



FACT SHEET

NPDES Permit Number: IDS-028053
Date: February 17, 2006
Public Comment Period Expiration Date: April 3, 2006

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

**City of Pocatello,
City of Chubbuck,
Bannock County, and
Idaho Transportation Department, District #5**

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 co-applicants listed above. 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 permit requires the implementation of a municipal storm water management program (SWMP), and outlines the best management practices (BMPs) to be used by the co-applicants to control pollutants in their storm water discharges to the maximum extent practicable. Monitoring of both surface water and storm water discharges is required. Annual reporting is required to provide information on the status of the SWMP implementation. The draft NPDES permit establishes conditions, prohibitions, and management practices for discharges of storm water from the MS4s owned and operated by the co-applicants listed above.

This fact sheet includes:

- information on public comment, public hearing and appeal procedures;
- a description of the co-applicants' MS4s; and
- a description of permit requirements for the local SWMP, a schedule of compliance, and other conditions.

EPA is requesting comments on all aspects of this 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 requests that the Idaho Department of Environmental Quality certify this NPDES permit pursuant to Section 401 of the Clean Water Act, 33.U.S.C. § 1342(p). EPA may not issue the NPDES permit until the state has granted, denied or waived certification.

Public Comments

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, 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 (OWW-130), Seattle, WA 98101; alternatively, comments can also be submitted by facsimile at (206) 553-0165; or submitted via e-mail to yakoc.misha@epa.gov.

Requests for Public Hearing

Persons wishing to request a public hearing must do so, in writing, by the expiration date of this public notice. A request for a public hearing must state the nature of the issues to be raised as they relate to the permit, as well as the requester's name, address, and telephone number. Based on the requirements of 40 CFR §124.12, EPA will hold a public hearing if there is a significant degree of public interest in the proposed permit. All comments and requests for public hearing must be submitted to EPA as described in the "Public Comments" section of the attached public notice.

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 and if necessary will make changes to the draft permit. After making any necessary changes, EPA will issue the permit with a 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, 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
Pocatello Regional Office
444 Hospital Way #300
Pocatello, Idaho 83201

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 and operated by the co-applicants, and explains the rationale for the proposed NPDES permit conditions. Appendix A of this fact sheet details the regulatory background for the MS4 permit program, and the types of pollutants typically found in urban runoff.

A regulated small MS4 is defined as any small MS4 located in an "urbanized area" as defined by the Bureau of the Census, as well as those small MS4s located outside of an urbanized area that are designated a regulated small MS4 by the NPDES permitting authority. See 40 CFR §122.32(a).

A regulated small MS4 includes storm drain conveyance systems owned 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 MS4 may drain into another MS4 before ultimately discharging to surface water. MS4s are designed for conveying storm water only, and are not part of a combined sewer system, nor are they part of a publicly owned treatment works.

II. Permit Area and Applicants

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 draft permit is being proposed on a system-wide basis for the following MS4 operators:

City of Pocatello
P.O. Box 4169
911 North 7th Avenue
Pocatello, Idaho 83205-4169

City of Chubbuck
P.O. Box 5604
5161 Yellowstone
Chubbuck, Idaho 83202

Bannock County
130 North 6th Avenue, Suite C
Pocatello, ID 83201

Idaho Transportation Department
P.O. Box 4700
5151 South 5th
Pocatello, ID 83204

The MS4s owned and operated by the co-applicants are located within the boundaries of the Pocatello Urbanized Area as defined by the Year 2000 Decennial Census. See Appendix B for a map of the Pocatello Urbanized Area. The U.S. Environmental Protection Agency (EPA) received from the co-applicants a joint application for NPDES permit coverage dated March 11,

2003, and a supplement to that application on August 11, 2003, describing a collaborative storm water management program (SWMP) to reduce pollutants in discharges from these MS4s to the maximum extent practicable.

III. Description of the Co-Applicant's MS4s in the Pocatello Urbanized Area and Discharge Locations

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 that discharges to waters of the United States. Such a system may include roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains. The term “municipality” is defined at 40 CFR § 122.2.

The co-applicants' MS4s drain approximately 31 square miles of the Portneuf Valley near the Interstate-15/Interstate-86 interchange. The joint application describes these systems as follows:

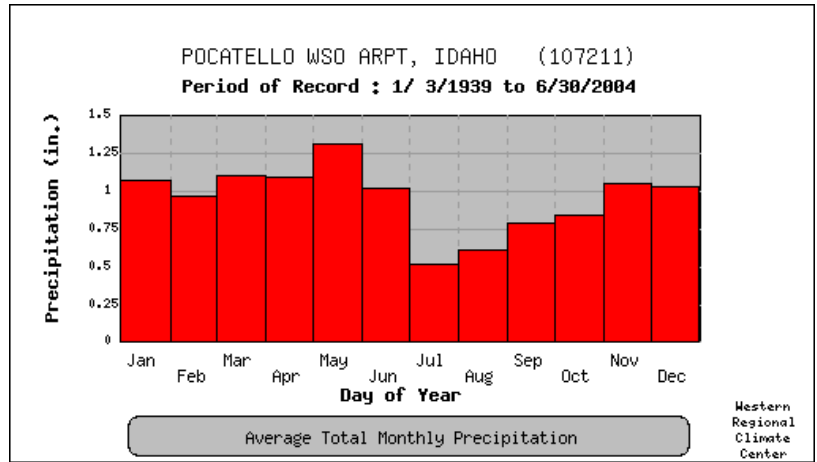
- The City of Pocatello's (Pocatello's) MS4 consists of over 40 linear miles of storm drain pipe ranging in size from 8 inches to 84 inches in diameter, with 181 known storm water outfalls to Pocatello Creek and the Portneuf River. Over 240 miles of paved streets convey storm water to designated collection points. Two storm water treatment wetlands and several detention ponds are also part of Pocatello's MS4.
- The City of Chubbuck's (Chubbuck's) MS4 consists of several systems. The Yellowstone Avenue system consists of a 0.75 mile long storm drain pipeline, running from I-86 on the south to its outfall into an irrigation drain canal near 5300 Yellowstone Avenue. Maximum pipe size of the Yellowstone Avenue system is 36 inches in diameter. The Hiline Canal system consists of several inlets that collect storm water from areas east of Hiline Canal and discharge directly to the canal. The Paradise Acres system consists of several inlets in the Paradise Acres subdivision that discharge runoff to an irrigation drain canal. In addition, approximately 75 drywells are used to inject storm water underground.
- Bannock County's (County's) MS4 consists primarily of road drainage ditches that discharge directly to tributaries of the Portneuf River.
- The Idaho Transportation Department (ITD) does not maintain a constructed MS4. Runoff from the interstates is conveyed to the Portneuf River through the Pocatello and Chubbuck MS4s. Through intergovernmental agreement, ITD also maintains the MS4 on Garrett Way (US-30) within Pocatello.

The permit application provides a general description of the storm sewer systems and outfalls based on the co-applicants' current knowledge. Preliminary maps for Pocatello and Chubbuck were submitted to EPA with the application, as well as a general topographic map to

indicate the jurisdictional boundaries of the County and ITD. Although the cities have largely accounted for and mapped all of their respective outfalls, the drainage systems in some areas of the County and ITD jurisdictions are not fully documented at this time. Part II.B.3.e. of the draft permit requires each co-applicant to complete a detailed system assessment and map during the permit term to fully define the extent of the MS4s and identify all outfall locations.

IV. Average Annual Precipitation in Pocatello

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 climate in the Pocatello area is considered semi-arid, with normal annual rainfall averaging 11.46 inches per year. The months of March, April, May and November receive the highest amounts of precipitation.



V. Receiving Waters

A. General Information

EPA proposes to authorize storm water discharges from the MS4s within the Pocatello Urbanized Area to waters of the United States, which include the Portneuf River, Pocatello Creek, and various drainage channels that discharge to the Portneuf River. All discharges to waters of the U.S. located within the permit coverage area must also comply with any limitations that may be imposed by the State as part of its water quality certification of NPDES permits pursuant to CWA Section 401, 33 U.S.C. § 1341.

The Idaho Department of Environmental Quality (IDEQ) has classified the Portneuf River and Pocatello Creek as fresh water with the following designated uses: cold water aquatic life (salmonid spawning), agricultural/industrial water supply, secondary contact recreation, wildlife habitats and aesthetics. See Idaho Administrative Code, IDAPA 58.01.02. IDEQ has established both numeric and narrative water quality standards for water bodies designated as fresh water.

B. Total Maximum Daily Loads (TMDLs)

Any water body that does not, and/or is not expected to meet 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 develop TMDL management plans for water bodies that are determined by the State to be impaired.

IDEQ's 2002 Integrated Report contains the list of impaired water bodies as required by CWA § 303(d). This report lists the Johnny Creek-to-Interstate 86 segment of the Portneuf River running through the Pocatello Urbanized Area as impaired (*i.e.*, meaning the river does not meet water quality standards) for bacteria, nutrients, sediment, and oil and grease. The term "nutrients" encompasses water quality impairment for both total phosphorus and total inorganic nitrogen. Municipal storm water runoff is indicated in the report as a potential source of these pollutants.

IDEQ has developed a TMDL management plan for the Portneuf River Basin (Portneuf River TMDL), which EPA approved in April 2001. The TMDL defines 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.

The Portneuf River TMDL establishes urban storm water-related WLAs for nutrients (*i.e.*, total inorganic nitrogen and total phosphorus) and for oil & grease. Based on the limited monitoring data available at the time, IDEQ also established urban storm water related load reduction targets for suspended sediment and *E. coli*. WLAs established for nutrients are set at 5.1 tons/year for total inorganic nitrogen and 1.3 tons/year for total phosphorus; the WLA for oil and grease is 38 tons/year. These WLAs and pollutant reduction targets are summarized in Table 1.

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). EPA published guidance in November 2002 entitled, "Establishing Total Maximum Daily Load Wasteload Allocations for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs," to further define how NPDES permit conditions for regulated storm water discharges can be made consistent with the assumptions and requirements of available WLAs. This guidance recommends that the permitting authority use best management practices (BMPs) to implement WLAs and load reduction targets in a NPDES permit. In addition, when BMPs are used, the guidance document suggests that the permit provide a mechanism to require the use of expanded or better tailored BMPs when monitoring demonstrates they are necessary to implement the WLA and protect water quality.

EPA uses this approach in this permit. As such, this permit contains specific prohibitions and the implementation of required practices to meet the Portneuf River TMDL WLAs and load reduction targets. In addition, the permit requires water quality monitoring to determine whether the co-applicants are meeting those WLAs and targets. If water quality monitoring indicates that different approaches are needed to implement the WLA or protect water quality, EPA will consider re-evaluating the actions and activities outlined in this permit and may modify the permit requirements if necessary. EPA will use the monitoring data gathered during this first five year permit term to enhance understanding of the effects of municipal storm water on the Portneuf River and to continue or establish more tailored BMPs to meet the WLAs and load reduction targets in subsequent permit terms. Further discussion of these requirements is contained in the next section of this fact sheet.

If the State of Idaho revises the Portneuf River TMDL and its WLAs, and EPA approves those revisions prior to the expiration date of this permit, EPA may reopen this permit to incorporate the revised WLAs and load reduction targets. Parts VI.A and VII.A of the permit

address such a permit modification, consistent with the regulations at 40 CFR §§122.62, 122.64 and 124.5.

Table 1.

Source and/or Stream Reach	Pollutant	Estimated Annual Load	Target Load or Waste Load Allocation	Load Reduction Necessary to meet Target	Percent Reduction
Pocatello Creek to Pocatello USGS surface water station	<i>E. coli</i>		126 organisms/100 mL water (monthly geometric mean)		89% ¹
Pocatello-Chubbuck storm water runoff	Oil and Grease	38 tons/year	38 tons/year	0	0%
Pocatello – Chubbuck USGS surface water station	Suspended sediment	54,346 tons/yr	19,263 tons/yr	35,083 tons/yr	65%
Pocatello-Chubbuck storm water runoff	Total Inorganic Nitrogen	12.1 tons/yr	5.1 tons/yr	7 tons/yr	58%
Pocatello – Chubbuck storm water runoff	Total Phosphorus	14 tons/yr	1.3 tons/yr	12.7 tons/yr	91%

¹Originally estimated for fecal coliform, assumed to be the same for *E. coli*

Source: *Portneuf River TMDL Water Body Assessment and Total Maximum Daily Load, Table ES: Load analyses of pollutants identified in the Portneuf River subbasin*, IDEQ, March 1999; and communication with IDEQ, 2005.

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 an 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 maximum extent practicable (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 discusses the regulatory background for the municipal storm water program.

Small MS4 NPDES permits must, at a minimum, require the operator of the small MS4 to develop, implement, and enforce a storm water management program (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 small MS4 SWMP that implements the six minimum measures does not require more stringent limitations to meet water quality standards. 64 Fed. Reg. 68753 (Dec. 8, 1999).

In the preamble to the Phase II regulations, EPA has stated that it “considers narrative effluent limitations requiring implementation of BMPs to be the most appropriate form of effluent limitations for MS4s.” 64 Fed. Reg. 68753 (Dec. 8, 1999). Moreover, in response to questions regarding the type of water quality based effluent limitations are appropriate for NPDES storm water permits, EPA adopted an interim permitting approach that uses BMPs in first 5-year permit round permits, and 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). (This policy is also available on-line at <http://www.epa.gov/npdes/pubs/swpol.pdf>.) EPA reiterated the use of this approach for implementing WLAs for storm water discharges. See “*Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations for Storm Water Sources and NPDES Permit Requirements Based on those WLAs*,” EPA Memorandum, dated November 22, 2002. Where BMPs are used as permit limitations to implement WLAs and load reduction targets, the permit must require monitoring necessary to assure compliance with the WLAs and load reduction targets. *Id.*

Here the Portneuf River TMDL contains WLAs and load reduction targets for the following pollutants of concern: oil and grease, total inorganic nitrogen, total phosphorus, suspended sediment, and *E. coli*. The Portneuf River TMDL and TMDL Implementation Plans describe actions and activities that should be implemented by MS4 operators in the Pocatello/Chubbuck area to attain the necessary pollutant reductions.

EPA considered the program information submitted by the co-applicants in their NPDES permit application, available information from the Portneuf River TMDL analyses, and input from the Idaho Department of Environmental Quality to develop the requirements in this draft permit. The permit application, associated amendment, and TMDL 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 local storm water management program (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 as the primary means to control sources of pollution in urban storm water discharges.

Moreover, some of the actions required by this permit are based on the two Portneuf River TMDL implementation documents which discuss actions for pollutant reduction in municipal storm water discharges to the Portneuf River. The *Supplement to the Final TMDL Plan for the Portneuf River – Section 4.0 Management Actions and Implementation* (February 2001) and the *Portneuf River TMDL Implementation Plan* (July 2003) consist of plans prepared by entities in the watershed who contribute pollutants of concern to the Portneuf River, including Pocatello, Chubbuck, the County, and ITD.

In accordance with EPA policy and guidance, EPA proposes to require monitoring and other specific actions to augment the proposed Storm Water Management Program (SWMP) activities contained in the NPDES permit application, based on the TMDL analyses and

implementation plans. Further discussion of the specific measures is contained in the SWMP Requirements section of this fact sheet.

Numeric effluent limitations are not proposed at this time. Numeric limitations will be included in the final permit if required by the State as a condition for certification of the permit pursuant to Section 401 of the CWA, 33 U.S.C. § 1341. EPA may, through the process of permit modification, add numeric limitations to the permit after its issuance if EPA determines that the designated beneficial uses of the receiving waters are not being met due to the contributions of contaminants by storm water discharges, and such permit modifications are reasonable to ensure the attainment of water quality standards.

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 the co-applicants within the Pocatello Urbanized Area. This permit limits the authorization to discharge municipal storm water in the following manner:

- Storm water commingled with process wastewater, non-process wastewater, and storm water associated with industrial or construction activity (as defined in 40 CFR §122.26(b)(14) and (15)) 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 Pocatello Urbanized Area. Part II.B.3 of this permit complements this limitation, and requires the co-applicants to prohibit, through ordinance or other enforceable means, all other types of non-storm water discharges into the MS4(s). The co-applicants are responsible for the quality of all combined discharges through their MS4 outfalls, and therefore have an interest in locating any uncontrolled and/or un-permitted discharges to their MS4s
- Discharges from the MS4s must not cause violations of federally approved State water quality standards, nor violate the State’s 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 may contain elevated levels of pollutants.

C. Permittee Responsibilities

EPA regulations at 40 CFR §122.33(b)(2)(iii) allow regulated entities to jointly develop a SWMP and apply as a group to obtain discharge authorization under an individual permit. Once

a permit is issued to the group, each applicant is responsible for compliance with the terms and conditions of the permit. The co-applicants named in this permit have decided to work together to implement their respective storm water management program(s), and, thus, applied for permit coverage together.

The co-applicants currently maintain an intergovernmental agreement for their respective roles and responsibilities with regard to the SWMP and controlling discharges of storm water from their respective MS4s. The agreement was submitted EPA in August 2003. The draft permit specifically requires the co-applicants to maintain this binding intergovernmental agreement, and to submit any revision of the agreement to EPA.

EPA regulations allow that one or more of the program measures may be implemented by an entity other than the co-applicants (*e.g.*, a county which is not a regulated MS4 may implement a street sweeping program for a given city within that county). See 40 CFR § 122.35(a). As such, Part II.A.5 of the permit allows the co-applicants to rely on another entity to implement some of the required minimum measures 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 applicant's behalf. Such agreements are recommended in the regulation, however, this permit requires that the co-applicants enter into legally binding agreements with such outside parties to minimize any uncertainty about compliance with the permit. Co-applicants, however, remain responsible for compliance with the permit obligations in the event the other entity fails to implement the control measure (or any component thereof).

D. Storm Water Management Program Requirements

The permit requires the co-applicants to develop, implement, and enforce a 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:

1. Public Education and Outreach on Storm Water Impacts;
2. Public Involvement and Participation;
3. Illicit Discharge Detection and Elimination;
4. Construction Site Storm Water Runoff Control;
5. Post Construction Storm Water Management in New Development and Redevelopment; and
6. 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 in developing their SWMP activities and determining appropriate measurable goals to be included in the SWMP.

The co-applicants' permit application submitted on March 11, 2003 and amended in August 2003, contains the various elements of the initial SWMP and identifies specific BMPs and accompanying measurable goals for each of the six minimum control measures. Part II.B of the proposed permit incorporates those specific activities put forth by the co-applicants. Additional activities necessary to address TMDL implementation have been included in Parts II.B. and II.C. as well. Milestones and compliance dates for these activities are summarized in Part III of the permit. Annual reports are required to document program accomplishments. See 40 CFR §122.34 (g). Updating the SWMP must be done according to Part II.D and Part VII; areas annexed by the co-applicants during the permit term must be included in the SWMP within one year of annexation; and that sufficient resources must be available to implement the activities of the SWMP.

The following sections discuss the SWMP requirements in detail:

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

The co-applicants 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.

The co-applicants have identified a series of public education activities to accomplish this measure. Specifically, the co-applicants will develop informational materials relevant to the "Adopt-a-Storm Drain" program, the hazardous waste disposal program, and erosion and sediment control requirements. A website and speakers bureau dedicated to community education on storm water impacts will be maintained. In addition, through cooperation with Idaho State University, curriculum materials for school children regarding storm water will be created and offered to local teachers. The co-applicants will work together to accomplish these education efforts. *EPA requests comment on the breadth, scope and adequacy of these public education activities, in light of the other actions required by this 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 communities 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.

The co-applicants have identified the following public involvement activities:

- hosting River Clean up Days;
- establishing a partnership with off-road vehicle retailers and organizations to promote environmental stewardship;
- conducting a storm drain stenciling program and
- conducting at least one public meeting with each of the co-applicants' respective governing bodies to discuss the SWMP and collect further public comment.

All documents and materials relevant to the SWMP, including this permit, application, and all reports, will be posted on the dedicated website mentioned previously. In addition, EPA expects the co-applicants to engage and invite citizens representing a broad cross section of the community to participate in these discussions. ***EPA requests comment on the breadth, scope and adequacy of these public involvement activities, in light of the other actions required by this 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 municipal separate storm sewer system 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.D. of the draft permit lists the types of allowable non-storm water that can be discharged to the MS4, provided that they 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 is 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 are 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 measure. The MS4 operator must:

- a. Develop a map of the storm sewer system 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 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, 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.

The co-applicants have identified four BMPs that will be implemented to accomplish this measure, including:

- development of a program to detect and address illicit discharges;
- adoption of ordinances in each jurisdiction to prevent illicit discharges;
- continuing the hazardous waste disposal program at the Bannock County Landfill; and
- completion of a comprehensive storm sewer map for the areas served by the MS4s.

Because the pollutants of concern for the Portneuf River (*i.e.*, sediment, bacteria, nutrients, and oil and grease) are often generated through a variety of industrial activities, EPA is also requiring the co-applicants to inventory all industrial facilities in their

jurisdictions that discharge runoff to either the MS4s 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 summarized in Appendix C of this fact sheet. The inventory shall consist of the facility name, facility location, outfall location, and NPDES permit status (*i.e.*, whether the facility is permitted by EPA through coverage under the NPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity, # IDR05-0000 (MSGP); permitted through an individual NPDES permit issued by EPA, or does not have NPDES permit coverage. EPA will use this information to educate facility operators who may be unaware of applicable federal permitting requirements for discharges of industrial storm water. In addition, the co-applicants can use this information to target source(s) that may be contributing pollutants to their MS4s.

As an additional component of this program, EPA is also including a requirement to maintain and promote a telephone hotline or other mechanism to allow citizens to report water quality problems. This activity is identified as a strategy to reduce pollutants of concern in the Portneuf River in the February 2001 Supplement to the Portneuf River TMDL.

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. 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 operators to effectively and directly control construction site discharges into their MS4s. The regulations at 40 CFR §122.34(b)(4) contain four required components to this measure. 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.

To fulfill the requirements of this control measure, the co-applicants identified the following activities in their permit application:

- adopt and implement a construction site storm water control ordinance;
- develop procedures to review site plans, receive public comment, inspect construction sites and enforce the ordinance when necessary;
- publish local requirements for erosion, sediment and on-site material control;
- create a means of responding to public concerns regarding construction; and
- conduct at least one educational workshop for the local construction/design engineering audience.

The co-applicants should review all existing construction requirements currently in place within their jurisdictions, and develop local requirements that are substantially similar to the federal Construction General Permit. This will ensure complementary implementation of the Clean Water Act construction runoff requirements in the Pocatello Urbanized Area. To further ensure the consistent implementation of federal and local construction site runoff control requirements, this permit requires the co-applicants to provide information to operators of proposed new development and redevelopment sites regarding the EPA Construction General Permit. Such information sharing can be accomplished by distributing EPA's existing brochures or by directing construction site operators to EPA's web-based information regarding the CGP requirements. Alternatively, the co-applicants may develop other appropriate means to provide such information to operators of new development or redevelopment sites.

The co-applicants must also work to optimize coordination between different municipal offices. For example, proposed site plans may be reviewed by a local planning board or other office, but may not currently include an evaluation of water quality concerns. The co-applicants should enhance communication and information sharing between the various municipal offices to ensure efficiency as well as appropriate control of storm water discharges from construction sites. Each co-applicant may determine how construction site plan review and oversight is best accomplished within its organization.

Consistent with the Portneuf River TMDL implementation plans related to urban runoff, EPA is also proposing that the co-applicants ensure all public construction projects under their direction comply with the Construction General Permit as well as all local requirements for erosion, sediment and onsite materials control. Combined with

efforts to oversee private construction projects, the co-applicant's efforts to manage their public construction sites will reduce sediment loading to the Portneuf River.

The draft permit allows MS4 operators to exempt from local regulation those sites that qualify for EPA's "low rainfall erosivity waiver" as set forth in the EPA regulations. This waiver is based on the "R" factor from the Revised Universal Soil Loss Equation (RUSLE) and applies to projects when (and where) negligible rainfall/runoff is expected. See 40 CFR §122.26(b)(15)(i)(A) and the CGP. EPA provides project-specific waiver information granted under the Construction General Permit through a publicly accessible EPA website at www.epa.gov/npdes/stormwater/noisearch. The co-applicants can consider whether this waiver should be allowed in their jurisdiction and if so, how to implement the requirement in the most efficient manner.

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

This control measure applies in areas undergoing new development or redevelopment that disturbs 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. See 64 Fed. Reg. 68760 (December 8, 1999). Post-construction controls are necessary because runoff from newly developed land can significantly affect receiving water quality. 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.

Post-construction storm water runoff can cause an increase in the type and quantity of pollutants discharged to the MS4. Specifically, as runoff flows over areas altered by development, it can pick up harmful 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 minimum measure requires municipal operators to develop, implement and enforce a program to reduce pollutants to the maximum extent practicable in post-construction runoff from areas of new development and redevelopment. This measure applies, at minimum, to newly developed project areas greater than or equal to one acre in size. In order to implement this measure, the co-applicants 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.

EPA encourages the co-applicants to consider requiring low impact development (LID) practices for controlling storm water runoff volume and reducing pollutant loadings to receiving waters. In general, LID measures have been found to be more cost effective and require less in 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>.

The co-applicants have identified the following activities in their permit application to accomplish this control measure:

- create a New Development/Redevelopment BMP Design Manual (Design Manual) ;
- adopt an ordinance to require post-construction storm water controls at new and re-developed sites in accordance with the Design Manual ;
- host at least one workshop session for the local engineering and landscape architect audience on the newly adopted requirements for post-construction storm water management; and
- conduct at least one independent field assessment or demonstration project within the Portneuf Urbanized Area to measure and evaluate the effectiveness of the adopted local requirements. This project may focus on one aspect of the local requirements, or may characterize the effectiveness of the Design Manual as a whole.

The co-applicant's efforts to conduct one or more demonstration project(s) to evaluate storm water BMP design requirements is consistent with the implementation strategies identified in the February 2001 Supplement to the Portneuf River TMDL.

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 storm sewer systems can help avoid repair costs from damage caused by age and neglect.

As part of this control measure, the co-applicants must evaluate existing maintenance activities, schedules, and inspection procedures for appropriate controls to reduce floating debris and other pollutants. Using this evaluation, municipal operators must improve operations as necessary to reduce or eliminate polluted discharges from areas under the co-applicants' control, including, for example, from 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 each co-applicant will determine the appropriate good housekeeping BMPs that are necessary to protect water quality, and will train their employees on proper techniques to ensure such activities are accomplished.

To implement this control measure, the co-applicants must:

- develop an operation and maintenance program to reduce polluted runoff from a variety of municipal activities.
- evaluate existing maintenance practices and identify specific actions to improve operations and protect water quality, including a timeline for incorporating those actions.
- conduct an effectiveness study of current street and catch basin cleaning operations, as well as street sanding and salt practices, and include examination of existing disposal practices for waste removed from the MS4.
- EPA has also proposed that the co-applicants ensure that new flood management projects are assessed for impacts on water quality and must ensure that existing projects are assessed for incorporation of additional water quality protection devices or practices.

EPA requests comment on the breadth, scope and adequacy of these municipal good housekeeping activities, in light of the other actions required by this permit.

7. Structural Control Plan

The City of Pocatello developed a Storm Water Master Plan in April 2000, which was adopted by the Pocatello City Council as part of the City's 2003 Comprehensive Plan. The Master Plan identifies major storm drain conveyance facilities, system deficiencies and evaluates various system improvements to resolve those deficiencies. Similarly, both the Bannock County 1995 Comprehensive Plan and the City of Chubbuck's 2002 Comprehensive Plan identify goals and actions to protect the natural environment and prevent water pollution. ITD uses a construction plan to prioritize

construction projects throughout their districts. EPA is requiring that the co-applicants use these previously developed planning mechanisms to provide a framework for water quality improvements and assist the co-applicants in implementing controls to achieve the WLAs of the Portneuf TMDL. Part II.C. of the permit requires each co-applicant to review their respective plans (and amend or update if appropriate) to identify specific drainage system improvements that will reduce the discharge of the pollutants of concern (ie, sediment, bacteria, oil and grease and nutrients) to the Portneuf River and surrounding waterways. The co-applicants must prioritize these actions and submit a Structural Control Plan detailing the anticipated improvements as part of the first Annual Report. Co-applicants must begin implementation of identified improvements within 18 months of the effective date of the permit.

8. Reviewing and Updating the Storm Water Management Program

The SWMP is the set of structural and nonstructural actions and activities used by the co-applicants to reduce the discharge of pollutants from the MS4 to the maximum extent practicable 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 the co-applicants 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 the co-applicants. 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 the co-applicants and comply with permit modification procedures, including public notice procedures.

9. Transfer of Ownership, Operational Authority or Responsibility for the MS4

EPA does not intend to mandate a permit modification should the co-applicants 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. The co-applicants 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. Storm Water Management Program Resources

Part II.F of the permit requires the co-applicants to provide adequate support to implement their activities under the SWMP. Compliance with Part II.F will be demonstrated by the co-applicants' ability to fully implement the SWMP and other permit requirements as scheduled. The permit does not require specific funding or

staffing levels, thus providing the co-applicants 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. In particular, Part III specifies the dates by which SWMP activities/milestones will be accomplished and the entity responsible for ensuring the activity is completed.

F. Monitoring, Recordkeeping and Reporting Requirements

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

Although EPA Phase II regulations do not explicitly require MS4s to conduct monitoring, EPA acknowledges that water quality monitoring may be necessary in order to 1) characterize water quality and ecosystem health in a watershed over time, 2) to determine causes of existing and future water quality and ecosystem health problems in a watershed and develop a watershed management program, 3) to assess progress of watershed management program or effectiveness of pollution prevention and control practices, and 4) to support documentation of compliance with permit conditions and/or water quality standards.

EPA has determined that water quality monitoring of both municipal storm water discharges and Portneuf River surface water quality is appropriate in the Pocatello Urbanized Area, given the expectations and goals of the Portneuf River TMDL. The required monitoring will better characterize the urban runoff from the MS4s, and will be used to measure the overall effectiveness of controls required in the permit. The results from the monitoring will allow EPA and the co-applicants to evaluate the success of the SWMP, and will help define what future adjustments should be made to the SWMP.

Part IV.A. of the permit describes both outfall monitoring and surface water monitoring, as well as quality assurance requirements. Co-applicants must monitor for flow, oil & grease, total suspended solids, total inorganic nitrogen, total phosphorus and *E. coli*, based on the water quality impairments in the Portneuf River for bacteria and sediment, and the Portneuf River TMDL WLAs for nutrients (*i.e.*, total phosphorus and total inorganic nitrogen) and oil & grease from urban runoff. Beginning 9 months after the effective date of the permit, the co-applicants must begin monitoring storm water discharges from four (4) outfalls, and monitor water quality at two Portneuf River locations; samples from each location must be collected at least six (6) times per year during significant storms between March and October (three times per year/June – October for *E.coli*).

Data generated through this monitoring effort will: 1) estimate pollutant loading currently discharging from the MS4s; and 2) increase understanding of whether sediment and *E.*

coli in runoff affects beneficial uses in the Portneuf River, and 3) help to measure the co-applicants' progress towards meeting the TMDL waste load allocations for nutrients and oil & grease. EPA believes that the cost of monitoring and sample analyses as proposed in the permit will not place undue financial burden on the co-applicants.

EPA examined existing Portneuf River monitoring data available from IDEQ using a flow duration curve analysis procedure discussed in Appendix D of this fact sheet. EPA anticipates using the additional data collected during the permit term to evaluate whether the co-applicants' MS4 discharges are meeting the Portneuf River TMDL WLAs and load reduction targets. EPA will use the hydrology-based analysis technique to refine the storm water management program requirements in subsequent permit terms.

As drafted, the permit suggests that a "significant storm event" will be defined through consultation between the co-permittees and IDEQ. The co-applicants are required to conduct sampling at each of the various locations a minimum of six times per year during the months of March through October. ***EPA requests comment on both of these issues: 1) how should a "significant storm event" for the Pocatello area be defined, and 2) whether the minimum monitoring frequency proposed in the permit (ie. six times per year between March and October) is adequate and appropriate.***

Part IV.B. of the permit requires co-applicants to keep all required records required by this permit for a period of at least five years. See 40 CFR § 122.34(g)(2). Records must be made available upon request to EPA and IDEQ. Records must also be reasonably 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. The co-applicants will make their program materials available to the public electronically via a website within the term of this permit.

The co-applicants must submit Annual Reports, as required by 40 CFR §122.34(g)(3). In the Annual Report, the co-applicants must evaluate their SWMP for compliance with the terms of the permit, the appropriateness of the identified BMPs, and progress towards achieving their measurable goals. The co-applicants may need to change the SWMP based on this evaluation process. Specific information to be reported for each control is listed in Part IV.C. of the permit. The Annual Report must also contain a summary of any information that has been collected and analyzed, including any and all types of data and discharge monitoring reports. The co-applicants 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. The co-applicants 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 on CD-ROM.

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 evaluated the potential effects of the discharges from the MS4s on listed endangered and threatened species in the vicinity of the Pocatello Urbanized Area, and has determined that issuance of this permit is not likely to adversely affect any threatened or endangered species.

EPA requested lists of threatened or endangered species from the NOAA Fisheries and USFWS in letters respectively dated August 22, 2005. In a letter to EPA dated September 1, 2005, USFWS stated there are no listed species or designated critical habitat in the Pocatello Urbanized Area.

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 the Pocatello Urban Area 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 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 also in compliance with the terms and conditions of the National Historic Preservation Act. If any permitted entity engages in any activity which meets all of the following criteria, they 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.

References Used in this Permitting Decision

National Oceanic and Atmospheric Administration's Western Regional Climate Center
<http://www.wrcc.dri.edu/>

U.S. EPA, October 2000. *National Menu of BMPs for Storm Water Phase II*, October 2000.
<http://cfpub.epa.gov/npdes/stormwater/menuofbmps/menu.cfm>

U.S. EPA, October 2001. *Measurable Goals Guidance for Phase II Small MS4s*.
<http://cfpub.epa.gov/npdes/stormwater/measurablegoals/index.cfm>

U.S. EPA, *Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges (e.g. Phase II Storm Water Regulations)*, 64 Fed. Reg. 68722 -68851, December 8, 1999

- Discussion of the impacts of urban runoff on waters of the United States: 64 FR 68725-27
- 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

40 CFR Part 122, specifically 40 CFR §§ 122.30-35.

U.S. EPA 1983. *Results of the Nationwide Urban Runoff Program, Executive Summary*, Office of Water, Washington D.C.

U.S. EPA, 1999. *Report to Congress on the Phase II Storm Water Regulations*, Office of Water, Washington D.C. EPA-833-R-99-001

U.S. EPA, 2006. *National Management Measures to Control Nonpoint Source Pollution from Urban Areas*, EPA-841-B-05-004.

State of Idaho's Water Quality Standards

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

Pitt, R., M. Lalor, R. Field, D.D. Adrian and D. Barbe. 1993. *Investigation of Inappropriate Pollutant Entries into Storm Drainage Systems: A User's Guide*. US EPA Office of Research and Development, EPA/600/R-92/238

New England Interstate Water Pollution Control Commission, 2003. *Illicit Discharge Detection and Elimination Manual: A Handbook for Municipalities*.

Center for Watershed Protection, and Pitt, R.M., October 2004. *Illicit Discharge Detection and Elimination – A Guidance Manual for Program Development and Technical Assessments.*

Low Impact Development Information: <http://www.epa.gov/owow/nps/lid/lid.pdf>

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.

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.

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;
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, 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). Additional sources regulated during this second phase of the storm 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 co-applicants 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 co-applicants to fully develop and implement their storm water management program.

Appendix C – 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	430	Pulp, paper, and paperboard *
	431	Builder’s paper and board mills
405 Dairy products processing	432	Meat products
406 Grain mills	433	Metal finishing
407 Canned & preserved fruits & vegetable*	434	Coal Mining *
408 Canned & preserved seafood processing	436	Mineral mining & processing *
409 Beet, crystalline & liquid cane sugar	439	Pharmaceutical manufacturing *
410 Textile mills	440	Ore mining & dressing *
411 Cement manufacturing	443	Paving and roofing materials
412 Feedlots	446	Paint formulating
414 Org. Chem plastics & synthetic fibers	447	Ink formulating
415 Inorganic chemical manufacturing *	455	Pesticide Chemicals *
417 Soap and detergent manufacturing	458	Carbon Black manufacturing
418 Fertilizer manufacturing	461	Battery manufacturing
419 Petroleum refining	463	Plastics molding and forming
420 Iron and steel manufacturing	464	Metal molding and casting
421 Nonferrous metal manufacturing	465	Coil coating
422 Phosphate manufacturing *	466	Porcelain enameling
423 Steam electric power	467	Aluminum forming
424 Ferroalloy manufacturing *	468	Copper forming *
425 Leather tanning and finishing	469	Electrical & electronic component
426 Glass manufacturing *	471	Nonferrous metal forming & powders
427 Asbestos manufacturing		* some facilities in group do not have limits or standards, see 40 CFR subchapter N to verify.
428 Rubber manufacturing		
429 Timber products processing		

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, beneficiation, 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:

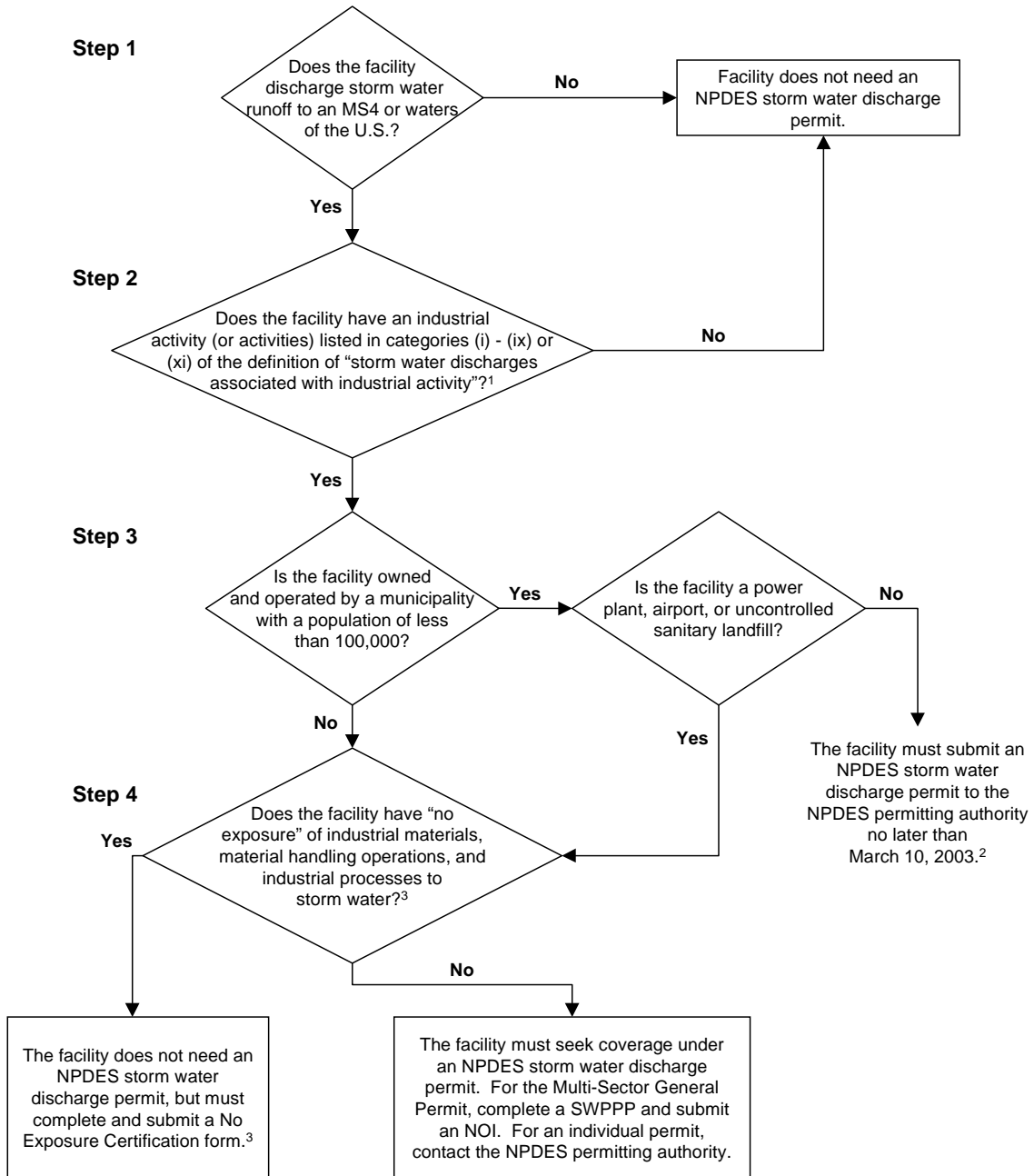
SIC Code

- 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 C-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: Operators of industrial facilities seeking more information about industrial Storm Water Pollution Prevention Plans (SWPPPs), Notices of Intent (NOI), the industrial No Exposure Certification, etc. can 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 D - Flow Duration Curve Analysis

1. OVERVIEW

The Idaho Department of Environmental Quality's 2002 Integrated Report contains the list of impaired water bodies as required by CWA § 303(d). This report lists the Johnny Creek-to-Interstate 86 segment of the Portneuf River running through the Pocatello Urbanized Area as impaired (i.e., meaning the river does not meet water quality standards) for bacteria, nutrients, sediment, and oil and grease. The term "nutrients" encompasses water quality impairment for both total phosphorus and total inorganic nitrogen. Municipal storm water runoff is indicated in the report as a potential source of these pollutants.

IDEQ developed a TMDL management plan for the Portneuf River basin (Portneuf River TMDL), which EPA approved in April 2001. The TMDL defines both waste load allocations (WLAs) and load allocations (LAs) to specify how much of a particular pollutant can be discharged from both regulated and unregulated sources, respectively, such that the waterbody will again meet the water quality standards.

In the Portneuf River TMDL, IDEQ established urban storm water related WLAs for nutrients (i.e., total inorganic nitrogen and total phosphorus) and for oil & grease. Based on the limited monitoring data available at the time, IDEQ also established load reduction targets for suspended sediment and E. coli in storm water.

2. DATA ANALYSIS

Water quality monitoring is key element of the "Portneuf River TMDL Implementation Plan". This plan takes an adaptive management approach, which includes a water quality monitoring and assessment program to provide information on the overall effectiveness of implementation activities. As part of this effort, Idaho DEQ collected real time turbidity data at sites on the Portneuf River, both above and below Pocatello. This information has been assessed using a hydrology-based framework with flow duration curves, as a way to determine potential effects that storm water discharges from Pocatello may be having on the Portneuf River.

Duration Curves

Over the past several years, basic hydrology in the form of flow duration curves has been used to support water quality assessments and development of TMDLs. Flow duration curve analysis identifies intervals, which can be used as a general indicator of hydrologic condition (i.e. wet versus dry and to what degree). Duration curves help refine assessments by expanding the characterization of water quality concerns, linking concerns to key watershed processes, and prioritizing source evaluation efforts. The extended use of monitoring information using duration curves can highlight opportunities for enhanced targeting, both in field investigation efforts and implementation planning.

Duration curves describe the percentage of time during which specified stream flows are equaled or exceeded. Flow duration analysis looks at the cumulative frequency of historic flow data over a specified period. The analysis results in a curve that relates flow values to the percent of time those values have been met or exceeded. Flow duration curve development typically uses daily average discharge rates, which are sorted from the highest value to the lowest. The curve intervals can be grouped into several broad flow categories or zones, such as high flow (0-10%) moist conditions (10-40%) mid-range flows (40-60%) dry conditions (60-90%) and low flows (90-100%).

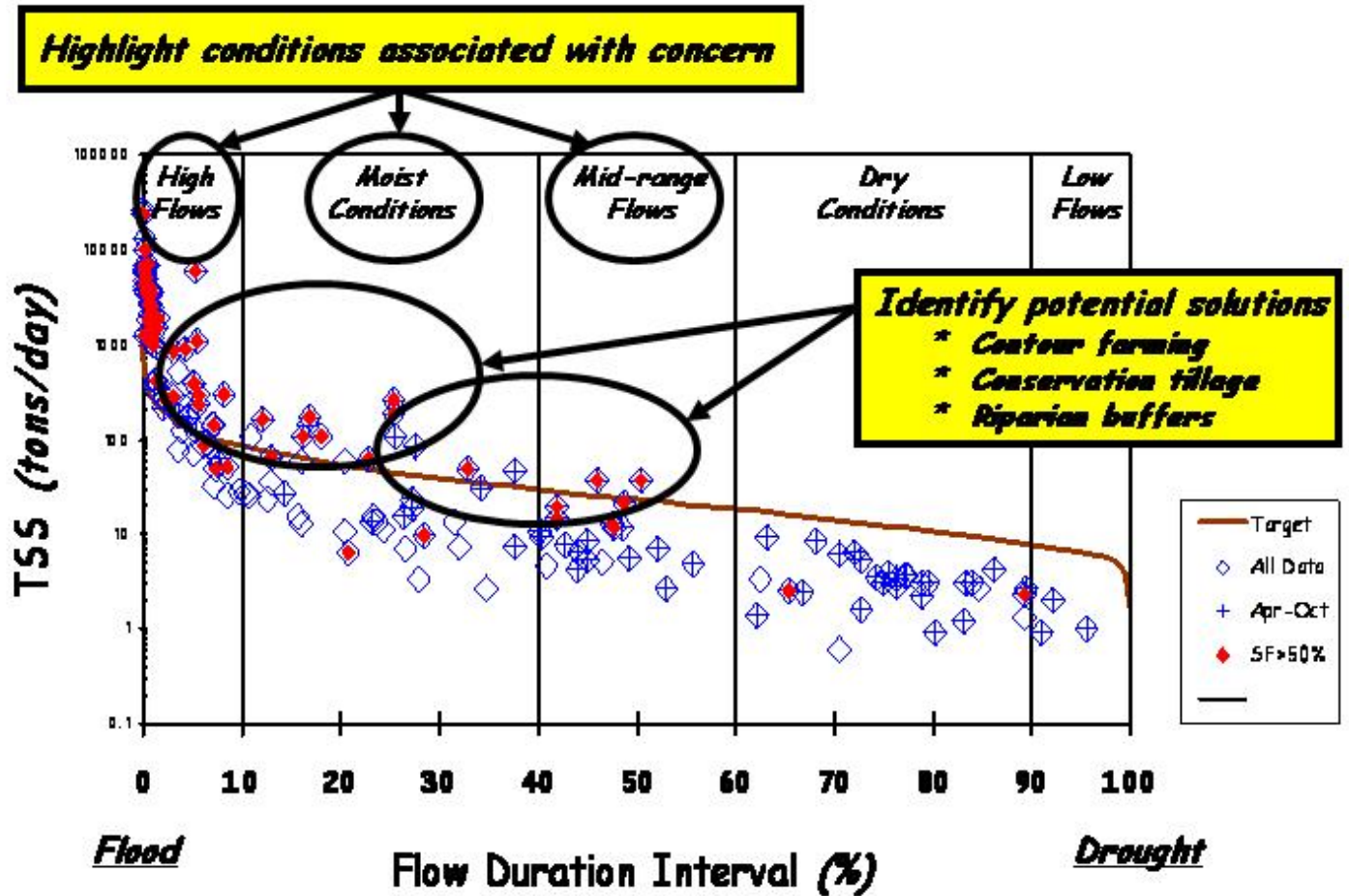
Once the flow duration curve has been generated, ambient water quality data, such as total suspended solids or E. coli, combined with flow, can be used to compute an instantaneous pollutant load. Loads are directly proportional to flows (i.e., load equals flow times concentration times a conversion factor). Using the relative percent exceedance from the flow duration curve that corresponds to the stream discharge at the time the water quality sample was taken, the computed load can be plotted in a duration curve format. By displaying instantaneous loads calculated from ambient water quality data and the daily average flow on the date of the sample (expressed as a flow duration curve interval), a pattern develops, which describes the characteristics of the impairment. Loads that plot above the curve indicate an exceedance of the water quality standard or criterion, which those below the load duration curve show compliance.

The following example briefly illustrates the “added value” that duration curves can provide. Figure D-1 illustrates a load duration curve developed for a watershed where sediment is causing impairments to resident trout populations. This load duration curve was developed to look at several issues. The first was to better characterize conditions surrounding water quality concerns. The second involved the relative importance of point sources in light of the timing of sediment loads. The third focused on the type of management practices (BMPs) that would be most effective.

As indicated in Figure D-1, duration curves can be a very useful tool to characterize water quality concerns and to describe patterns associated with the impairment. The use of duration curve zones (e.g. high flows, moist conditions, etc.) provides a method for communicating technical information in a way that easily conveys conditions associated with problems.

The results of a quick duration curve analysis such as the one shown in Figure D-1 indicate point sources, which generally tend to be most significant during low flows, do not appear to be major contributors. Practices that target delivery reduction (riparian buffers) and source control (contour farming, conservation tillage) under mid-range flows and moist conditions appear to offer the greatest benefit. This framework can help focus discussions regarding possible solutions, such as highlighting Best Management Practices (BMPs) that may be most effective in addressing concerns.

Figure D-1. Example Load Duration Curve



Storm Water and Duration Curves

Flow duration curve analysis is a useful way to look at storm water and its effects on water quality. The analysis provides a hydrology-based context for examining and interpreting available water quality data, allowing for the consideration of a full range of flows instead of just a single optimal design point.

The analysis can be used to establish realistic targets or benchmarks that ensure water quality goals are achieved and maintained. This type of analysis will ultimately guide selection of appropriate best management practices (BMPs) and offer a means of evaluating the effectiveness of selected BMPs. For instance, if all exceedances of *E. coli* are occurring during the low flow portion of the duration curve, then a likely culprit may be illicit connections to the storm sewer system; BMPs that enhance a community’s illicit discharge management program would be selected to eliminate the exceedances. On the other hand, if all exceedances of *E. coli* occur during the high flow portion of the duration curve (in a system that doesn’t have combined sanitary/storm sewer system overflows),

the source may likely be pet waste that could be better targeted by the community with a more rigorous street sweeping schedule.

Portneuf River Data

A flow duration curve analysis was developed using turbidity and flow data from various points along the Portneuf River collected in 2004 provided by the Idaho Department of Environmental Quality (Figures D-2 and D-3). The data seem to point to water quality concerns relative to storm water inputs from Pocatello.

Turbidity data collected at the Fichter Park site (Figure D-2) characterizes conditions above Pocatello. Note that the lowest levels occur when flows in the Portneuf River are lowest. In contrast, data collected at the Highway 30 site below Pocatello (Figure D-3) shows sample events where turbidity levels under low flow conditions in the Portneuf were noticeably higher.

Figure D-2. Duration Curve for Turbidity -- above Pocatello

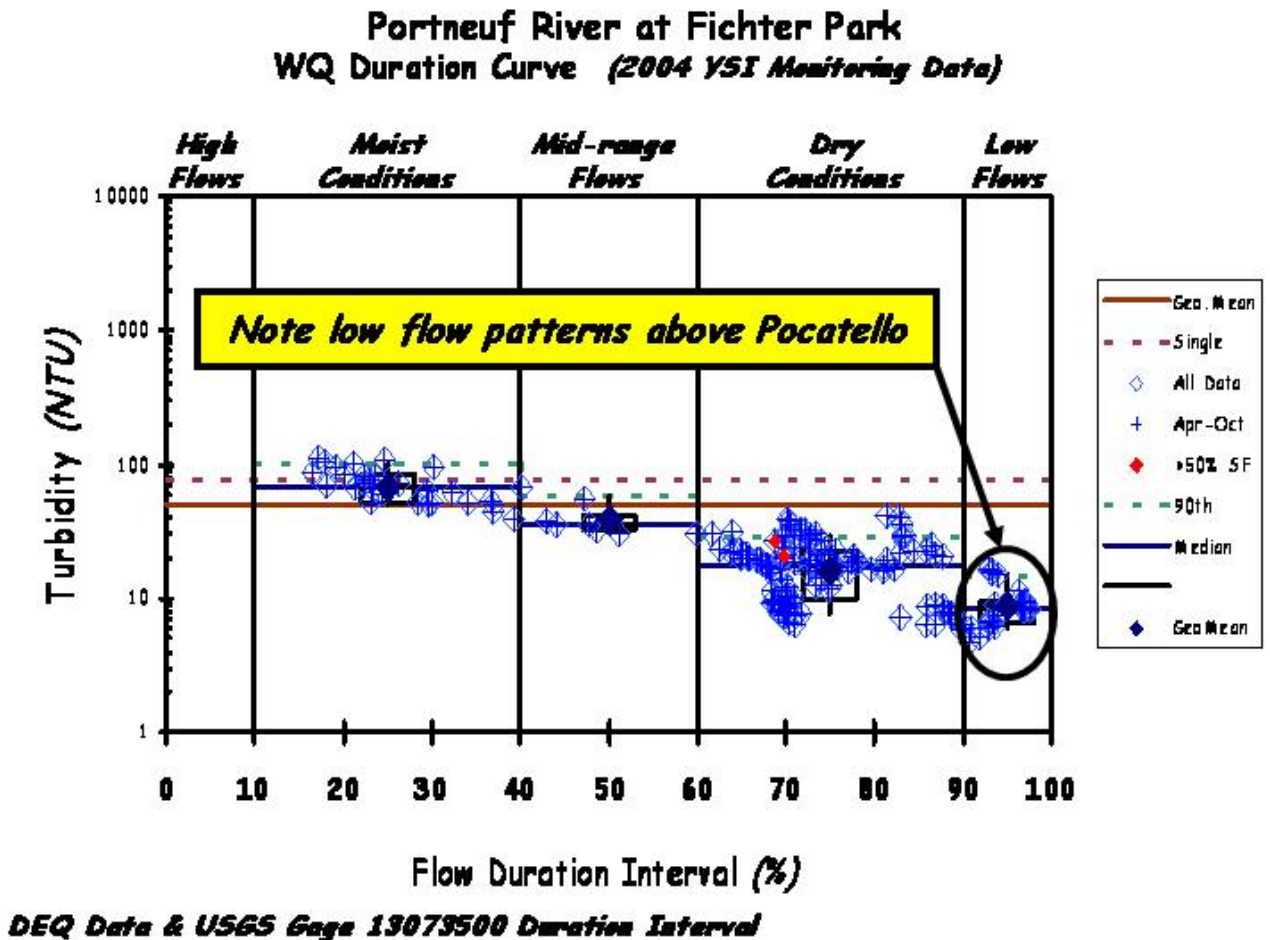
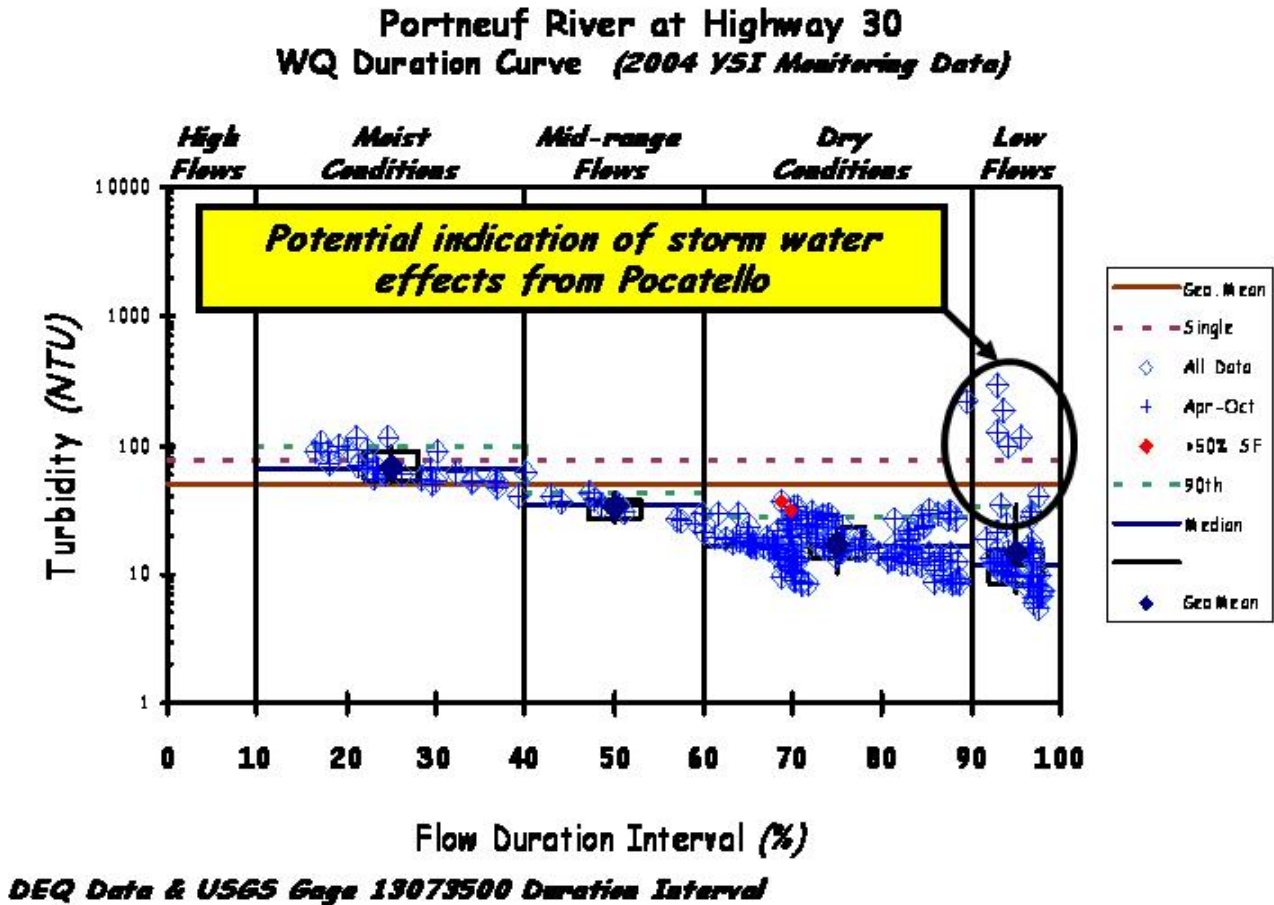


Figure D-3. Duration Curve for Turbidity -- below Pocatello



A reasonable explanation for this increase is storm water inputs to the Portneuf River from the Pocatello area. The drainage area of the Portneuf at Pocatello is approximately 1,250 square miles. This is much larger than the area encompassed under the Pocatello MS4 permit, which means that storm water contributions would not have a significant effect on measured stream flows in the Portneuf. However, storm water inputs associated with parameters, such as turbidity, suspended sediment, phosphorus, and bacteria, could lead to a large increase pollutant loads when flows in the Portneuf River are low.

3. RECOMMENDATIONS

In light of the limitations of the data currently available, EPA has proposed a storm water and surface water monitoring program that will support future flow duration curve analyses of urban storm water impacts to Pocatello Creek and the Portneuf River. EPA will use the data generated by the co-permittees to target and refine the necessary storm water management actions in subsequent terms of the permit.

4. REFERENCES

Bonta, J.V. March 2002. Framework for Estimating TMDLs with Minimal Data. ASAE Proceedings of the Watershed Management to Meet Emerging TMDL Regulations Conference. Fort Worth, TX. pp. 6-12.

Vogel, Richard M. and Neil M. Fennessey. December 1995. Flow Duration Curves II: A Review of Applications in Water Resources Planning. Water Resources Bulletin, Volume 31, No. 6. American Water Resources Association.

Cleland, Bruce. October 6, 2005. Back to Basics -- Using Hydrology to Develop Solutions. Presentation to the National Stormwater Coordinators Meeting. Cincinnati, OH.

Cleland, Bruce. October 6, 2005. TMDLs and Storm Water Permits -- Getting to Solutions. Presentation to the National Stormwater Coordinators Meeting. Cincinnati, OH.

Cleland, Bruce. November 2003. TMDL Development From the "Bottom Up" -- Part III: Duration Curves and Wet-Weather Assessments. National TMDL Science and Policy 2003 -- WEF Specialty Conference. Chicago, IL.

Water Quality Data for the Portneuf River provided by Idaho DEQ, November 2005.

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 each co-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.) Include all reports and specific information for each minimum measure as outlined in Parts IV.C.3.

- 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. Storm and surface water monitoring may be reported in a separate document as discussed in Item D below. *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 co-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 co-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.