

## **9. Permit Conditions Applicable to Specific States, Indian Country Lands, or Territories**

### **9.1 Region 1**

#### **9.1.1 CTR05000I: Indian Country lands within the State of Connecticut**

No additional requirements.

#### **9.1.2 MAR050000: Commonwealth of Massachusetts, except Indian Country lands.**

Permittees in Massachusetts must also meet the following conditions.

##### ***9.1.2.1 Additional Section 401(a) conditions required by the Commonwealth of Massachusetts.***

Discharges covered by the general permit must comply with the provisions of 314 CMR 3.00; 314 CMR 4.00; 314 CMR 9.00; and 314 CMR 10.00 and any other related policies adopted under the authority of the Massachusetts Clean Waters Act, MGL c.21, ss. 26-53 and Wetlands Protection Act, MGL s. 40.

New facilities or redevelopment of existing facilities subject to this permit must comply with applicable stormwater performance standards prescribed by state regulation or policy. A permit under 314 CMR 3.04 is not required for existing facilities which meet state stormwater performance standards. An application for a permit under 314 CMR 3.00 is required only when required under 314 CMR 3.04(2)(b) {designation of a discharge on a case-by-case basis} or is otherwise identified in 314 CMR 3.00 or any Department policy as a discharge requiring a permit application. Department regulations and policies may be obtained through the State House Bookstore or online at [www.mass.gov/dep](http://www.mass.gov/dep).

***9.1.2.2 SWPPP Availability.*** The Department may request a copy of the Stormwater Pollution Prevention Plan (SWPPP) and the permittee is required to submit the SWPPP to the Department within 14 days of such a request.

***9.1.2.3 Authorization to Inspect.*** The Department may conduct an inspection of any facility covered by this permit to ensure compliance with state law requirements, including state water quality standards. The Department may enforce its certification conditions.

***9.1.2.4 Submission of Monitoring Data.*** The results of any monitoring required by this permit must be sent to the appropriate Regional Office of the Department [attention: Bureau of Waste Prevention] where the monitoring identifies exceedances of any effluent limits or benchmarks for any parameter for which monitoring is required under this permit. In addition, any follow-up monitoring and a description of the corrective actions required and undertaken to meet the effluent limits or benchmarks must be sent to the appropriate Department Regional Office.

**9.1.2.5 Sector-Specific Requirements.** The Massachusetts Coastal Zone Management Program submitted the following conditions to be added to the permit in order to meet the Programs Consistency Review and which will be included in the requirements of this Water Quality Certification:

- In Sector Q [Water Transportation] add copper to the required monitoring parameters.
- In Sector R [Ship and Boat Building and Repair Yards] add aluminum, iron, lead, and copper to the list of required monitoring parameters.
- Modify the monitoring requirements [Part 6.2.1.2 of the permit] such that all four of the quarterly monitoring samples must meet the benchmarks rather than the average of the four before no further monitoring is required.

**9.1.3 MAR05000I: Indian Country lands within the Commonwealth of Massachusetts.**

No additional requirements.

**9.1.5 NHR050000: State of New Hampshire.**

Permittees in New Hampshire must also meet the following conditions:

**9.1.5.1 On-site Infiltration of Stormwater.** In Part 2.1.1 (Control Measure Selection and Design Considerations), you are required to consider opportunities for infiltrating runoff onsite. This is encouraged, but it should only be done if consistent with the statutes and rules of the Department of Environmental Services written to protect groundwater. Infiltration BMPs are not recommended at industrial sites except in areas where industrial activities do not occur, such as at office buildings and their associated parking facilities, or in drainage areas at the facility where a certification of no exposure will always be possible [see 40 CFR 122.26(g)]. Other justifiable reasons for not using on-site infiltration BMPs include the following:

- The facility is located in a wellhead protection area as defined in RSA 485-C:2; or
- The facility is located in an area where groundwater has been reclassified to GAA, GAI or GA2 pursuant to RSA 485-C and Env-Ws 420; or
- Any areas that would be exempt from the groundwater recharge requirements contained in Env-Ws 415.41, including all land uses or activities considered to be a "High-load site."

**9.1.5.2 Maintenance of infiltration best management practices.** In addition to the requirements in Part 5, the SWPPP must contain the following:

- A description of and the location of each on-site infiltration BMP installed;
- The maintenance procedures that will be followed to ensure proper operation, including the removal of sediment from pretreatment devices;

- The inspection procedures that will be followed at least annually. These should include the procedures for ensuring that the stormwater being infiltrated is not exposed to industrial pollutants and the procedures for ensuring proper drainage to prevent mosquito breeding;
- The employee name (or title of the position) who is a member of the stormwater pollution prevention team (see Part 5.1.1) who will be responsible for the maintenance required in this section, the inspections required in this section, and any necessary corrective actions required in Part 3; and
- Records for all maintenance performed, inspections conducted, and corrective actions taken.

**9.1.5.3 Discontinue, Permit or Register On-site Infiltration BMP if Necessary.** If at any time a certification of no exposure can no longer be made for any of the stormwater to be infiltrated, then the infiltration BMP must cease for that portion of the runoff or the discharge must be permitted or registered as appropriate. The following may be required:

- Infiltration BMP that meet the definition of a Class V well or that infiltrates stormwater via a subsurface structure (i.e. concrete chambers, dry well, leach field, etc.) will need an underground injection control (UIC) registration from NHDES; and
- Permitting as a groundwater discharge as required in Env-Ws 1500, if the stormwater will or may contain regulated contaminants.

The SWPPP must be modified immediately if new infiltration BMPs are proposed or if existing infiltration BMPs will cease.

**9.1.5.4 Required NHDES notification.**

- Notify the NHDES Groundwater Discharge Permit Coordinator immediately if you believe that any infiltration BMP may need to be permitted or registered (See Part 9.1.5.3) during the permit term.
- Notify the NHDES Wastewater Engineering Bureau immediately of any plans to discharge any new non-stormwater discharges during the permit term. This does not include the allowable non-stormwater discharges listed in Part 1.1.3.

**9.1.5.5 Information that may be requested by NHDES.** To ensure compliance with RSA 485-C, RSA 485-A, RSA 485-A:13, I(a), Env-Wq 400 and Env-Ws 401 the following information may be requested by NHDES. This information must be kept on site unless you receive a written request from NHDES that it be sent to the address shown in Part 9.1.5.6.

- A site map required in Part 5.1.2, showing the type and location of all on-site infiltration BMPs utilized at the facility or the reason(s) why none were installed.
- A list of all non-stormwater discharges that occur at the facility, including their source locations and the control measures being used (See Sections 1.1.3 and 5.1.3.4).
- A copy of the Annual Reports required in Part 7.2.

**9.1.5.6 Where to Submit Information.** All required or requested documents must be sent to: NH Department of Environmental Services, Wastewater Engineering Bureau, Permits & Compliance Section, P.O. Box 95, Concord, NH 03302-0095.

**9.1.5.7 Modification of Clean Water Act Section 401 Water Quality Certification.** When NHDES determines that additional water quality certification requirements are necessary to protect water quality, it may require individual dischargers to meet additional conditions to obtain or continue coverage under the MSGP. Any such conditions must be supplied to the permittee in writing. Any required pollutant loading analyses and any designs for structural best management practices necessary to protect water quality must be prepared by a civil or sanitary engineer registered in New Hampshire.

**9.1.6 RIR05000I: Indian Country lands within the State of Rhode Island.**

No additional requirements.

**9.1.7 VTR05000F: Federal Facilities in the State of Vermont.**

No additional requirement.

**9.2 Region 2**

**9.2.1 PPR050000: Commonwealth of Puerto Rico**

No additional requirements.

**9.3 Region 3**

**9.3.1 DCR050000: The District of Columbia**

Permittees in the District of Columbia must also meet the following conditions:

**9.3.1.1 Compliance with District of Columbia Laws and Regulations.** Discharges covered by the MSGP must comply with the District of Columbia Water Pollution Control Act, (D.C. Code § 8-103.01 *et seq.*) and its implementing regulations in Title 21, Chapters 11 and 19 of the District of Columbia Municipal Regulations. Nothing in this permit will be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to District of Columbia laws and regulations.

**9.3.1.2 Submission of SWPPP.** The Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the District Department of the Environment (Department) at the same time the NOI is submitted to EPA, to ensure compliance with District of Columbia laws and regulations.

**9.3.1.3 Submission of No Exposure Certification and NOT.** Copies of the No Exposure Certification and Notice of Termination (NOT) shall be submitted to the Department at the same time it is submitted to EPA.

**9.3.1.4 Authorization to Inspect.** The permittee shall allow the Department to inspect any facilities, equipment, practices, or operations regulated or required under this permit and to access records maintained under the conditions of this permit.

**9.3.1.5 Submission of Reports.** Signed copies of all reports required under this permit including the reporting requirements of Appendix B.12 shall be submitted to the Department at the same time it is submitted to EPA.

**9.3.1.6 Where to Submit Information.** All required or requested documents shall be sent to the: District Department of the Environment, Natural Resources Administration, 51 N Street, NE, 5<sup>th</sup> Floor, Washington, D.C. 20002, Attention: Associate Director, Water Quality Division.

**9.3.2 DER05000F: Federal Facilities within the State of Delaware.**

No additional requirements.

**9.4 Region 4**

Permit coverage not available.

**9.5 Region 5**

**9.5.1 MIR05000I: Indian Country Lands within the State of Michigan**

No additional requirements.

**9.5.2 MNR05000I: Indian Country Lands within the State of Minnesota**

**9.5.2.1 Fond du Lac Reservation**

The following conditions apply only to discharges on the Fond du Lac Reservation.

**9.5.2.1.1 Submission of NOI and NOT.** Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) shall be submitted to the Office of Water Protection at the same time it is submitted to EPA.

**9.5.2.1.2 Submission of SWPPP.** A copy of the Stormwater Pollution Plan (SWPPP) shall be submitted to the Office of Water Protection at least thirty (30) days in advance of submitting the NOI to EPA.

- 9.5.2.1.3 *Benchmark Monitoring for TSS.*** Benchmark Monitoring Concentration (BMC) for Total Suspended Solids (TSS) shall be 10 mg/L for Sector A (Timber Products), Sector J (Mineral Mining and Dressing), and Sector M (Automobile Salvage Yards) that conduct Industrial Activities on the Fond du Lac Reservation.
- 9.5.2.1.4 *Benchmark Monitoring for Nitrate plus Nitrite Nitrogen.*** Benchmark Monitoring Concentration (BMC) for Nitrate plus Nitrite Nitrogen shall be 0.12mg/L for Sector J (Mineral Mining and Dressing) that conduct Industrial Activities on the Fond du Lac Reservation.
- 9.5.2.1.5 *Submission of Monitoring Reports.*** Copies of all Monitoring Reports required by this permit shall be submitted to the Office of Water Protection.
- 9.5.2.1.6 *Where to Submit Information.*** All required or requested documents shall be sent to the: Fond du Lac Reservation Office of Water Protection (OWP) at Fond du Lac Reservation, Office of Water Protection, 1720 Big Lake Road, Cloquet, Minnesota 55720.

#### **9.5.2.2 Grand Portage Reservation**

The following conditions apply only to discharges on the Grand Portage Reservation.

- 9.5.2.2.1 *Compliance with Grand Portage Reservation Laws and Regulations.*** All industrial stormwater discharges authorized by this permit must comply with the Grand Portage Water Quality Standards, Applicable Federal Standards, and the Grand Portage Water Resources Ordinance, as amended, (“Water Resources Ordinance”).
- 9.5.2.2.2 *Additional Monitoring Required by Grand Portage Reservation.*** The Board must be contacted, at the address in Part 9.5.2.2.10, at the onset of writing the Stormwater Pollution Prevention Plan (SWPPP). Grand Portage may require monitoring of stormwater discharges as determined on a case-by-case basis. If the Board determines that a monitoring plan is necessary, the monitoring plan must be prepared and incorporated in the SWPPP before the Notice of Intent (NOI) is submitted to EPA.
- 9.5.2.2.3 *Submission of SWPPP and NOI.*** A copy of the SWPPP and NOI must be submitted to the Board for review and approval at least 30 days before submitting the NOI to EPA.
- 9.5.2.2.4 *Submission of NOT.*** A copy of the Notice of Termination (NOT) must be submitted to the Board at the address in Part 9.5.3.10 at the same time it is submitted to EPA.
- 9.5.2.2.5 *Additional Information.*** If requested by the Grand Portage Environmental Department, the permittee is required to provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Grand Portage Water Quality Standards and any Applicable Federal Standards.

**9.5.2.2.6 Submission of Monitoring Data.** All analytical data (e.g., Discharge Monitoring Reports, etc.) must be submitted to the Board at the same time it is submitted to EPA.

**9.5.2.2.7 Water Quality Standards.** Discharges that the Board has determined to be or may reasonably be expected to be contributing to a violation of Grand Portage Water Quality Standards or Applicable Federal Standards are not authorized by this permit. Upon receipt of this determination EPA will notify the permittee to either improve their SWPPP to comply with Grand Portage Water Standards or apply for and obtain an individual NPDES permit for these discharges.

**9.5.2.2.8 Appeals.** Appeals related to Tribal decisions actions, or enforcement taken pursuant to any of the preceding conditions will be heard by the Grand Portage Tribal Court.

**9.5.2.2.9 Definitions.** The definitions set forth in the Grand Portage Water Resources Ordinance, as amended, govern these certification conditions.

**9.5.2.2.10 Where to Submit Information.** All required or requested documents shall be sent to the: Grand Portage Environmental Resources Board, P.O. Box 428, Grand Portage, MN 55605.

### **9.5.3 WIR05000I: Indian Country lands within the State of Wisconsin, except those on Sokaogon Chippewa Community lands**

No additional requirements.

**Note:** Facilities in the Sokaogon Chippewa Community are not eligible for stormwater discharge coverage under this permit. Contact the EPA Region 5 office for an individual permit application.

## **9.6 Region 6**

### **9.6.1 LAR05000I: Indian Country Lands within the State of Louisiana**

No additional requirements.

### **9.6.2 The State of New Mexico, except Indian Country lands.**

Permittees in New Mexico must also meet the following conditions:

**9.6.2.1 Certification Requirements.** Operators are not eligible to obtain authorization under this permit for all new and existing stormwater discharges to outstanding national resource waters (ONRWs) (also referred to as “Tier 3” waters.) As of 2/16/06, the following ONRWs have been designated by the SWQB in New Mexico (see Subsection D of 20.6.4.9 NMAC). (1) Rio Santa Barbara, including the west, middle and east forks from their headwaters downstream to the boundary of the Pecos Wilderness; and (2) the water

within the US forest service Valle Vidal special management unit including: (a) Rio Costilla, including Comanche, La Cueva, Fernandez, Chuckwagon, Little Costilla, Holman, Gold, Grassy, LaBelle, and Vidal creeks, from their headwaters downstream to the boundary of the US forest service Valle Vidal special management unit. (b) Middle Ponil creek, including the waters of Greenwood Canyon, from their headwaters downstream to the boundary of the Elliott S. Barker wildlife management area; (c) Shuree lakes; (d) North Ponil creek, including McCrystal and Seally Canyon creeks, from their headwaters downstream to the boundary of the US forest service Valle Vidal special management unit; and (e) Leandro creek from its headwaters downstream to the boundary of the US forest service Valle Vidal.

### **9.6.3 Indian Country lands within the State of New Mexico, except Ute Mountain Reservations Lands (see Region 8) and Navajo Reservation Lands (see Region 9).**

#### **9.6.3.1 Pueblo of Acoma.**

The following condition applies only to discharges on the Pueblo of Acoma:

- 9.6.3.1.1 *Submission of NOI and NOT.*** The Pueblo will require the owner/operator of each facility on or bordering the Pueblo of Acoma to submit copies of its Notice of Intent (NOI) and Notice of Termination (NOT) to the Haaku Water Office (HWO) Director at the same time it is submitted to EPA.
- 9.6.3.1.2 *SWPPP Availability.*** The HWO may request a copy of the Stormwater Pollution Prevention Plan (SWPPP) and the permittee is required to submit the SWPPP to the HWO upon such request.
- 9.6.3.1.3 *Submission of Monitoring Data.*** All analytical data shall also be provided to the HWO at the same time it is submitted to EPA.
- 9.6.3.1.4 *Where to Submit Information.*** All required or requested documents shall be sent to: HWO Director, Haaku Water Office, P.O. Box 309, Pueblo of Acoma, NM 87034.

#### **9.6.3.2 Pueblo of Isleta.**

The following conditions apply only to discharges on the Pueblo of Isleta:

- 9.6.3.2.1 *Submission of SWPPP.*** The Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the Pueblo of Isleta prior to submitting the Notice of Intent (NOI) to EPA.
- 9.6.3.2.2 *SWPPP Modification.*** Any update or amendment of the SWPPP shall be submitted to the Pueblo of Isleta within 5 calendar days of its finalization.
- 9.6.3.2.3 *Submission of Monitoring Data.*** All monitoring data and reports shall be submitted to the Pueblo of Isleta at the same time they are submitted to EPA.

- 9.6.3.2.4 Submission of Inspection Reports.** All inspection reports, including the Compliance Evaluation Report, shall be submitted to the Pueblo of Isleta within 5 calendar days of their finalization.
- 9.6.3.2.6 Additional Reporting.** Any spill or leak directly to waters designated by the Pueblo of Isleta as ‘Primary Contact Recreation’ and/or ‘Primary Contact Ceremonial’ shall be considered significant if it contains toxic or hazardous pollutants, oil or petroleum products. The Pueblo of Isleta shall be notified of any spill containing toxic or hazardous pollutants and of any spill of oil or petroleum product within 8-hours of spill detection.
- 9.6.3.2.7 Benchmark Monitoring.** Following 4 quarters of benchmark monitoring, if the maximum value of the 4 monitoring values does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term. If any of the 4 monitoring values exceeds the benchmark, quarterly monitoring shall continue until no exceedances of the benchmark are detected in four consecutive quarters. Following this determination, you may reduce monitoring for that pollutant to once per year for the duration of the permit period unless an exceedance is again detected at which time quarterly sampling will again be required.
- 9.6.3.2.8 Corrective Action.** You must take corrective action following any benchmark exceedance if you determine as a result of reviewing your SWPPP that your SWPPP does not meet the requirements of Part 5 of this permit.
- 9.6.3.2.9 Conditions applicable only to Sector G, Metal Mining.** (See Part G.4.2.1. Inspection Frequency). Inspections must be conducted at least once every 7 calendar days or at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.25 inches or greater. Inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized, if runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or construction is occurring during seasonal arid periods in arid areas and semi-arid areas.
- 9.6.3.2.10 Where to Submit Information.** All required or requested documents shall be sent to: Director, Environment Department, Pueblo of Isleta, P.O. Box 1270, Isleta, NM 87022.

### 9.6.3.3 Pueblo of Nambe.

The following conditions apply only to discharges on the Pueblo of Nambe:

- 9.6.3.3.1 Submission of NOI and NOT.** Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) shall be submitted to the Pueblo of Nambe at the same time it is submitted to EPA.

**9.6.3.3.2 *SWPPP Availability.*** A copy of the Stormwater Pollution Prevention Plan (SWPPP) must also be submitted to the Pueblo of Nambe, if requested, at the same time the NOI is submitted to EPA.

**9.6.3.3.3 *Submission of Reports.*** All analytical data and a copy of all written reports shall be provided to the Pueblo of Nambe at the same time they are provided to the EPA, if requested by the Pueblo of Nambe.

**9.6.3.3.4 *Where to Submit Information.*** All required or requested documents shall be sent to: Alan G Hook, Manager, Pueblo of Nambe, Department of Environment and Natural Resources (DENR), Rt. 1 Box 117-BB, Sante Fe, NM 87506.

#### **9.6.3.4 Pueblo of Pojoaque.**

The following conditions apply only to discharges on the Pueblo of Pojoaque:

**9.6.3.4.1 *Submission of NOI and NOT.*** Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) shall be provided at the same time it is provided to EPA.

**9.6.3.4.2 *SWPPP Availability.*** The Pueblo may request a copy of the Stormwater Pollution Prevention Plan (SWPPP) and the permittee is required to submit the SWPPP to the Pueblo upon such request.

**9.6.3.4.3 *Submission of Monitoring Data.*** All analytical data (e.g., Discharge Monitoring Reports, etc) shall be submitted to the Pueblo at the same time it is submitted to EPA.

**9.6.3.4.4 *Where to Submit Information.*** All required or requested documents shall be sent to: Luke Mario Duran, Director, Environment Department, 5 West Gutierrez, Suite 2B, Sante Fe, NM 87506.

#### **9.6.3.5 Ohkay Owingeh - (formerly known as San Juan Pueblo).**

The following condition applies only to discharges on Ohkay Owingeh (formerly known as San Juan Pueblo):

**9.6.3.5.1 *Submission of NOI and NOT.*** Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) shall be submitted to Ohkay Owingeh at the same time it is submitted to EPA.

**9.6.3.5.2 *Submission of Monitoring Data and Additional Reporting.*** Copies of monitoring data or other documents required under the permit must also be submitted to Ohkay Owingeh upon request.

**9.6.3.5.3 *Where to Submit Information.*** All required or requested documents shall be sent to the: Ohkay Owingeh, Office of Environmental Affairs, P.O. Box 1099, San Juan Pueblo, NM 87566.

### 9.6.3.6 Pueblo of Sandia.

The following conditions apply only to discharges on the Pueblo of Sandia:

- 9.6.3.6.1 *Submission of NOI.*** A copy of the Notice of Intent (NOI) must be submitted to the Environment Director at the same time it is submitted to EPA.
- 9.6.3.6.2 *Submission of NOT.*** A copy of the Notice of Termination (NOT) must be submitted to the Environment Director at the same time it is submitted to EPA. The Pueblo of Sandia must verify termination of activities prior to EPA's termination of the permit.
- 9.6.3.6.3 *SWPPP Availability.*** The Stormwater Pollution Prevention Plan (SWPPP) must be made available to Pueblo of Sandia Environment Department personnel upon request.
- 9.6.3.6.4 *Submission of Monitoring Data.*** All analytical data (e.g., Discharge Monitoring Reports, follow-up monitoring reports, Exceedance reports, etc) shall be submitted to the Environment Director at the same time it is submitted to EPA.
- 9.6.3.6.5 *Submission of Quarterly Visual Assessments.*** Copies of all "Quarterly Visual Assessments" (Part 4.2) must be submitted to the Environment Director within 7 days of completion.
- 9.6.3.6.6 *Submission of Comprehensive Site Inspection Reports.*** Copies of all "Comprehensive Site Inspection Reports" (Part 4.3) must be submitted to the Environment Director within 10 days of completion.
- 9.6.3.6.7 *Additional Reporting.*** Any notice of release of oils or hazardous substances shall be provided to the Environment Director within twenty-four (24) hours of becoming aware of the circumstance, followed by the reporting requirements of 40 CFR 110, 40 CFR 302, and 40 CFR 302 relating to spills or other releases of oil or hazardous substances.

The permittee must also telephone the Pueblo of Sandia Environment Department at (505) 867-4533 of any spills or unauthorized discharges that may affect drinking water supplies, ceremonial and recreational surface waters, elicit fish kills, harm wildlife or endangered species or endanger human health or the environment within ten (10) hours of becoming aware of the circumstance, followed by the written report when it is sent to the EPA.

- 9.6.3.6.8 *Water Quality Standards.*** If requested by the Pueblo of Sandia Environment Department, the permittee shall provide additional information necessary for a "case by case" eligibility determination to assure compliance with Pueblo of Sandia Water Quality Standards.

Note: Upon receipt of a determination by the Pueblo of Sandia that discharges from a permittee have reasonable potential to be causing or contributing to a violation of Pueblo of Sandia Water Quality Standards, EPA Region 6 would be notified. EPA Region 6 would then notify the permittee to either improve their Stormwater Pollution Prevention Plan (SWPPP) to achieve compliance with the Pueblo of Sandia Water Quality Standards or apply for and obtain an individual NPDES permit for these discharges per CFR 122.28(b)(3).

**9.6.3.6.9 Authorization to Inspect.** If requested by the Pueblo of Sandia Environment Department the permittee must allow the Pueblo to perform its own routine or compliance inspection to ensure the permittee is in compliance and any discharge is not contributing to a violation of the Pueblo of Sandia's Water Quality Standard.

**9.6.3.6.10 Alternative Permit.** Any industry discharging to waters of the United States that has been designated by the EPA as an impaired water shall not be covered under the Multi-Sector General Permit but will be required to obtain an individual permit.

**9.6.3.6.11 Where to Submit Information.** All required or requested documents shall be sent to: Environment Director, Pueblo of Sandia Environment Department at 481 Sandia Loop, Bernalillo, New Mexico 87004

#### **9.6.3.7 Pueblo of Santa Clara.**

The following condition applies only to discharges on the Santa Clara Indian Pueblo:

**9.6.3.7.1 Submission of NOI and NOT.** The Notice of Intent (NOI) and Notice of Termination (NOT) must be submitted to the Santa Clara Pueblo Governor's Office at the same time it is submitted to EPA

**9.6.3.7.2 SWPPP Availability.** A copy of the Stormwater Pollution Prevention Plan must be made available to the Pueblo of Santa Clara staff upon request.

**9.6.3.7.3 Where to Submit Information.** All required or requested documents shall be sent to the: Santa Clara Pueblo, Governor's Office, P.O. Box 580, Espanola, NM 87532.

#### **9.6.3.8 Pueblo of Taos**

The following conditions apply only to discharges on the Pueblo of Taos:

**9.6.3.8.1 Submission of NOI and NOT.** Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) shall be provided at the same time it is provided to EPA.

**9.6.3.8.2 Submission of SWPPP.** Upon request by the Pueblo, a copy of the Stormwater Pollution Prevention Plan must be provided to the Taos Pueblo Environmental Officer.

**9.6.3.8.3 Submission of Data and Reports.** All analytical data and a copy of all written reports shall be provided to the Pueblo at the same time it is provided to the EPA.

**9.6.3.8.4 Where to Submit Information.** All requested materials shall be sent to Program Manager, Taos Pueblo Environmental Office Program Manager, P.O. Box 1846, Taos, NM, 97571.

#### **9.6.3.9 Pueblo of Tesuque.**

The following conditions apply only to discharges on the Pueblo of Tesuque:

**9.6.3.9.1 Submission of NOI and NOT.** Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) shall be provided at the same time it is provided to EPA.

**9.6.3.9.2 Submission of SWPPP.** A copy of the Stormwater Pollution Prevention Plan must also be made available to the Pueblo of Tesuque at the time the NOI submitted.

**9.6.3.9.3 Submission of Monitoring Data.** All analytical data (e.g., Discharge Monitoring Reports, etc) shall be provided to the Pueblo at the same time it is provided to the EPA.

**9.6.3.9.4 Where to Submit Information.** All required or requested documents shall be sent to: Jennifer Montoya, Director, Pueblo of Tesuque Environment Department, Rt. 42 Box 360-T, Santa Fe, NM 87506.

#### **9.6.4 OKR05000I: Indian Country lands within the State of Oklahoma**

**9.6.4.1 Certification Requirements.** In order to protect downstream waters subject to the state of Oklahoma's Water Quality Standards (OAC 785:45-5-25) coverage under this permit is not available for any new or proposed discharges located within the watershed of any part of the Oklahoma Scenic Rivers system, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork Creek, Little Lee Creek, and Big Lee Creek or to any water designated as an Outstanding Resource Water (ORW). Existing discharges of stormwater in these watersheds may be permitted under this permit only from point sources existing as of June 25, 1992, whether or not such stormwater discharges were permitted as point sources prior to June 25, 1992. For any such existing discharge, increased load of any pollutant above levels of June 25, 1992 is prohibited. Any new or proposed discharges not eligible for permit coverage under this paragraph must apply for an individual permit.

#### **9.6.4.2 Pawnee Nation of Oklahoma**

The following conditions apply only to discharges on the Pawnee Nation of Oklahoma:

**9.6.4.2.1 Submission of NOI and NOT.** Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) shall be provided at the same time it is provided to EPA.

- 9.6.4.2.2 *Submission of SWPPP.*** Copies of the Stormwater Pollution Prevention Plan must be provided to the Director of the Pawnee Nation Department of Environmental Conservation and Safety (DECS) no later than the same time as submitted to EPA.
- 9.6.4.2.3 *Submission of Data and Reports.*** All analytical data and a copy of all written reports shall be provided to DECS no later than the same time it is submitted to the EPA.
- 9.6.4.2.4 *Spills or Leaks.*** All spills or leaks of any size or amount occurring upon the Pawnee Nation shall be reported to DECS and the Bureau of Indian Affairs – Pawnee Agency, Bureau of Land Management-Moore Office, Oklahoma City, immediately upon detection as required under Title X, Article 6, section 611 (Pawnee Nation Oil Pollution Control Act – Emergency Response/Notification) of the Pawnee Nation Law and Order Code.
- 9.6.4.2.5 *Discharges from Secondary Containment.*** Discharge of stormwater from secondary containment is prohibited and shall not be authorized as cited in Title X, Article 6, Section 604(B) (Pawnee National Oil Pollution Control Act – Secondary Containment).
- 9.6.4.2.6 *Where to Submit Information.*** All required or requested documents shall be sent to: Director of the Pawnee Nation Department of Environmental Conservation and Safety (DECS), P.O. Box 470, Pawnee, OK 74058.
- 9.6.5 OKR05000F: Facilities in the State of Oklahoma not under the jurisdiction of the Oklahoma Department of Environmental Quality, except those on Indian Country lands.**
- 9.6.5.1 *Certification Requirements.*** In accordance with Oklahoma’s Water Quality Standards (OAC 785:45-5-25) coverage under this permit is not available for any new or proposed discharges located within the watershed or any part of the Oklahoma Scenic Rivers system, including Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork River, Little Lee Creek, and Big Lee Creek or to any water designated as an Outstanding Resource Water (ORW). Existing discharges of stormwater in these watersheds may be permitted under this permit only from point sources existing as of June 25, 1992, whether or not such stormwater discharges were permitted as point sources prior to June 25, 1992. For any such existing discharge, increased load of any pollutant above levels of June 25, 1992 is prohibited. Any new or proposed discharges not eligible for permit coverage under this paragraph must apply for an individual permit.
- 9.6.6 TXR05000F: Facilities in the State of Texas not under the jurisdiction of the Texas Commission on Environmental Quality, except those on Indian Country lands.**

No additional requirements.

**9.6.7 TXR05000I: Indian Country lands within the State of Texas.**

No additional requirements.

**9.7 Region 7**

Permit coverage not available

**9.8 Region 8**

Permit coverage not available

**9.9 Region 9****9.9.1 ASR050000: The islands of American Samoa**

The following condition applies only to discharges on the American Samoa:

**9.9.1.1 *Submission of NOI.*** All Notices of Intent (NOIs) for stormwater discharges covered under the general permits in American Samoa shall be submitted to the American Samoa Environmental Protection Agency at the same time it is submitted to EPA.

**9.9.1.2 *Submission of SWPPPs.*** All SWPPPs for stormwater discharges in American Samoa shall be submitted to the American Samoa Environmental Protection Agency for review and approval.

**9.9.2 AZR05000I: Indian Country lands within the State of Arizona, including Navajo Reservation lands in New Mexico and Utah.****9.9.2.1 Hualapai Tribe (Arizona)**

The following condition applies only to discharges on the Hualapai Tribe:

**9.9.2.1.1 *Submission of NOI and SWPPP.*** All Notices of Intent (NOIs) and Stormwater Pollution Plans (SWPPPs) for stormwater discharges on Hualapai Tribal lands shall be submitted to the Water Resource Program through the Tribal Chairman for review and approval

**9.9.2.1.2 *Where to Submit Information.*** All required or requested documents shall be sent to: Water Resource Program through the Tribal Chairman, P.O. Box 179, Peach Springs, AZ 86434.

**9.9.2.2 Navajo Nation (Arizona).**

The following conditions apply only to discharges on the Navajo Nation:

**9.9.2.2.1 Submission of NOI.** Notices of Intent (NOI) must be submitted to Navajo EPA for review, comment and tracking.

**9.9.2.2.2 Submission of SWPPP.** Copies of Stormwater Water Pollution Plans (SWPPPs) and supporting Best Management Practices (BMPs) must be submitted to Navajo EPA for review and concurrence.

**9.9.2.2.3 Submission of Monitoring Data.** Copies of all monitoring reports must be provided to Navajo EPA.

### **9.9.2.3 White Mountain Apache Tribe (Arizona).**

The following condition applies only to discharges on the White Mountain Apache Tribe:

**9.9.2.3.1 Submission of NOI.** All Notices of Intent for proposed stormwater discharges under the MSGP must be submitted to the Tribal Environmental Office.

**9.9.2.3.2 Where to Submit Information.** All required or requested documents shall be sent to the: Tribal Environmental Office, Attention: Doreen E. Gatewood, P.O. Box 1000, Whiteriver, AZ 85941.

### **9.9.3 CAR05000I: Indian Country lands within the State of California.**

#### **9.9.3.1 Big Pine Paiute Tribe of the Owens Valley (California).**

The following condition applies only to discharges on the Big Pine Paiute Tribe of the Owens Valley:

**9.9.3.1.1 Submission of NOI.** Copies of Notices of Intent (NOIs) shall be submitted to the Tribe at the same time (or prior to) it is submitted to EPA.

#### **9.9.3.2 Bishop Paiute Tribe (California).**

The following condition applies only to discharges on the Bishop Paiute Tribe:

**9.9.3.2.1 Submission of NOI.** Copies of Notices of Intent (NOIs) for proposed stormwater discharges must be submitted to the Tribe's Environmental Management Office for review and comment by the Tribal Environmental Protection Agency (TEPA) Board.

#### **9.9.3.3 Hoopa Valley Tribe (California).**

The following conditions apply only to discharges on the Hoopa Valley Tribe:

**9.9.3.3.1 Submission of NOI.** All Notices of Intent (NOI) submitted for stormwater discharges under the general permits in Hoopa Valley Indian Reservation (HVIR) shall be submitted to the Tribal Environmental Protection Agency (TEPA).

**9.9.3.3.2 Submission of SWPPP.** All Stormwater Pollution Plans (SWPPPs) for stormwater discharges in HVIR shall be submitted to TEPA for review and approval.

#### **9.9.3.4 Twenty-Nine Palms Band of Mission Indians (California)**

The following conditions apply only to discharges on the Twenty-Nine Palms Band of Mission Indians:

**9.9.3.4.1 Submission of NOI.** Notices of Intent (NOI) must be submitted to the 29 Palms Tribal EPA for review, comment, and tracking.

**9.9.3.4.2 Submission of SWPPP.** Copies of Stormwater Pollution Prevention Plans (SWPPPs) and supporting best management practices (BMPs) must be submitted to the 29 Palms Tribal EPA for review and compliance.

**9.9.3.4.3 Submission of Monitoring Data.** Copies of all monitoring reports must be provided to the 29 Palms Tribal EPA.

#### **9.9.4 GUR050000: The Island of Guam.**

No additional requirements.

#### **9.9.5 JAR050000: Johnston Atoll.**

No additional requirements.

#### **9.9.6 MWR050000: Midway Island and Wake Island.**

No additional requirements.

#### **9.9.7 Commonwealth of the Northern Mariana Islands**

The following conditions apply only to discharges on the Commonwealth of the Northern Mariana Islands (CNMI):

**9.9.7.1 Submission of NOI.** Pursuant to Part 10.3(h)(5) of the Standards, every Notice of Intent (NOI) submitted to EPA for activities in the CNMI that are to be covered under this permit must be postmarked no less than seven (7) calendar days prior to any stormwater discharges and a copy must be submitted to the Director of Division of Environmental Quality (DEQ) no later than seven (7) calendar days prior to any stormwater discharges.

**9.9.7.2 Submission of SWPPP.** Pursuant to Part 10.3(h)(3) of the Standards, for any activity subject to the permit in the CNMI, a Stormwater Pollution Prevention Plan (SWPPP) for stormwater discharges associated with industrial activities must be submitted to DEQ and approved by the Director of DEQ prior to submission of the NOI to EPA.

**9.9.7.3 Submission of SWPPP Approval Letter.** Pursuant to Part 10.3(h)(4) of the Standards, every NOI submitted to EPA for activities in the CNMI that are to be covered under this permit must be accompanied by a SWPPP approval letter from DEQ.

**9.9.7.4 Submission of Monitoring Data.** Pursuant to Part 10.3(h)(6) of the Standards, permittees covered under this permit must submit copies of all monitoring reports to DEQ.

**9.9.7.5 Certification.** Pursuant to Section 10.6 of the Standards, this certification shall be subject to amendment or modification if and to the extent that existing water quality standards are made more stringent, or new water quality standards are adopted, by DEQ.

This certification does not relieve the applicant from obtaining other applicable local or federal permits.

**9.9.8 NVR05000I: Indian Country lands within the State of Nevada, including the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Confederated Tribes of the Goshute Reservation in Utah**

**9.9.8.1 Pyramid Lake Paiute Tribe (Nevada)**

The following conditions apply only to discharges on the Pyramid Lake Paiute Tribe:

**9.9.8.1.1 Submission of NOI.** Notice of Intents (NOI) must be submitted to the Tribe for review, comments, and tracking.

**9.9.8.1.2 Submission of SWPPP.** Copies of Stormwater Pollution Prevention Plans (SWPPPs) and supporting best management practices (BMPs) must be submitted to the Pyramid Lake Paiute Tribe for review and concurrence.

**9.9.8.1.3 Submission of Monitoring Data.** Copies of all monitoring reports must be submitted to the Pyramid Lake Paiute Tribe.

## 9.10 Region 10

<b>Category</b>	<b>NOI Submission Deadline</b>	<b>Discharge Authorization Date<sup>1</sup></b>
<u>Existing Dischargers</u> - in operation as of October 30, 2005 and authorized for coverage under MSGP 2000.	No later than May 27, 2009.	30 days after EPA posts your NOI. Your authorization under the MSGP 2000 is automatically continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.
<u>New Dischargers or New Sources</u> - have commenced discharging between October 30, 2005 and May 27, 2009.	As soon as possible but no later than May 27, 2009.	30 days after EPA posts your NOI.
<u>New Dischargers or New Sources</u> - commence discharging after May 27, 2009.	A minimum of 60 days prior to commencing discharge, or a minimum of 30 days if your SWPPP is posted on the Internet during this period and the Internet address (i.e., URL) to your SWPPP is provided on the NOI form.	If you post your SWPPP on the Internet, 30 days after EPA posts your NOI. Otherwise, 60 days after EPA posts your NOI.
<u>New Owner/Operator of Existing Discharger</u> - transfer of ownership and/or operation of a facility whose discharge is authorized under this permit	A minimum of 30 days prior to date that the transfer will take place to the new owner/operator.	30 days after EPA posts your NOI.
<u>Other Eligible Dischargers</u> - in operation prior to October 30, 2005, but not covered under the MSGP 2000 or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.	If you post your SWPPP on the Internet, 30 days after EPA posts your NOI. Otherwise, 60 days after EPA posts your NOI.

<sup>1</sup> Based on a review of your NOI or other information, EPA may delay your authorization for further review, notify you that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.6. In these instances, EPA will notify you in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application.

**9.10.1 AKR050000: The State of Alaska, except Indian Country lands.**

Deadlines for the submittal of Notices of Intent are listed in Table 9.10-1. Permittees in Alaska must also meet the following conditions:

**9.10.1.1 Submission of NOI, NOT and all other information.** A copy of the Notice of Intent, the No Exposure Certification, the Notice of Termination, all information collected and submitted to EPA pursuant to Parts 3.4 and 7, and reports required under Appendix B.12, shall be sent to the Alaska Department of Environmental Conservation (ADEC) at the same time it is submitted to the EPA. Submittals to ADEC shall be made to the following address:

Alaska Department of Environmental Conservation  
Wastewater Discharge/Storm Water  
555 Cordova St.  
Anchorage, AK 99501

**9.10.1.2 Plan approval for nondomestic wastewater treatment works.** For all new facilities operators who construct, install or operate any part of a nondomestic wastewater treatment works shall submit a copy of the engineering plans to ADEC for review at the address given above (see 18 AAC 72.600), and pay an engineering plan review fee (see 18 AAC 72.955). Engineering plan approval must be obtained from ADEC prior to construction. Nondomestic wastewater includes stormwater runoff.

**9.10.1.3 Submission of SWPPP for new dischargers.** Operators who have not previously obtained coverage under the MSGP must submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) for the facility, developed by qualified person, to ADEC for review at the time of submittal of the NOI. The SWPPP shall be accompanied by the state-required plan review fee (see 18 AAC 72.955).

**9.10.1.4 Submission of SWPPP for existing dischargers.** Operators who submitted a SWPPP to ADEC under the previous MSGP must submit copies of any modifications of their SWPPP to meet the requirements of the MSGP 2008 with their NOI.

**9.10.1.5 Submission of Additional Information.** ADEC reserves the right to request copies of the SWPPP modifications made to comply with Part 5.2. The operator shall submit the SWPPP modification to ADEC within 14 days of such a request.

**9.10.1.6 Conditions Applicable to New Dischargers and New Sources under Sector G (Metal Mining) and Sector H (Coal Mining).** For new dischargers and new sources operating under Sector G, Metal Mining (specifically, those facilities that are designed to process 500 or more tons per day) and Sector H, Coal Mining, the following conditions apply:

- The operator shall develop a new SWPPP for each phase of the project: i.e., the exploration, construction, active mining, inactive mining, and reclamation phases;

- The operator shall submit the construction phase SWPPP to ADEC for review at least 90 days prior to the start of construction;
- The operator shall submit the active mining phase SWPPP to ADEC for review at least 90 days prior to the start of the active mining;
- The operator shall submit a copy of engineering plans for nondomestic wastewater treatment facilities used during both the construction phase and the active mining phase to ADEC for review at least 90 days prior to the start of construction;
- Representatives of the operator and the prime site construction contractor shall meet with ADEC representatives in a pre-construction conference at least 20 days before the start of the construction phase to discuss the details of the construction phase SWPPP and stormwater management during construction;
- The operator shall have at least one person on-site during construction that is qualified and trained in the principles and practices of erosion and sediment control and that has the authority to direct the maintenance of stormwater control measures.

**9.10.1.7 Benchmark Monitoring for pH and turbidity.** The benchmark monitoring concentrations, as described in Part 8, may exceed the Alaska water quality standards. In those instances where the benchmark monitoring concentration exceeds the Alaska water quality standard, the Alaska water quality standard shall be used as the benchmark monitoring concentration. The following provides the instances where the Alaska Water Quality Standards shall be used as the benchmark values:

- For Sectors A, D, E, G, J, K, L, O, and S, the acceptable range for pH is 6.5 to 8.5 and may not vary more than 0.5 pH units from natural conditions. See 18 AAC 70.020(b)(6).
- For Sector G, turbidity in fresh water may not exceed 5 nephelometric turbidity units (NTU) above natural conditions when the natural turbidity is 50 NTU or less, and may not have more than 10% increase in turbidity when the natural turbidity is more than 50 NTU, not to exceed a maximum increase of 25 NTU. See 18 AAC 70.020(b)(12)(A)(i).

#### **9.10.2 AKR05000I: Indian Country lands within Alaska**

No additional requirements.

#### **9.10.3 IDR050000: The State of Idaho, except Indian Country lands**

Deadlines for the submittal of Notices of Intent are listed in Table 9.10-1. Permittees in Idaho must also meet the following conditions:

**9.10.3.1 Monitoring Frequency for Numeric Effluent Limitations.** Given the inherent variability in stormwater discharges, the monitoring for parameters with numeric effluent limitations as described in Part 6.2.2 must occur twice per year.

**9.10.3.2 Follow-up Monitoring for Benchmark Concentrations.** If all four quarterly samples do not exceed the benchmark, the permittee is not required to conduct any additional quarterly monitoring for that parameter. If any of the four quarterly samples exceed the benchmark, then the permittee must follow the additional requirements in Part 6.2.1.2 of the MSGP, with the following modifications:

- If the permittee elects to make any necessary modifications and continue quarterly monitoring, such monitoring must occur until the results from four consecutive quarters of monitoring are less than the benchmark concentration.

**9.10.3.3 Monitoring of Discharges to Impaired Waters with an applicable WLA in an EPA-approved TMDL.** In order to waive any additional monitoring as allowed by Part 6.2.4.2 of the permit, the permittee must also include documentation in their SWPPP that the pollutant(s) of concern is not expected to be present in the discharge. If such documentation can not be made, then the permittee must conduct annual monitoring for the duration of the permit.

**9.10.3.4 Stormwater Pollution Prevention Plan (SWPPP) Availability.** If requested by Idaho Department of Environmental Quality (DEQ), the permittee must submit a copy of the SWPPP to DEQ within fourteen (14) days of the request.

**9.10.3.5 Submission of NOIs, Monitoring Data, and Additional Reporting.** Copies of the following information must be sent to the appropriate DEQ regional office at the same time it is submitted to EPA:

- NOIs for facilities with stormwater discharges to impaired waters;
- Monitoring data collected pursuant to Parts 6.2 and 6.3 of this permit, well as any additional monitoring data required by this Part;
- Exceedance Reports as required by Part 6.3.

Both monitoring data and exceedance reports must be sent to the appropriate DEQ regional office with thirty (30) days of receipt of analytical results.

**9.10.3.6 Where to Submit Information or to Obtain Additional Information Regarding Impaired Waters and Approved TMDLs.** Information regarding impaired waters and approved TMDLs may be obtained from the appropriate regional DEQ office. Contact information for DEQ offices can be obtained from the DEQ website at [http://www.deq.idaho.gov/about/contact\\_us.cfm](http://www.deq.idaho.gov/about/contact_us.cfm).

**9.10.3.7 Additional Reporting of Discharges Containing Hazardous Materials or Oil.** Any unauthorized discharges containing hazardous materials or oil must be reported to the Idaho State Communications Center (1-800-632-8000) or to the appropriate DEQ Regional Office (see IDAPA 58.01.02.850) as follows:.

Regional Office	Phone #	Regional Office	Phone #
Boise	(208) 373-0550	Lewiston	(208) 373-4370
Coeur d'Alene	(208) 769-1422	Pocatello	(208) 236-6168
Idaho Falls	(208) 528-2650	Twin Falls	(208) 736-2190

**9.10.3.8 Additional Conditions Applicable to Sector L (Landfills, Land Application Sites and Open Dumps).** Stormwater entering a landfill must be managed as leachate, including run off from areas that have received daily cover which may have contacted waste material, and thus is not eligible for coverage under the MSGP (See 40 CFR 258.26 (a)(2); Municipal Solid Waste Landfill Criteria Technical Manual, EPA 530-R-93-017, 1998). Stormwater from a closed landfill or from areas of the landfill that have received final cover is not leachate, and may be covered under the MSGP.

**9.10.3.9 Benchmark Values for Selenium.** The benchmark value for selenium (as found in Sectors G and K) is equal to 0.005 mg/L, which is equivalent to the chronic water quality criterion. Given storms are discrete events of relatively short duration, DEQ believes it is more appropriate to use the acute water quality criteria as a benchmark value. Therefore, benchmark values for selenium can be set equal to the acute criteria of 0.02. mg/L and still comply with Idaho WQS.

**9.10.4 IDR05000I: Indian Country lands within the State of Idaho, except Duck Valley Reservation lands, which are covered under Nevada permit NVR05000I listed in Part C.9**

No additional requirements.

**9.10.5 ORR05000I: Indian Country lands within the State of Oregon, except Fort McDermitt Reservation lands, which are covered under Nevada permit NVR05000I listed in Part C.9**

**9.10.5.1 Confederated Tribes of the Umatilla Indian Reservation**

Deadlines for the submittal of Notices of Intent are listed in Table 9.10-1. Permittees located within the Confederated Tribes of the Umatilla Indian Reservation must also meet the following conditions:

**9.10.5.1.1 Water Quality Standards.** The operator shall be responsible for achieving compliance with Confederated Tribes of the Umatilla Indian Reservation's (CTUIR) Water Quality Standards.

**9.10.5.1.2 Submission of NOI.** The operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTUIR Water Resources Program at the address below, at the same time it is submitted to EPA.

**9.10.5.1.3 Submission of SWPPP.** The operator shall be responsible for submitting all Stormwater Pollution Prevention Plans (SWPPPs) required under this general permit to

the CTUIR Water Resources Program for review and determination that the SWPPP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.

**9.10.5.1.4 Additional Reporting.** The operator shall be responsible for reporting an exceedance to Tribal Water Quality Standards to the CTUIR Water Resources Program at the same time it is reported to EPA.

**9.10.5.1.5 Additional Requirements for Historic Properties Preservation.** If the project is an undertaking as defined in section 106 of the National Historic Preservation Act (NHPA), a cultural resource investigation must occur. The operator shall provide the CTUIR Tribal Historic Preservation Office (THPO) 30 days to comment on the area of potential effect (APE) as defined in the permit application.

- All fieldwork must be conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines) and documented using Oregon Reporting Standards. The resulting report must be submitted to the THPO and the THPO must concur with the findings and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.
- The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate effects to historic properties.

**9.10.5.1.6 Where to Submit Information.** The NOI, SWPPP, and reports must be sent to:

CTUIR Water Resources Program  
P.O. Box 638  
Pendleton, OR 97801  
(541) 966-2420

All required Historic Properties Preservation information must be sent to:

CTUIR Cultural Resources Protection Program  
Tribal Historic Preservation Office  
P.O. Box 638  
Pendleton, OR 97801  
(541) 276-3629

## **9.10.6 WAR05000I: Indian Country lands within the State of Washington**

### **9.10.6.1 Lummi Nation.**

Deadlines for the submittal of Notices of Intent are listed in Table 9.10-1. Permittees located within the Lummi Nation must also meet the following conditions:

**9.10.6.1.1 Additional Requirements.** Pursuant to Lummi Code of Laws (LCL) 17.05.020(a), the operator must also obtain a land use permit from the Lummi Planning Department as provided in Title 15 of the Lummi Code of Laws and regulations adopted thereunder.

**9.10.6.1.2 Submission of SWPPP for Review and Approval.** Pursuant to LCL 17.05.020, each operator shall develop and submit a Storm Water Pollution Prevention Plan to the Lummi Water Resources Division for review and approval by the Water Resources Manager prior to beginning any discharge activities.

**9.10.6.1.3 Water Quality Standards.** Pursuant to LCL Title 17, each operator shall be responsible for achieving compliance with the Water Quality Standards for Surface Waters of the Lummi Indian Reservation (Lummi Administrative Regulations [LAR]17LAR07.010 through 17LAR 07.210).

**9.10.6.1.4 Submission of NOI, Monitoring Data, Reports and NOT.** Each operator shall submit a copy of the Notice of Intent, analytical monitoring results, and Exceedance Reports, Annual Reports, and Notice of Termination to the Lummi Water Resources Division at the same time it is submitted to the EPA.

**9.10.6.1.5 Where to Submit Information or to Obtain Additional Information.** All required information shall be submitted to:

Lummi Natural Resources Department  
ATTN: Water Resources Manager  
2616 Kwina Road  
Bellingham, WA 98226

Please see the Lummi Nation website ([www.lummi-nsn.gov](http://www.lummi-nsn.gov)) to review a copy of Title 17 of the Lummi Code of Laws and the references upon which the conditions identified above are based.

This certification does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal and Lummi tribal agencies.

#### **9.10.6.2 Puyallup Tribe of Indians.**

Deadlines for the submittal of Notices of Intent are listed in Table 9.10-1. Permittees discharging from tribal trust lands, or to tribal waters of the Puyallup Tribe of Indians (including to the Lower Puyallup River and portions of the Blair and Hylebos waterways) must meet the following conditions:

**9.10.6.2.1 Submission of NOI, NOT and No Exposure Certification.** Copies of the Notice of Intent (NOI) and Notice of Termination (NOT), and No Exposure Certification shall be submitted to the Puyallup Tribe's Natural Resources Department.

**9.10.6.2.2 Submission of the SWPPP.** A copy of the Stormwater Pollution Plan (SWPPP) shall be submitted to the Natural Resources Department at least thirty (30) days in advance of submitting the NOI to EPA.

**9.10.6.2.3 Compliance with Tribe's Water Quality Standards.** Each permittee shall be responsible for achieving compliance with the Tribe's Water Quality Standards, including anti-degradation provisions.

**9.10.6.2.4 Submission and Approval of Sampling Plan.** A sampling plan shall be submitted to the Natural Resources Department and approved by the Tribe prior to initiation of monitoring required under Part 6 of this permit.

**9.10.6.2.5 Submission of Monitoring Data and Reports.** The results of any monitoring required by this permit and all reports must be sent to the Natural Resources Department, including a description of the corrective actions required and undertaken to meet effluent limits or benchmarks (as applicable).

**9.10.6.2.6 Authorization to Inspect.** The Natural Resources Department may conduct an inspection of any facility covered by this permit to ensure compliance with tribal water quality standards. The Department may enforce its certification conditions.

**9.10.6.2.7 Tribal Endangered Species Act Consultation.** Consultation with the Tribe that addresses the effects of your facility's stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities on federally-listed threatened or endangered species and designated critical habitat. Information required as part of the consultation shall include:

- Basis of the determination that your stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities will not adversely affect federally-listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) and will not result in the adverse modification or destruction of designated critical habitat including appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects (under Criterion E in Section 1.1.4.5); and
- Notice of Intent form complete with extent of action area, list of federally-listed threatened or endangered species or designated critical habitat likely to occur in action area, list of potential pollutants (if you are a new discharger) or list of pollutants for which you have ever exceeded an applicable benchmark or effluent limitations guideline, or for which your discharge has ever been found to cause or contribute to an exceedance of an applicable water quality standard (if you are an existing discharger).

**9.10.6.2.8 Where to Submit Information.** All required or requested documents shall be sent to:  
Puyallup Tribe of Indians  
Department of Natural Resources  
c/o Bill Sullivan and Char Naylor  
3009 E. Portland Avenue  
Tacoma, Washington 98404

**9.10.7 WAR05000F: Federal Facilities in the State of Washington, except those located on Indian Country lands.**

No additional requirements. Deadlines for the submittal of Notices of Intent are listed in Table 9.10-1.