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

Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems

# 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", the

**Idaho Transportation Department, District # 1**
**(hereinafter "permittee")**

is authorized to discharge from all municipal separate storm sewer system (MS4) outfalls existing as of the effective date of this permit to receiving waters which include French Gulch, Fernan Creek, and other associated waters of the United States within the Coeur d'Alene Urbanized Area, in accordance with the conditions and requirements set forth herein.

This permit shall become effective January 1, 2009.

This permit and the authorization to discharge shall expire at midnight, December 31, 2014.

The permittee shall reapply for a permit reissuance on or before July 5, 2014, 180 days before the expiration of this permit if the permittee intends to continue operations and discharges from the MS4 beyond the term of this permit.

Signed this 19th day of November, 2008

Michael F. Gearheard, Director
Office of Water and Watersheds

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# I. Applicability

**A. Permit Area.** This permit covers all areas within the Coeur d'Alene Urbanized Area served by the municipal separate storm sewer system (MS4s) owned or operated by the Idaho Transportation Department-District # 1 ("permittee") including the permittee's maintenance yards.

**B. Discharges Authorized Under This Permit.** During the effective dates of this permit, the permittee is authorized to discharge storm water to waters of the United States from all portions of the MS4 and property located within the Coeur d'Alene Urbanized Area that are owned or operated by the permittee subject to the conditions set forth herein. This permit also authorizes the discharge of flows categorized as allowable non-storm water discharges in Part I.C. of this permit.

**C. Limitations on Permit Coverage**

1. **Non-Storm Water Discharges**. The permittee is 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 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 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); 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. As described in IDAPA 58.01.02.200, for purposes of this permit, a discharge is considered a source of pollution to waters of the United States ifthe discharge:

(a) Contains hazardous materials in concentrations found to be of public health significance or to impair designated beneficial uses in receiving waters. (Hazardous materials are those that are harmful to humans and animals from exposure, but not necessarily ingestion);

(b) Contains toxic substances in concentrations that impair designated beneficial uses in receiving waters. (Toxic substances are those that can that can cause disease, malignancy, genetic mutation, death, or similar consequences);

(c) 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);

(d) Contains radioactive materials or radioactivity at levels exceeding the values listed in 10 CFR Part 20 in receiving waters;

(e) 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;

(f) Contains excessive nutrients that can cause visible slime growths or other nuisance aquatic growths that impair designated beneficial uses in receiving waters;

(g) Contains oxygen-demanding materials in concentrations that would result in anaerobic water conditions in receiving waters;

(h) 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 designated beneficial uses in receiving waters; or

(i) Contains materials 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.** The permittee is not authorized to discharge storm water that will cause, or have the reasonable potential to cause or contribute to, violations of Idaho water quality standards as described in IDAPA 58.01.02.

3. **Discharge Compliance with Anti-Degradation Policy.** The permittee is not authorized to discharge storm water that does not comply with Idaho's anti-degradation policy for water quality standards. Idaho's anti-degradation policy, IDAPA 58.01.02.051, can be obtained from the Idaho Department of Environmental Quality (IDEQ) at the address listed in Part IV.D.

4. **Snow Disposal to Receiving Waters.** The permittee is not authorized to dispose of snow directly to waters of the United States or directly to the MS4(s). Discharges from public snow disposal sites and snow management practices are authorized under this permit when such sites are operated using best management practices (BMPs) as required in Part II.B.6. Such BMPs must be designed to prevent pollutants in the runoff and to assure that applicable water quality standards are not violated.

## II. Storm Water Management Program Requirements

### A. General Requirements

1. The permittee must develop, implement and enforce a Storm Water Management Program (SWMP) designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, and to protect water quality in receiving waters. The SWMP actions and activities must include BMPs, system

design, engineering methods, and other provisions appropriate to control discharges of pollutants from the MS4.

2. The SWMP actions and activities are outlined through the minimum control measures in Parts II.B and II.C, and the assessment/monitoring requirements described in Part IV. The permittee must implement a SWMP that provides:

a) BMPs selected, implemented, maintained and updated to ensure that storm water discharges do not cause or contribute to an exceedance of an applicable numeric or narrative Idaho water quality standard as set forth in IDAPA 58.01.02; and

b) Measurable goals, including interim milestones, for each BMP

3. Modifications to the SWMP must be made in accordance with Part II.D of this permit

4. Implementation of one or more of the minimum control measures may be shared with or delegated to another entity other than the permittee. The permittee may rely on another entity only if:

a) The other entity, in fact, implements the control measure;

b) The control measure, or component of that measure, is at least as stringent as the corresponding permit requirement; and

c) The other entity agrees to implement the control measure on the permittee's behalf. A binding written acceptance of this obligation is required. The permittee must maintain this obligation as part of the SWMP. If the other entity agrees to report on the minimum control measure, the permittee must supply the other entity with the reporting requirements in Part IV.C of this permit. The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure.

**B. Minimum Control Measures.** The following minimum control measures must be accomplished through this SWMP:

1. **Public Education and Outreach**

a) Within two years of the effective date of this permit, the permittee must implement an ongoing education program to educate their audiences about the impacts of storm water discharges on local water bodies and the steps that ITD employees, contractors, or other agents can take to reduce pollutants in storm water runoff.

b) Throughout the permit term, the permittee must continue to provide relevant and appropriate storm water management education and training for ITD staff holding positions responsible for maintenance activity and/or field construction oversight. Such staff positions include, but are not limited to, resident engineers, staff engineers, and environmental inspectors.

c) At least once per year, the permittee must distribute appropriate and relevant storm water information to employees, and to citizens and businesses with whom the permittee interacts. The permitee must update its website with such educational information.

2. **Public Involvement/Participation**

a) The permittee must comply with applicable State and local public notice requirements when implementing a public involvement/participation program.

b) The permittee must make all relevant SWMP documents and all Annual Reports required by this permit available to the public. Within two years of the effective date of this permit, all SWMP documentation and Annual Reports must be posted online through its regularly maintained website (or a website sponsored by the permittee).

c) At least once per year, the permittee must coordinate, promote and participate in the existing "Adopt a Highway" clean-up program.

3. **Illicit Discharge Detection and Elimination**

An illicit discharge is any discharge to an MS4 that is not composed entirely of storm water. Exceptions are described in Part I.C of this permit.

a) Within two years from the effective date of this permit, the permittee must develop and implement a program to detect and eliminate illicit discharges to their MS4, including roadways and associated drainage facilities, ditches, pipes, culverts, catch basins and retention ponds in its jurisdiction. This program must include written spill response procedures to ensure protection of the MS4. The program must include written procedures for detection, identification of the source, and removal of non-storm water discharges from the MS4. This program must also address illegal dumping into the MS4, and include training for ITD staff on how to respond to reports of illicit discharges. The permittee must also develop an information management system to track the activities and actions of the program.

b) Within two years from the effective date of this permit, the permittee must effectively prohibit non-storm water discharges into its MS4 through an ordinance or other regulatory mechanism to the extent allowable under State or local law. The permittee must implement appropriate enforcement procedures and actions, including a written policy of enforcement escalation procedures for recalcitrant or repeat offenders.

c) Through the ordinance or other regulatory mechanism set forth in Part II.B.3.b, the permittee must prohibit any of the non-storm water flows listed in Part I.C.1.c only if such flows are identified (by EPA or the permittee) as a source of pollutants to the MS4. The permittee must document to EPA in the Annual Report any existing local controls or conditions placed on the types of non-storm water discharges in Part 1.C.1.c.

d) Within two years from the effective date of this permit, the permittee must update and complete its comprehensive MS4 map. At a minimum, the map(s) must show jurisdictional boundaries, the location of all ITD-owned or operated storm sewers, culverts, ditches, and other conveyances, the location of all inlets and outfalls, points at which the permittee's MS4 is interconnected with other MS4s, names and locations of all waters that receive discharges from those outfalls, and locations of the all municipally-owned or operated facilities, including snow disposal sites and the maintenance yard. Locations of all outfalls must also be provided in latitude and longitude, and the diameter of all outfalls must be provided with the map. The maps shall be available in electronic or digital format as appropriate. A copy of the completed map(s), as both a report and as an electronic file via Arc GIS format, must be submitted to EPA and IDEQ as part of the corresponding Annual Report.

e) Within two years from the effective date of this permit, the permittee must begin an ongoing education program to inform its employees, contractors, or other agents, of hazards associated with illegal discharges and improper disposal of waste. This program must be conducted in concert with the education requirements outlined in Part II.B.1.

f) Within three years of the effective date of this permit, the permittee must begin dry weather field screening for non-storm water flows from storm water outfalls. By the expiration date of this permit, at least 50% of the permittee's outfalls within the Coeur d'Alene Urbanized Area must be screened for dry weather flows. The screening should include field tests of selected parameters as indicators of discharge sources. Screening level tests may utilize less expensive "field test kits" using test methods not approved by EPA under 40 CFR Part 136, provided the manufacturer's published detection ranges are adequate for the illicit discharge detection purposes. The permittee must investigate any illicit discharge within

fifteen (15) days of its detection, and must take action to eliminate the source of the discharge within 45 days of its detection.

g) Within three years from the effective date of this permit, the permittee must inventory all industrial facilities that discharge into the permittee's MS4 and submit this inventory as part of the corresponding Annual Report. The types of industrial facilities that must be inventoried are set forth in 40 CFR §122.26(b)(14)(i-ix) and (xi). This inventory must include the location of the facility, the location of its outfall, and the NPDES permit status for its storm water discharges.

4. **Construction Site Storm Water Runoff Control**

a) Within one year from the permit effective date, the permittee must review, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction activities conducted or overseen by ITD that result in land disturbance of greater than or equal to one acre. This program must also include controls for pollutants in such storm water discharges from activity disturbing less than one acre, if that construction activity is part of a larger common plan of development or sale that disturbs one acre or more.

b) Through the program set forth in Part II.B.4.a, the permittee must provide appropriate information and direction to contractors working on ITD projects to ensure compliance with the NPDES General Permit for Storm Water Discharges for Construction Activity in Idaho, #IDR10-0000 (Construction General Permit).

c) Within two years from the effective date of this permit, the permittee must adopt an ordinance or other regulatory mechanism to the extent allowable under state or local law that requires all construction site operators to practice appropriate erosion, sediment and waste control. This ordinance or regulatory mechanism must include sanctions to ensure compliance. The permittee may evaluate any existing procedures, policies, and authorities pertaining to activities occurring on their property that may be used to assist in the development of the required regulatory mechanism.

d) Within one year from the effective date of this permit, the permittee must publish and distribute requirements for construction site operators to implement appropriate erosion and sediment control BMPs and to control waste (such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste) at a construction site that may cause adverse impacts to water quality.

e) Within two years from the effective date of this permit, the permittee must develop procedures for reviewing all pre-construction site plans for

potential water quality impacts, including erosion and sediment control, control of other wastes, and any other impacts according to the requirements of the law, ordinance, or other enforceable mechanism created to comply with Part II.B.4.c. These procedures must include provisions for receipt and consideration of information submitted by the public.

f) Within two years from the effective date of this permit, the permittee must implement a program to receive, track, and review information submitted by the public regarding construction site erosion and sediment control complaints

g) Within three years from the effective date of this permit, the permittee must develop and implement procedures for site inspection and enforcement of control measures established as required in Parts II.B.4.c and d, including a written policy of enforcement escalation procedures for recalcitrant or repeat offenders. The permittee must inspect all construction sites in its jurisdiction for appropriate erosion/sediment/waste control practices at least once per construction season.

h) The permittee must comply with the Construction General Permit and all relevant local requirements for erosion, sediment and onsite materials control on public construction projects. The permittee must ensure that all contractors working on behalf of the permittee are complying with the Construction General Permit and all relevant local requirements for erosion, sediment, and onsite materials control on construction projects. The permittee must incorporate specific language in all contracts ensuring appropriate storm water management on all public construction projects.

### 5. Post-Construction Storm Water Management in New Development and Redevelopment

a) Within three years of the effective date of this permit, the permittee must implement, and enforce requirements to address post-construction storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre (including projects less than one acre that are part of a larger common plan of development or sale) and that result in discharge into the permittee's MS4. The program must ensure that controls are enacted that prevent or minimize water quality impacts from newly developed or redeveloped areas

b) Within three years from the effective date of this permit, the permittee must adopt an ordinance or other regulatory mechanism to the extent allowable under State or local law to address post-construction runoff from new development and redevelopment projects. If such requirements do not

currently exist, development and adoption of such a mechanism is required. The permittee may evaluate existing procedures, policies, and authorities pertaining to activities occurring on their property that may be used to assist in the development of the required regulatory mechanism.

c) Within three years from the effective date of this permit, the permittee must ensure proper long term operation and maintenance of all permanent storm water management controls located within its jurisdiction.

d) Within four years from the effective date of this permit, the permittee must develop and implement a process for pre-construction plan review of permanent storm water management controls and inspection of such controls to ensure proper installation and appropriate long-term operation and maintenance.

6. **Pollution Prevention and Good Housekeeping for Municipal Operations**

a) Within two years from the effective date of this permit, the permittee must develop and implement an operation and maintenance program intended to prevent or reduce pollutant runoff from the permittee's operations. This program must address municipal activities occurring within the permittee's jurisdiction with potential for negative storm water related water quality impacts including the use of sand and road deicers; fleet vehicle maintenance and washing; street cleaning and maintenance; materials storage; building maintenance; grounds/park maintenance; hazardous materials storage; used oil recycling; sand/salt storage; and storm water system maintenance. Examples of other activities which may also be evaluated by ITD, include, but are not limited to: solid waste transfer activities; spill control and prevention measures for refueling facilities; new construction and land disturbances; snow removal, and snow disposal site operation.

b) Within two years from the effective date of this permit and annually thereafter, the permittee must develop and conduct appropriate training for the ITD's employees related to optimum maintenance practices for protection of water quality. This training must be conducted at least once annually to address the activities specified in Part II.B.6.a.

c) Within two years from the effective date of this permit, the permittee must prepare and implement a storm water pollution prevention plan for the two permittee's maintenance yards located within the Coeur d'Alene Urbanized Area.

## C. Discharges to Water Quality Impaired Receiving Waters

1. The permittee must conduct storm water discharge monitoring as required in Part IV.

2. The permittee must determine whether storm water discharges from any part of the MS4 contribute pollutants of concern, either directly or indirectly, to any Clean Water Act ("CWA" or "Act") Section 303(d) listed water bodies. For the purposes of this permit, the Section 303 (d) listed water bodies according to the IDEQ 2002 Integrated Report and the 2004 Washington Water Quality Assessment Report include, but are not limited to, the Spokane River, Coeur d'Alene Lake and 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 metals (specifically, zinc and lead), nutrients (specifically, phosphorus and nitrogen), sediment, dissolved oxygen, total polychlorinated biphenyls, and temperature.

3. Within one year from the effective date of this permit, the permittee's Annual Report must include a description of how the activities in each f the minimum control measures in Part II.B will be targeted by the permittee to control the discharge of pollutants of concern, and ensure to the maximum extent practicable that the MS4 discharges will not cause an in-stream violation of the applicable water quality standards. This discussion must specifically identify how the permittee will evaluate and measure the effectiveness of the SWMP to control the discharge of the pollutants of concern. The permittee must submit this section of the SWMP to EPA and IDEQ as part of the first Annual Report required in Part IV.C and update it as necessary in subsequent Annual Reports. The permittee must submit this section of the SWMP to EPA and IDEQ as part of the first Annual Report required in Part IV.C.

## D. Reviewing and Updating the SWMP

1. The permittee must annually review its SWMP actions and activities as part of the preparation of the Annual Report required under Part IV.C.

2. The permittee 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 at any time. Modification requests to EPA must include:

(i) An analysis of why the original actions 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 permittee in accordance with Part VI.E.

3. Documentation of any of the actions or activities required by this permit must be submitted to EPA upon request.

a) EPA may review and subsequently notify the co-permittees that changes to the SWMP are necessary to:

(i) Address discharges from the MS4 that are causing or contributing to adverse water quality impacts;

(ii) Include more stringent requirements necessary to comply with new federal or state statutory or regulatory requirements; or

Include other conditions deemed necessary by EPA to comply with water quality standards, and/or other goals and requirements of the CWA.

b) If EPA notifies the permittee that changes are necessary pursuant to Part II.D.3.a, the notification will offer the permittee an opportunity to propose alternative program changes to meet the objectives of the requested modification. Following this opportunity, the permittee must implement any required changes according to the schedule set by EPA.

4. Any formal 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 permittee must implement the actions and activities of the SWMP in all new areas added or transferred to the permittee's MS4 (or for which the 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 permittee must provide adequate finances, staff, equipment and other support capabilities to implement the SWMP actions and activities outlined in this permit.

## III. Schedule for Implementation and Compliance

| Table III<br>Storm Water Management Program - Schedule for Implementation and Compliance | | |
|---|---|---|
| **Part of Permit** | **Storm Water Management Program Component** | **Compliance Date** |
| ***General Requirements*** | | |
| Part II.C | Submit written description of how SWMP actions are targeted to control the discharge of pollutants of concern and how the permittee will evaluate the effectiveness of those actions. | One year from the effective date of this permit |
| Parts II.D and IV.C | Conduct an annual review of SWMP implementation and submit an Annual Report to EPA and IDEQ | February 15 of each year, beginning in 2010 |
| Part IV.A | Develop a Quality Assurance Plan for storm water discharge monitoring, provide written notice to EPA and IDEQ<br><br>Begin monitoring | Within 270 days of permit effective date<br><br>18 months from permit effective date |
| ***Public Education and Outreach (40 CFR §122.34(b)(1))*** | | |
| Part II.B.1 | Implement an education program to educate the community about the impacts of storm water discharges on local water bodies and the steps that citizens and businesses can take to reduce pollutants in storm water runoff (II.B.1.a) | Within two years from the permit effective date |
| | Provide relevant and appropriate storm water management training to ITD staff (II.B.1.b) | Ongoing |
| | Distribute appropriate and relevant storm water information to employees, and to citizens and businesses with whom the permittee interacts, and Post storm water pollution prevention information on ITD's website (II.B.1.c) | Within one year from the permit effective date |
| ***Public Involvement and Participation (40 CFR §122.34(b)(2))*** | | |
| Part II.B.2 | Post all SWMP documentation and Annual Reports on the permittee's website (II.B.2.b) | Two years frpm the permit effective date |
| | Continue Adopt a Highway program (II.B.2.c) | Annually |

| Table III, continued<br>Storm Water Management Program - Schedule for Implementation and Compliance | | |
|---|---|---|
| **Part of Permit** | **Storm Water Management Program Component** | **Compliance Date** |
| ***Illicit Discharge Detection and Elimination (40 CFR §122.34(b)(3))*** | | |
| Part II.B.3 | Develop, implement and enforce a program to detect and eliminate illicit discharges into the MS4 (II.B.3.a) | Two years from the permit effective date |
| | Adopt an ordinance or other control measure to prohibit illicit discharges to the MS4(s); prohibit any specific non-storm water discharge, if necessary (II.B.3.b & c) | Two years from the effective date of this permit |
| | Develop/update the permittee's comprehensive storm sewer system map . (II.B.3.d) | Two years from the permit effective date |
| | Include in the SWMP a strategy for informing public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste (II.B.3.e) | Two years from the permit effective date |
| | Begin dry weather screening of outfalls<br><br>50% of outfalls screened for dry weather flows (II.B.3.f) | Three years from the permit effective date<br><br>By permit expiration date |
| | Inventory the industrial facilities discharging storm water within the Urbanized Area (II.B.3.g) | Three years from the permit effective date |
| ***Construction Site Storm Water Runoff (40 CFR §122.34(b)(4))*** | | |
| Part II.B.4 | Develop, implement and enforce a construction site runoff control program for sites disturbing one or more acres of land (II.B.4.a) | Two years of the permit effective date |
| | Provide direction to contractors regarding CGP (II.B.4.b) | Ongoing |
| | Adopt an ordinance or other control measure to require construction site operators to practice erosion, sediment and waste control (II.B.4.c) | Two years from permit effective date |
| | Distribute written requirements for construction site best management practices for new building and service area construction. (II.B.4.d) | Two years from permit effective date |
| | Develop, or review and update as necessary, procedures for reviewing pre-construction site plans and accepting input and complaints (II.B.4.e & f) | Two years from permit effective date |
| | Implement site inspection & enforcement procedures Inspect all construction sites at least once per construction season. (II.B.4.g) | Two years from the permit effective date |
| | Ensure all permittee-owned construction projects comply with EPA's Construction General Permit (II.B.4.h) | Upon permit effective date |

| Table III, continued<br>Storm Water Management Program - Schedule for Implementation and Compliance | | |
|---|---|---|
| **Part of Permit** | **Storm Water Management Program Component** | **Compliance Date** |
| ***Post-Construction Storm Water Management (40 CFR §122.34(b)(5))*** | | |
| Part II.B.5 | Develop and implement a program to address post-construction storm water runoff from new development and redevelopment projects (II.B.5.a) | Three years from the effective date of this permit |
| | Adopt an ordinance to address post-construction runoff from new development and redevelopment projects (II.B.5.b) | Three years from the effective date of this permit |
| | Ensure proper long term operation and maintenance of post construction storm water BMPs. (II.B.5.c) | Three years from the permit effective date |
| | Develop and implement a site plan review process and inspection program to ensure proper installation and long-term operation and maintenance of post-construction storm water management controls (II.B.5. d) | Four years from the effective date of this permit |
| ***Pollution Prevention/Good Housekeeping (40 CFR §122.34(b)(6))*** | | |
| Part II.B.6 | Develop and implement an operation and maintenance program intended to prevent or reduce pollutant runoff from municipal operations (II.B.6.a) | Two years from the permit effective date |
| | Develop and conduct appropriate training for municipal personnel (II.B.6.b) | Two years from the permit effective date, annually thereafter |
| | Develop SWPPP for ITD's maintenance yard/street department site (II.B.c) | Two years from the permit effective date |

# IV. Monitoring, Recordkeeping and Reporting Requirements

## A. Monitoring

1. At least once annually, the permittee must evaluate its compliance with these permit conditions, the appropriateness of identified BMPs, and progress toward achieving the minimum control measures. This evaluation of program compliance must be documented in each Annual Report required as described in Part IV.C.

2. **Monitoring Objectives.** The permittee must monitor the quality of storm water discharges from the MS4 as described in Part IV.5. Not later than 12 months from the effective date of this permit, the permittee must develop a monitoring plan that includes the quality assurance requirements defined in Part IV.A.6. The permittee must develop and implement a monitoring program to:

a) Estimate the pollutant loading currently discharged from the MS4s;

b) Assess the effectiveness and adequacy of control measures implemented through this permit; and

c) Identify and prioritize those portions of the MS4 requiring additional controls.

3. **Representative Sampling.** Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

4. **Monitoring Procedures.** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136. 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 and IDEQ.

5. **Storm Water Discharge Monitoring.** No later than 18 months from the effective date of this permit, the permittee must conduct a storm water discharge monitoring program which meets the following minimum requirements:

a) The permittee must sample the storm water outfall(s) discharging to French Gulch and Fernan Creek; and

b) The permittee must monitor the storm water discharges for the pollutants as identified in Table IV.A.

**Table IV.A: Monitoring Requirements**

| Parameter | Monitoring requirements | | |
|---|---|---|---|
| | Sample location[1] | Sample frequency[2] | Sample type[3] |
| Flow (cfs) | See below | 4 times/yr | Grab |
| Temperature (°C) | See below | 4 times/yr | Recording |
| Total suspended solids (mg/L) | See below | 4 times/yr | Grab |
| Total phosphorus (mg/L) | See below | 4 times/yr | Grab |
| Total Nitrogen | See below | 4 times per year | Grab |
| Total lead (mg/L) | See below | 4 times/yr | Grab |
| Total zinc (mg/L) | See below | 4 times/yr | Grab |
| Hardness | See below | 4 time/yr | Grab |
| Total Polychlorinated Biphenyls | See below | 4 time/yr | Grab |
| | | | |

[1] Outfall locationsr to be determined by the permittee that discharge to French Gulch or Fernan Creek.
[2] A minimum of four (4) samples must be collected in a calendar year. Monitoring should occur at least once during each of the following periods: March - April, May - June, July - August, September - October. Outfall sampling should occur within the first 30-60 minutes of storm events to catch the 'first flush.'
[3] Grab samples may be taken manually or with an automatic water sampler.

6. **Quality Assurance Requirements.** The permittee must develop a quality assurance plan (QAP) prior to conducting any discharge or surface water monitoring. The QAP for such sampling must be developed in accordance and consistent with the *Quality Assurance Plan for the Coeur d'Alene Lake Management Plan* (dated June 6, 2007) at least 270 days prior to beginning the monitoring effort.

Upon completion of the QAP, the permittee must submit the plan to EPA and IDEQ for review and approval as indicated in Part IV.D.

(i) The QAP must be designed to plan for the collection and analysis of storm water discharge and/or receiving water samples in support of this permit, and in explaining data anomalies when they occur.

(ii) Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in the following documents:

- 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*

- 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*

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

(iii) At a minimum, the QAP must include the following:

i. 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 preparation requirements, sample shipping methods, and laboratory data delivery requirements.

ii. Map(s) indicating the location of each sampling point.

iii. Qualification and training of personnel.

iv. Name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by the permittee.

v. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.

(iv) Copies of the approved QAP must be maintained by the permittee and made available to EPA and/or IDEQ upon request.

**B. Recordkeeping**

1. **Retention of Records.** The permittee must retain records and copies of all information (including all monitoring, calibration and maintenance records and all original strip chart recordings for any continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit) for a period of at least three 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. Records include all information used in the development of the SWMP, all monitoring data, copies of all reports, and all data used in the development of the permit application.

2. **Availability of Records.** The permittee must submit the records referred to in Part IV.B.1 to EPA and IDEQ only when specifically asked to do so. The permittee must retain the SWMP required by this permit (including a copy of the permit language and all Annual Reports) at a location accessible to the EPA. The permittee must make records, including the permit application and the SWMP, available to the public. The public must be able to view the records during normal business hours. The permittee may charge the public a reasonable fee for copying requests.

**C. Reporting Requirements**. No later than February 15 of each year beginning in year 2010, the permittee must submit an Annual Report to EPA and IDEQ. The reporting period for the first annual report will be from the effective date of this permit through December 31, 2009. The reporting period for all subsequent annual reports will be the previous calendar year. Copies of all Annual Reports shall be made available to the public, at a minimum, through a permittee-maintained website. The following information must be contained in each Annual Report:

1. The report must assess compliance with this permit and progress towards achieving the identified actions and activities for each minimum control measure in Parts II.B and II.C. Status of each program area must be addressed, even if activity has previously been completed or has not yet been implemented;

2. Results of any information collected and analyzed during the previous 12 month period, and any other information used to assess the success of the program at improving water quality to the maximum extent practicable;

3. A summary of the number and nature of inspections, formal enforcement actions, and/or other similar activities performed by the permittee;

4. A summary list of any water quality compliance-related enforcement actions received from regulatory agencies other than EPA. Such actions include, but are not limited to, formal or informal warning letters, notices of violation, field

citations, or similar actions. This summary should include dates, project synopsis, and actions taken to address the compliance issue(s);

5. Copies of education materials, ordinances (or other regulatory mechanisms), inventories, guidance materials, or other products produced as a result of actions or activities required by this permit;

6. A general summary of the activities the permittee plans to undertake during the next reporting cycle (including an implementation schedule) for each minimum control measure;

7. A description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable water quality standards to the maximum extent practicable;

8. Notice if the permittee is relying on another entity to satisfy any of the permit obligations, if applicable.

**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:

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

IDEQ: Idaho Department of Environmental Quality
Coeur d'Alene Regional Office
2110 Ironwood Parkway
Coeur d'Alene, ID 83814

## V. Compliance Responsibilities

**A. Duty to Comply.** The permittee 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 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 $32,500 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 $11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $32,500). 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 $11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $157,500).

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 permittee 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 permittee 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 permittee 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 permittee 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 permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

**F. Toxic Pollutants.** The permittee 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 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 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.

## VI. General Provisions

**A. Permit Actions.** 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 for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

**B. Duty to Reapply.** If the permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. In accordance with 40 CFR §122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Director, the permittee must submit a new application at least 180 days before the expiration date of the permit, or in conjunction with the fourth Annual Report. The reapplication package must contain the information required by 40 CFR §122.21(f) which includes: name and mailing address(es) of the permittee(s) that operate the MS4(s), and names and titles of the primary administrative and technical contacts for the municipal permittee(s). In addition, the permittee must identify the identification number of the existing NPDES MS4 permit; any previously unidentified water bodies that receive discharges from the MS4; a summary of any known water quality impacts on the newly identified receiving waters; a description of any changes to the number of applicants; and any changes or modifications to the Storm Water Management Program. The re-application package may incorporate by reference the fourth Annual Report when the reapplication requirements have been addressed within that report.

**C. Duty to Provide Information.** The permittee 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 permittee 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 permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to the Director or IDEQ, the permittee 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 VI.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 VI.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 permittee. 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 permittee. 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 permittee must allow the Director, IDEQ, or an authorized representative (including an authorized contractor acting as a representative of the Director), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's 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 co-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 co-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 co-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 co-permittees from any responsibilities, liabilities, or penalties to which the co-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.

"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.

"Coeur d'Alene Urbanized Area" means the greater Coeur d'Alene, Idaho, area delineated by the Year 2000 Census by the U.S. Bureau of the Census according to the criteria defined by the Bureau on March 15, 2002 (67 FR 11663) namely, the area consisting of contiguous, densely settled census block groups and census blocks that meet minimum population density requirements, along with adjacent densely settled census blocks that together encompass a population of at least 50,000 people.

"Construction General Permit or CGP" means the current version of the U.S. Environmental Protection Agency's *NPDES General Permit for Storm Water Discharges from Construction Activities in Idaho, Permit No. IDR05-0000.* The permit is posted on EPA's website at *www.epa.gov/npdes/stormwater/cgp*.

"Control Measure" as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants 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 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 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. (See 40 CFR §122.26(b)(14)(x) and 40 CFR §122.26(b)(15) for the two regulatory definitions of storm water associated with construction sites.)

"Discharge of Storm Water Associated with Industrial Activity" is defined 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.

"Discharge Monitoring Report or DMR" means the EPA uniform national form, including any subsequent additions, revisions or modification for the reporting of self monitoring results by permittees. See 40 CFR §122.2.

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

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

"IDAPA" means Idaho Administrative Procedure Act.

"IDEQ" means the Idaho Department of Environmental Quality.

"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.

"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.

"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 CWA Section 402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR §122.34.

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

"MS4" means "municipal separate storm sewer system" and is used to refer to a Large, Medium, or Small Municipal Separate Storm Sewer System. The term, as used within the context of this permit, refers to small MS4s (see definition below) and includes systems operated by a variety of public entities (*e.g.*, military facilities, prisons, and systems operated by other levels of government).

"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" 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."

"Outfall" means a point source (defined 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.

"Permitting Authority" means EPA.

"Point Source" 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 as a cause of impairment of any water body that will receive a discharge from a MS4 authorized under this permit.

"Post- construction storm water management controls" or "permanent stormwater management controls" means those controls designed to treat or control runoff on a permanent basis once construction is complete.

"QA/QC" means quality assurance/quality control.

"QAP" means Quality Assurance Plan or Quality Assurance Project Plan.

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

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

"Small Municipal Separate Storm Sewer System" is defined at 40 CFR §122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, 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, but is not defined as "large"' or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas such as individual buildings.

"Storm Water" is defined at 40 CFR §122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.

"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.

"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.

"Waters of the United States" 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.

"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.