



NAMPA HIGHWAY DISTRICT NO. 1
4507 12th Avenue
Nampa, Idaho 83686

ANNUAL REPORT

Year 8

October 15, 2016 – October 14, 2017

**National Pollutant Discharge Elimination System (NPDES)
Municipal Separate Storm Sewer System (MS4)**

Permit No. IDS-028142

January 9, 2018

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INTRODUCTION

This document is an Annual Report for Permit No. IDS-028142 issued by the U.S. Environmental Protection Agency (EPA) to the Nampa Highway District No. 1 (NHD) as part of the National Pollution Discharge Elimination System (NPDES). The permit allows the discharge of storm water from NHD's Municipal Separate Storm Sewer System (MS4) to waters of the United States, within the Nampa Urbanized Area.

The permit was originally issued with a five (5) years duration, having an October 15, 2009 start date and an October 14, 2014 expiration date. It was subsequently extended indefinitely until the EPA grants a new permit (see EPA letter of October 2, 2014 in Appendix A). This is the eighth Annual Report of the permit, and covers the period from October 15, 2016 through October 14, 2017.

The Storm Water Management Program spreadsheet shown in Appendix B provides an overview of the control measures required by this permit, the compliance dates for those measures, and a brief synopsis of each reporting requirement pertaining to those measures. This information is also discussed in detail in the narrative sections.

ANNUAL REPORT CERTIFICATION

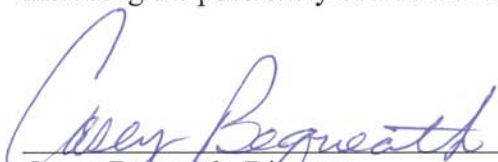
for

**Nampa Highway District No. 1
Permit No. IDS-028142**

**National Pollutant Discharge Elimination System
Municipal Separate Storm Sewer System (MS4)**

**Annual Report
for
Permit Year 2016-2017**

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



Casey Bequeath, Director
Nampa Highway District No. 1

01-09-18
Date

PERMIT PART IV.C ANNUAL REPORTING REQUIREMENTS

Part IV.C of the permit specifies nine (9) reporting requirement which must be contained in the Annual Report. Each of these is discussed below.

Part IV.C.1 – Control Measure Status

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

There is also a stand-alone discussion of Part II.C requirement in “Other Reporting Requirements” towards the end of this Annual Report.

Part II.B.1 – Public Education and Outreach (*Compliance Due Date: 10/14/2011*)

This element was implemented 9/22/2011, during Permit Year 2.

A copy of the NHD stormwater brochure is shown in previous Annual Reports. During this reporting period NHD kept its stormwater brochure posted in the NHD web site, with a copy also posted on the City of Nampa web site. Hard copies were also made available to the public by placing in the NHD office foyer, but none were taken during this reporting period.

The NHD web site continues to contain a public comment form, but to date no stormwater comments have been received.

Part II.B.2 – Public Involvement/Participation

(Online Postings – Compliance Due Date: 10/14/2012)

(Public Feedback Receipt & Tracking – Compliance Due Date: 10/14/2011)

This element was implemented 9/22/2011, during Permit Year 2.

All relevant SWMP documents and MS4 Annual Reports continue to be posted on the NHD website stormwater page. The page also continues to have a public comment form, but there have been no stormwater related public comments received during this reporting period.

Part II.B.3 – Illicit Discharge Detection and Elimination

(Compliance Due Date: 10/14/2012)

The various parts of this element were implemented between 9/22/2011 and 9/27/2012, during Permit Years 2 and 3.

Paragraph II.B.3.a requires a Plan to Detect and Eliminate Illicit Discharges to the MS4, including an information management database. This was implemented on 6/22/2012, and is enforced through quarterly inspections, which were conducted 10/5/2016, 1/5/2017, 4/12/2017, 9/11/2017, and 10/4/2017. No illicit discharges were found. A copy of the Information Management Database is shown in Appendix A.

Paragraphs II.B.3.b and II.B.3.c require an ordinance or other regulatory mechanism to prohibit non-stormwater discharges to the MS4. This was implemented on 9/27/2012 by Resolution No. 2012-03, and is enforced through the same quarterly inspections discussed for Paragraph II.B.3.a above.

Paragraph II.B.3.d requires development of a comprehensive MS4 Map. This was initially completed on 4/25/2012, and has been subsequently updated as needed. The map was updated most recently on 11/19/2017 to show the elimination of all but one outfall. This further discussed in Part II.D below. This map is shown in Appendix A, and an electronic copy in Arc GIS format on computer disc is also enclosed with this Annual Report.

Paragraph II.B.3.e requires development of an ongoing education program. This program was implemented on 9/22/2011 (Permit Year 2). During this reporting period NHD has continued to post its Stormwater Brochure on the NHD and City of Nampa web sites, and have hard copies at the NHD office, Nampa City Hall, Melba City Hall, and Melba Senior Citizens Center. NHD continues to give periodic stormwater education to employees at monthly safety meetings (listed in the Information Management Database shown in Appendix A).

Paragraph II.B.3.f requires dry weather field screening for non-stormwater flows from stormwater outfalls. These screenings began 4/25/2012, with 100% of the permit area screened and no non-stormwater flows detected. During this reporting period, quarterly screenings were conducted as discussed for Paragraph II.B.3.a above, with no non-stormwater flows found. The area will continually be re-screened on a quarterly basis, and take any necessary action as discussed in II.B.3.b and II.B.3.c above. The only non-stormwater flows allowed are fire hydrant flushing and flows from emergency fire fighting. If they occur, they are expected to be rare and of short duration. Field tests will not be automatically taken unless there is other evidence of potential pollutants of concern.

Paragraph II.B.3.g requires an inventory of all industrial facilities that discharge directly to the permittee's MS4 within the permit area. An inventory of the permit area was completed on 4/25/2012, and found no industrial facilities that discharge directly into the MS4. During this reporting period, quarterly inspections were conducted as discussed for Paragraph II.B.3.a above, with no industrial outfalls found.

Part II.B.4 – Construction Site Storm Water Runoff Control
(Compliance Due Date: 10/14/2012)

The various parts of this element were implemented between 10/23/2009 and 10/1/2012, during Permit Years 1 and 3.

Paragraph II.B.4.a requires implementation of a construction site storm water runoff control program for projects disturbing one acre or more of ground. This was implemented 9/27/2012 with adoption of Resolution No. 2012-04. There have been no such projects during this reporting period. NHD will provide oversight as future projects occur.

Paragraph II.B.4.b requires construction performance conditions in construction contracts that require compliance with the NPDES Construction General Permit. There have been no such construction contracts during this reporting period. NHD will provide oversight as future projects occur.

Paragraph II.B.4.c requires an ordinance or other regulatory mechanism be established to require construction site operators to practice appropriate erosion, sediment and waste control. This was implemented 9/27/2012 with adoption of Resolution No. 2012-04. There have been no such projects during this reporting period. NHD will provide oversight as future projects occur.

Paragraph II.B.4.d requires publishing and distribution of local requirements for construction site operators to implement appropriate erosion and sediment control BMPs and to control waste. This was implemented 10/1/2012 by posting Resolution No. 2012-04 on the NHD website. It continued to be posted on the website during this reporting period.

Paragraph II.B.4.e requires procedures for reviewing all pre-construction site plans. This was implemented 9/27/2012 with adoption of Resolution No. 2012-04, and is further outlined in the Process for Planning & Operation of Best Management Practices.

Paragraph II.B.4.f requires a program to receive, track, and review information submitted by the public regarding construction site erosion and sediment control complaints. This requirement was implemented 9/22/2011 (Permit Year 2) as part of Paragraph II.B.2.c. The NHD website stormwater page has a public comment form. The website also provides general NHD phone number and email address if anyone wants to comment via those means. Any comments received will be tracked and action taken or questions answered as appropriate. There have been no stormwater related public comments received during this reporting period.

Paragraph II.B.4.g requires site inspection and enforcement procedures. This was implemented 9/27/2012 with adoption of Resolution No. 2012-04.

Paragraph II.B.4.h requires compliance with the NPDES Construction General Permit. This element was implemented 10/23/2009 (Permit Year 1). During this reporting period, there were no projects or construction contracts requiring compliance with the NPDES Construction General Permit.

Part II.B.5 – Post-Construction Storm Water Management in New Development and
Redevelopment

(Post-Construction – Compliance Due Date: 10/14/2013)

(Long Term & Pre-Construction – Compliance Due Date: 10/14/2014)

The Post-Construction parts of this element were implemented on 9/26/2013.

Paragraph II.B.5.a requires implementation and enforcement of requirements to address post-construction storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre (including projects less than one acre that are part of a larger common plan of development or sale) and that result in discharge into the permittee's MS4 within the permit area. The program must ensure that controls are enacted that prevent or minimize water quality impacts from newly developed or re-developed areas. On 9/26/2013, NHD established a policy that no new development or re-development of land may discharge storm water onto NHD right-of-way or into the NHD MS4 system (implemented per Resolution 2013-05). This policy will be enforced through the review and approval process of plats, re-plats and license agreements. It will be further enforced by observation during routine inspections for right-of-way encroachments. During this reporting period, however, there has been no such development or redevelopment.

Paragraph II.B.5.b required adoption of an ordinance or other regulatory mechanism to the extent allowable under State or local law to address post-construction runoff from new development and redevelopment projects. This was done on 9/26/2013 with the adoption of Resolution 2013-05.

Paragraph II.B.5.c requires proper long term operation and maintenance of all permanent storm water management controls for newly developed project areas greater than or equal to one acre discharging into its MS4 located within the permit area. This element was implemented on 10/1/2014 with the Process for Planning & Operation of Best Management Practices.

Paragraph II.B.5.d requires the development and implementation of a process for pre-construction plan review of permanent storm water BMPs. This includes implementing an inspection program to require proper installation and monitor compliance of long-term operation and maintenance of such controls. This element was implemented on 10/1/2014 with the Process for Planning & Operation of Best Management Practices.

Part II.B.6 – Pollution Prevention and Good Housekeeping for Municipal Operations
(Compliance Due Date: 10/14/2013)

Paragraphs II.B.6.a and II.B.6.b of this control measure were implemented on 9/23/2013. Paragraph II.B.6.c is not applicable to NHD, so will have no implementation date.

Paragraph II.B.6.a requires development and implementation of an operation and maintenance program to prevent or reduce pollutant runoff from highway District operations. This program must address Highway District activities occurring within the permit area with potential for negative storm water related water quality impacts including the use of sand and road deicers; fleet vehicle maintenance and washing; street cleaning and maintenance; materials storage; building maintenance; ground/park maintenance/ hazardous materials storage/ used oil recycling; sand/salt storage; and storm water system maintenance. Example of other activities which may also be evaluated by the highway District, include, but are not limited to: solid waste transfer activities; spill control and prevention measures for refueling facilities; new construction and land disturbance; snow removal, and snow disposal site operation. An Operation & Maintenance Program to satisfy this element was implemented on 9/23/2013. The following, however, are parts of this element which are not applicable to NHD operations:

- Road deicers – NHD does not use road deicers.
- Fleet vehicle maintenance and washing – NHD does not maintain or wash equipment within the permit area.
- Materials storage – NHD does not store material within the permit area.
- Building maintenance – NHD has no buildings to maintain within the permit area.
- Ground/park maintenance – NHD does not have any grounds or parks within the permit area.
- Hazardous materials storage – NHD does not store hazardous materials within the permit area.
- Used oil recycling – NHD does not handle used oil within the permit area.
- Sand/salt storage – NHD does not store sand/salt within the permit area.
- Solid waste transfer activities – NHD does not handle or transfer solid waste within the permit area.
- Refueling facilities – NHD does not have any refueling facilities within the permit area.
- Snow removal – NHD does not remove snow from the right-of-way.
- Snow disposal site operations – NHD does not have a snow disposal site within the permit area.

Paragraph II.B.6.b requires development and training of Highway district personnel related to best maintenance practices for the protection of water quality. This training must be conducted at least once annually to address the activities specified in Part II.B.6.a. This element was implemented on 9/23/2013. During the reporting period, NHD staff received SWPPP/MS4 training at staff meetings on the following dates:

- 11/14/2016
- 12/12/2016
- 1/23/2017
- 8/28/2017
- 10/2/2017

Paragraph II.B.6.c requires a storm water pollution prevention plan for the NHD fleet maintenance and equipment site. NHD does not have such a site in the permit area.

Part IV.C.2 – Information Results

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

No data has been collected or analyzed during this reporting period, other than as discussed in Part IV.C.3 below.

Part IV.C.3 – NHD Inspections

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

No formal enforcement actions or other similar activities were performed during this reporting period. There were no projects during this reporting period involving discharges to the MS4.

Quarterly inspections were made of 100% of the permit area by NHD's SWPPP Inspector on the following dates:

- 10/5/2016
- 1/5/2017
- 4/12/2017
- 9/11/2017
- 10/4/2017

These quarterly inspections checked for the following items:

- Illicit Discharges (II.B.3.a); none found.
- Non-Stormwater Discharges (II.B.3.b & c); none found.

- Accuracy of MS4 Map (II.B.3.d); updated 9/19/2017.
- Dry Weather Screening (II.B.3.f); no non-stormwater flows detected.
- Industrial Discharges (II.B.3.g); none found.
- Construction Site Runoff (II.B.4); no construction projects during this reporting period.

These inspections are listed in the MS4 Information Management Database (shown in Appendix A).

Part IV.C.4 – Non-EPA Enforcement Actions

A summary list of any water quality compliance-related enforcement actions received from regulatory agencies other than EPA. Such actions include, but are not limited to, formal warning letters, notices of violation, field citations, or similar actions. This summary should include dates, project synopsis, and actions taken to address the compliance issue(s).

No enforcement actions were received from the EPA or other regulatory agencies during this reporting period.

Part IV.C.5 – Copies of Products

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

The following new products were developed during this reporting period, and copies are shown in Appendix A:

- MS4 Information Management Database for this reporting period
- Updated MS4 Outfall Map
- MS4 Waiver Request for future permitting

Appendix B contains a Stormwater Management Program Spreadsheet.

Part IV.C.6 – Future Activities

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

All control measures have been implemented, and are discussed in detail above in Part IV.C.1 – Control Measure Statuses. The Appendix B Storm Water Management Program spreadsheet gives an overview of planned future activities for each one, and they will be continually evaluated and improved as needed.

gives an overview of planned future activities for each one, and they will be continually evaluated and improved as needed.

Part IV.C.7 – Additional BMPs

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

NHD has not found any need to date for additional BMP's. As control measures are implemented and evaluated for effectiveness, any needed additional BMP's will be developed and discussed in future Annual Reports.

Part IV.C.8 – Reliance on Other Parties

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

NHD is not currently relying on any other entity to satisfy any permit obligations.

NHD voluntarily participating in the Canyon County MS4 Stakeholders Group to share ideas and resources in the implementation and evolution of our respective Storm Water Management Programs.

Part IV.C.9 – Recent MS4 System Additions

A description of the location, size, receiving water, and drainage area of any new MS4 outfall(s) owned or operated by the permittee added to the system since the previous annual reporting period.

There have been no new MS4 outfalls added to the system during this reporting period. Additions are usually made by new development or changes in the Nampa Urbanized Area. There have been no new developments during this reporting period.

All but one outfall was removed from the system because close inspection found them to actually be irrigation return facilities.

OTHER GENERAL REPORTING REQUIREMENTS

The following are discussions of reporting requirements in addition to those of Part IV.C.

Part II.C – How Pollutants of Concern are Targeted and Evaluated

The permit identifies “pollutants of concern” as total phosphorus, sediment, E. coli. The Appendix B Storm Water Management Program spreadsheet gives an overview of how these pollutants of concern will be targeted and measured by each minimum control measure.

Public Education and Outreach (II.B.1) and Public Involvement/Participation (II.B.2) target pollutants of concern by distributing the stormwater brochure which specifically mentions the pollutants of concern by name and describing specific ways to prevent their entrance into the MS4. Their effectiveness will be evaluated by monitoring how brochures are being distributed, meeting attendance, and feedback comments.

Illicit Discharge Detection and Elimination (II.B.3) targets pollutants of concern by quarterly inspections for illicit discharges, and maintaining a map of outfall locations and potential pollutant source points. The effectiveness will be measured by the number of violations or spill incidents detected.

Construction Site Storm Water Runoff Control (II.B.4) targets pollutants of concern by providing limits on disturbed areas, SWPPP Plan review, waste control, inspections and enforcement of construction sites. The effectiveness will be measured by the level of compliance and enforcement actions required.

Post-Construction Storm Water Management in new developments and redeveloped areas (II.B.5.a and b) targets pollutants of concern by prohibiting discharges to NHD right-of-way or MS4. The effectiveness will be measured by level of compliance and enforcement actions required.

Site Plan review and inspection (II.B.5.d) and post construction discharge maintenance (II.B.5.c) targets pollutants of concern by ensuring that Best Management Practices (BMP’S) are utilized to protect discharges into the MS4. The effectiveness is measured by inspections during construction, and long term thereafter, with any adjustments being made as needed.

Pollution Prevention and Good Housekeeping for Municipal Operations (II.B.6) targets pollutants of concern by use of various good housekeeping means, along with training, inspection and enforcement. The effectiveness will be measured by follow-up reviews to judge general crew proficiency with standard practices and use of BMP’s.

Part II.D – Annual Review

NHD has made an annual review of the Storm Water Management Program, and maintains its request (submitted January 12, 2011) that the Part II.B.6.c requirement to develop a SWPPP for Highway District fleet maintenance yard be removed because it is outside of the Nampa Urbanized Area. Part I.A of the permit states, “This permit covers all areas within the Nampa Urbanized Area...including the permittee’s maintenance and equipment yard.” Since the yard is outside of this area, it appears to be outside of the jurisdiction of the permit.

NHD met with the EPA about the requirements for future MS4 permitting, in which it was suggested NHD might be eligible for a waiver. Follow-up correspondence with EPA, as well as a meeting and follow-up correspondence with Idaho DEQ resulted in EPA and IDEQ staff endorsement of an MS4 Waiver (copy provided in Appendix A).

Closer scrutiny of NHD’s MS4 outfalls also revealed that all but one were actually irrigation returns, not meeting the MS4 definition. So the MS4 Outfall Map was updated accordingly, and is included in Appendix A. We did not find evidence of Outfall #1 being an irrigation return until after submitting the MS4 Waiver request, so it is still shown in the request documentation.

NHD is also working on plans to eliminate the last outfall location (Outfall #3).

Part IV.A.2 – Quality Assurance Plan

The permit requires the permittee to develop a Quality Assurance Plan (QAP) prior to conducting any discharge or surface water monitoring, and to submit the QAP or updates thereto at least 270 days prior to beginning the monitoring effort.

NHD does not foresee the need to monitor discharge or surface water, based on the policies and methods it has adopted to meet the requirements of this permit. If this situation changes in the future, then it will develop and submit a QAP per the requirements of the permit.

APPENDIX A

Part IV.C.5 – Copies of Products

MS4 Information Management Database
(Permit Year 8)

MS4 Outfall Map
(September 19, 2017)

MS4 Waiver Request
(September 18, 2017)

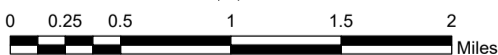
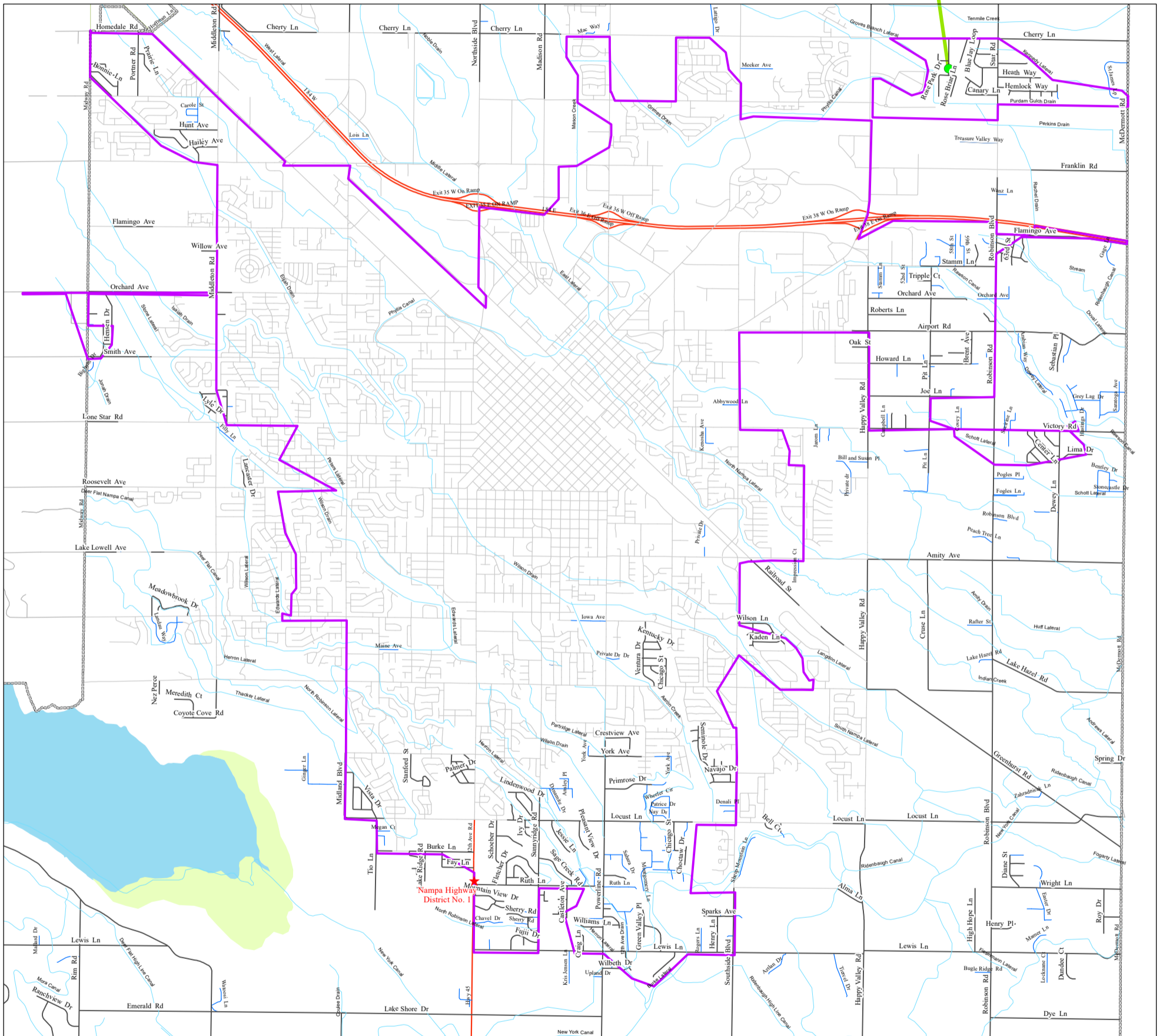


Nampa Highway District No.1

MS4 Collected Outfall Locations



Outfall #3: Rose Brair Ln. south of Cherry Ln.



Outfall_ID	Pipe Size	Pipe Material	Longitude	Latitude
Outlet_3	12	Steel	2425751	711366

Legend

- Collected Outfalls
- 2000 Census Urban Area
- Nampa Highway Boundary
- Nampa Highway
- Private
- Canals and Drains
- State Highway
- Caldwell City
- Canyon Highway
- Nampa City

These maps should not be used for navigational, engineering, legal, or any other site-specific use. These maps are distributed "as is" without warranty of any kind.

NAMPA HIGHWAY DISTRICT NO. 1

Commissioners: Dick Smith, Randy Noble, Bryce D. Millar

September 18, 2017

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

Subject: **MS4 Waiver Request**

Dear EPA:

This letter and the attached document serve as a request for waiver from Municipal Separate Storm Sewer System (MS4) Permit requirements for the Nampa Highway District No. 1, in Canyon County, Idaho. The District currently operates a small MS4 under Permit No. IDS-028142.

Please feel free to contact our District Engineer Eric Shannon at (208) 467-6576 or eric@nampahighway1.com if you have any questions.

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

Sincerely yours,



CASEY BEQUEATH
Director

Attachment

cc: Idaho Department of Environmental Quality (w/ attachment)

MS4 Waiver Request

Nampa Highway District No. 1, Canyon County, Idaho

1. Overview

This document serves as a request for waiver from Municipal Separate Storm Sewer System (MS4) Permit requirements for the Nampa Highway District No. 1, in Canyon County, Idaho. The District currently operates a small MS4 under Permit No. IDS-028142.

The District is a “body corporate and politic of the State of Idaho”, which has jurisdiction over highways within District boundaries and outside city limits. It is a special use district that differs from county government in that it does not have jurisdiction outside public rights-of-way, nor ordinance authority or police powers.

The District’s MS4 consists of two (2) isolated collection and outfall locations in the Nampa Urbanized Area, where stormwater may discharge to Waters of the U.S. These are shown on the Exhibit “A” map, and are further discussed below.

2. Relevant Factors

Below is a discussion of the three “relevant factors” or questions which 40 CFR 122.32(d) requires to be addressed when considering whether to waive MS4 Permit requirements.

a. 40 CFR 122.32(d). Does the “...MS4 serves a population of less than 1,000 within the urbanized area...”?

Yes, the District’s MS4 serves an estimated population of 21 people.

This was arrived at by an on-site review of the area drained by each outfall, and counting the number of residences drained by that area. Exhibit “B” shows an aerial photograph of each outfall with the corresponding drainage area shaded in blue. The land use for all areas is residential, with any outbuildings being a non-commercial part of the residence. Each home is assumed to have 2.92 people, which is the average household size reported for Canyon County Idaho in the 2010 census.

Outfall No.	Number of Homes	Population
1	3	8.76
2	<i>not used</i>	<i>not used</i>
3	4	11.68
Total	7	20.44

b. 40 CFR 122.32(d)(1). Is the system “...*contributing substantially to the pollutant loadings of a physically interconnected MS4...*”? The answer is “no”.

(1) **Pollutant Loadings.** There is no evidence or reasonable expectation that the District’s MS4 would substantially contribute to the pollutant loadings of impaired waters. The system only drains stormwater from roads and residential lots. The pollutants of concern listed for this area (Southwest Basin – Boise River and Tributaries) are fecal coliform, sedimentation/siltation, phosphorus, E. coli, Chlorpyrifos and Malathion. Their typical sources are raw sewage, dairy, agriculture or construction, none of which are known or can reasonably be expected to originate in the District’s MS4 drainage area.

(2) **Physical Interconnection.** The District’s MS4 is not physically interconnected with that of any other entity, or even within its own drainages. This can be seen from viewing the Exhibit “A” map, and the Exhibit “B” aerials of each drainage. The Cities of Nampa and Caldwell are the other entities who operate MS4’s in or near the Nampa Urbanized Area, and they have provided email confirmation that the District’s system is not interconnected with theirs (see Exhibit “C”).

c. 40 CFR 122.32(d)(2). Can you show that “...*storm water controls are not needed based on waste load allocations that are part of an EPA approved or established ‘total maximum daily load’ (TMDL)...*”? The answer is “yes”.

The Idaho Department of Environmental Quality (DEQ) established a baseline TMDL in the fall of 2012. In an August 30, 2017 meeting between DEQ and District, DEQ representatives indicated that this criteria would be met by showing the District had reduced its discharge identified in the TMDL from the 2012 baseline level, through (1) the implementation of best management practices (BMP’s) after 2012, or (2) the elimination of MS4 outfalls since 2012. The District has done both of these.

The District implemented BMP’s in the form of an “Operation & Maintenance Program” in September 2013 (see Exhibit “D”), and a “Process for Planning & Operation of Best Management Practices” in October 2014 (see Exhibit “E”). These have also been documented in the District’s MS4 Annual Reports.

The District also physically removed two MS4 outfalls (#7 and #13) in 2013. These have also been documented in the District’s MS4 Annual Reports.

Please note that additional outfalls have also been removed from the District’s MS4 inventory over the life of the Permit, because they were incorrectly identified to begin with. In most cases they were irrigation return systems into which storm water might sheet flow; but for the irrigation, these systems would not exist. In one case the outfall was found to be on private property, outside of District right-of-way.

3. Conclusion

It is reasonable to conclude that a waiver is in order, based on the following:

- (a) The three “relevant factors” of 40 CFR 122.32(d) for waiver consideration are met.
- (b) The District’s MS4 system only consists of two (2) isolate outfalls, draining an area consisting of seven (7) residential lots.
- (c) Continued permitting contains a significant administrative and financial burden to both the permittee and permitting organizations, with negligible benefit to the public.

The contents of this waiver request have been reviewed in draft form by staff of the U.S. Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (DEQ), and both concur with the request. Please see the attached correspondence on the subject (Exhibit “F”).



Nampa Highway District No.1 MS4 Collected Outfall Locations

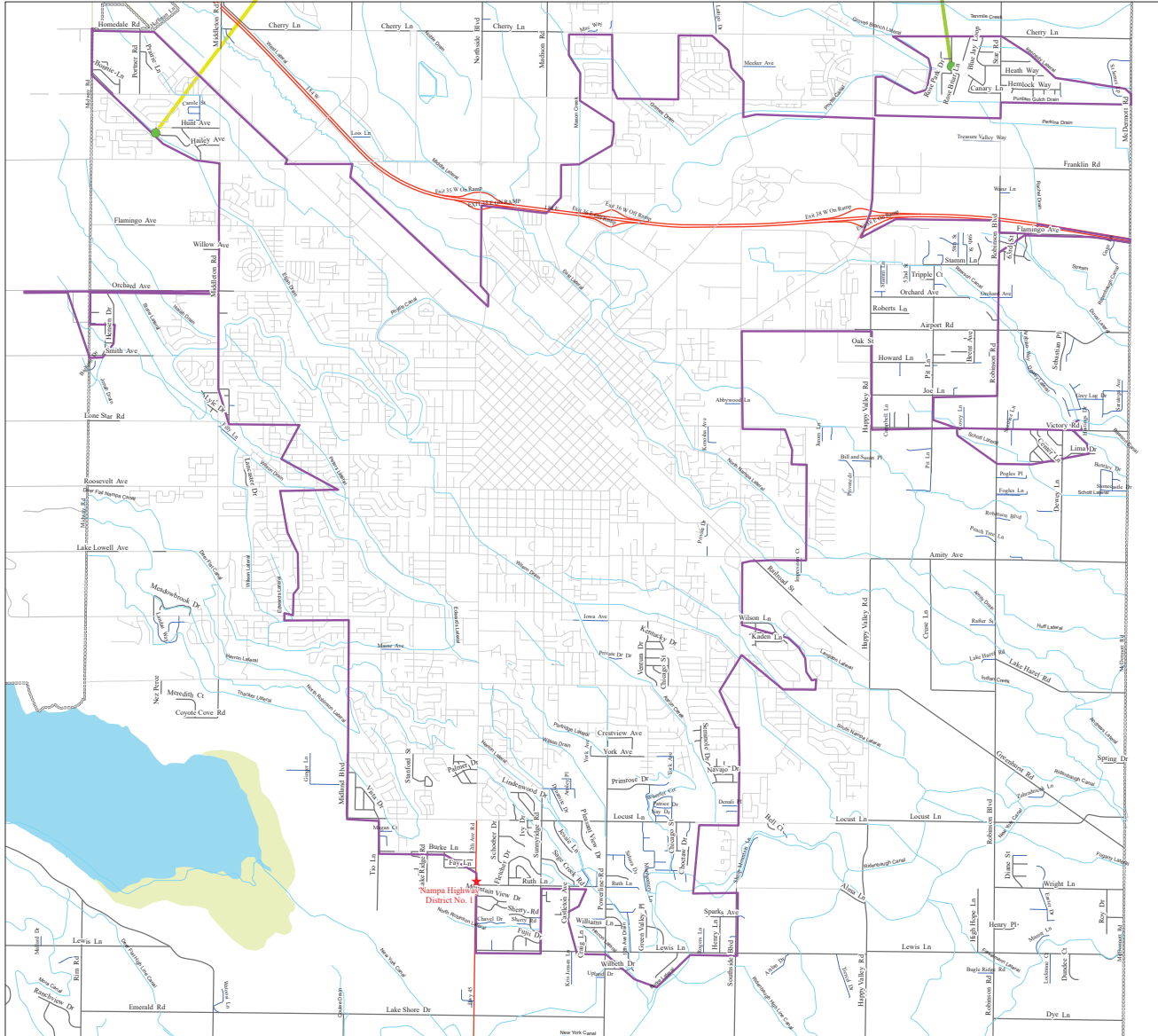
Exhibit "A"



Outfall #1: Onaida St. and Hall Dr., Elijah Drain



Outfall #3: Rose Brair Ln. south of Cherry Ln.



Legend	
●	Collected Outfalls
 	2000 Census Urban Area
 	Namap Highway Boundary
 	Nampa Highway
 	State Highway
 	Caldwell City
 	Canyon Highway
 	Nampa City
 	Private
 	Canals and Drains

Outfall_ID	Pipe Size	Pipe Material	Longitude	Latitude
Outfall 1	12	Concrete	2303481	708877
Outfall 3	12	Steel	2325781	711361

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Nampa Highway District No.1 MS4 Outfall

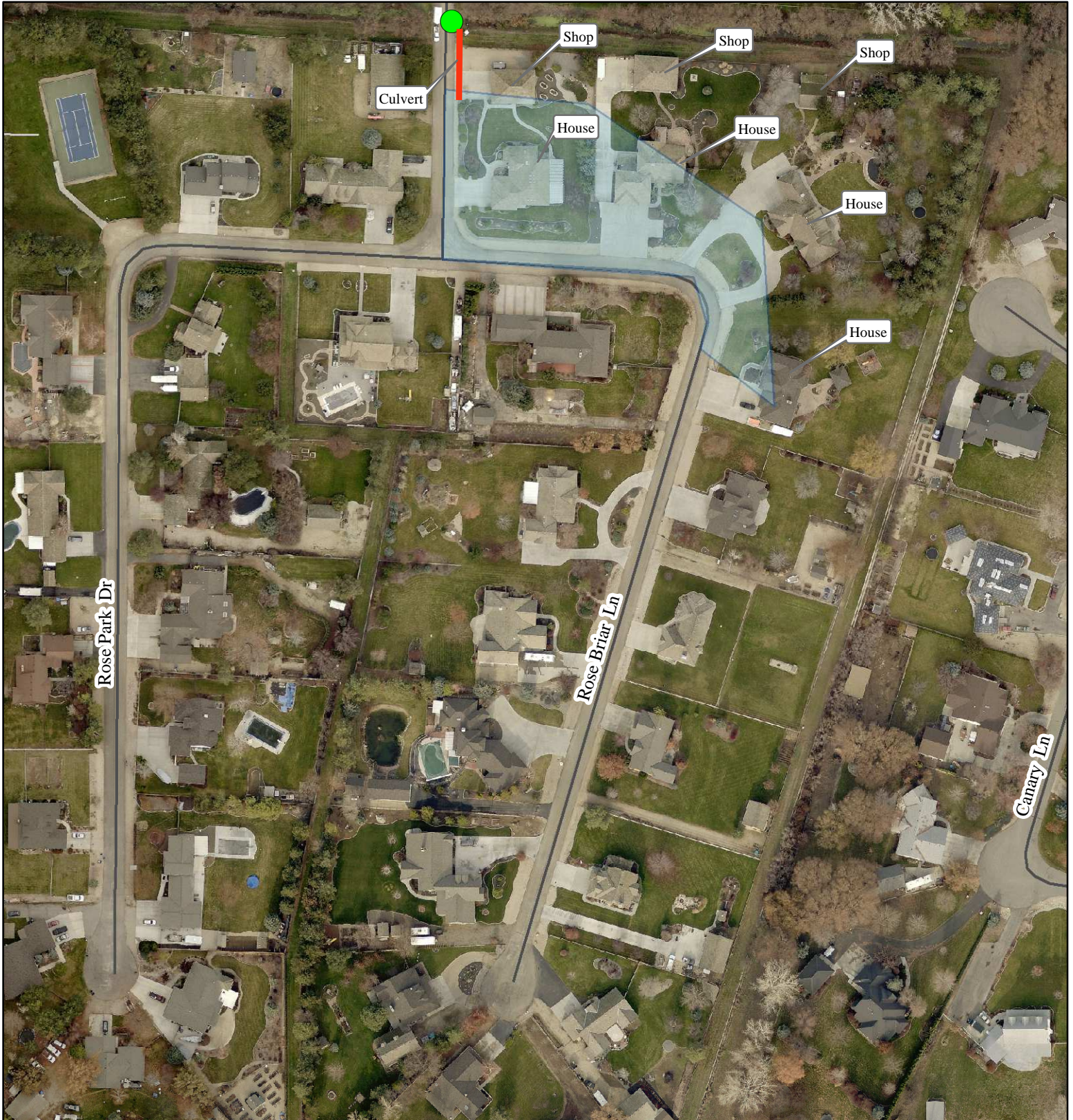
Outfall 1: Oneida St. and Hall Dr.





Nampa Highway District No.1 MS4 Outfall

Outfall 3: Rose Briar Ln.



Eric Shannon

From: Leslea Basterrechea <basterrecheal@cityofnampa.us>
Sent: Tuesday, March 28, 2017 11:38 AM
To: Eric Shannon
Cc: Nate Runyan
Subject: RE: MS4 Interconnection

Eric-

The City's GIS staff reviewed the map you provided and compared it to our mapping system. Based on this information, Nampa Highway District #1 does not appear to have any connections with the City's MS4 system.

Please let me know if you need anything further.

Leslea Basterrechea
Environmental Compliance Superintendent
O: 208.468.5844, C: 208.318.3865, F: 208.467.9194
[ECD Website](#), [Like us on Facebook](#)

From: Eric Shannon [mailto:eric@nampahighway1.com]
Sent: Monday, March 27, 2017 7:00 AM
To: Leslea Basterrechea <basterrecheal@cityofnampa.us>
Subject: RE: MS4 Interconnection

Thanks Leslea!

Eric R. Shannon, P.E.
Nampa Highway District No. 1
eric@nampahighway1.com
(208) 467-6576, Ext. 221 (office)
(208) 921-2736 (cell)

From: Leslea Basterrechea [mailto:basterrecheal@cityofnampa.us]
Sent: Friday, March 24, 2017 7:57 AM
To: Eric Shannon <eric@nampahighway1.com>
Subject: RE: MS4 Interconnection

Eric-

Your map has been given to our GIS to compare to our infrastructure. When I'm given the okay that the highway district isn't connected to our MS4, I'll draft a letter for you. It has to get approved by my boss before I can send it to you, though. Hopefully, it won't take much longer.

Leslea Basterrechea
Environmental Compliance Superintendent
O: 208.468.5844, C: 208.318.3865, F: 208.467.9194
[ECD Website](#), [Like us on Facebook](#)

Eric Shannon

From: Lee Van De Bogart <lvandebogart@cityofcaldwell.org>
Sent: Tuesday, April 11, 2017 11:27 AM
To: eric@nampahighway1.com
Cc: Sajonara Tipuric; Ashley Newbry; Robb MacDonald; Brent Orton
Subject: MS4 interconnection with the City of Caldwell

Eric:

After reviewing your outfall locations with the City of Caldwell's outfalls we find that there is no interconnection with the city of Caldwell's MS4 system. I hope this helps with your request with EPA.

Lee J. Van De Bogart P.E.

City of Caldwell -Project Engineer
ph: 208 455-4670
email: lvandebogart@cityofcaldwell.org

Exhibit "D"

Operation & Maintenance Program

9/23/2013

1. **Sand** – Sand material placed on a road within an MS4 drainage area will be swept with a pick-up broom as soon after the storm event as conditions allow.
2. **Street Cleaning & Maintenance** – Roads within an MS4 drainage area will be periodically inspected for cleanliness. When cleaning is necessary, they are cleaned with pick-up brooms.
3. **Stormwater System Maintenance** – Stormwaster systems within the MS4 drainage area will be periodically inspected, and cleaned, repaired or replaced as necessary.
4. **New Construction and Land Disturbance** – Best management practices will be used for erosion and sediment control. Additionally, for projects with land disturbance greater than one (1) acre, a SWPPP will be prepared and Notice of Intent and Notice of Termination filed with the EPA.

Exhibit "E"

Process for Planning & Operation of Best Management Practices

10/1/2014

The following process shall be followed by Nampa Highway District staff to ensure adequate planning and operation of Best Management Practices (BMP's), pre-, during and post-construction, for all ground disturbing projects which discharge into the MS4.

1. **Pre-Construction.** Review all pre-construction site plans for potential water quality impact. Receive and consider any related information submitted by the public. Ensure proper implementation of temporary and permanent BMP's per the requirements of Resolution 2012-04. (*II.B.4.e & II.B.5.d*)
2. **Construction.** During construction, periodically inspect and monitor the compliance of temporary and permanent BMP's per the requirements of Resolution 2012-04. These inspections shall continue until the Notice of Termination (NOT) is filed. If the project does not require a Storm Water Pollution Prevention Plan (SWPPP), then these inspections shall continue until disturbed area is re-vegetated or otherwise stabilized (*II.B.4.g*)
3. **Post-Construction.** After completion of construction inspections, conduct long-term post-construction inspections of all permanent BMP's on a quarterly basis. Take action to correct any non-compliances, deficiencies or operational problems. Log inspections and corrective actions in the Information Management Database. (*II.B.5.c & II.B.5.d*)

Eric Shannon

From: Stewart, William C. <Stewart.Williamc@epa.gov>
Sent: Wednesday, April 26, 2017 3:50 PM
To: Eric Shannon
Cc: Vakoc, Misha
Subject: RE: MS4 Permit Coverage for Nampa Highway District #1 & Canyon Highway District #4 in southwest Idaho

Hi Eric,

I have gone through your MS4 Waiver Request and I don't see any problem here. I discussed it with Misha and she agrees with me. Misha still needs to discuss removing you from the permit with IDEQ but I think it will happen. Misha will give you a call when her discussions are finished and give you the final word on what's happening. Let me know if you have any more questions but Misha will be getting back to you.

Bill Stewart
Environmental Protection Specialist
EPA, Idaho Operations Office
208-378-5753

From: Eric Shannon [mailto:eric@nampahighway1.com]
Sent: Tuesday, April 25, 2017 3:50 PM
To: Stewart, William C. <Stewart.Williamc@epa.gov>
Cc: Vakoc, Misha <Vakoc.Misha@epa.gov>
Subject: RE: MS4 Permit Coverage for Nampa Highway District #1 & Canyon Highway District #4 in southwest Idaho

Thanks!

Eric R. Shannon, P.E.
Nampa Highway District No. 1
eric@nampahighway1.com
(208) 467-6576, Ext. 221 (office)
(208) 921-2736 (cell)

From: Stewart, William C. [mailto:Stewart.Williamc@epa.gov]
Sent: Tuesday, April 25, 2017 1:37 PM
To: Eric Shannon <eric@nampahighway1.com>
Cc: Vakoc, Misha <Vakoc.Misha@epa.gov>
Subject: RE: MS4 Permit Coverage for Nampa Highway District #1 & Canyon Highway District #4 in southwest Idaho

Hi Eric,

I have received this from you and I will try to get to it today. I am sorry I have been slow responding to you but I will get it done. Thanks

Bill Stewart
Environmental Protection Specialist

Eric Shannon

From: Barry.Burnell@deq.idaho.gov
Sent: Friday, September 15, 2017 9:22 AM
To: Eric Shannon; Vakoc.Misha@epa.gov
Cc: Lance.Holloway@deq.idaho.gov; mary.anne.nelson@deq.idaho.gov
Subject: RE: Nampa Highway District Draft MS4 Waiver Request

Eric:

DEQ is able to support the waiver request with the explanation that the District has implemented new BMPs and has taken out of service MS4 outfalls.

The three factors considered are:

1. 40 CFR 122.322(d) - Does the "...MS4 serves a population of less than 1,000 within the urbanized area..."?
Reply: The population of 21 is minimal.
Meets the criteria.
2. 40 CFR 122.32(d)(1). Is the system "...contributing substantially to the pollutant loadings of a physically interconnected MS4..."?
Reply: There is no evidence or reasonable expectation that the District's MS4 would substantially contribute to the pollutant loadings of impaired waters.
Meets the criteria. We agree that stormwater from the remaining 7 homes the district services does not substantially contribute pollutant loadings.
3. 40 CFR 122.32(d)(2). Can you show that "...storm water controls are not needed based on waste load allocations that are part of an EPA approved or established 'total maximum daily load' (TMDL)..."?
Reply: The District has reduced its discharge identified in the TMDL from the 2012 baseline level, through (1) the implementation of best management practices (BMP's) after 2012 (exhibits D and E), and (2) the elimination of two MS4 outfalls (#7 and #13) since 2012. Additional outfalls have also been removed over the life of the permit that were not subject to the District control.
Meets the criteria. The identified shifts in District BMP practices and the removal of two outfalls from discharge meets the TMDL.

Barry

Barry N. Burnell
Water Quality Division Administrator
Idaho DEQ
1410 N. Hilton
Boise, ID 83706

Barry.Burnell@deq.idaho.gov
208-373-0194 (tel)
208-373-0576 (fax)

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From: Eric Shannon [mailto:eric@nampahighway1.com]
Sent: Thursday, September 07, 2017 4:26 PM
To: Vakoc, Misha; Barry Burnell
Subject: Nampa Highway District Draft MS4 Waiver Request

Barry and Misha:

Attached is an updated Draft version of our MS4 Waiver request, for your review and comment. I have attempted to include the necessary documentation for TMDL reduction as discussed, and also eliminated non-MS4 outfalls from our inventory (using criteria sent today by Misha). Hopefully this all makes sense. Please call or email if you have any questions.

Thanks,

Eric R. Shannon, P.E.
Nampa Highway District No. 1
eric@nampahighway1.com
(208) 467-6576, Ext. 221 (office)
(208) 921-2736 (cell)

APPENDIX B

Storm Water Management Program Spreadsheet

Nampa Highway District No. 1
Municipal Separate Storm Sewer System (MS4)
Storm Water Management Program
 October 2016 to October 2017 Reporting Period (Permit Year 8)

Permit Part IV.C.9 - Recent MS4 System Additions: No additions during this reporting period.

Permit Part II.B - Minimum Control Measure		General Requirements			Permit Part IV.C - Annual Report Reporting Requirements								
Permit Part No.	Specific Requirements	Compliance Date	II.C - Pollutants of Concern - How Target & Evaluated	II.D - Annual Review	IV.A.2 - Quality Assurance	IV.C.1 - Control Measure Status	IV.C.2 - Information Results	IV.C.3 - NHD Inspections	IV.C.4 - Non-EPA Enforcements	IV.C.5 - Copies of Products	IV.C.6 - Future Activities	IV.C.7 - Add'l BMP's	IV.C.8 - Reliance on Other Parties
II.B.1 - Public Education and Outreach													
II.B.1.a, II.B.1.b	Implement a public education program to educate the community about the impacts of storm water discharges on local water bodies and the steps that citizens and businesses can take to reduce pollutants in storm water runoff. Distribute relevant information at least once annually.	10/14/2011 Implemented 9/22/2011	Targets: Brochure to identify pollutants of concern, origin, harmful effects, how to eliminate. Post on web site. Metrics: Number of brochures taken, meeting attendees & feedback comments.	Completed; no changes are requested.	N.A.	Brochure posted on NHD1 and City of Nampa Web Sites, and NHD1 Foyer.	None.	None.	None.	None.	As opportunities allow, piggy-back on City of Nampa outreach activities, and distribute brochures at public meetings.	None.	None.
II.B.2 - Public Involvement/Participation													
II.B.2.b	Post all SWMP documents and Annual Reports on the permittee's website.	10/14/2012 Implemented 9/22/2011	See II.B.2.c.	Completed; no changes are requested.	N.A.	Relevant SWMP documents and Annual Report posted on NHD1 Web Site.	None.	None.	None.	None.	Post future documents as they come available.	None.	None.
II.B.2.c	Establish appropriate means to provide information and receive input from the public.	10/14/2011 Implemented 9/22/2011	Targets: Post target pollutant information on web site. Request specific comments regarding pollutions of concern. Metrics: Number of brochures taken, meeting attendees & feedback comments.	See II.B.2.b.	N.A.	Web Page with feedback form.	None.	None.	None.	None.	Continually monitor website, receive any comments, and take action(s) as required.	None.	None.
II.B.3 - Illicit Discharge Detection and Elimination													
II.B.3.a	Develop, implement and enforce a program to detect and eliminate illicit discharges into the MS4, including an information management database .	10/14/2012 Implemented 6/22/2012	Targets: Quarterly inspections for illicit discharges including pollutants of concern. Metrics: Number of violations detected.	Completed; no changes are requested.	N.A.	Plan is developed, and in force. Database is up to date.	None.	See II.B.3.f & II.B.3.g	None.	Information Management Database Spreadsheet	Quarterly inspections with enforcement or revisions as required to eliminate discharges.	None.	None.
II.B.3.b, II.B.3.c	Adopt an ordinance or other control measure to prohibit illicit discharges to the MS4 (s); prohibit any specific non-storm water discharge, if necessary.	10/14/2012 Implemented 9/27/2012	See II.B.3.a.	See II.B.3.a.	N.A.	Resolution 2012-03 is adopted and in force.	None.	See II.B.3.f & II.B.3.g	None.	None.	See II.B.3.a.	None.	None.
II.B.3.d	Develop/update a comprehensive storm sewer system map.	10/14/2012 Implemented 4/25/2012	Targets: Aid in inspections for illicit discharges with pollutants of concern. Metrics: Number of violations detected.	Map updated 9/19/2017	N.A.	Map is developed and in use.	None.	See II.B.3.f & II.B.3.g	None.	MS4 Map	See II.B.3.a.	None.	None.
II.B.3.e	Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.	10/14/2012 Implemented 9/22/2011	See II.B.1.	See II.B.3.a.	N.A.	Web Page, Brochure, Safety Meetings	None.	None.	None.	None.	See II.B.1	None.	None.

II.B.3.f	Begin dry weather screening of outfalls; 20% of outfalls screened for dry weather flows.	10/14/2012 Implemented 4/25/2012	See II.B.3.a.	See II.B.3.a.	See II.B.3.a.	See II.B.3.a.	None.	10/5/2016 1/5/2017 4/12/2017 9/11/2017 10/4/2017	None.	None.	See II.B.3.a.	None.	None.
II.B.3.g	Inventory the industrial facilities discharging storm water to the MS4.	10/14/2012 Implemented 4/25/2012	Targets: Identify potential sources of pollutants of concern. Metrics: Number sources monitored.	See II.B.3.a.	N.A.	Inventory completed with no industrial discharges found.	None.	10/5/2016 1/5/2017 4/12/2017 9/11/2017 10/4/2017	None.	None.	N.A. No existing discharges. All future will be treated as illicit.	None.	None.
II.B.4 - Construction Site Storm Water Runoff Control													
II.B.4.a	Develop, implement and enforce a construction site runoff control program for sites disturbing one or more acres of land.	10/14/2012 Implemented 9/27/2012	Targets: Prevent pollutants of concern from entering MS4 through use of BMP's. Metrics: Evaluate through periodic inspections.	Completed; no changes are requested.	N.A.	NHD currently require SWPPP, but leaves enforcement to EPA, unless NHD is owner.	None.	None. No projects within permit area.	None.	None.	Enforce program for future construction projects per Resolution No. 2012-04.	None.	None.
II.B.4.b	Provide oversight to Highway District contractors regarding the EPA Construction General Permit	Ongoing	See II.B.4.a.	See II.B.4.a.	N.A.	No such projects this reporting period.	None.	See II.B.4.a.	None.	None.	Continue oversight as projects occur.	None.	None.
II.B.4.c	Adopt an ordinance or other control measure to require construction site operators to practice erosion, sediment and waste control.	10/14/2012 Implemented 9/27/2012	See II.B.4.a.	See II.B.4.a.	N.A.	Resolution 2012-04 is adopted and in force.	None.	See II.B.4.a.	None.	None.	See II.B.4.a.	None.	None.
II.B.4.d	Distribute written requirements for construction site best management practices for new building and service area construction.	10/14/2012 Implemented 10/1/2012	See II.B.4.a.	See II.B.4.a.	N.A.	See II.B.4.c.	None.	None.	None.	None.	See II.B.4.a.	None.	None.
II.B.4.e, II.B.4.f	Develop, or review and update as necessary, procedures for reviewing site plans and accepting public comment.	10/14/2012 Implemented 9/27/2012	See II.B.4.a.	See II.B.4.a.	N.A.	Process is in place for Planning & Operation of Best Management Practices (including Public Input)	None.	None.	None.	None.	See II.B.4.a.	None.	None.
II.B.4.g	Implement site inspection & enforcement procedures. Inspect all construction sites >5 acres at least once per construction season. Develop a written policy identifying how construction sites disturbing <5 acres will be prioritized for inspection.	10/14/2012 Implemented 9/27/2012	See II.B.4.a.	See II.B.4.a.	N.A.	NHD currently inspects all construction sites.	None.	See II.B.4.a.	None.	None.	See II.B.4.a.	None.	None.
II.B.4.h	Ensure all permitte-owned construction projects comply with EPA's Construction General Permit.	10/14/2012 Implemented 10/23/2009	Target: The Construction General Permit targets sediment by requiring implementation of various BMP's. Metric: Sediment control is evaluated by inspection and adjusted as necessary.	See II.B.4.a.	N.A.	No such projects this reporting period.	None.	None.	None.	None.	Will continue to ensure future NHD owned projects comply with EPA Construction General Permit.	None.	None.
II.B.5 - Post-Construction Storm Water Management in New Development and Redevelopment													
II.B.5.a	Develop and implement a program to address post-construction storm water runoff from new development and redevelopment projects.	10/14/2013 Implemented 9/26/2013	Targets: Targets sediment by prohibiting discharge from new or re-development. Metrics: Enforced by plat approval and inspection.	Completed; no changes are requested.	N.A.	Resolution 2013-05 is adopted and in force.	None.	None.	None.	None.	Will enforce policy as development or re-development occurs.	None.	None.
II.B.5.b	Adopt an ordinance to address post-construction runoff from new development and redevelopment projects.	10/14/2013 Implemented 9/26/2013	See II.B.5.a.	See II.B.5.a.	N.A.	See II.B.5.a.	None.	None.	None.	None.	See II.B.5.a.	None.	None.

