

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

Project Size	Application	Annual
1-10 Acres	\$200	\$0
10-50 Acres	\$400	\$75
50-100 Acres	\$750	\$100
100-500 Acres	\$1,000	\$400
>500 Acres	\$1,250	\$400
Low Erosivity Waiver	\$125	\$0

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?

