Idaho Department of Environmental Quality (IDEQ) Primacy Construction General Permit (CGP)

Implications for ITD
2017 Construction General Permit

- EPA Issued Expires Feb 16, 2022
- Transfers to DEQ July 1, 2021 (today!)
  - EPA permit => DEQ permit
  - Effective NOIs at time of transfer will remain effective
  - Requirements of permit remain in effect and will not change
- Waiting period under permit remains
- All operators as defined in Permit must submit an NOI for coverage
- SWPPP is not required to be submitted with NOI
What’s Changing on July 1st?

- Filing NOIs after transfer to IDEQ
- Filed through IDEQ’s IPDES E-Permitting System
  No CDX or EPA website (IDEQ Currently offering training this summer)
- Existing NOIs/Permits will automatically migrate to IDEQ (no need to do anything)
What’s Changing on July 1st?

- Paying permit fees
- CGP Fees IDAPA 58.01.25.110
- Application fee paid upon submittal (IDEQ using Access Idaho)
- Annual fee paid in year following submittal of NOI (pro-rated <12 months)
- For now, Districts pay with P-Card and can be Federally reimbursed

<table>
<thead>
<tr>
<th>Project Size</th>
<th>Application</th>
<th>Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-10 Acres</td>
<td>$200</td>
<td>$0</td>
</tr>
<tr>
<td>10-50 Acres</td>
<td>$400</td>
<td>$75</td>
</tr>
<tr>
<td>50-100 Acres</td>
<td>$750</td>
<td>$100</td>
</tr>
<tr>
<td>100-500 Acres</td>
<td>$1,000</td>
<td>$400</td>
</tr>
<tr>
<td>&gt;500 Acres</td>
<td>$1,250</td>
<td>$400</td>
</tr>
<tr>
<td>Low Erosivity Waiver</td>
<td>$125</td>
<td>$0</td>
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</table>
IDEQ Enforcement

- Goal = 10% of the regulated construction sites annually
  - Permitted, unpermitted, and Low Erosivity Waiver
- Estimating 130-150 inspections/year to start
- SWPPP
- Records
- Site inspection

- Same metric as EPA
  - You will see IDEQ more than you saw EPA
  - IDEQ inspectors have first-hand knowledge of their regions and the activities within them
Penalties

- Up to $10,000/violation or $5,000/day for a continuing violation; whichever is greater

- Issued through a Notice of Violation (Consent Order if requested or required)
2022 Construction General Permit

- DEQ planning to reissue Feb 17, 2022
- 2022 version
  - Public notice of draft permit
  - 30 day comment period
  - Final permit includes a response to comments (ITD will have seat at the table)
2022 Construction General Permit Predictions

- DEQ is subject to Idaho Code §39-175B
- No more stringent or broader in scope
- Must meet CWA requirements
- Will incorporate state WQS
  - pH 6.5-9.0
  - Turbidity ≤50 NTU above background (instant) or ≤25 NTU above background for more than 10 consecutive days
Questions?