FACT SHEET

NPDES Permit Number:	IDS-028223
Date:	February 29, 2008
Public Comment Period Expiration Date:	April 29, 2008
Technical Contact:	Misha Vakoc (206) 553-6650 or (800) 424-4372 vakoc.misha@epa.gov

The U.S. Environmental Protection Agency (EPA) Proposes to Issue a National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges To:

Idaho Transportation Department, District #1

EPA Requests Public Comment on the Proposed Permit

EPA Region 10 proposes to issue a NPDES permit authorizing the discharge of storm water from all municipal separate storm sewer system (MS4) outfalls owned and operated by the Idaho Transportation Department, District # 1 (ITD). Permit requirements are based on Section 402(p) of the Clean Water Act, 33 U.S.C. § 1342(p), and EPA's "Phase II" regulations for MS4 discharges, published in the Federal Register on December 8, 1999, 64 Fed. Reg. 68722.

The draft NPDES permit requires the implementation of a municipal storm water management program (SWMP), and outlines the best management practices (BMPs) to be used by ITD to control pollutants in storm water discharges to the maximum extent practicable. The permit establishes conditions, prohibitions, and management practices for discharges of storm water from the MS4 owned or operated by ITD. Annual reporting is required to provide information on the status of the SWMP implementation. Part III of the permit summarizes the activities and schedule for SWMP implementation.

This fact sheet includes:

- information on public comment, public hearing and appeal procedures;
- a description of ITD's MS4; and
- a description of requirements for the local SWMP, a schedule of compliance, and other conditions.

EPA is requesting comments on all aspects of the proposed permit. Topics about which EPA is particularly interested in receiving public input are identified in this fact sheet using ***bold italic*** text.

The State of Idaho Certification

EPA has requested that the Idaho Department of Environmental Quality (IDEQ) certify this NPDES permit pursuant to Section 401 of the Clean Water Act, 33 U.S.C. § 1341. EPA may not issue the NPDES permit until the state has granted, denied or waived certification. IDEQ has provided a draft certification for this permit (see Appendix C) and will accept public comment on this draft as indicated below through the end of the comment period indicated above. For more information about this review, please contact Ms. June Bergquist at (208) 769-1422.

Public Comment

EPA will consider all comments before issuing the final permit. Comments should include a name, address, phone number, the permit number of the draft permit (#IDS-028223), and a concise statement of the basis of the comment, as well as relevant facts upon which the comment is based. All written comments should be postmarked no later than the public comment period expiration date and addressed to the Manager, NPDES Permits Unit, U.S. EPA - Region 10, 1200 Sixth Avenue, Suite 900, OWW-130, Seattle, WA 98101; alternatively, comments can also be submitted by facsimile at (206) 553-0165; or submitted via e-mail to vakoc.misha@epa.gov.

Persons wishing to comment on the State Certification should submit written comments by the public notice expiration date indicated at the beginning of this fact sheet to the Regional Administrator, Idaho Department of Environmental Quality, Coeur d'Alene Regional Office, 2110 Ironwood Parkway, Coeur d'Alene, ID 83814.

Public Hearing

EPA has scheduled a public meeting and hearing regarding this draft permit on Wednesday, April 2, 2008, at the Lake City Senior Center, located at 1916 Lakewood Drive, Coeur d'Alene, Idaho, 83814. The meeting will begin at 6:00 pm. During the public hearing portion of the meeting, EPA will accept both written and oral testimony regarding the proposed permit.

After the public comment period expires and all significant comments have been considered, EPA's Director of the Office of Water and Watersheds will make a final decision regarding permit issuance. If no comments requesting a change in the draft permit are received, the tentative conditions in the draft permit become final, and the permit will become effective upon issuance. If comments are submitted, EPA will prepare a response to comments document and if necessary will make changes to the draft permit. After making any necessary changes, EPA will issue the permit with the response to comments, unless issuance of a new draft permit is warranted pursuant to 40 CFR § 122.14. The permit will become effective no earlier than thirty-three (33) days after the issuance date, unless the permit is appealed to the Environmental Appeals Board within 30 days pursuant to 40 CFR § 124.19.

Documents Are Available for Review

The draft NPDES permit and related documents can be reviewed or obtained by contacting EPA's Regional Office in Seattle between 8:30 a.m. and 4:00 p.m., Monday through Friday (see address below). The draft permit and fact sheet can also be found by visiting the Region 10 website at http://www.epa.gov/region10/stormwater.htm. Reference materials cited in the fact sheet are available in electronic format or in hard copy. To request copies and other information, please contact the NPDES Permits Unit at:

United States Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900, OWW-130
Seattle, Washington 98101
(206) 553-6650 or
1-800-424-4372, x 6650 (toll free in Alaska, Idaho, Oregon, and Washington)

The draft permit and fact sheet are also available at:

U.S. EPA Idaho Operations Office
1435 North Orchard
Boise, Idaho 83706
(208) 378-5746

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

For technical questions regarding the draft permit or fact sheet, contact Misha Vakoc at the phone number or e-mail address at the beginning of this fact sheet. Those with impaired hearing or speech may contact a TDD operator at 1-800-833-6384 (ask to be connected to Misha Vakoc at the above phone number). Additional services can be made available to a person with disabilities by contacting Misha Vakoc.

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I. Introduction

Storm water is the surface runoff that results from rain and snow melt. Urban development alters the land's natural infiltration, and human activity generates a host of pollutants that can accumulate on paved surfaces. Uncontrolled storm water discharges from urban areas can negatively impact water quality.

The National Pollutant Discharge Elimination System (NPDES) storm water regulations establish permit requirements for discharges from publicly owned ditches, pipes and other conveyances in urban areas. This fact sheet describes the municipal separate storm sewer systems (MS4s) owned or operated by the Idaho Transportation Department, District #1 (ITD), and explains the rationale for the proposed NPDES permit conditions. Appendix A of this fact sheet details the regulatory background for the federal MS4 permit program, and the types of pollutants typically found in urban runoff.

The terms "municipal separate storm sewer" and "small municipal separate storm sewer system" are defined at 40 CFR §122.26(b)(8) and (b)(16), respectively. MS4s include any publicly-owned conveyance or system of conveyances used for collecting and conveying storm water and which discharges to waters of the United States. MS4s are designed for conveying storm water only, and are not part of a combined sewer system, nor part of a publicly owned treatment works. Such a system may include roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains

ITD owns and operates a regulated small MS4 within the Coeur d'Alene Urbanized Area. A *regulated small MS4* is defined as any MS4 located in an "urbanized area" as defined by the Bureau of the Census from the Year 2000 Census; the term may also describe small MS4s located outside of an urbanized area that are designated as regulated by the NPDES permitting authority. See 40 CFR §122.32(a). A regulated small MS4 includes storm drain conveyance systems owned or operated by a state, city, or federal entity, a town, or other public entity where storm water discharges directly to waters of the U.S. The regulated MS4 may drain into another MS4 before ultimately discharging to waters of the United States.

II. Permit Area and Applicant

In accordance with Section 402(p) of the Clean Water Act (CWA), 33 USC § 1342(p), and federal regulations at 40 CFR §122.32, the permit is being proposed on a system-wide basis for the following MS4 operator:

Idaho Transportation Department, District # 1
600 W. Prairie Avenue
Coeur d'Alene, Idaho 83815

The MS4 owned and operated by ITD is located within the boundaries of the Coeur d'Alene Urbanized Area defined by the Year 2000 Decennial Census. See Appendix B for a map of the Coeur d'Alene Urbanized Area. The U.S. Environmental Protection Agency (EPA) received from ITD an application for NPDES permit coverage dated July 24, 2003, describing a Storm

Water Management Program (SWMP) designed to reduce pollutants in discharges from the MS4 to the maximum extent practicable (MEP).

EPA has concurrently proposed similar NPDES permits for other regulated MS4s in the Coeur d'Alene Urbanized Area in an effort to establish consistent, area wide expectations for the management of municipal storm water. Other regulated MS4s for which EPA has proposed NPDES permits include the City of Coeur d'Alene (Permit #IDS-028215), City of Post Falls(Permit #IDS-028231), Post Falls Highway District (Permit #IDS-028193), and Lakes Highway District (Permit #IDS-028207). As described in greater detail below, EPA encourages these operators to work together to adequately control storm water discharges from their respective MS4s.

EPA requests public comment on whether other municipal entities within the Coeur d'Alene Urbanized Area own or operate regulated MS4s subject to the federal storm water permitting requirements. In 2003, Kootenai County and the cities of Hayden, Hayden Lake, Huetter, Dalton Gardens and Fernan Lake each submitted information to EPA contending their organizations do not own or operate MS4s; EPA requests any updated information regarding the owner/operator status of other MS4s within the Coeur d'Alene Urbanized Area.

III. Description of the MS4 and Discharge Locations

The MS4 owned and operated by ITD is located within Kootenai County, Idaho, ITD's responsibility includes the operation and maintenance of drainage systems associated with I-90, US-95, and a portion of Coeur d'Alene lake drive east of Coeur d'Alene. Within the Coeur d'Alene Urbanized Area, storm water from the ITD highway system generally drains into adjacent roadside ditch areas and infiltrates through vegetated areas and well draining soil. ITD's MS4 is physically interconnected to the MS4s of neighboring jurisdictions. A general area map provided by ITD shows that the MS4 also discharges directly to Lake Coeur d'Alene and the Spokane River ITD is cooperatively engaged in the construction and/or repair of roadways within neighboring jurisdictions when such projects are supported by federal highway funding.

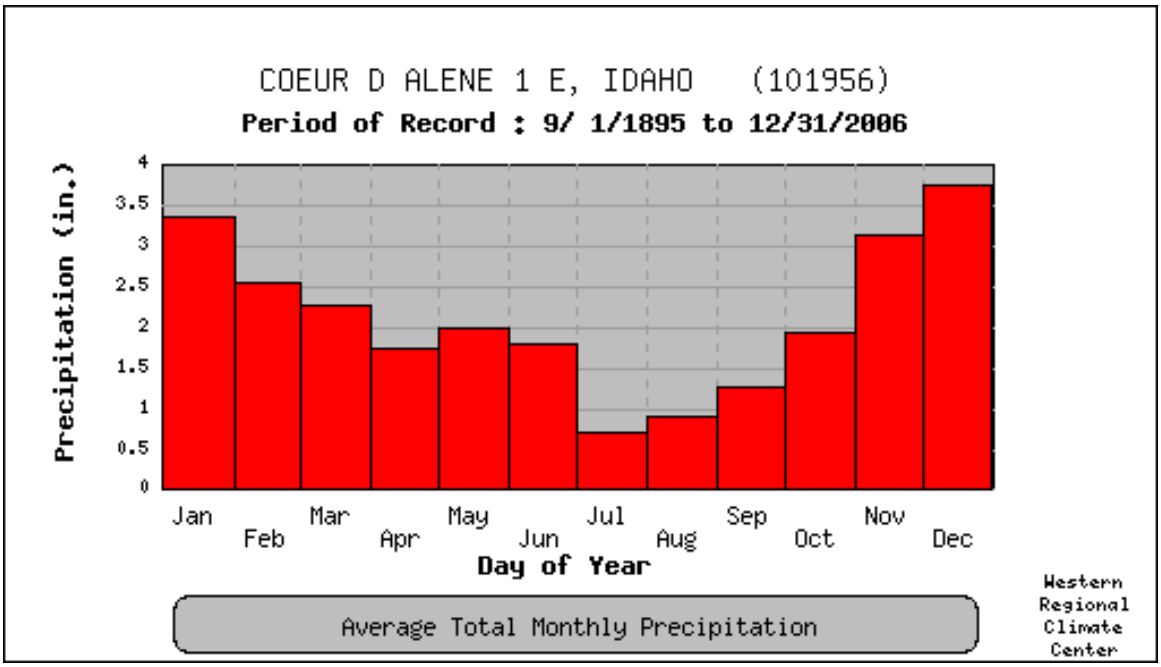
The City of Coeur d'Alene (City) and ITD previously entered into a Cooperative Agreement for Maintenance of State Highway U.S. 95 within the city limits (Cooperative Agreement). Under the Cooperative Agreement, the City operates and maintains the MS4 along these roadways, while ITD has agreed to conduct snow removal, culvert maintenance and maintenance of unimproved roadsides on U.S. 95. Both the City and ITD are considered regulated small MS4s and EPA has proposed consistent NPDES permit requirements for each entity. Each MS4 operator is therefore responsible for the management of pollution discharged via their MS4s to waters of the United States within the Coeur d'Alene Urbanized Area in accordance with their respective NPDES permit.

In addition to the road ways, ITD owns a maintenance facility within the Coeur d'Alene Urbanized Area, located at 600 W. Prairie Avenue. Activities at this facility include the storage of sand and salt for road application, and fleet storage, and maintenance.

ITD submitted general maps of these areas as part of their permit application; however, a detailed map of their storm sewer system and all discharge locations does not exist at this time. Part II.B.3.d of the draft permit requires ITD to develop a detailed system assessment and map during the permit term. The purpose of the map is to fully define the extent of the MS4s and verify the location of all outfalls and interconnections with the MS4s of adjacent jurisdictions which ultimately discharge to waters of the U.S. including Lake Coeur d'Alene and/or the Spokane River.

IV. Average Annual Precipitation in the Coeur d'Alene Area

The National Oceanic and Atmospheric Administration's Western Regional Climate Center maintains historical climate information for various weather stations throughout the western United States. The Coeur d'Alene Urbanized Area has an annual average precipitation of approximately 25 inches per year and an annual average snowfall of 50 inches per year.



V. Receiving Waters

A. General Information

EPA proposes to authorize storm water discharges from the MS4 owned or operated by ITD within the Coeur d'Alene Urbanized Area to waters of the United States. The receiving waters include Lake Coeur d'Alene and the Spokane River. All discharges to waters of the U.S. located within the permit coverage area must comply with the permit and any limitations imposed by the State as part of its water quality certification of the NPDES permit pursuant to CWA Section 401, 33 U.S.C. § 1341.

The Idaho Department of Environmental Quality (IDEQ) has classified the following water bodies as fresh water with the following designated uses (see IDAPA 58.01.02.110):

Coeur d'Alene Lake: cold water aquatic life, salmonid spawning, primary contact recreation, domestic water supply and special resource water.

Spokane River: cold water aquatic life, salmonid spawning, primary contact recreation and domestic water supply.

Federal regulations at 40 CFR 122.4(d) require that NPDES permits include conditions necessary to ensure compliance with the water quality requirements of all affected States. ITD and other regulated MS4s in the Coeur d'Alene Urbanized Area discharge to the Spokane River and its tributaries approximately 15 miles upstream from the Idaho/Washington state border.

The Washington Department of Ecology has classified the section of the Spokane River between the Nine Mile Bridge (river mile 58.0) and the Washington-Idaho state line (river mile 96.0) as a "Class A" waterbody, with a site-specific temperature criterion of 20ºC. (See the Washington Administrative Code 173-201A-130, as approved by EPA dated November 18, 1997). Lake Spokane, a reservoir formed by the Long Lake Dam on the Spokane River, is a "Lake Class" waterbody. As Class A and Lake Class water bodies in the State of Washington, designated uses include, but are not limited to:

- domestic, industrial and agricultural water supply;
- stock watering;
- migration, rearing, spawning and harvesting of salmonids and other fish;
- wildlife habitat;
- recreation including primary contact recreation, sport fishing, boating, and aesthetic enjoyment; and
- commerce and navigation.

B. Water Quality Standards and Total Maximum Daily Loads

Any water body that does not and/or is not expected to meet the applicable water quality standards is described as "impaired" or as a "water quality-limited segment." Section 303(d) of the CWA, 33 U.S.C. § 1313(d), requires States to identify impaired water bodies in the State and develop Total Maximum Daily Load (TMDL) management plans for those impaired water bodies. TMDLs define both waste load allocations (WLAs) and load allocations (LAs) that specify how much of a particular pollutant can be discharged from both regulated and unregulated sources, respectively, such that the waterbody will again meet State water quality standards. In a water body where EPA has approved a TMDL, any NPDES permit conditions must be consistent with the assumptions and requirements of available WLAs. See 40 C.F.R. § 122.44(d)(1)(vii)(B).

Idaho TMDLs

IDEQ's *2002 CWA Integrated Section 303(d)/Section 305(b) Report* (2002 Integrated Report) contains the list of impaired water bodies within the State of Idaho. This report lists portions of the Spokane River, Lake Coeur d'Alene and associated tributaries within the Coeur d'Alene Urbanized Area as water quality-impaired (*i.e.*, meaning the water body does not meet water quality standards.) Coeur d'Alene Lake is impaired due to metals; certain small tributaries to the Lake are listed as impaired due to nutrients and sediment; and, the Spokane River is listed as impaired due to metals, nutrients and temperature. According to information contained in the ITD permit application, the MS4 discharges into the MS4s of adjacent jurisdictions, Lake Coeur d'Alene and the Spokane River.

At this time, TMDLs have not been established for these water bodies. It should be noted, however, that there was a TMDL for the Coeur d'Alene River Basin. Specifically, in August of 2000, EPA approved a TMDL submitted by the State of Idaho for metals in the Coeur D'Alene River Basin. The TMDL included the segment of the Spokane River where the District's MS4 discharges are located. However, in 2003, the Idaho Supreme Court determined that this TMDL was void because it was not promulgated according to the rulemaking requirements of Idaho's Administrative Procedures Act. Since the State court invalidated the Coeur d'Alene River Basin TMDL under State law, there is no longer an EPA approved TMDL for the relevant section of the Spokane River. Accordingly, EPA is not required by 40 CFR 122.44(d)(1)(vii)(B) to establish permit requirements that are consistent with the assumptions and requirements of the invalidated TMDL's waste load allocations.

In its permit application, ITD identified at least one outfall discharging to Lake Coeur d'Alene and at least two outfalls discharging to the Spokane River. There is no existing water quality data representing the quality of the storm water discharges from the MS4. Therefore, EPA is requiring ITD to develop a storm water management program to control the pollutants of concern, and a storm water discharge monitoring program to assess the specific pollutants of concern, namely, zinc, lead, phosphorus, nitrogen and temperature. See Section VI.F., below, for a more detailed monitoring and reporting discussion.

Washington TMDLs

As mentioned in the previous section, EPA regulations at 40 CFR 122.4(d) prohibits the issuance of permits "when the imposition of conditions cannot ensure compliance with the applicable water quality requirements of all affected states."

The Washington Department of Ecology's *2004 Water Quality Assessment Report* lists the Spokane River as not meeting the water quality standards for dissolved oxygen, metals, phosphorus, polychlorinated biphenyls (PCBs) and temperature.

The *Spokane River Dissolved Metals Total Maximum Daily Load* was approved by EPA on August 25, 1999. The TMDL does not contain any waste load allocation or stormwater management requirements for municipal storm water discharges contained.

ITD's MS4 discharges into the Spokane River and potentially impacts the attainment of Washington water quality standards within Washington. There is no existing data representing storm water discharges from ITD's MS4. To assess the contribution of storm water as a source of pollution to the Spokane River, EPA is also requiring ITD ti target their SWMP and monitor storm water discharges to the Spokane River for PCBs.

In the event that EPA approves other TMDLs for waters within the Coeur d'Alene Urbanized Area prior to the expiration date of this permit, or approves other TMDLs applicable to the Spokane River, and waste load allocations are assigned to ITD's MS4, EPA may elect to modify this permit. Part VI.A of the permit addresses such a permit modification, consistent with the regulations at 40 CFR §§122.62, 122.64 and 124.5.

VI. Basis for Permit Conditions

A. General Information

The conditions established in this permit are based on Section 402(p)(3)(B) of the CWA, 33 U.S.C. § 1342(p)(3)(B), which requires any NPDES permit for MS4 discharges to effectively prohibit non-precipitation related flows from entering the MS4. In addition, the NPDES permit must require controls necessary to reduce pollutants in municipal storm water discharges to the MEP, including management practices, control techniques, and system design and engineering methods, and/or other such provisions determined by the NPDES permitting authority to be appropriate. Appendix A of this fact sheet further discusses the regulatory background for the municipal storm water program.

NPDES permits for regulated small MS4s must, at a minimum, require the operator to develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the small MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements under the CWA. See 40 CFR § 122.34(a). The SWMP must include six minimum control measures that are set forth in the federal regulations. See 40 CFR § 122.34(b). These six minimum control measures are discussed in more detail below. Absent evidence to the contrary, it is presumed that a permit for a small MS4 operator who implements a SWMP that covers the six minimum measures does not require more stringent limitations to meet water quality standards. See 64 Fed. Reg. at 68753 (Dec. 8, 1999).

In the preamble to the Phase II regulations, EPA has stated that it "considers narrative effluent limitations requiring implementation of Best Management Practices (BMPs) to be the most appropriate form of effluent limitations for MS4s." 64 Fed. Reg. at 68753 (Dec. 8, 1999). EPA's 1996 interim permitting policy recommends the use of BMPs in the first 5-year permit

round, and use of expanded or better tailored BMPs in subsequent permits, to provide for the attainment of water quality standards. See "*Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits*," 61 Fed Reg. 43761 (August 26, 1996).

EPA considered the program information submitted by ITD in the NPDES permit application, as well as input from IDEQ, in developing the requirements in the proposed permit. The permit application and other documents are included in the administrative record supporting this permitting decision. After reviewing all of this information, EPA has determined that BMPs, implemented and enforced through a comprehensive SWMP, are the most effective means for reducing the discharge of pollutants to the MEP and for complying with the water quality provisions of the CWA. Thus, the draft permit proposes the use of BMPs implemented through the actions and activities required in the SWMP, as the primary means to control sources of pollution in urban storm water discharges.

EPA is including analytical monitoring requirements to assess the contribution of the ITD MS4 discharges to the known water quality impairment of the Spokane River and Lake Coeur d'Alene. EPA is requiring ITD to specifically target the pollutants of concern through its SWMP activities and practices, and to evaluate the effectiveness of those practices during the five year permit term.

Numeric effluent limitations are not proposed at this time. Numeric limitations may be included in the final permit if required by the State of Idaho as a condition for certification of the permit pursuant to Section 401 of the CWA, 33 U.S.C. § 1341. At this time, IDEQ's draft certification of the permit does not include numeric effluent limitations as a condition of certification (see Appendix C). After permit issuance, EPA may add numeric limitations to the permit in the future through a permit modification process, if EPA determines that the designated beneficial uses of receiving waters are not being met due to the contributions of contaminants by ITD's storm water discharges, and such permit modifications are reasonable to ensure the attainment of water quality standards. See 40 C.F.R. § 122.62.

B. Discharges Authorized By This Permit

The draft permit authorizes all existing storm water discharges to waters of the United States from the portions of the MS4s owned or operated by ITD within the Coeur d'Alene Urbanized Area. In Part I.C, the permit limits the authorization to discharge municipal storm water in the following manner:

- Storm water runoff commingled with process wastewater, non-process wastewater, storm water associated with industrial or construction activity (as defined in 40 CFR §122.26(b)(14) and (15)) and/or other discharge flows are allowed, provided the commingled flows are already authorized by a separate individual or general NPDES permit.
- Certain types of runoff that are unrelated to precipitation events (referred to as "non-storm water") and which may be listed in 40 CFR §122.26(d)(2)(iv)(B)(1) are also allowed to enter the MS4, provided these discharges are not considered to be sources of pollution to the waters of the United States in the Coeur d'Alene Urbanized Area. Sources of pollution are defined by the permit in Part

I.C.1.c.ii using terminology from the Idaho water quality standards in consultation with IDEQ. Part II.B.3 of the permit complements this limitation, by requiring ITD to prohibit, through ordinance or other enforceable means, all other types of non-storm water discharges into the MS4. ITD is responsible for the quality of all combined discharges through its MS4 outfalls, and therefore has an interest in locating any uncontrolled and/or un-permitted discharges to its MS4.

- Discharges from the MS4 must not cause violations of federally approved State water quality standards, nor violate the State anti-degradation policy for water quality standards.
- Snow disposal directly into waters of the United States, or directly to the MS4, is prohibited, due to concerns that the accumulated snow and melt water from urban environments may contain elevated levels of pollutants. Discharges of melt water from snow disposal sites and snow management activities are authorized by this permit, if the permittee identifies and implements prudent and appropriate BMPs as required by Section II.B.6 of the permit to control pollutants in the discharges to the MEP. Examples of such practices include: locating snow piles in upland areas; designating different disposal requirements for "clean" or "dirty" snow; providing an storage area with vegetated buffers or filtration through vegetated swales to settle out and recover solid materials, (such as traction material, pet waste, trash, etc.) for disposal.

C. Permittee Responsibilities

EPA regulations at 40 CFR §122.41 require the permittee to comply with all terms and conditions of a NPDES permit. See Part V.A of the permit.

EPA regulations allow that one or more of the SWMP measures may be implemented by an entity other than the permittee (*e.g.*, an organization which is not a regulated MS4 may implement a street sweeping program for a given permittee). See 40 CFR § 122.35(a). As such, Part II.A.4 of the permit allows ITD to delegate some or all of a required minimum measure to another entity if: 1) the other entity in fact implements the control measure; 2) the particular control measure is at least as stringent as the corresponding permit requirement; and 3) the other entity agrees to implement the control measure on the permittee's behalf. Formal agreements are recommended in the regulation, however, this permit requires that the permittee enter into binding agreements with such outside parties to minimize any uncertainty about compliance with the permit ITD remains responsible for compliance with the permit obligations in the event the other entity fails to implement the control measure (or any component thereof).

EPA has concurrently proposed NPDES permits for storm water discharges from the other regulated MS4s owned and operated in the Coeur d'Alene Urbanized Area as listed below, and expects to issue all of these permits in the near future:

- City of Coeur d'Alene (Permit #IDS-028215),
- City of Post Falls (Permit #IDS-028231),
- Lakes Highway District (Permit #IDS-028207) and

- Post Falls Highway District (Permit #IDS-028193).

To encourage partnerships and consistency among the regulated MS4s in the area, EPA has used its discretion to require similar minimum control requirements and implementation schedules for all regulated MS4s in the area. EPA acknowledges that since submitting the initial permit application, an MS4 operator may already be implementing one or more of the required control activities. Alternatively, in some situations EPA has proposed an activity and implementation schedule that defines a minimum SWMP action, but that goes beyond what the MS4 operator may have defined through their NPDES permit application. Through these permits for regulated MS4s in the Coeur d'Alene Urbanized Area, EPA has defined the minimum BMPs to control pollutants in storm water discharges to the MEP. EPA encourages all of the MS4 operators to work together to manage storm water discharges in a comprehensive and consistent fashion throughout the Coeur d'Alene Urbanized Area.

D. SWMP Requirements

The permit requires ITD to develop, implement, and enforce a comprehensive SWMP designed to reduce pollutants to the MEP and to protect water quality. Regulations at 40 CFR §122.34 require the following six minimum pollution control measures to be included in a SWMP:

- Public Education and Outreach on Storm Water Impacts;
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination;
- Construction Site Storm Water Runoff Control;
- Post Construction Storm Water Management in New Development and Redevelopment; and
- Pollution Prevention/Good Housekeeping for Municipal Operations.

For each measure, the regulations specify certain required activities that must be implemented, and provide guidance on other BMPs to include in an adequate SWMP. EPA has also developed separate guidance documents to assist MS4 operators in developing their SWMP activities and determining appropriate measurable goals to be included in the SWMP.

ITD's permit application, submitted in July 2003, contains the various elements of the ITD's initial SWMP and identifies specific BMPs to accomplish each of the six minimum measures. Part II of the permit incorporates the required minimum actions, and also includes the specific activities set forth by ITD in their application.

Milestones and compliance dates are identified in Part II.B and are summarized in tabular form in Part III of the permit. Dates by which the activities must be accomplished are derived from ITD's application, however, where no timeline was identified, and in the interest of proposing permit requirements consistent with the other regulated MS4 permits for the area, EPA has used its discretion to identify compliance dates.

Part II.C requires ITD to monitor and to target their SWMP activities to address the pollutants of concern in Lake Coeur d'Alene and Spokane River. ITD may update its SWMP

as described in Part II.D. EPA and IDEQ may jointly review and approve any plans or plan modifications submitted by ITD. Part II.E of the permit specifies that areas annexed by ITD during the permit term must be included in the SWMP within one year of annexation. Part II.F requires that sufficient resources must be available to implement the activities of the SWMP. Part IV of the permit requires ITD to conduct storm water discharge monitoring to characterize the pollutant loading from the MS4, and to submit annual reports to document program compliance and accomplishments. (See 40 CFR §122.34 (g)).

The following sections discuss the minimum SWMP control measures in detail:

1. Public Education and Outreach (40 CFR §122.34(b)(1))

ITD must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and steps the public can take to reduce pollutants in storm water runoff.

Since there is greater support for the SWMP as the public gains a better understanding of the reasons why the SWMP is necessary and important, an informed and knowledgeable community is crucial to the success of a SWMP. Public support is particularly beneficial when operators of small MS4s attempt to institute new funding initiatives for the program or seek volunteers to help implement aspects of the program. Education can lead to greater compliance with the local programs, as the public becomes aware of the personal responsibilities expected of them and others in the community, including individual actions they can take to protect or improve the quality of area waters**.**

As a state highway department, ITD does not have a traditional "resident population" as do city and county organizations. The ITD application states that ITD will review previously published storm water education materials and determine which information is appropriate for distribution to its "audience." ITD also intends to continue its participation in ongoing meetings regarding storm water management among local metropolitan planning organizations. EPA has proposed that ITD distribute storm water related information to those with whom ITD does business at least once per year.

In the draft permit, EPA has proposed storm water management activities for ITD which are consistent with those activities required in previously issued and/or proposed NPDES permits for ITD Districts #2, 5 and 6. In addition to the actions specified by ITD in their application, and to provide consistency throughout the state of Idaho for all ITD offices, EPA has chosen to include a specific requirement for continuing education and training of ITD District #1 employees throughout the term of this permit. Separate from this permit action, ITD and EPA entered into a Consent Decree for violations of the NPDES General Permit for Storm Water Discharges from Construction Activity, #IDR10-0000 (Construction General Permit or CGP) (see U.S. v. Idaho Transportation Department and Scarcella Brothers, Inc., No. CV-04-428-N-EJL, filed 6/23/2006). The proposed requirement for continuing education and training of employees allows ITD to directly fulfill the "public education and outreach" minimum control measure, and is consistent with the existing ITD Consent Decree.

EPA has also proposed that ITD also include storm water educational information on its website, consistent with the EPA issued MS4 permits for ITD Districts # 2, 5, and 6.

EPA has proposed minimum expectations for the public education program consistent with the proposed permit conditions for other regulated MS4s in the area.

EPA encourages ITD to work with the other regulated MS4 operators in the area to accomplish these education activities. EPA believes that mutual cooperation and coordination will benefit the permittees as well as the Coeur d'Alene area-audiences.

EPA requests comment on the breadth, scope and adequacy of these public education activities in Part II.B.1, in light of the other actions required by the permit.

2. Public Involvement and Participation (40 CFR §122.34(b)(2))

The draft permit requires that all public participation efforts comply with the applicable requirements of state and local law. If given the opportunity to participate, members of the public generally will become more supportive of a program. EPA encourages MS4 operators to provide more opportunities for public participation, and to attempt to engage all groups serviced by the MS4.

EPA believes that the public can provide valuable input and assistance in the development of a successful SWMP. As such, the public should be given opportunities to play an active role in both the development and implementation of the SWMP. Broad public support is crucial to the success of a SWMP because citizens who participate in the development and decision making process may be less likely to raise legal challenges to the SWMP and are more likely to take an active role in its implementation. In addition, the community is a valuable intellectual resource that can provide a broader base of expertise and economic benefit. Citizens involved in the SWMP development process provide important cross-connections and relationships with other community and government programs that can be particularly valuable when trying to implement a SWMP on a watershed basis.

In its application, ITD committed to using existing public involvement processes to include local citizens in state planning and highway storm water management decisions. EPA has chosen to include an additional requirement consistent with other permits previously issued to other ITD Districts, requiring that ITD continue the Idaho Adopt-a-Highway program in its area, EPA has also required that all documents relevant to the SWMP (including annual reports) be posted on a website sponsored by the ITD in order to provide reasonable public access to SWMP information.

EPA encourages ITD to work cooperatively with the other MS4 operators to coordinate efforts to engage citizens in the discussion of effective storm water management in the Coeur d'Alene Urbanized Area.

EPA requests comment on the breadth, scope and adequacy of the public involvement activities of Part II.B.2, in light of the other actions required by the permit.

3. Illicit Discharge Detection and Elimination (40 CFR §122.34(b)(3))

This minimum measure requires the MS4 operator to detect and eliminate illicit discharges from their system. An illicit discharge is any discharge to a MS4 that is not composed entirely of storm water. There are some exceptions to this definition, such as fire fighting activities and discharges already authorized by another NPDES permit. Part I.C. of the draft permit lists the types of allowable non-precipitation, or non-storm water drainage, which can be discharged to the MS4, provided that the discharges are not significant contributors of pollutants to the MS4.

Discharges from MS4s often include wastes and wastewater from non-storm water sources. For example, a 1987 study conducted in Sacramento, California found that almost one-half of the water discharged from a local MS4 was not directly attributable to precipitation runoff. A significant portion of these dry weather flows were from illicit and/or inappropriate discharges and connections to the MS4.

Illicit discharges enter the system through either direct connections (*e.g.*, wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (*e.g.*, infiltration into the MS4 from cracked sanitary systems, spills collected by drain inlets, or paint or used oil dumped directly into a drain). Examples of other sources include, but are not limited to: sanitary waste water effluent from septic tanks; car wash waste waters; radiator flushing disposal; laundry waste waters; and improper disposal of auto and household toxic waste. The result can be untreated discharges that contribute high levels of pollutants, including heavy metals, toxics, oil and grease, solvents, nutrients, viruses, and bacteria to receiving water bodies. EPA studies have shown that pollutant levels from these illicit discharges can be high enough to significantly degrade receiving water quality and threaten aquatic, wildlife, and human health.

The regulations at 40 CFR §122.34 (b)(3) contain four required components to this control measure. The MS4 operator must:

a. Develop a map of the MS4 that shows the location of all outfalls and names of the receiving waters;

b. Effectively prohibit discharges of non-storm water to the MS4 through the use of an ordinance or other regulatory mechanism, and provide for enforcement procedures and actions. EPA recognizes that some MS4 operators (like ITD) may not have the legal authority to pass an ordinance; therefore, the MS4 operators may evaluate their existing policies and procedures and use those policies and procedures in developing a regulatory mechanism;

c. Develop and implement a plan to detect and address non-storm water discharges. EPA recommends that this plan contain procedures to identify the problem areas in the community, conduct screening of

outfalls during dry weather, determine the source of the problem(s), remove the source if one is identified, and document the actions taken; and

d. Inform public employees, businesses, and the general public of the hazards associated with illegal discharges and improper disposal of waste.

Guidance, including model ordinances, is available from EPA and other organizations to assist in the implementation of an illicit discharge detection and elimination program.

In its application, ITD describes that it will develop a program to detect and eliminate illicit discharges to the MS4.

In Part II.B.3 of the permit, EPA outlines the expected scope of the illicit discharge program to be conducted by ITD. EPA has elected to include a requirement for dry weather screening of storm water outfalls, consistent with the regulations at 40 CFR 122.34(b)(2)(iv).

Consistent with other permits proposed by EPA in the Coeur d'Alene Urbanized Area, the permit requires ITD to develop and implement a program to respond to illicit discharges to the MS4. ITD must use its regulatory powers to prohibit illicit discharges to its MS4, and implement an ongoing program to identify illicit discharges, inspect problem areas, educate those entities that are inappropriately discharging to the MS4, and eliminate inappropriate discharges. In addition, as discussed above, the District must generate a comprehensive map of its MS4, including all drainage and outfalls. This map must include the location the ITD maintenance yard.

EPA is also proposing an additional requirement for ITD to inventory all industrial facilities in their jurisdiction that discharge runoff to either the MS4 or directly to waters of the United States. The types of industrial facilities to be inventoried are those facility types listed in 40 CFR § 122.26(b)(14), and are summarized in Appendix D of this fact sheet. The inventory must consist of the facility name, facility location, outfall location, and NPDES permit status (*i.e.*, whether the facility is covered by EPA's NPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity, # IDR05-0000 (MSGP); an individual NPDES permit, or does not have permit coverage.) EPA intends this inventory activity to be mandatory for all regulated MS4 operators in Idaho. Information gathered by this activity will be used by EPA to educate those facility operators who may be unaware of the federal permitting requirements for discharges of industrial storm water. In addition, this information can be used by ITD to identify source(s) that may be contributing substantial amount of pollutants to the MS4.

EPA requests comment on the breadth, scope and adequacy of these illicit discharge detection and elimination activities, in light of the other actions required by the permit.

4. Construction Site Storm Water Runoff Control (40 CFR §122.34(b)(4))

MS4 operators are required to develop, implement and enforce a program to reduce pollutants in storm water runoff from construction activities that result in a land disturbance of greater than or equal to one acre. This program must also include controlling runoff from construction activity disturbing less than one acre if the construction is part of a larger common plan of development of sale that would disturb one acre or more.

Polluted storm water runoff from construction sites often flows to MS4s and ultimately is discharged into local rivers and streams. Sediment is usually the main pollutant of concern, as it has been demonstrated that sediment runoff rates from construction sites are typically 10 to 20 times greater than those of agricultural lands, and 1,000 to 2,000 times greater than those of forest lands. (64 FR 68728-68730, December 8, 1999) During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several decades. The resulting siltation, and the contribution of other pollutants from construction sites, can cause physical, chemical, and biological harm to nearby waters. For example, excess sediment can quickly fill rivers and lakes, requiring dredging and destroying aquatic habitats.

Although discharges from all construction sites disturbing more than one acre in Idaho are independently subject to the NPDES General Permit for Storm Water Discharges from Construction Activity, #IDR10-0000 (Construction General Permit or CGP) issued by EPA, this minimum program measure is necessary to enable the local MS4 operator to effectively and directly control construction site discharges into their MS4s. The regulations at 40 CFR §122.34(b)(4) contain four required program components. All regulated MS4 operators must incorporate the following elements into their local programs:

a. An ordinance or other regulatory mechanism requiring proper sediment and erosion control, and proper waste management controls, at construction sites;

b. Procedures for site plan review that considers potential water quality impacts;

c. Procedures for site inspection and enforcement; and

d. Procedures for the receipt and consideration of information submitted by the public.

ITD is responsible for construction activities related to its road and drainage system and for oversight of construction activities through contracts specifying appropriate storm water management. All ITD construction projects that have the potential to discharge storm water to waters of the United States must continue to separately comply with EPA's Construction General Permit. The purpose of the proposed MS4 permit is to control pollution discharged through the storm sewer system owned and/or operated by ITD. Through the requirements of this permit, ITD must use its authority as a municipal entity to oversee construction activities within its jurisdiction and adequately control storm water discharges from sites which may contribute pollutants

to receiving waters via ITD's MS4. ITD must define appropriate erosion control, sediment control and onsite materials management to its contractors through the ITD specification manuals and explicit contract language. ITD must review site plans to ensure the use of proper controls. ITD must also conduct periodic oversight inspections of active construction sites within its jurisdictional areas, and enforce such pollution control requirements at construction sites under its direct control. Part II.B.4 of the permit outlines the scope of the required construction site runoff control program to comply with the minimum requirements of 40 CFR § 122.34(b)(4).

ITD should review all existing construction requirements currently in place within their jurisdiction to ensure that their requirements are substantially similar to EPA's Construction General Permit. As previously mentioned, ITD is subject to a preexisting Consent Decree with EPA that is separate from this permitting action. ITD's compliance with the Consent Decree will largely fulfill the requirements of Part II.B.4.

ITD must also continue to provide sufficient direction and oversight of its contractors and ensure that its construction projects comply with the CGP.

EPA strongly encourages ITD to work with the other regulated MS4s to coordinate consistent local requirements for construction projects throughout the area. For example, the Panhandle Stormwater and Erosion Education Program (SEEP) is an excellent means of coordinating with other neighboring jurisdictions regarding appropriate control requirements for construction site operators to use during the construction process. This program provides education and training on appropriate erosion and pollution control techniques to the construction industry and local governments in the five North Idaho counties. EPA encourages ITD to support the Panhandle SEEP program to accomplish the goals of their SWMP.

EPA requests comment on the breadth, scope and adequacy of the construction site runoff control activities in Part II.B.4, in light of the other actions required by the permit.

5. Post Construction Storm Water Management in New and Redevelopment (40 CFR §122.34(b)(5))

Post-construction storm water management controls are necessary because runoff from newly developed land can significantly affect receiving water quality. Specifically, as runoff flows over areas altered by development, it can pick up sediment and chemicals such as oil and grease, pesticides, heavy metals, and nutrients (*i.e.*, nitrogen and phosphorus). These pollutants often become suspended in runoff and are carried to receiving waters, such as lakes, ponds, and streams.

Post-construction storm water runoff also increases the quantity of water delivered to the receiving waters during storms. Increased impervious surfaces interrupt the natural cycle of gradual percolation of water through vegetation and soil. Instead, water is collected from surfaces such as asphalt and concrete, and routed to

drainage systems where large volumes of runoff quickly flow to the nearest receiving water. The effects of this process include stream bank scouring and downstream flooding, which often lead to a loss of aquatic life and damage to property.

This control measure applies in areas undergoing new development or redevelopment and that disturb more than one acre of land, including projects that are less than one acre that are part of a larger common plan of development or sale that disturbs more than one acre. The term "redevelopment" refers to alterations of a property that change the "footprint" of a site or building in such a way that results in the disturbance of one or more acres. (64 Fed. Reg. at 68760, December 8, 1999.) Many studies indicate that prior planning and design to minimize pollutants in post-construction storm water discharges is the most cost-effective storm water management approach.

The MS4 operator must implement and enforce a program to reduce pollutants to the MEP in post-construction runoff from areas of new development and redevelopment. This measure applies, at a minimum, to newly developed project areas greater than or equal to one acre in size. The permittee must:

a. Develop and implement locally appropriate strategies that include a combination of structural and/or nonstructural BMPs requirements. Non-structural requirements include, but are not limited to, planning, zoning, and other local requirements such as buffer zones. Structural controls include, but are not limited to, the use of storage, infiltration basins, or vegetative practices such as rain gardens or artificial wetlands;

b. Adopt an ordinance or other regulatory mechanism to address post-construction discharges; and

c. Ensure adequate long-term operation and maintenance of these BMPs.

At a statewide level, ITD has already formally adopted the following documents, which describe criteria for the design and operation of the structural controls that collect, convey, store, treat, or discharge storm water runoff: *ITD's Design Manual*, *ITD Standard Specifications for Highway Construction*, *ITD Maintenance Operations Procedures Manual*, *ITD Maintenance Manual*, and the *Catalog of Storm Water Best Practices for Highway Construction and Maintenance*. EPA proposes that ITD implement a program to address post-construction storm water runoff from its highways, including plan reviews and inspections.

Soils in the greater Coeur d'Alene area allow much of the SW runoff from impervious surfaces to infiltrate through vegetated swales and other features. EPA encourages ITD to consider additional low impact development (LID) practices and green infrastructure for controlling storm water runoff volume and reducing pollutant loadings to receiving waters. In general, LID measures are more cost effective and require less maintenance than conventional, structural storm water controls.

Information on LID can be found through the internet, in particular through the EPA website at http://www.epa.gov/nps/lid/index.html. Green infrastructure approaches infiltrate, evapotranspirate or reuse stormwater, with significant utilization of soils and vegetations versus traditional conveyance and storage structures. Green infrastructure includes, but is not limited to, green roofs, rain gardens, vegetated swales, pocket wetlands, etc. *See* Memorandum to EPA Regional Administrators from Benjamin Grumbles, Assistant Administrator, re: Using Green Infrastructure to Protect Water Quality in Stormwater, CSO, Nonpoint Source, and other Water Programs, dated March 5, 2007. Information on green infrastructure can be found on EPA's website at http://www.epa.gov/npdes/greeninfrastructure

Proper installation and maintenance of such permanent storm water controls are vital to reducing pollutant loading to receiving waters. The permit requires that ITD develop the means to ensure effective installation and operation of such techniques.

EPA requests comment on the breadth, scope and adequacy of these post construction requirements and activities, in light of the other actions required by the permit.

6. Pollution Prevention and Good Housekeeping (40 CFR §122.34(b)(6))

This control measure requires operators to implement an operation and maintenance program to prevent or reduce pollutant runoff from activities conducted by the municipality. The MS4 operator must examine and subsequently alter their own actions to reduce the amount and type of pollution that: (1) collects on streets, parking lots, open spaces, storage and vehicle maintenance areas, that may be discharged into local waterways; and (2) results from actions such as environmentally damaging land development and flood management practices or poor maintenance of storm sewer systems. Activities associated with maintenance of parks and open spaces, as well as fleet and building maintenance, must also be considered for possible water quality impacts. While this measure is meant primarily to improve or protect receiving water quality by improving municipal or facility operations, it can also result in a cost savings for the MS4 operator, since proper and timely maintenance of MS4s can help avoid repair costs from damage caused by age and neglect.

As part of this control measure, ITD must evaluate existing maintenance activities, schedules, and inspection procedures for appropriate controls to reduce floating debris and other pollutants. Using this evaluation, ITD must improve operations as necessary to reduce or eliminate polluted discharges from areas and activities under their control, including, (for example) from sanding and deicing activities on public roads, municipal parking lots, maintenance and storage yards, waste transfer stations, and salt/sand storage locations.

The permit does not specify particular housekeeping BMPs, nor does it specify a frequency for any BMPs. It is expected that ITD will determine the appropriate housekeeping BMPs that are necessary to protect water quality, and will train their employees on proper techniques to ensure such activities are accomplished.

EPA has proposed in Part II.B.6 that ITD update their operations and maintenance programs to optimize continued water quality protection, and to provide annual training for appropriate employees regarding these optimum practices.

EPA has also proposed that ITD develop a site-specific storm water pollution prevention plan for any maintenance yards operated by ITD. Storm water discharges from such industrial activities conducted by ITD must be permitted, as these activities meet the definition of "stormwater associated with industrial activity" found at 40 CFR 122.26(b)(14); see Appendix D. EPA is proposing to authorize discharges from such ITD owned facilities under this permit. As an alternative, storm water discharges from the ITD's operation of the maintenance facility or other facilities can be authorized separately through EPA's Multi-Sector General Permit.

EPA requests comment on the breadth, scope and adequacy of the operation and maintenance/good housekeeping requirements and activities of Part II.B.6 of the permit, in light of the other actions required by the permit.

7. Discharges to Water Quality Impaired Receiving Waters

All NPDES permits must include requirements necessary to achieve state water quality standards. (See 40 CFR 122.44(d)). This permit contains narrative limits to achieve the Idaho water quality standards to the maximum extent practicable. Based on the water quality impairment in the Lake Coeur d'Alene and the Spokane River, EPA has proposed in Part II.C and Part IV.A that ITD begin a stormwater discharge monitoring program to estimate and quantify pollutant loading from the ITD MS4. ITD must also identify in the first Annual Report how the actions taken through the SWMP will be targeted to prevent the discharge of the pollutants of concern to receiving waters. The pollutants of concern for the receiving waters in the Coeur d'Alene Urbanized Area are metals, sediment, nutrients, dissolved oxygen, PCBs, and temperature. Further discussion of the monitoring requirement is contained in Section V.F of this fact sheet.

8. Reviewing and Updating the SWMP

The SWMP is the set of structural and nonstructural actions and activities used by the permittee to reduce the discharge of pollutants from the MS4 to the MEP and to protect water quality. Minor changes and adjustments to the various SWMP elements are expected and may be necessary to more successfully adhere to these goals and the requirements of this permit. EPA has determined that minor changes to the SWMP shall not constitute the need for permit modifications as defined in the regulations at 40 CFR § 122.6. Part II.D of the permit describes procedures to be used to perform additions and minor changes to the SWMP. The permit does not allow ITD to remove elements in the SWMP that are required through permit conditions or regulatory requirements. Both EPA and IDEQ will review any changes to the SWMP requested by ITD. If the requested changes are found to be major modifications to the permit, as defined in 40 CFR § 122.62(a), then EPA will notify ITD, and will comply with permit modification procedures, including public notice procedures.

9. Transfer of Ownership, Operational Authority or Responsibility for SWMP Implementation

Through Part II.E of the permit, EPA does not intend to mandate a permit modification should ITD annex additional lands or accept the transfer of operational authority over portions of the MS4. Implementation of appropriate SWMP elements for these additions (annexed land or transferred authority) is required. ITD must notify EPA of any such additions or transfers in the Annual Report(s). EPA may require a modification to the permit based on such new information pursuant to 40 CFR §§ 122.61 and 122.62.

10. SWMP Resources

Part II.F of the permit requires ITD to provide adequate support to implement SWMP activities. Compliance with Part II.F will be demonstrated by ITD's ability to fully implement the SWMP and other permit requirements as scheduled. The permit does not require specific funding or staffing levels, thus providing ITD the ability and incentive to adopt the most efficient and cost effective methods to comply with permit requirements.

E. Schedule for SWMP Implementation and Compliance

Part III of the permit summarizes the schedule for SWMP implementation and compliance.

F. Monitoring, Recordkeeping and Reporting Requirements

40 CFR §122.34(g) requires MS4 operators to evaluate program compliance, the appropriateness of BMPs in their SWMPs, and progress towards meeting their SWMP goals. These requirements have been included in Part IV of the permit.

Although EPA's Phase II storm water regulations do not explicitly require MS4s to conduct analytical monitoring, EPA acknowledges that such water quality monitoring may be necessary in order to support documentation of compliance with permit conditions and/or water quality standards. EPA expects that such monitoring will be done in identified locations for relatively few pollutants of concern. (See 64 FR 68769, December 8, 1999). In addition, where TMDLs have been established, NPDES permits must contain BMPs to accomplish the applicable WLAs, as well as monitoring to measure whether those BMPs are sufficient to meet the required WLA. See "*Establishing Total Maximum Daily Load Wasteload Allocations for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs," EPA Memorandum, dated November 22, 2002*.

Although there are no approved TMDLs establishing WLAs for ITD's MS4 discharges, EPA has determined that monitoring of municipal storm water discharges is appropriate for those MS4s discharging directly to the Spokane River and Lake Coeur d'Alene. According to the ITD's permit application, storm water is discharged from the MS4 outfalls to these water bodies. As previously discussed, these water bodies are listed as impaired in Idaho for the following pollutants: metals, nutrients, and temperature. In

Washington State, the Spokane River is listed for these parameters, as well as for dissolved oxygen and PCBs. There is currently no existing information concerning the quality of the MS4 discharges to these impaired water bodies.

Furthermore, IDEQ and various stakeholders are developing a Coeur d'Alene Lake Management Plan to address nutrient loading to Coeur d'Alene Lake. Current research and information on Lake Coeur d'Alene indicate that maintaining an oxygenated condition in the bottom waters minimizes the release of dissolved metals from the sediments to the overlying waters. IDEQ is therefore interested in monitoring discharges to the Lake and Spokane River for both nutrients and metals to better define pollutant loading from various sources.

Given the impairment listings for the water bodies receiving ITD's MS4 discharges, IDEQ's interest in monitoring the discharges to the lake and the river, and the current lack of information regarding the quality and quantity of the MS4 discharges, EPA has proposed an analytical monitoring program to estimate pollutant loading from ITD's MS4. This proposal is consistent with the proposed permit requirements for NS4 discharges from the City of Coeur d'Alene and the City of Post Falls (See NPDES Permits # IDS-028215 and #IDS-028223, respectively).

The purpose of the monitoring program is characterize the quality of the MS4 discharges. This information will be used to establish a baseline from which EPA can evaluate the effectiveness of controls required in the permit and may provide a basis for revised management measures in the future. Combined with flow measurements, approximate pollutant loading from the MS4 can be estimated, which will be used by IDEQ to refine the TMDL assessments and by EPA to help determine whether state standards are being met.

EPA has identified monitoring objectives and specific minimum parameters and frequency to be monitored based on the pollutants of concern for waters within the Coeur d'Alene Urbanized Area as identified by IDEQ and Washington Department of Ecology in their respective water body assessment reports. EPA's *NPDES Storm Water Sampling Guidance Document* (EPA 833-B-92-001) provides detailed guidance for the basic elements of storm water monitoring program design.

ITD must develop a quality assurance plan that is consistent with the 2007 Quality Assurance Plan developed for the Coeur d'Alene Lake Management Plan. (This plan can be found at the following website: *http://www.deq.idaho.gov/water/data_reports/surface_water/water_bodies/cda_lake_mgmt_plan.cfm)* EPA has proposed that sampling occur at least two outfalls, representing the highest flows from the MS4 to both Lake Coeur d'Alene and the Spokane River. EPA encourages ITD to work with the other regulated MS4s and other partners where possible to accomplish this storm water outfall monitoring.

EPA requests public comment on the scope and breadth of the monitoring program proposed in Part IV of the permit in light of other requirements of the permit. EPA requests comment on the manner and type of analytical monitoring that ITD should be required to

conduct to define pollutant loading from MS4 discharges originating within the ITD's jurisdiction.

Part IV.B of the permit requires ITD to keep all records required by this permit for a period of at least five years. Records need to be submitted only when requested by EPA. ITD's SWMP materials must be available to the public; MS4 operators may charge a reasonable fee for copies, and may require a member of the public to provide advance notice of their request.

Part IV.C of the permit describes the expected contents of the Annual Reports, as required by 40 CFR §122.34(g)(3). EPA is requiring these reports to be submitted to both EPA and IDEQ at the addresses listed in Part IV.D. The Annual Reports must contain an evaluation of the SWMP for compliance with the terms of the permit, an evaluation of the effectiveness of the practices used by ITD, and progress towards achieving the pollutant reductions to the MEP. The Annual Report must also contain a detailed summary of activities conducted over the previous 12 month period and any information that has been collected and analyzed, including any and all types of data and discharge monitoring reports, copies of written policies, ordinances, educations materials or other materials developed as part of the SWMP. ITD must indicate what activities are planned for the next reporting cycle, and discuss any changes to either BMPs or measurable goals, and if necessary must indicate if any minimum control measure or measurable goal is the responsibility of another entity.

Appendix E of this fact sheet contains a suggested format for the Annual Report. To conserve resources, EPA will accept the Annual Report document in a readily accessible electronic format, such as Adobe Acrobat or other commonly available word processing program, and the documents may be sent to EPA on CD-ROM. ITD must post the material on an accessible website as required in Part II.B.2. ITD should note that the signed certification statement required for all reports submitted to EPA must be printed and submitted in hard copy. Any documents comprising the Annual Report may accompany the signed certification statement and be submitted electronically on CD-ROM.

EPA requests public comment on all aspects of the monitoring and reporting requirements contained in the permit, in light of the other actions required by the permit.

G. Standard Permit Conditions

Parts V and VI of the draft permit contain standard regulatory language that must be included in all NPDES permits, consistent with 40 CFR §122.41. Because they are regulations, they cannot be challenged in the context of an NPDES permit action. This standard regulatory language covers requirements such as monitoring, recording, reporting requirements, compliance responsibilities, and other general requirements.

VII. Other Legal Requirements

A. Endangered Species Act

The Endangered Species Act requires federal agencies to consult with the National Oceanic and Atmospheric Administration – National Marine Fisheries Service (NOAA-

Fisheries) and the U.S. Fish and Wildlife Service (USFWS) if their actions could beneficially or adversely affect any threatened or endangered species.

EPA is currently evaluating the potential effects of the storm water discharges from Idaho Transportation Department District #1 and other regulated MS4s on listed endangered and threatened species in the vicinity of the Coeur d'Alene Urbanized Area, and has not yet completed its Biological Evaluation and determination whether issuance of this permit is likely to adversely affect any threatened or endangered species. EPA expects to complete its evaluation in the near future and will consult with NOAA-Fisheries and USFWS as required by the Endangered Species Act.

B. Essential Fish Habitat

Essential fish habitat (EFH) is the waters and substrate (sediments, etc.) necessary for fish to spawn, breed, feed, or grow to maturity. The Magnuson-Stevens Fishery Conservation and Management Act (January 21, 1999) requires EPA to consult with the NOAA-Fisheries when a proposed discharge has the potential to adversely affect (reduce quality and/or quantity of) EFH. Because of the location of these municipal storm water discharges, EPA has tentatively determined that the issuance of these permits will not affect any EFH species in the vicinity of the discharges, therefore consultation is not required for this action.

C. National Historic Preservation Act

With regard to the National Historic Preservation Act, EPA believes that the reduction of pollutants in runoff from the MS4 will not result in the disturbance of any site listed or eligible for listing in the National Historic Register. Therefore, EPA believes that the actions associated with this permit are in compliance with the terms and conditions of the National Historic Preservation Act. If ITD engages in any activity which meets all of the following criteria, the City must consult with and obtain approval from the State Historic Preservation Office prior to initiating the activity:

1) the permitted entity is conducting the activity in order to facilitate compliance with this permit;

2) the activity includes excavation and/or construction; and

3) the activity disturbs previously undisturbed land.

Some examples of activities subject to this permit condition and the above criteria include, but are not limited to: retention/detention basin construction; storm drain line construction; infiltration basin construction; dredging; and stabilization projects (*e.g.*, retaining walls, gabions). The requirement to submit information on plans for future earth disturbing is not intended for activities such as maintenance and private development construction projects.

D. State Certification of the Draft Permit

Concurrent with the public notice of today's draft permit, EPA is formally requesting state certification of the permit, as required by Section 401(a)(1) of the CWA 33 USC § 1341 (a)(1), and 40 CFR §124.53. IDEQ has provided a draft certification, which is included in Appendix C of this fact sheet. Persons wishing to comment on the State Certification should

submit written comments by the public notice expiration date indicated at the beginning of this fact sheet to: Regional Administrator, Idaho Department of Environmental Quality, Coeur d'Alene Regional Office, 2110 Ironwood Parkway, Coeur d'Alene, ID 83814.

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- Discussion of the impacts of urban runoff on waters of the United States: 64 FR 68725-27
- Discussion of Construction site impacts : 64 Fed. Reg. at 68728-68730
- Summary of findings from the Nationwide Urban Runoff Program: 64 FR 68726
- Discussion of narrative effluent limitations: 64 Fed. Reg. 68753
- Discussion of Maximum Extent Practicable standard for MS4s: 64 FR 68754
- Effects of construction activities on water quality: 64 FR 68728 – 68731
- Post-Construction Storm Water Management: 64 FR 68725-68728 and 68759

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Idaho Department of Environmental Quality Website:
http://www.deq.state.id.us/water/data_reports/surface_water/monitoring/standards.cfm

IDAPA 58.01.02: http://adm.idaho.gov/adminrules/rules/idapa58/0102.pdf

Idaho's *2002 Integrated Report* [CWA §§ 303(d) and 305(b)]:
http://www.deq.state.id.us/water/data_reports/surface_water/monitoring/integrated_report.cfm

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Panhandle Stormwater and Erosion Education Program: http://plrcd.org/SEEP/index.htm

Appendix A - Statutory and Regulatory Background

Storm water is the surface runoff that results from precipitation events and snow melt. Storm water flowing across land surfaces may contain or mobilize high levels of contaminants. Under most natural conditions, storm water runoff is slowed and filtered as it flows through vegetation and wetlands. These flows soak into the ground, gradually recharging groundwater, and eventually seep into receiving waters.

Urban development has significantly altered the natural infiltration capability of the land, and often generates a host of pollutants that are associated with the activities of dense populations. This developed area in turn causes an increase in storm water runoff volumes and pollutant loadings in the storm water discharged to receiving waters. Urban development increases the amount of impervious surface in a watershed, as naturally vegetated areas are replaced with parking lots, roadways, and commercial, industrial, and residential structures. These surfaces inhibit rainfall infiltration into the soil and reduce evaporation and transpiration, thereby increasing the amount of precipitation which is converted to runoff. Storm water and snow melt runoff washes over impervious surfaces, picking up pollutants while gaining speed and volume because of the inability to disperse and filter into the ground.[1]

Uncontrolled storm water discharges from areas of urban development can negatively impact receiving waters by changing the physical, biological and chemical composition of the water, resulting in an unhealthy environment for aquatic organisms, wildlife and humans. The Nationwide Urban Runoff Program (NURP), conducted by EPA between 1978 through 1983, demonstrated that storm water runoff is a significant source of pollutants. The study indicated that discharges from separate storm sewer systems draining from residential, commercial and light industrial areas carried more than 10 times the annual loadings of total suspended solids (TSS) than discharges from municipal sewage treatment plants providing secondary treatment. The study also identified a variety of other contaminants, such as oil and grease, copper, lead, and zinc, that were detected frequently at levels of concern. Numerous other studies and reports have confirmed the average pollutant concentration data collected in the NURP study.[2]

EPA's report entitled "National Water Quality Inventory, 1998 Report to Congress" concludes that storm water related discharges from both non-point and point sources remain the leading causes of existing water quality impairments.

More information and copies of documents with additional information on environmental impacts of storm water discharges are available via EPA's storm water web page, http://www.epa.gov/npdes/stormwater.

In 1987, Congress amended the Clean Water Act (CWA) and added Section 402(p). This section requires a comprehensive program for addressing storm water discharges through the National Pollutant Discharge Elimination System (NPDES) program. Specifically, CWA §402(p)(1) and (2) require NPDES discharge permits for the following five categories of storm water discharges:

1. Discharges permitted prior to February 4, 1987;
2. Discharges associated with industrial activity;
3. Discharges from large Municipal Separate Storm Sewer Systems (MS4s) serving a population of 250,000 or more;

[1] 64 Fed. Reg. 68725-27 (December 8, 1999)

[2] U.S. EPA 1983. *Results of the Nationwide Urban Runoff Program, Executive Summary*, Office of Water, Washington D.C.; and 64 FR 68726 (December 8, 1999).

4. Discharges from medium MS4s serving a population of 100,000 but less than 250,000; and

5. Discharges judged by the NPDES permitting authority to be significant contributor of pollutants or which contribute to a violation of a water quality standard.

CWA §402(p)(3) requires that industrial storm water discharges meet technology-based requirements and any more stringent requirements necessary to meet water quality standards. Municipal storm water discharges, however, are held to different standards. This section also specifies a new technology-related level of control for pollutants in the municipal discharges, namely, control to the maximum extent practicable (MEP). Permits for MS4 discharges may be issued on a system or jurisdiction-wide basis, and must effectively prohibit non-storm water discharges into the sewer system. Such permits must also require controls to reduce pollutant discharges to the maximum extent practicable including best management practices (BMPs), and other provisions as the EPA determines to be appropriate for the control of such pollutants. Currently, EPA believes that water quality-based controls, implemented with BMPs through an iterative process, are appropriate for the control of pollutants for storm water discharges from municipalities.

CWA §402 (p)(5) required EPA to conduct additional studies on the impacts of storm water and submit a report to Congress. The purpose of the report was to identify unregulated sources of storm water discharges, determine the nature and extent of pollutants in the discharges, and establish procedures and methods to mitigate the impacts of those discharges on water quality. EPA published this report on December 8, 1999,[3] and recommended the following:

a. Establish a phased compliance with water quality standards approach for discharges from municipal separate storm sewer systems, with priority on controlling discharges from municipal growth and development areas;

b. Clarify that the MEP standard should be applied in a site-specific, flexible manner, taking into account cost considerations as well as water quality effects;

c. Provide an exemption from the NPDES program for storm water discharges from industrial facilities where there are no activities where significant material is exposed to storm water;

d. Provide extensions to the statutory deadline to complete implementation of the NPDES program for the storm water program;

e. Target urbanized areas for the requirements in the NPDES program for storm water; and

f. Provide control of discharges from inactive and abandoned mines located on federal lands.

CWA §402(p)(6) requires that EPA provide a comprehensive program that designates and controls additional sources of storm water discharges to protect water quality. EPA regulations promulgated under the authority of section 402(p)(6) are commonly referred to as the "Phase II storm water regulations" and were published by EPA on December 8, 1999 (64 Fed. Reg. 68722-68851). [4] Additional sources regulated during this second phase of the storm

[3] Report to Congress on the Phase II Storm Water Regulations, EPA-833-R-99-001.

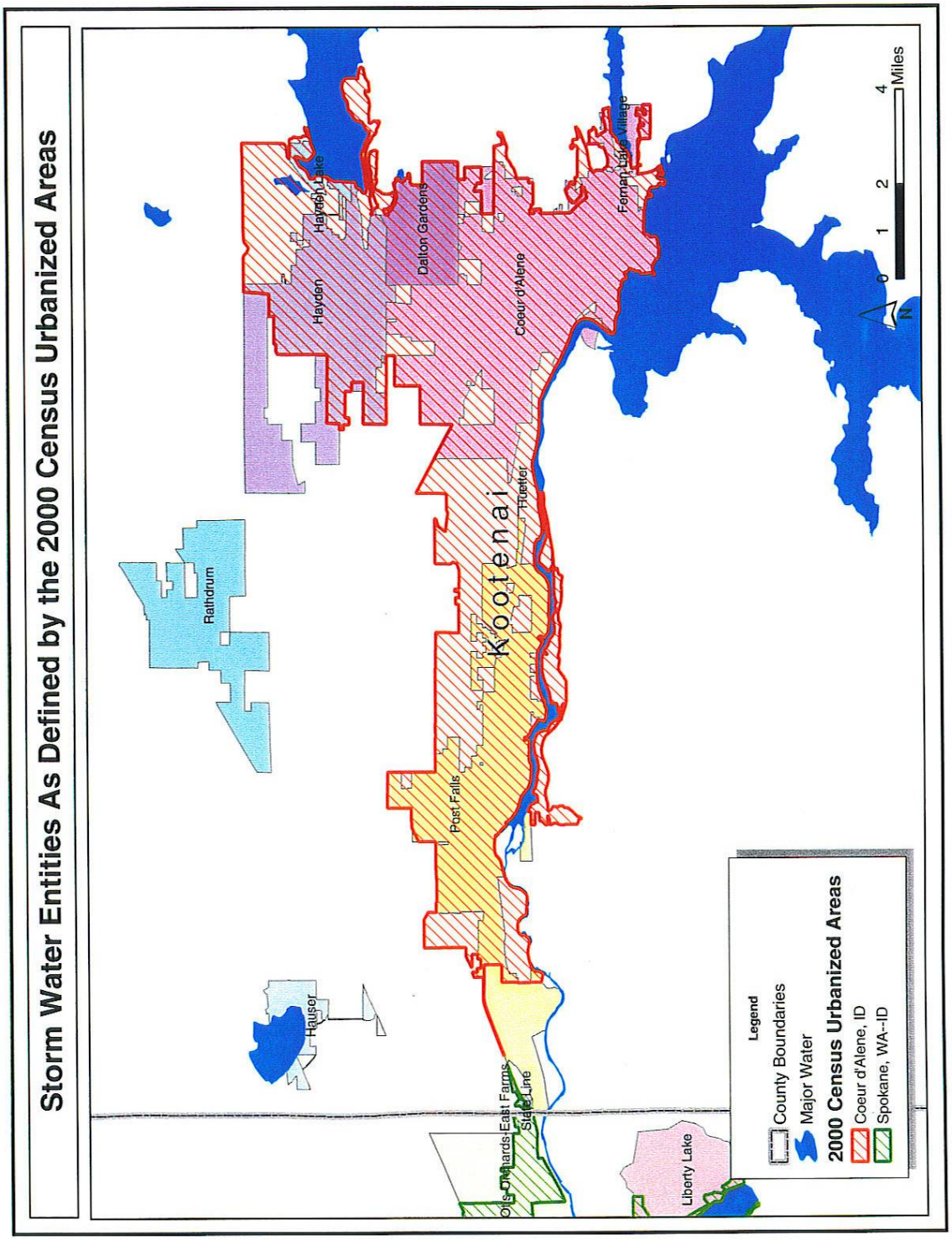
[4] 40 CFR §§ 122.30-35.

water program include municipal storm water discharges from urbanized areas defined by the Decennial Census, and discharges from construction activities with land disturbances greater than or equal to one acre and less than five. (Requirements for construction-related discharges are addressed through other NPDES permits issued by EPA Region 10; more information on requirements for storm water from construction sites can be found at http://www.epa.gov/npdes/stormwater/cgp.)

The draft permit associated with this fact sheet implements the requirements of the Phase II storm water program for small municipal separate storm sewer systems in urbanized areas, and requires the permittee to initiate a comprehensive storm water quality management program. As provided under 40 CFR §122.34(a), the permit allows up to five years during this first permit term for the permittee to fully develop and implement their storm water management program.

Appendix B – Coeur d'Alene Urbanized Area Map

Detailed maps of the Coeur d'Alene Urbanized Area can be viewed on-line at http://cfpub1.epa.gov/npdes/storm Water/urbanmapresult.cfm?state=ID



Appendix C – Draft Clean Water Act § 401 Certification from Idaho DEQ

STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814 • (208) 769-1422

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

February 6, 2008

Mr. Michael Lidgard
U.S. Environmental Protection Agency
Region 10
1200 6th Avenue, OW-130
Seattle, WA 98101

RE: Draft 401 Water Quality Certification for Idaho Transportation Department Municipal Separate Storm Sewer System (MS4) NPDES Permit # IDS-028223.

Dear Mr. Lidgard,

The State of Idaho Department of Environmental Quality (Department) has reviewed the proposed MS4 permit for Idaho Transportation Department. This letter will serve as the Department's draft Water Quality Certification.

DRAFT WATER QUALITY CERTIFICATION

Based on the Department's review of the referenced permit, the Department certifies, pursuant to the provisions of Section 401 of the Federal Water Pollution Control Act (Clean Water Act) as amended, 33USC Section 1341, and Idaho Code Sections 39-101 et. seq., and 39-3601 et. seq., that if the permittee complies with the terms and conditions as written in Permit #IDS 028223, then there is a reasonable assurance that the authorized discharges of storm water will comply with applicable requirements of Sections 301, 302, 306 and 307 of the Clean Water Act.

This §401 Certification decision may be appealed pursuant to the Idaho Environmental Protection and Health Act, Idaho Code § 39-107(5) and the Idaho Administrative Procedure Act. Such an appeal is a prerequisite to any district court action and must be initiated by filing a petition for a contested case in accordance with the Rules of Administrative Procedure before the Department of Environmental Quality Board

(IDAPA 58.01.23) within thirty-five (35) days of the date of the Department's decision regarding the 401 certification.

Questions regarding this certification can be directed to June Bergquist at 208/666-4605 or e-mail to: june.bergquist@deq.idaho.gov.

Sincerely,

Dan Redline, Acting Regional Administrator
Coeur d'Alene Regional Office

cc: Barry Burnell, DEQ
Doug Conde, DEQ

Appendix D– Sectors of Industrial Activity That Require NPDES Permit Coverage for Storm Water Discharges

The term "Storm Water Discharges Associated with Industrial Activity," defined in federal regulations at 40 CFR §122.26(b)(14)(i)-(xi), indicates which industrial facilities are potentially subject to the storm water permit program. Definitions of the 11 industrial categories use either SIC (Standard Industrial Classification) codes or narrative descriptions to characterize the activities. Table D-1 is a summary list of industrial activities listed in the regulations, provided for informational purposes only. Table D-2 contains a decision tree for determining which facilities must have NPDES permit coverage. More information can be obtained through EPA's website at http://www.epa.gov/npdes/stormwater/msgp or by contacting EPA Region 10 directly.

Category (i)
Facilities subject to a storm water effluent limitation guideline, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi)). These types of facilities include the following

40 CFR Subchapter N

405 Dairy products processing
406 Grain mills
407 Canned & preserved fruits & vegetable*
408 Canned & preserved seafood processing
409 Beet, crystalline & liquid cane sugar
410 Textile mills
411 Cement manufacturing
412 Feedlots
414 Org. Chem plastics & synthetic fibers
415 Inorganic chemical manufacturing *
417 Soap and detergent manufacturing
418 Fertilizer manufacturing
419 Petroleum refining
420 Iron and steel manufacturing
421 Nonferrous metal manufacturing
422 Phosphate manufacturing *
423 Steam electric power
424 Ferroalloy manufacturing *
425 Leather tanning and finishing
426 Glass manufacturing *
427 Asbestos manufacturing
428 Rubber manufacturing
429 Timber products processing
430 Pulp, paper, and paperboard *
431 Builder's paper and board mills
432 Meat products
433 Metal finishing
434 Coal Mining *
436 Mineral mining & processing *
439 Pharmaceutical manufacturing *
440 Ore mining & dressing *
443 Paving and roofing materials
446 Paint formulating
447 Ink formulating
455 Pesticide Chemicals *
458 Carbon Black manufacturing
461 Battery manufacturing
463 Plastics molding and forming

464 Metal molding and casting
465 Coil coating
466 Porcelain enameling
467 Aluminum forming
468 Copper forming *
469 Electrical & electronic component
471 Nonferrous metal forming & powders
* some facilities in group do not have limits or standards, see 40 CFR subchapter N to verify

Category (ii)
Facilities classified by the following SIC codes:
24 lumber and wood products (except 2434 wood kitchen cabinets, see (xi))
26 paper & allied products (except 265 paperboard containers, 267 converted paper, see (xi))
28 chemicals & allied products (except 283 drugs,see (xi))
29 petroleum & coal products
311 leather tanning & finishing
32 stone, clay & glass production (except
323 products of purchased glass, see (xi))
33 primary metal industry
3441 fabricated structural metal
373 ship and boat building and repair

Category (iii) Mineral Industry
Facilities classified as SIC codes 10-14 including active or inactive mining operations, and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, benefication, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim).
SIC Code
10 metal mining (metallic mineral/ores)
12 coal mining
13 oil and gas extraction
14 non-metallic minerals except fuels

Category (iv) Hazardous Waste
Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA).

Category (v) Landfills
Landfills, land application sites, and open dumps that receive or have received any industrial waste (waste that is received from any of the facilities described under categories (i) - (xi)) including those that are subject to regulations under Subtitle D of RCRA.

Category (vi)
Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as SIC 5015 (used motor vehicle parts) and 5093 (scrap and waste materials).

Category (vii) Steam Electric Plants
Steam electric power generating facilities, including coal handling sites.

Category (viii) Transportation
Transportation facilities classified by the SIC codes listed below which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under categories (i)-(vii) or (ix)-(xi) are associated with industrial activity, and need
permit coverage.

SIC Code	
40	railroad transportation
41	local and interurban passenger transit
42	trucking & warehousing (except 4221-25, see (xi))
43	US postal service
44	water transportation
45	transportation by air
5171	petroleum bulk stations and terminals

Category (ix) Treatment Works
Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where
sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Clean Water Act.

Category (x) Construction
Note: Construction activity in Idaho is permitted through the EPA Construction General Permit, and is not listed here as an industrial activity to be tracked by the MS4 operator(s).

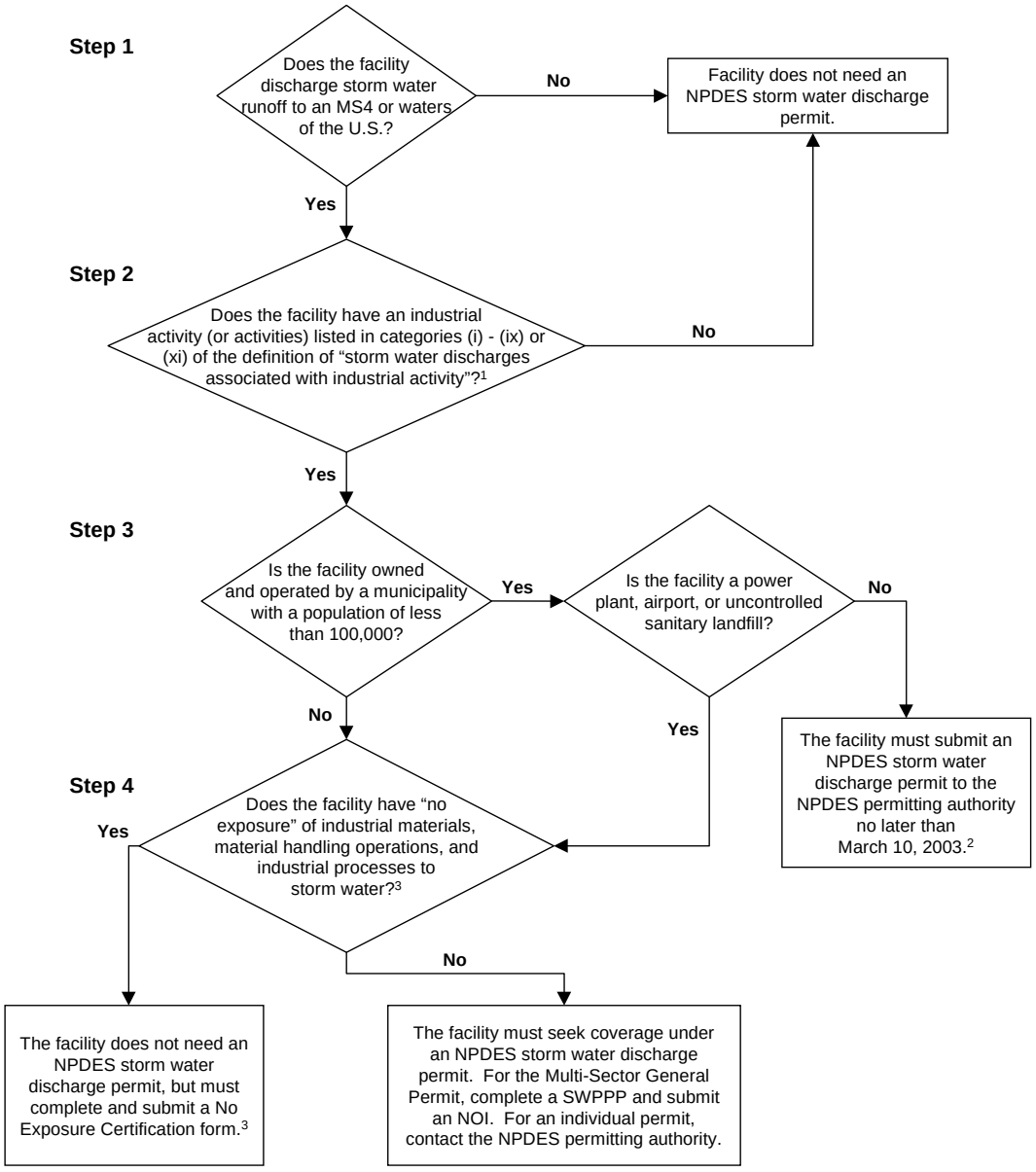
Category (xi) Light industry
Facilities classified by the following SIC codes:

SIC Code	
20	food and kindred product
21	tobacco products
22	textile mill products
23	apparel and other textile product
2434	wood kitchen cabinets
25	furniture and fixtures
265	paperboard containers and boxes
267	miscellaneous converted paper products
27	printing and publishing
283	drugs
285	paints and allied products
30	rubber and miscellaneous plastic
31	leather and products (except 311)
323	products of purchased glass
34	fabricated metal products (except 3441)
35	industrial machinery and equipment
36	electronic and other electric equipment
37	transportation equipment (except 373)
38	instruments and related products
39	miscellaneous manufacturing
4221	farm product storage
4222	refrigerated storage
4225	general warehouse and storage

(and which are not otherwise included in categories (ii) - (x)) with storm water discharges from all areas (except access roads and rail lines) where material handling equipment, or activities, raw materials, immediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate produce, finished product, by-product, or waste product.

Table D-2

Industrial Facilities Storm Water Program Permitting Decision Tree



1. See 40 CFR 122.26(b)(14)(i)-(ix), (xi).
2. See new 122.26(e)(1)(ii). A permit is required unless there is a condition of no exposure as defined at new 122.26(g).
3. See new 122.26(g) for the definition of "no exposure" and the certification requirements.

NOTE: For more information contact the EPA Region 10 Storm Water Program at (800) 424-4372, extension 6650 or visit the website http://www.epa.gov/npdes/stormwater/msgp.

Appendix E - Suggested Annual Report Format

EPA provides the following format as a possible means of submitting the Annual Report information required under Part IV.C.of this permit. The Annual Report information may be submitted to EPA and IDEQ in electronic format on CD-ROM(s) using universally available document formats, such as Microsoft Word, Adobe Acrobat PDF or other available means. However, please note that while the Annual Report text can be submitted in electronic format, the required certification statement must be signed and dated in hard copy by the permittee as directed in Part VI.E. of this permit. *Other guidance on the required elements of the Annual Report is provided in italics below.*

A. PERMITTEE INFORMATION

Permit Number: _____

Permittee:_____

Mailing Address:

_____

City, State and Zip Code:

_____

Phone Number: _____

Have any areas been added to the MS4 due to annexation or other legal means? YES NO
(If yes, include updated map.)

B. REPORTING PERIOD _____ to _____

C. STATUS OF STORM WATER MANAGEMENT PROGRAM

For each of the six minimum control measures in Part II.B. regarding public education, public participation/involvement, illicit discharge detection and elimination, construction runoff control, post-construction runoff control, and good housekeeping for municipal operations) address each of the following items. The status of each program area must be addressed, even if the program area was completed and fully implemented in a previous reporting year or has not yet been implemented yet. (Depending on the size of the municipality and the complexity of the programs, the attachments for this section will likely comprise 1 to 5 pages per control measure.)

a. General summary of accomplishments to date.
b. An evaluation of compliance with the requirements of this permit, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals of the SWMP for each minimum control measure.
c. Results of any information collected and analyzed during the previous 12-month reporting period, including storm water discharge data, surface water monitoring data, and any other information used to assess the success of the program at reducing the discharge of pollutants to the maximum extent practicable. *Examples of data sources other than monitoring data include survey/polling results, miles of riverbank cleaned up, number of illicit discharge complaints addressed; number of hits on a website before and after a public education campaign, etc.*

d. A summary of the number and nature of inspections and formal enforcement actions performed.

e. A general summary of the activities the permittee will undertake during the next reporting cycle (including an implementation schedule) for each minimum control measure. *Provide a short summary based on the Storm Water Management Program implementation schedule.* .

f. Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals for any minimum control measures since previous report or permit application. *Significant changes that involve replacing or deleting an ineffective or unfeasible BMP may require permit modification as outlined in Part II.D* .

g. Notice if the permittee is relying on another entity to satisfy some of the permit obligations, if applicable. *Another entity may be relied on to perform requirements of your MS4 permit. However, as the permittee, the MS4 operator remains liable for compliance with the terms of the permit if the requirements are not fulfilled. The permittee must complete this Annual Report for the geographic areas covered under its permit, for all program areas, even if one or more program elements is being performed by another entity.*

D. OTHER REQUIRED DOCUMENTS AND REPORTS

Include documents such as the Structural Control Plan, monitoring reports, etc.

E. CERTIFICATION

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

Signature of Permittee (legally responsible person)
Date Signed
Name & Title (printed)

Note: Collection of Annual Report information required under 40 CFR §122.34(g)(3) is covered under Paperwork Reduction Act Information Collection Request #1820.03, OMB NO.: 2040-0211, Expiration Date: 06/30/2006.