

Idaho Transportation Department, District 3

Stormwater Management Plan

NPDES # 02756-1

DRAFT

December 2013

1. INTRODUCTION

1.1 Scope and Purpose

The Idaho Transportation Department District 3 (ITD) Stormwater Management Program (SWMP) is a program designed to reduce the discharge of pollutants from ITD's Municipal Separate Storm Sewer System (MS4) to the Maximum Extent Possible (MEP) in order to restore and protect the quality of the Boise River drainage. The practices outlined in this SWMP will be selected, implemented, maintained, and updated to ensure that stormwater discharges do not cause or contribute to an exceedance of an applicable Idaho water quality standard. This SWMP includes control measures, best management practices (BMPs), stormwater drainage system design, and engineering methods to control and minimize the discharge of pollutants from the MS4 system.

1.2 Applicability

ITD is authorized with other Boise metropolitan area jurisdictions to discharge stormwater to the Boise River and its tributaries under the National Pollutant Discharge Elimination System (NPDES), in compliance with the Clean Water Act (CWA). The NPDES Permit additionally authorizes discharges from Boise River outfalls to the following Permittees: Drainage District 3, Ada County Highway District, Boise State University, and Garden City. Requirements from the revised MS4 permit became effective on February 1, 2013 and will be implemented incrementally in ITD. The current permit can be viewed the following web address: www.epa.gov/region10/pdf/permits/npdes/id/ids027561_ms4_fp_2012.pdf

A SWMP prescribed by the new permit is a document which describes ITD's owned and operated outfalls, program activities implemented to reduce the discharge of pollutants to the Boise River, related regulatory controls, and ITD's cooperation with other Permittees under the permit to ensure compliance with the conditions of the permit. ITD's roles and responsibilities under the permit have been established in an Intergovernmental Agreement (See attached) between the Permittees.

1.3 Program Administration and Annual SWMP Documentation Update

ITD's SWMP will be evaluated and updated annually and provided in the Annual Stormwater Report submitted to the EPA and IDEQ for review. The first SWMP edition under the new permit has been made available to the public for comment and will be provided in the 2014 Annual Stormwater Report.

2.0 Physical Description of ITD's MS4

ITD operates the State Highways in the Boise City Urbanized Area; however, local jurisdictions must manage and maintain the roadway facilities according to the following State Statute.

“Maintenance of state highways. All state highways shall be maintained by the department at state expense, including sections of state highways located within local highway jurisdictions, except that in local highway jurisdictions where state highway sections are built to local highway jurisdictions standards, such as with curbs, sidewalks and areas available for parking and bus stops, the department shall maintain at state expense only the width of traveled way required for the movement of through highway traffic. The width of traveled way to be maintained at state expense shall not exceed the width of the traveled way of the state highways approaching the incorporated areas.” (Title 40, Highways and Bridges, Chapter 5 (40-502))

ITD is currently in the process of updating all maintenance agreements with local jurisdictions which defines their roles and responsibilities for the maintenance and management of the roadway per 40-502, including MS4 stormwater facilities. Copies of the most current agreements with local jurisdictions will be provided as they are revised and approved.

Beside the state highways, ITD operates the interstate within urbanized areas and is responsible for stormwater discharges to the MS4 within those areas.

3.0 SWMP Minimum Control Measures

This section describes the six minimum control measures (MCM) in the permit for ITD to implement. These control measures are:

1. Construction Site Runoff Control Program (C);
2. Stormwater Management for Areas of New Development and Redevelopment (SM);
3. Industrial and commercial Storm Water Discharge Management (I);
4. Stormwater Infrastructure and Street Management (SI);
5. Illicit Discharge Management (ID); and
6. Education, Outreach, and Public Education (E).

A description is provided below for each MCM and how ITD will meet the permit requirements. A schedule for implementation the MCMs is provided at the end of the SWMP.

3.1 Construction Site Runoff Control Program

ITD has oversight on all department construction projects and has measures in place to reduce discharges of pollutants from all ITD related construction activities. ITD monitors and maintains construction site activities throughout the life of the project for all ground disturbing activities. Contractors and ITD inspectors are required to inspect and record project conditions and submit results to the environmental staff at ITD.

ITD conducts inspections of construction sites to ensure compliance. ITD has developed a database of all active and completed construction sites permitted within ITD jurisdiction. ITD's Construction Site Runoff Control Program is incorporated into project development and construction and is largely part of the NPDES Construction General Permit (CGP) requirements with an emphasis on controlling discharges to MS4s and disconnecting from MS4 facilities. When projects do not fall under the purview of the NPDES CGP, ITD requires ground disturbing projects to have an erosion and sediment control plan (ESCP) which addresses stormwater and non-stormwater pollution controls. ITD has an approved Best Management Practices (BMP) Manual to provide type and maintenance requirements for various BMP's. The ITD 2012 Standard Specifications for Highway Construction provides contractual language which requires the contractor to comply with the provisions of their permits and manage their projects and documentation to be compliant with the NPDES permits. Whether a project is eligible for a CGP or not, they must meet similar requirements which insure State Water Quality Standards are not exceeded. The State enforces the stormwater requirements through contract language, providing trained inspectors, and tracking project BMP's needs on a regular basis in the field. Contract language also prohibits contractors from going to construction prior to written approval. Language addressing stormwater control and Clean Water Act compliance is included in ITD construction project contracts. ITD has developed Erosion and Sediment control manuals and inspection forms for use by contractors and ITD staff. The manuals are also available to the public. Specific information concerning contractor responsibility for the containment and management of stormwater is included in the Special Provisions section of the construction contract.

ITD has contractual language in place which refers to compliance with the Clean Water Act and other local, state and federal laws. Exploration of additional control measures are continually considered within the authority of the State.

Each ESCP or SWPPP is reviewed prior to construction by a qualified individual and documentation of those reviews is in the form of a comment and response form followed by an email which approves the documents. The inspection frequencies of a project are generally

determined by the CGP and are documented in the ITD 2802 Form. Enforcement actions are also tracked by the ITD 2802 Form. ITD environmental section does respond to any project stormwater complaints that are brought to Departments attention.

ITD has a Stormwater Coordinator position at the district. Responsibilities and duties include site inspection and developing stormwater procedures relating to all ITD construction sites. Inspections for quality control are being conducted at applicable project as defined by the project contracts or more if requested by the project engineer. Efforts are made to document inspections accurately and get the changes required in the field within the limits of the CGP. If any violations are present ITD determines the enforcement action and sends written reports to EPA. ITD Headquarters maintains an electronic data base to document all enforcement actions.

Education and training is provided to all staff, consultants and contractors/operators whose primary job duties are related to implementing the construction program. A recertification course after two years is required and refresher courses can be taken on an annual basis. City of Boise and the Partners for Clean Water offer an annual Erosion and Sediment Control Workshop and also provide other educational materials for construction site operators.

3.2 Stormwater Management for Areas of New Development and Redevelopment

New development and redevelopment in the ITD rights-of-way (ROW) are required to be designed to manage stormwater runoff and includes best management practices to protect water quality and restrict untreated discharges to surface waters of the MS4. ITD's BMP Manual has both temporary and permanent controls which are used on all projects to protect surface waters.

In areas of development and redevelopment ITD makes efforts to disconnect from any MS4 on the interstate. Where disconnecting is not possible due to physical constraints All MS4 structures, facilities, and outfalls draining state highways maintained by the Ada County Highway District (ACHD). ACHD and/or the land use jurisdictions are responsible for management, maintenance, and monitoring of the MS4; ITD is responsible for limiting the discharge of pollutants to the portion of the MS4 within our ROW. The SWMP control measures designed to accomplish this goal to the (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 NPDES Municipal Stormwater Permit.

ITD works together with all Boise area NPDES 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. ITD 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.

3.3 Industrial and Commercial Stormwater Discharge Management

ITD is not a land use agency and therefore the management of stormwater outside of our ROW is out of our jurisdiction. By law ITD can control run-on of stormwater into the ROW. ITD prohibits new illicit connections and where feasible disconnects illicit connections. ITD will inventory industrial and commercial facilities to better understand operations adjacent to the highways. ITD will educate and provide enforcement within its powers. Since ITD does not have jurisdiction of commercial and industrial facilities we will rely on the jurisdictional land use agencies to inspect such facilities.

3.4 Stormwater Infrastructure and Street Management

ITD manages its stormwater infrastructure and facilities to reduce the discharge of pollutants to the MEP. Management includes an inspection of permanent stormwater controls and structures, performing any maintenance or cleaning tasks, and implementing stormwater pollution prevention BMPs. The Intergovernmental Agreement drafted by permittees identifies ACHD as the lead agency responsible for stormwater infrastructure and street management requirements under the NPDES permit.

Where projects occur by others within ITD's jurisdiction, MS4 violations that cannot be dealt with by the state (State does not have civil enforcement authority), an enforcement agreement with local jurisdictions has been established which allows ITD to escalate enforcement.

3.5 Illicit Discharge Management

State statutes prohibit discharge and dumping into the state right-of-way. Additionally, ITD through agreements with local jurisdictions obtain assistance with police actions. ITD will review the current policies to determine if further action is required to comply with the terms of the permit.

The Idaho Transportation Board is vested with authority, control, supervision and administration of the Department. Pursuant to Section 40-310 (3), the Board shall "locate, design, construct, reconstruct, alter, extend, repair and maintain state highways, and plan, design and develop statewide transportation systems".

An approved right-of-way encroachment permit is required for irrigation or drainage within state highway right-of-way (IDAPA 39.03.42,600.01) and Best Management Practices (BMPs) are required to temporarily control for erosion and sediment (IDAPA 39.03.42, 600.04).

The District controls third-party activities on District rights-of-way through the conditions associated with encroachment permits. IDAPA 39.03.42, “Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way,” provides ITD with access control through a permitting process. The rule defines an encroachment as “any authorized or unauthorized use of highway right-of-way or easements or air space immediately above the highway right-of-way.” (IDAPA 39.03.42, 010.30). Encroachment permit conditions require compliance with Federal and State of Idaho standard plans and specifications.

When border area work is permitted, ITD requires “that adequate sight distance, proper drainage, desirable slopes for maintenance operations, and a pleasing appearance are provided.” (IDAPA 39.03.42, 400.12). ITD maintains additional drainage control through the requirement that “All approaches shall be graded so that private properties abutting the highway right-of-way do not drain onto the traveled way, do not impair the drainage within the right-of way, alter the stability of the roadway subgrade or materially alter the drainage of areas adjacent to the right-of-way. Post-development drainage flows shall not exceed predevelopment drainage flows.” (IDAPA 39.03.42, 400.13.a.). ITD’s addition of a Development Services Section provides a formal opportunity to review and provide comments from ITD to land use agencies and developers with input from the Environmental Section. Unauthorized and nonstandard encroachments are prohibited and they may be removed or their use may be suspended (IDAPA 39.03.42, 800.02). It is this provision that gives ITD the authority to control illicit discharges and illegal connections to their MS4.

ITD has an Illicit Discharge Complaint Reporting and Response Program which includes a complaint response hot line (shared with permittees) and tracks complaints and responses annually. Illicit Discharge mapping and a Dry Weather Outfall Screening Program are being developed. ITD supports Boise City’s hazardous material waste collection by providing a drop off area on a monthly basis.

The District will coordinate with other permittees on stormwater management responsibilities, especially when discharges from one permittees system flow to stormwater systems owned and operated by another permittee. Coordination is implemented through formal and informal discussions, meetings, agreements and procedures. This coordination includes attending meetings, participating in special studies, identifying stormwater run-on issues, reporting spills, etc.

Maintenance foremen and compliance inspectors (Two Environmental Planners) are trained in illicit discharge detection and elimination.

3.6 Education, Outreach, and Public Education

As a Partner for Clean Water (Partners), ITD works with the Partnership to inform and educate the public in the permit area about stormwater and MS4's. Even though the permit area is the City of Boise City urbanized area the program run by the Partners makes an impact in the Treasure Valley. As the lead agency for public education and outreach, the City of Boise provides conferences, workshops, educational materials, media announcements, and public involvement opportunities which are geared towards proper management of stormwater. ITD contributes to this effort through participation and funding. ITD Environmental Section has developed and maintains an online web site that contains information and links to NPDES/CGP/Stormwater information. This site and corresponding information can be accessed through the following link: <http://itd.idaho.gov/enviro/Stormwater/default.htm>

ITD also publishes a quarterly stormwater newsletter to promote responsible stormwater management practices throughout the Idaho Transportation Department. Newsletter articles describe recent stormwater violations and settlements throughout Idaho as well as the latest updates in EPA policies. The newsletter provides information for pre-construction and post-construction activities. A different Best Management Practice (BMP) is highlighted in each newsletter and readers are given the chance to test their stormwater management IQ with trivia questions.

As a federally funded transportation agency, ITD is bound to implement an effective public involvement process that fulfills multiple legal responsibilities, such as those required by the national Environmental Policy Act. ITD operates from the Idaho Transportation Investment Program (TIP) which is a staged, multi-year intermodal program of transportation projects. The TIP is updated annually following a period of public availability. On a project specific basis, each ITD project must address public involvement goals and objectives and fulfill legal responsibilities. The TIP, with all the projects, is made available for public review and comment as part of the TIP process.

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

II.B.2.c.iv -SM	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 th Year Annual Report.
II.B.2.e.i -SM	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 -SM	Identify high priority locations; annual inspections	September 30, 2017
II.B.2.f.ii -SM	Develop inspection checklists	September 30, 2017
II.B.2.f.iii -SM	Enforcement Response Policy for SW controls	September 30, 2017
II.B.2.g -SM	Conduct Education/Training on Permanent SW Controls	September 30, 2015; staff training & training for local audiences, September 30, 2016.
II.B.3.a -I	Inventory Industrial & Commercial facilities/activities	September 30, 2016

II.B.3.a.iii -I	Identify two specific activities, develop BMPs, and begin compliance assistance education program	September 30, 2016
II.B.3.b -I	Update Permittee agreements; inspect selected industrial & commercial facilities/activities	September 30, 2016
II.B.3.c -I	Document industrial & commercial inspection and compliance assistance activities	Annually
II.B.4.a -SI	Update MS4 system inventory & map	No later than January 30, 2018; include w/5 th Year Annual Report
II.B.4.b -SI	Inspect of catch basins at least every two years	September 30, 2016
II.B.4.c -SI	Update SOPs for Street & Road Maintenance	September 30, 2015
II.B.4.c.iii -SI	Cover storage facilities for sand/salt storage areas	September 30, 2017; Identify locations in SWMP w/1 st year Annual Report; Final documentation w/5 th Year Annual Report
II.B.4.d -SI	Update Street/Road/Parking Lot Sweeping Plans	September 30, 2015
II.B.4.d.i -SI	Inventory/map designated areas	September 30, 2014; submit w/2 st Year Annual Report
II.B.4.d.ii -SI	Sweep according to schedule	September 30, 2015
II.B.4.d.iv -SI	Identify infeasible sweeping areas, alternative schedule or other program	Document in 1 st Year Annual Report
II.B.4.d.v -SI	Estimate sweeping effectiveness	Document in each Annual Report
II.B.4.f -SI	Develop facility& maintenance yards SWPPPs	September 30, 2015
II.B.4.i -SI	Train Permittee staff	September 30, 2016; annually thereafter
II.B.4.g -SI	Evaluate the feasibility of retrofitting existing control devices	January 30, 2018; submit evaluation with 5 th Year Annual Report

II.B.5.c -ID	Inventory/Map Illicit Discharge Reports	September 30, 2014, update annually
II.B.5.d.ii, IV.A.11 -ID	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 -E	Conduct public education & assess understanding to specific audiences	September 30, 2014; ongoing
II.B.6.d -E	Maintain, Promote, and Update Stormwater Website	September 30, 2014, quarterly thereafter
II.C.3, II.A.1.b -G	Identify how Permittee controls are implemented to reduce discharge of pollutants of concern, measure SWMP effectiveness	Include discussion in SWMP documentation submitted with 1 st Year Annual Report
II.E -G	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 -G	Report SWMP implementation costs for the corresponding 12 month reporting period	Within each Annual Report
II.G -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 st Annual Report
IV.A.1 -G	Assess & Document Permit Compliance	Annually; submit with Annual Reports
IV.A.2 -G	Develop & Complete Stormwater Monitoring & Evaluation Plan	September 30, 2014; Submit Completed Plan with 2 nd Year Annual Report
IV.A.7.a -G	Update <i>Boise NPDES Municipal SW Monitoring Plan</i>	September 30, 2015
IV.A.7.b-G	Monitor Five Representative Outfalls During Wet Weather; sample three times per year thereafter	No later than September 30, 2014
IV.A.8 -G	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 nd Year Annual Report
IV.A.9 -G	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 -G	Submit Stormwater Outfall Discharge Data	2 nd Year Annual Report, annually thereafter
IV.C.2 -G	Submit WQ Monitoring or Fish Tissue Sampling Data Report (if applicable)	2 nd Year Annual Report, annually thereafter
IV.C.3 -G	Submit Annual Reports	1 st Year Annual Report due January 30, 2014; all subsequent Annual Reports are due annually no later than January 30 th ; See Table IV.C.
VI.B -G	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 th Year Annual Report

*G=General. See Section 3.0 –Minimum Control Measures for Abbreviations.

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

This Intergovernmental Agreement entered into this 18th 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

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;

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

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

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. 37th 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. 50th 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

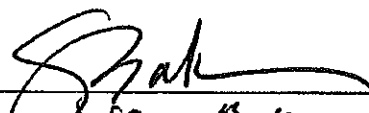
Ada County Drainage District #3:
Counsel for Drainage District #3
Elam & Burke
P.O. Box 1539
Boise, ID 83701
(Phone): 208-343-5454
(Fax): 208-384-5844
(Email): rpa@elamburke.com

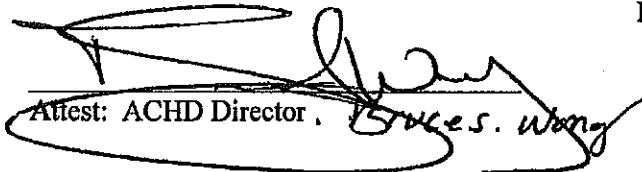
9. **ENTIRE AGREEMENT**

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.


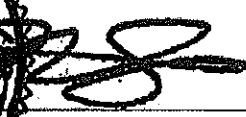
ADA COUNTY HIGHWAY DISTRICT

By: 
Sara Baker
President, ACHD Commission



Attest: ACHD Director, Bruce S. Wang

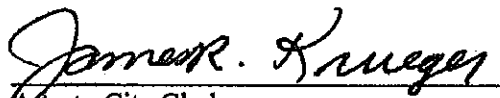
CITY OF BOISE CITY

By: 
David H. Bieter, Mayor



Jade Riley

CITY OF GARDEN CITY

By: 
John G. Evans Mayor


Attest: City Clerk

BOISE STATE UNIVERSITY

By: 
Vice President, Finance and Administration

IDAHO TRANSPORTATION DEPARTMENT,
DISTRICT #3

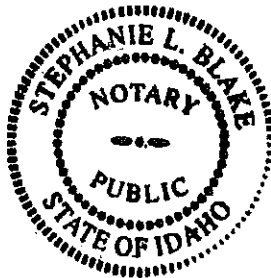
By: [Signature]
Dave S. Jones, District Engineer

ADA COUNTY DRAINAGE DISTRICT No. 3

By: [Signature]
Steve Nielsen, Chair

State of Idaho)
)ss
County of Ada)

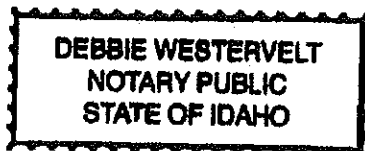
On this 28th day of June, 2013, before me, Stephanie L. Blake, a Notary Public in and for the state of Idaho, personally appeared Bruce S. Wong and Bruce S. Wong, known or identified to me to be the President and Director of Ada county Highway District who executed this instrument, and acknowledged to 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)

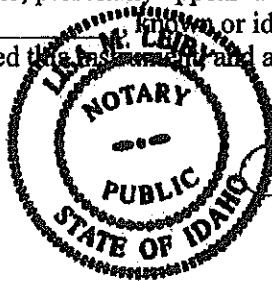
On this 18th day of June, 2013, before me, Debbie Westervelt, a Notary Public in and for the state of Idaho, personally appeared David H. Bieter and Jade Riley, known or identified to me to be the Mayor and City Clerk of City of Boise who executed this instrument, and acknowledged to me that City of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



[Signature]
Notary Public for Idaho
Commission expires: 8.24.2015

State of Idaho)
)ss
County of Ada)

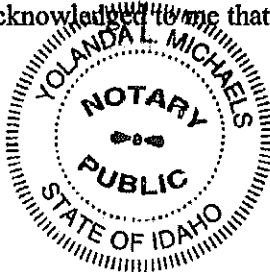
On this 16th day of May, 2013, before me, Lisa M. Leiby, a Notary Public in and for the state of Idaho, personally appeared John G. Evans and James R. Krueger known or identified to me to be the Mayor and City Clerk of Garden City who executed this instrument and acknowledged to me that Garden City executed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



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

State of Idaho)
)ss
County of Ada)

On this 24th day of MAY, 2013, before me, YOLANDA L. MICHAELS, a Notary Public in and for the state of Idaho, personally appeared STACY 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: JUNE 9, 2017

State of Idaho)
)ss
County of Ada)

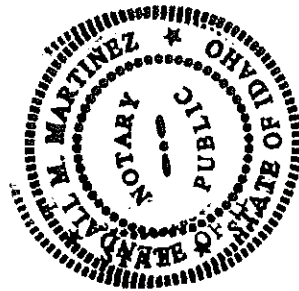
On this 28 day of June, 2013, before me, Linda B. Hunter, a Notary Public in and for the state of Idaho, personally appeared Dave Jones, known or identified to me to be the _____, of Idaho Department of Transportation, who executed this instrument, and acknowledged to me that Idaho Department of Transportation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



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

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

OPERATING GUIDELINES

THESE OPERATING GUIDELINES ("Guidelines") are adopted this 19th 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

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.

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: 
Its Co-Permittee NPDES Representative


CITY OF BOISE CITY

By: 
Its Co-Permittee NPDES Representative

CITY OF GARDEN CITY

By: 
Its Co-Permittee NPDES Representative

BOISE STATE UNIVERSITY

By: 
Its Co-Permittee NPDES Representative

IDAHO TRANSPORTATION DEPARTMENT,
DISTRICT #3

By: 
Its Co-Permittee NPDES Representative

ADA COUNTY DRAINAGE DISTRICT No. 3

By: 
Its Co-Permittee NPDES Representative