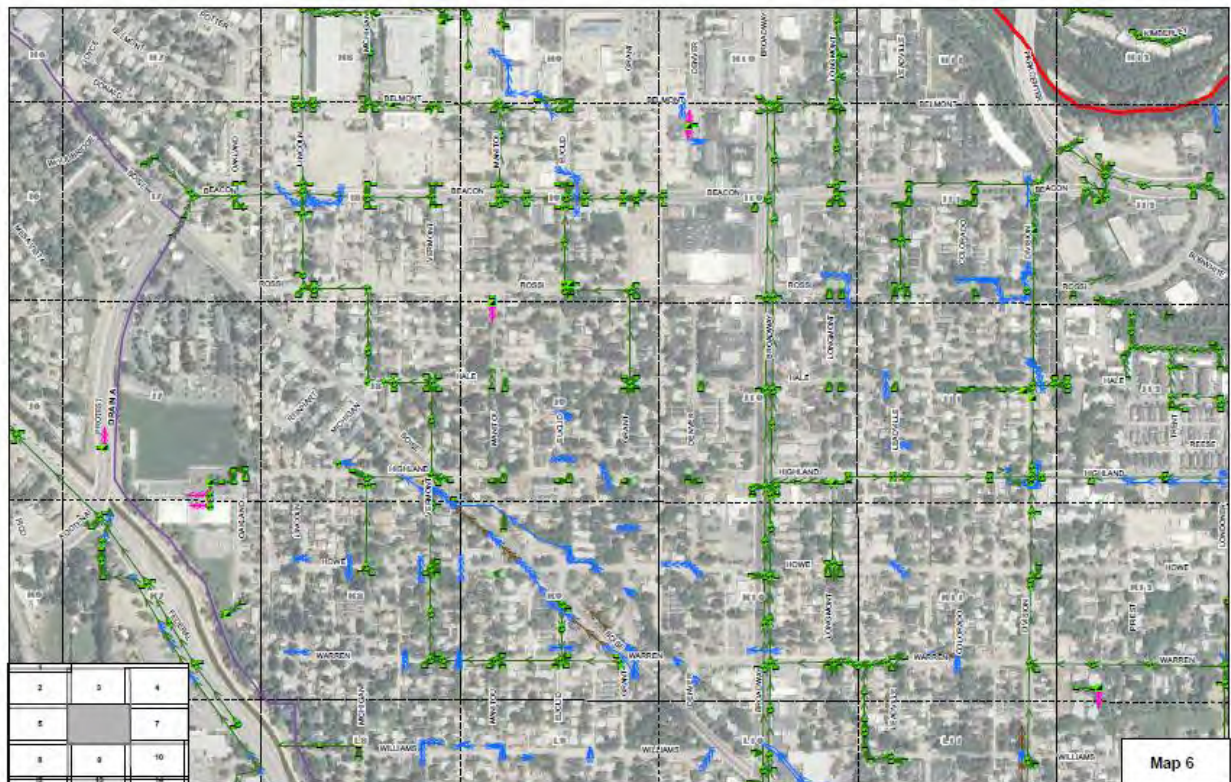




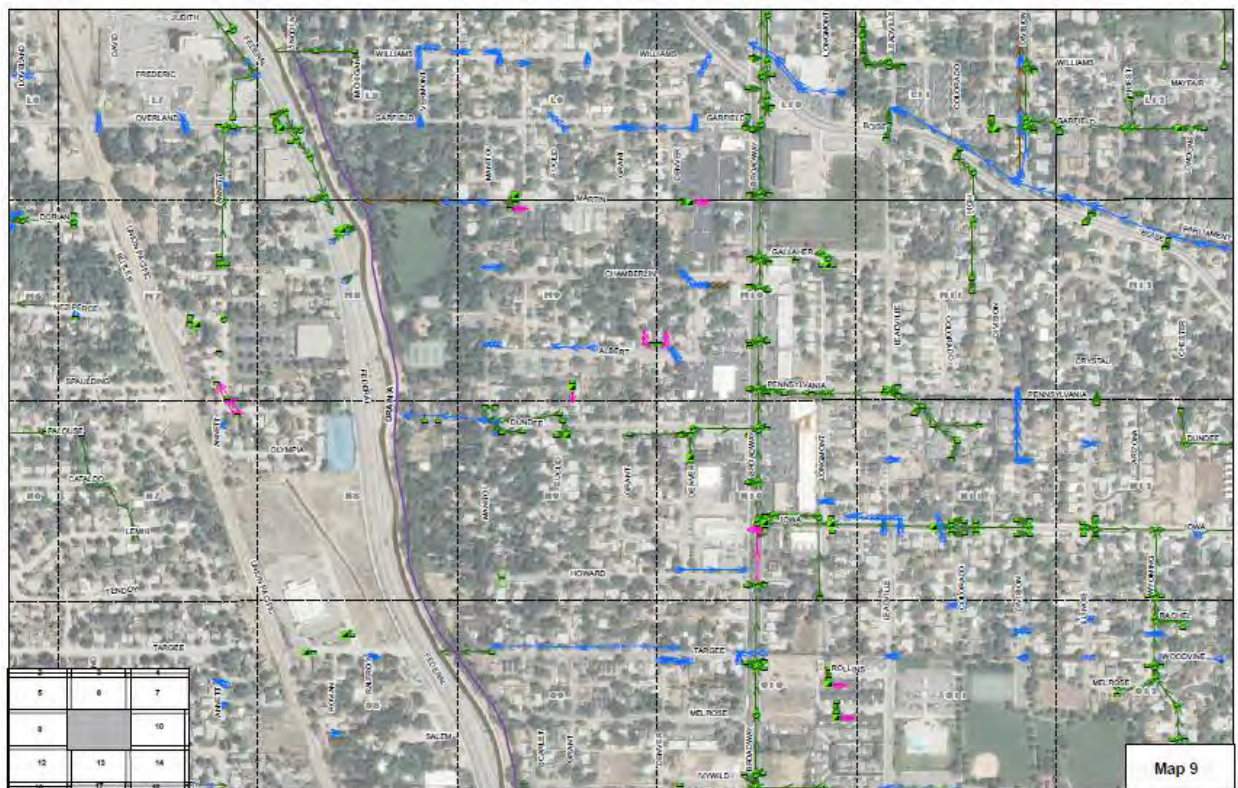
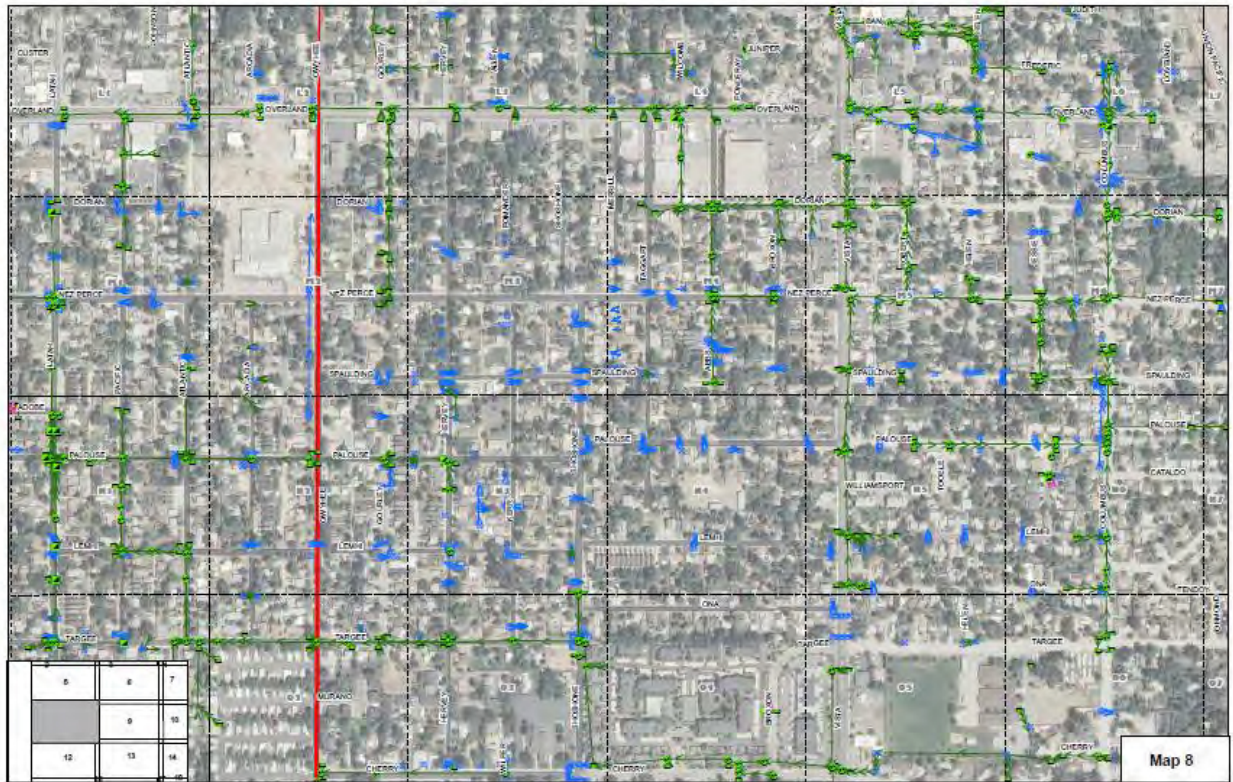




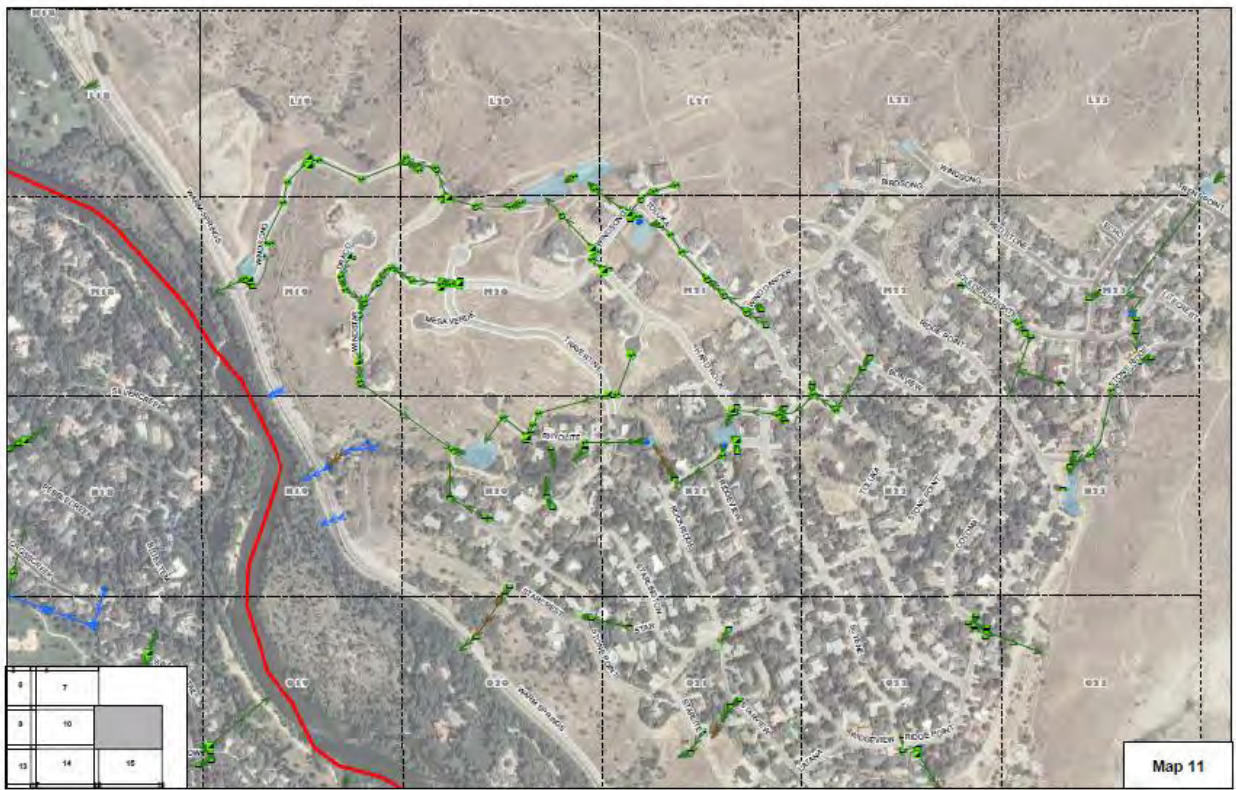
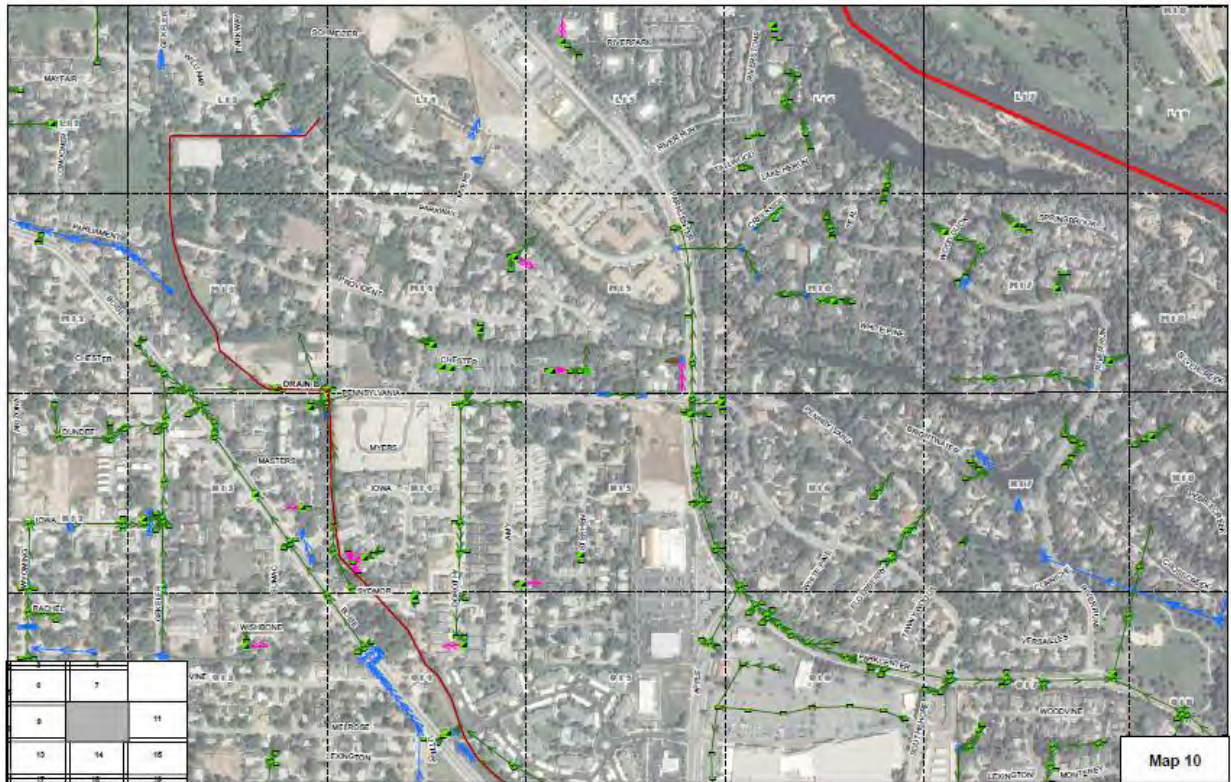




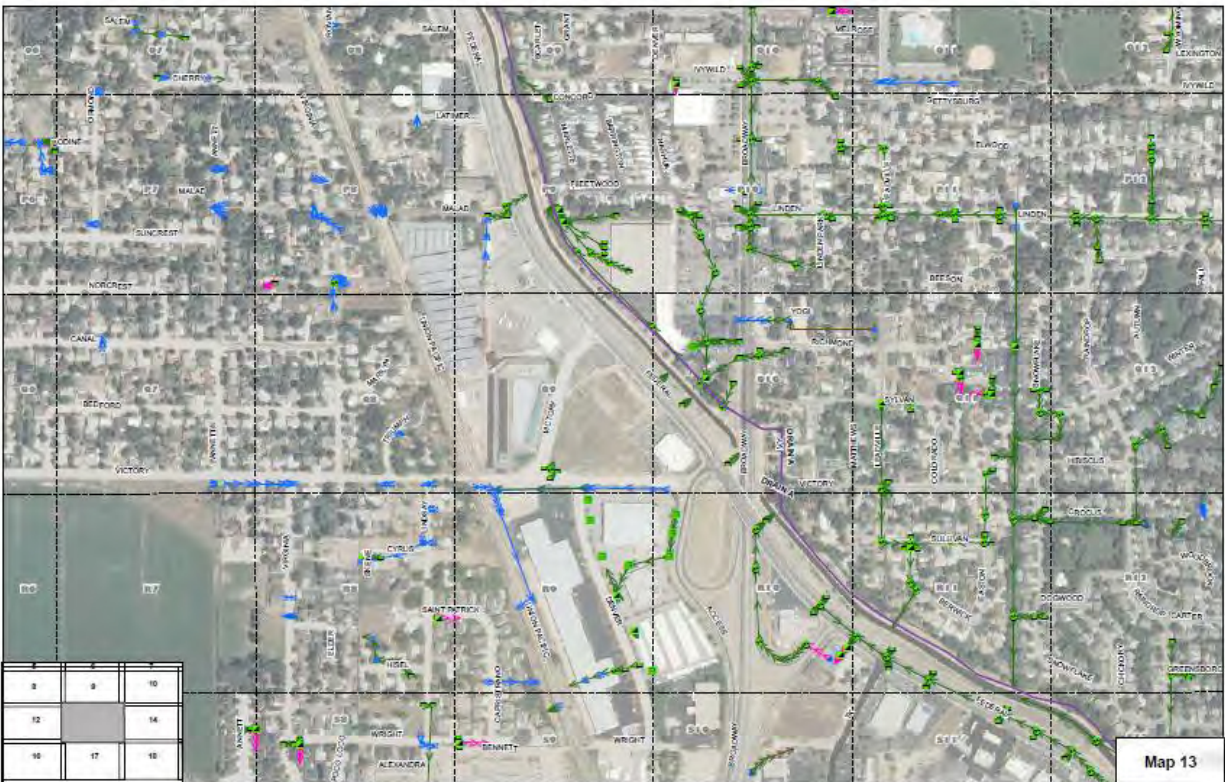
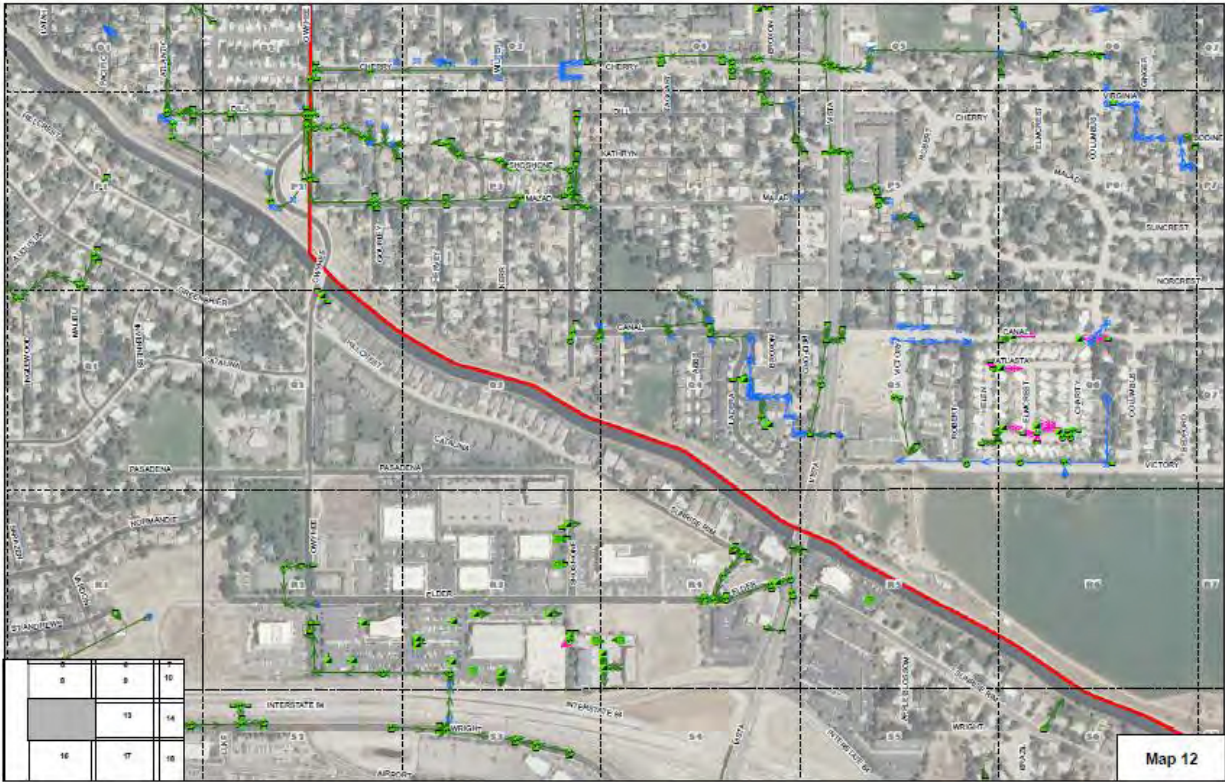




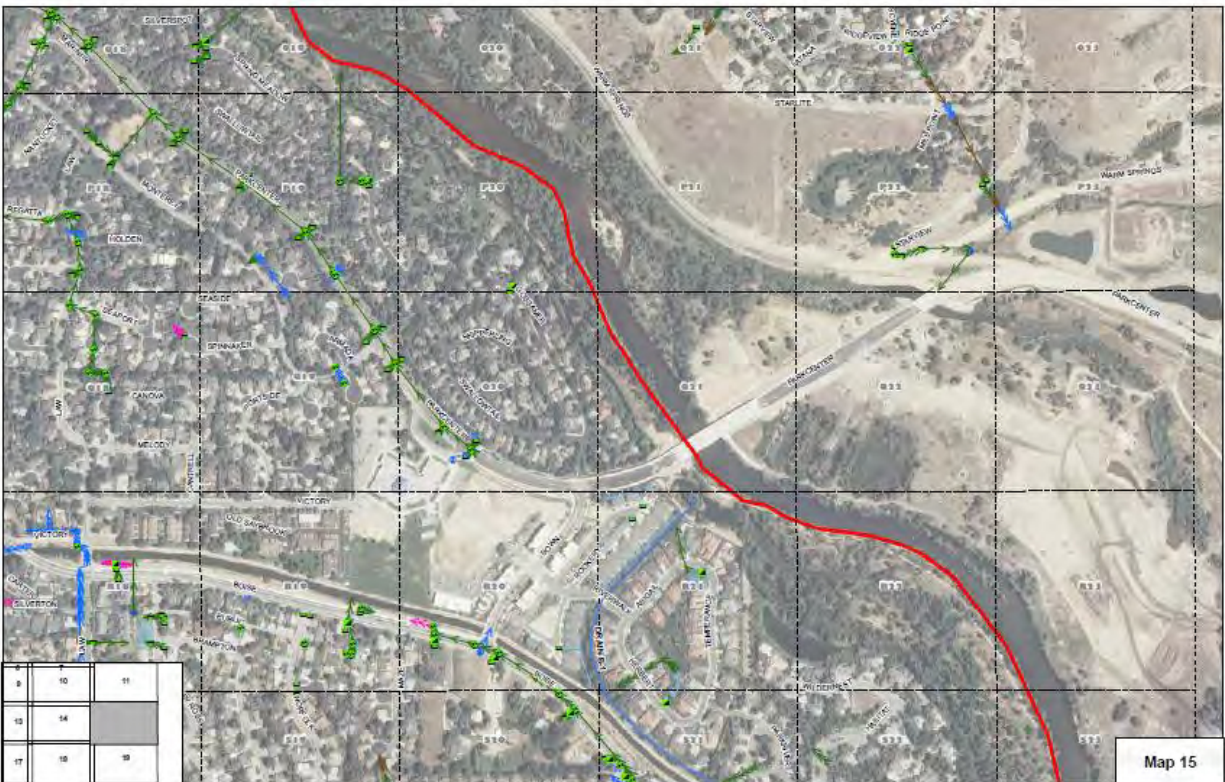
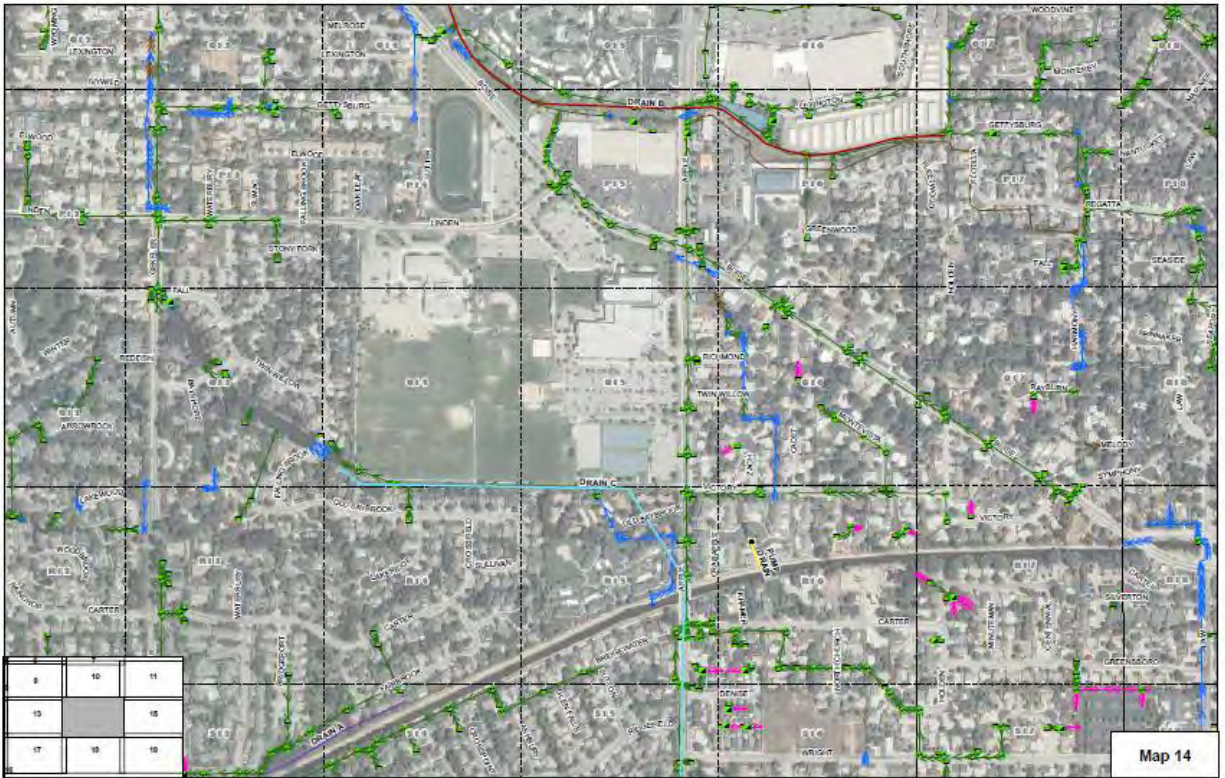




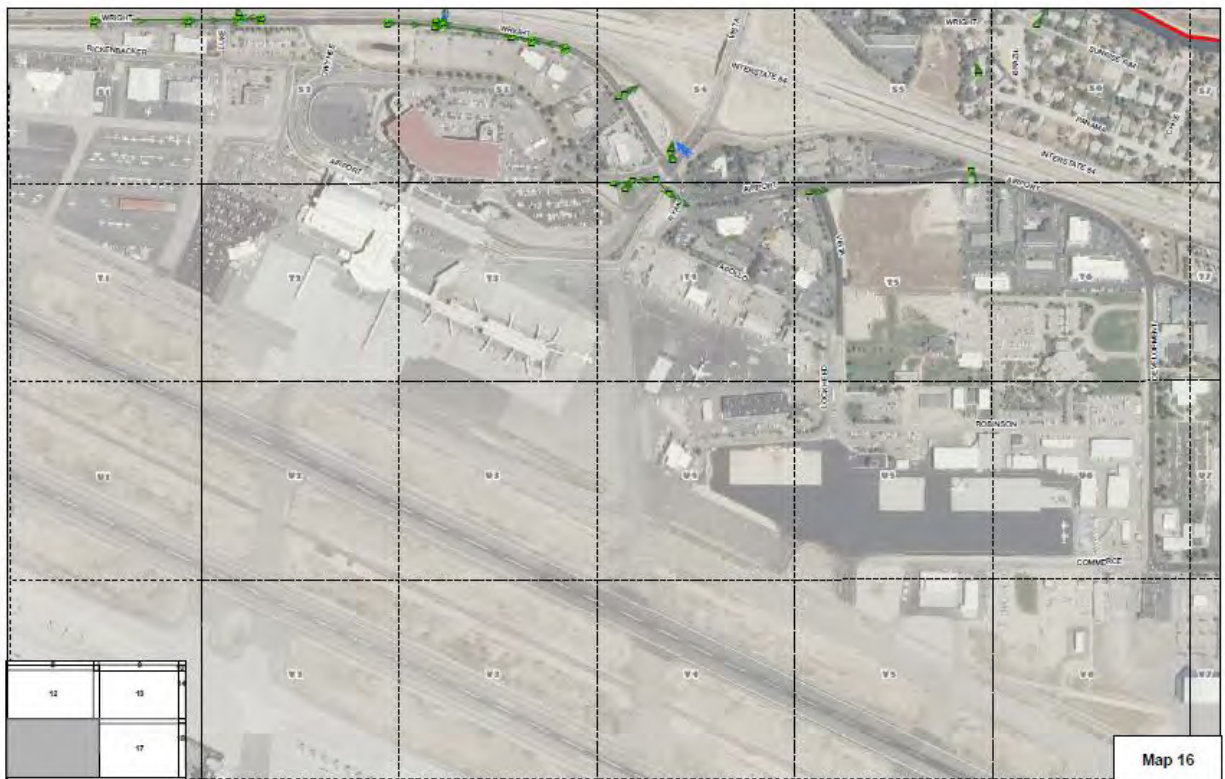




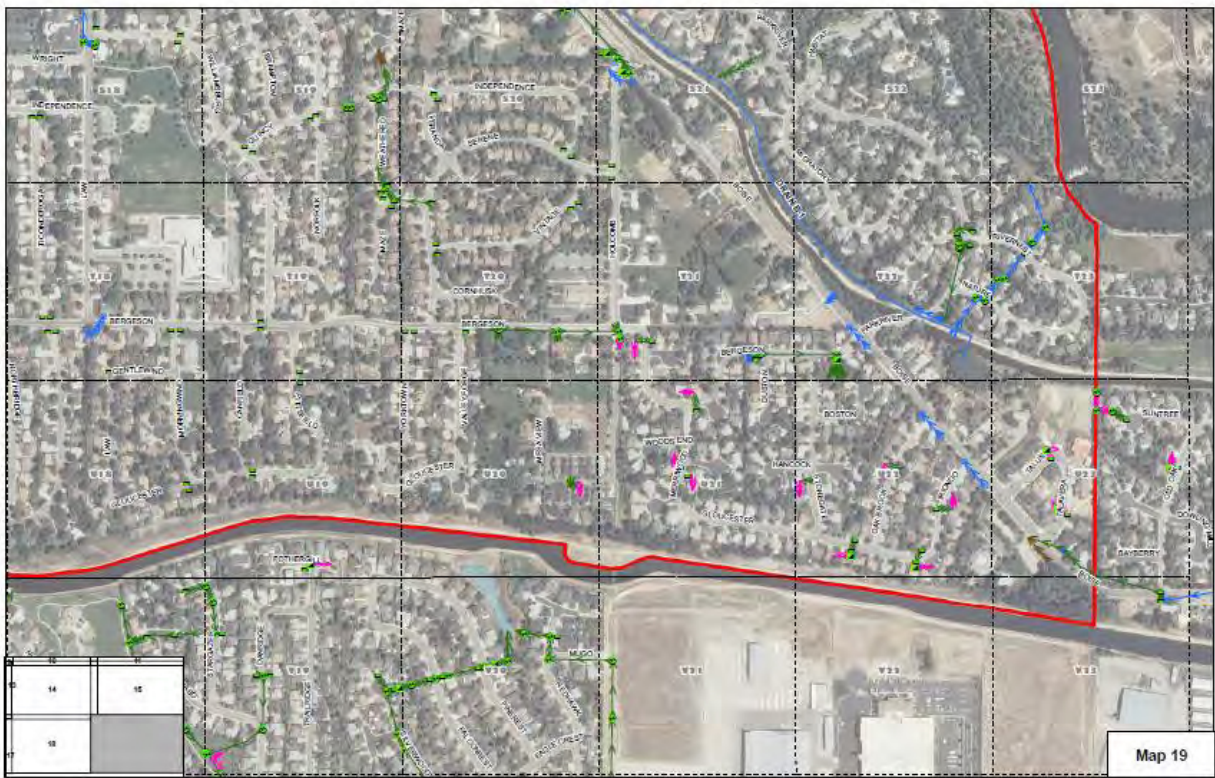
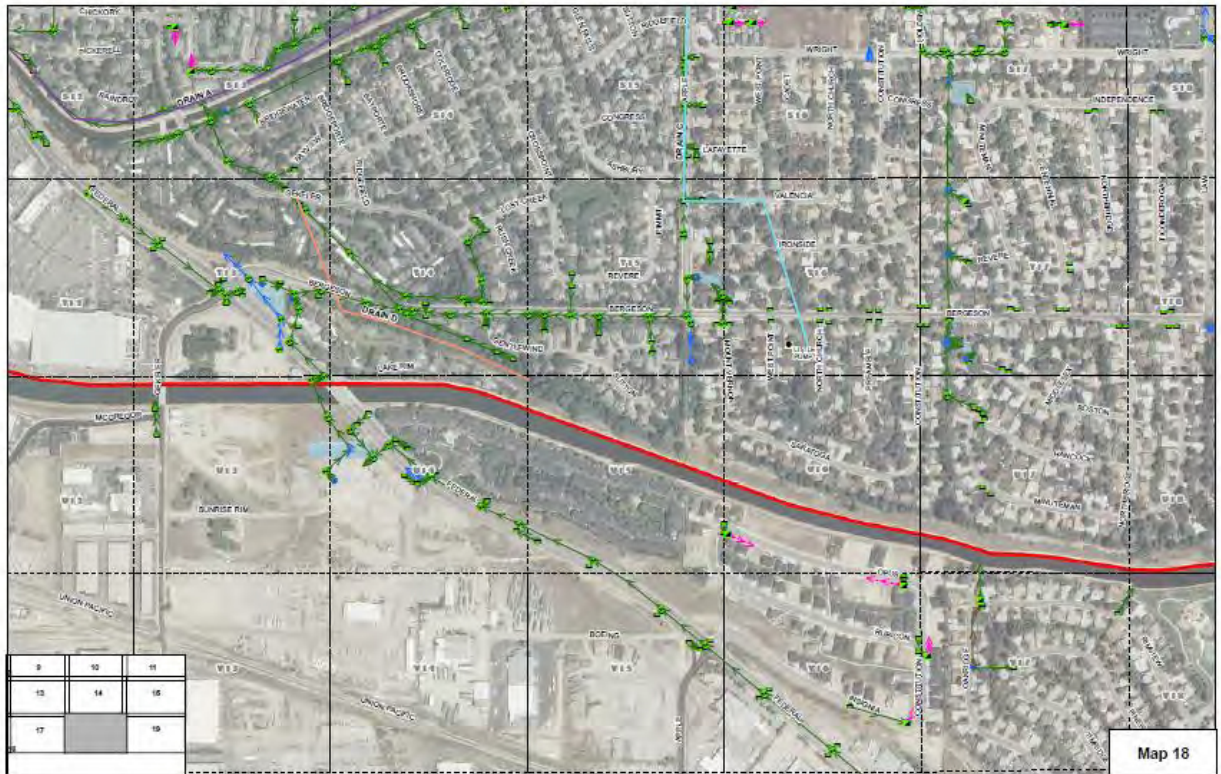












## Appendix D

### Operation and Maintenance System Plan

DRAINAGE DISTRICT #3

# OPERATION AND MAINTENANCE

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DRAINAGE DISTRICT #3 SYSTEM PLAN

**FINAL JANUARY 22, 2014**

**PREPARED BY RYAN P. ARMBRUSTER**

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## INTRODUCTION

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In compliance with the 1987 reauthorization of Clean Water Act (CWA), the Environmental Protection Agency (EPA) is required to issue National Pollutant Discharge Elimination System (NPDES) permits to all point sources and storm water discharges. The CWA requires Drainage District #3 and its co-permittees to obtain an NPDES permit and comply with all applicable conditions. The NPDES Phase I permit ("Permit") was issued effective on February 1, 2013, to Ada County Highway District (ACHD), Boise State University, City of Boise, City of Garden City, Drainage District #3 (DD3), and the Idaho Transportation Department District #3, referred to as the "Permittees."

The Permit contains inspection procedures and schedules; operation and maintenance activities and criteria used to determine when maintenance is needed; standard forms used for all inspection and maintenance activities; complaint response procedures; and record keeping procedures. Each Permittee is required to implement and enforce a Storm Water Management Program (SWMP) including best management practices (BMPs), controls, system design, engineering methods, and other provisions appropriate to control and minimize the discharge of pollutants from the MS4s.

## ROLES AND RESPONSIBILITIES

Responsibility for control of water runoff and discharges to the storm system is shared by a number of entities within Boise City. Each Permittee is individually responsible for permit compliance related only to portions of the MS4 owned or operated solely by that Permittee and where the permit requires specific action. Each Permittee is jointly responsible for activities relating to the MS4 where operational or SWMP implementation authority has been transferred to all the Permittees in accordance with an intergovernmental agreement or agreement between the Permittees; related portions of the MS4 where Permittees jointly own or operate a portion of the MS4; related to the submission of reports or other documents required by the Permit; and where the Permit requires the Permittee to take action.

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## INSPECTION PROCEDURES AND SCHEDULES

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Inspections are conducted to evaluate the operational status of the DD3 system and to identify problems and necessary maintenance actions. The District has several outfalls under the purview of the Permit.

## PERMITTEE INSPECTION FREQUENCY

In conjunction with ACHD as the lead Permittee, no later than September 30, 2014, monitoring of discharges from five, stormwater outfalls during three storm events must be completed. The details concerning stormwater sampling events are under the control of ACHD through cooperative actions of all the Permittees. Additionally, dry weather monitoring is based on percentages over specified time periods. A third of these inspections will occur between June 1

and September 30 of each year. DD3 undertakes its own inspection and other activity of its system primarily during the irrigation season, generally from April through September of each year.

Inspection and maintenance forms will be established, organized, and include information on potential problems and maintenance recommendations. Each system component is inspected to determine the conditions present.

## INSPECTION SAFETY

The individual inspecting the storm water system should always consider safety as the first priority. The inspector should have the proper safety equipment (heavy duty gloves, boots, and first aid kits, for example) before conducting any inspections. Although the safety precautions listed here are common sense, they should not be disregarded. Neglecting to follow even the simplest safety precaution can potentially cause serious injury. If the storm water system inspection reveals a safety problem, then site activities may be modified to reduce or eliminate the safety risk.

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## OPERATION AND MAINTENANCE

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Inspection and maintenance are performed primarily during the irrigation season. The type of maintenance is determined by inspection results and the maintenance schedule.

Routine maintenance typically consists of removal of debris and cleaning of discharge points. Litter is picked up as needed to keep open ditches clear of debris. Non-routine maintenance is occasionally required, e.g., beaver obstruction, illegal dumping, accidental spills, massive sediment, and debris inflow.

If there is an accidental spill, it will be isolated to keep it from reaching other water bodies. Storm water system flow points, such as gates, valves, orifices, and outlet pipes, are kept closed to isolate the spill. If the spill consists of flammable or hazardous materials, the Boise City Fire Department or 911 is contacted for assistance.

## MAINTENANCE SAFETY

The individual performing maintenance on the system should always consider safety as the first priority. Maintenance personnel should have the proper safety equipment before performing any maintenance on the system.

## WASTE DISPOSAL

Most storm water system waste consists of trash, leaves, grass, and sediment. The quality of waste is typically small and non-hazardous because of frequent inspection and maintenance activities. Sediment and debris are disposed of appropriately.

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## COMPLAINT RESPONSE PROCEDURES

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Inspections will also be conducted when a complaint is received from the public or referred by another agency.

### RECEIPT AND REFERRAL OF COMPLAINT

When a complaint is received, a determination will be made of the severity of the situation. If the complaint involves hazardous substances or large quantities of substances that may pose a threat to life, health, and safety, the Fire Department will be notified (911). ACHD or other drainage entities should also be notified if their systems are impacted by the problem.

If the complaint is outside the District's jurisdiction, it is referred to the appropriate agency or district.

### COMPLAINT INVESTIGATION

The inspector will visit the site of reported complaint and will determine if immediate action is needed to keep pollutants out of the storm drainage system or receiving water body. It is the responsibility of the liable party to keep pollutants from entering the storm drain system. However, when the inspector arrives on site, it may be necessary to assist in spill cleanup by using materials to absorb, contain, or divert pollutants to keep them from reaching the storm drain system. The inspector should educate the responsible party on proper cleanup and disposal methods. The inspector will also need to determine whether the system of another jurisdiction has been impacted and notify the appropriate entity, if necessary.

Once all immediate threats to the storm drain system or other water body have been addressed, or if there are no immediate threats, a site investigation will be completed. Determine what Permit or Ordinance provisions are being violated. Gather the necessary information and discuss the situation with witnesses or responsible person. If necessary, take photographs and label with date, location, time, and initials. Record all information on inspection form.

### FOLLOW-UP PROCEDURES

The inspector ensures, by either a site drive-by or a follow-up investigation that cleanup has occurred and the problem is taken care of.

### COMPLAINT REFERRALS

Complaints are referred to the appropriate agency for investigation. If the complaint is forwarded, through mutual agreement, the City can offer support to DD3 to resolve the problem.



## ENFORCEMENT REFERRALS

The inspector should have a good understanding of what regulatory requirement was violated and how. An explanation of how a party failed to comply with the regulatory requirements is required in the referral report. Compliance determinations must be based solely on the factual information collected.

A determination of whether an enforcement action is warranted is based on what the determination is based on.

## FACTORS RELATING TO IMPACT

An initial site visit and assessment should occur as soon as possible after the complaint is received.

## FACTORS RELATING TO RESPONSIBLE PARTY

A referral package should be prepared and should include the inspection report and a list of violations alleged, along with the evidence. The referral package should contain a narrative summary including, and among other things, the following information:

The referral package also contains a narrative summary of the violation(s), the factual evidence needed to support the alleged violation(s), and the inspector's determination, along with supporting facts, of whether this is a one-time, continuing, or recalcitrant violation.

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## RECORD KEEPING AND REPORTING

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Proper records management is important to preserve information for reporting purposes and to support any enforcement action. The information related to inspection, maintenance, or complaint response activities comprise documentation of the Program's activities and findings. Inspection forms, maintenance forms, and complaint response forms will be retained and filed. All information collected in an investigation of a complaint or violation will also be retained. This may include photographs, laboratory reports, drawings, or other forms of information that document site conditions.

An annual summary is prepared of inspection and maintenance activities for inclusion in the annual report to the EPA. The forms are organized by activity and system section and are filled out whenever one of these activities is undertaken.

## ANNUAL REPORT

The Permit requires submission of an annual report that contains certain information related to program implementation. The information will be tracked on an ongoing basis and compiled quarterly. The annual report will be prepared consistent with the Permit reporting formats.