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

9.1 EPA Region 1: Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont.

9.1.1 CTR05I000: Indian Country within the State of Connecticut

No additional requirements.

9.1.2 MAR050000: Commonwealth of Massachusetts, except Indian country

Permittees in the Commonwealth of Massachusetts must meet the following conditions:

9.1.2.1 Additional 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 Massachusetts Department of Environmental Protection 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.

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 [four samples required in the first year of the permit] required by this permit must be sent to the appropriate Regional Office of the Department [attention: Bureau of Waste Prevention] where the monitoring identifies violations 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 are included in the requirements of this Water Quality Certification:

- In Sector Q [Water Transportation] add copper to the required monitoring parameters with a benchmark monitoring concentration as included in the MSGP 2015 Fact Sheet Part X.B.1, and Appendix J.
- In Sector R [Ship and Boat Building and Repair Yards] add aluminum, iron, lead and copper to the list of required monitoring parameters with a benchmark monitoring concentration as included in the MSGP 2015 Fact Sheet Part X.B.1 and Appendix J.
- Modify the monitoring requirements [Part 6.2.1.2] for Sectors Q and R 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 MAR05I000: Indian country within the Commonwealth of Massachusetts

No additional requirements.

9.1.4 NHR050000: State of New Hampshire

Permittees in New Hampshire must also meet the following conditions:

9.1.4.1 Consider Opportunities for 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, including Env-Wq 1507.04(e). Infiltration best management practices 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)].

9.1.4.2 Maintenance of Infiltration Best Management Practices. In Part 2.1.2.3 you are required to maintain control measures. In Parts 5.2.2, 5.2.5.1, and 5.5 you are required to document the location of control measures, perform inspections and maintenance, and keep records. Accordingly, 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 5.2.1) who will be responsible for the maintenance required in this section, the inspection required in this section, and any necessary corrective action required in Part 4; and
- Records for all maintenance performed, inspections conducted, and corrective actions taken.

9.1.4.3 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 meets 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-Wq 402, 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.

9.1.4.4 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 9.1.4.3) 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.

9.1.4.5 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-Wq 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 9.1.4.6.

- The site map required in Part 5.2.2, showing the type and location of all on-site infiltration BMP 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 5.2.3.4).
- A copy of the Annual Reports required in Part 7.5

9.1.4.6 Where to Submit Information. Information submitted to NHDES must be sent to the following address:

NH Department of Environmental Services
Wastewater Engineering Bureau, Permits & Compliance Section
P.O. Box 95
Concord, NH 03302-0095

9.1.4.7 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 shall 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.

9.1.5 RIR05I000: Indian country within the State of Rhode Island

No additional requirements.

9.1.6 VTR05F000: Areas in the State of Vermont subject to industrial activity by a Federal Operator

No additional requirements.

9.2 EPA Region 2: New Jersey, New York, Puerto Rico, Virgin Islands.

9.2.1 PRR050000: Commonwealth of Puerto Rico

No additional requirements.

9.3 EPA Region 3: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.

9.3.1 DCR050000: 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 of 1984, as amended, D.C. Official 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 (DDOE) at the same time the Notice of Intent (NOI) is submitted to EPA.

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 DDOE at the same time they are submitted to EPA.

9.3.1.4 Authorization to Inspect. The permittee shall allow DDOE to inspect any facility, 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 DDOE at the same time they are submitted to EPA.

9.3.1.6 Where to Submit Information. All required or requested documents shall be sent to the:

Attention: Associate Director
Water Quality Division, Natural Resources Administration
District Department of the Environment
1200 First Street, NE, 5th Floor
Washington, D.C. 20002

- 9.3.2 DER05F000: Areas in the State of Delaware subject to industrial activity by a Federal Operator**
No additional requirements.
- 9.4 EPA Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee**
Coverage not available under this permit.
- 9.5 EPA Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.**
- 9.5.1 MIR05I000: Indian country within the State of Michigan**
No additional requirements.
- 9.5.2 MNR05I000: Indian country 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 SWPPP.** A copy of the Stormwater Pollution Plan (SWPPP) must be submitted to the Office of Water Protection at least thirty (30) days in advance of sending the Notice of Intent to EPA. MSGP applicants are encouraged to work with the Fond du Lac Office of Water Protection in the identification of all proposed receiving waters.
- 9.5.2.1.2 Submission of NOI and NOT.** Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be sent to the Fond du Lac Office of Water Protection at the same time they are submitted to EPA.
- 9.5.2.1.3 Benchmark Monitoring for Turbidity.** The Benchmark Monitoring Concentration (BMC) for Turbidity shall NOT exceed 10% of natural background as determined by Office of Water Protection staff as measured in NTU.
- 9.5.2.1.4 Effluent Limitations.** The Effluent Limitations for ALL sectors shall NOT exceed more than two times (2x) Fond du Lac's ambient concentrations (based upon 15 years of monitoring data) for the following:
- | | |
|---------------------------|----------------------|
| a) Ammonia | Ambient = <0.3 mg/l |
| b) Arsenic | Ambient = <3.0 µg/l |
| c) Chromium | Ambient = <0.8 µg/l |
| d) Total Phosphorus | Ambient = <0.09 mg/l |
| e) Total Suspended Solids | Ambient = <16.0 mg/l |
| f) Zinc | Ambient = <24.0 mg/l |
- 9.5.2.1.5 Outstanding Reservation Resource Waters (ORRW).** This Certification does not pertain to any new discharge to Outstanding Reservation Resource Waters (ORRW) as described in § 105 b.3. of the Fond du Lac Water Quality Standards (Ordinance #12/98). Although additional waters may be designated in the future, currently Perch Lake, Rice Portage Lake, Miller Lake, Deadfish Lake, and Jaskari Lake are designated as ORRWs. New dischargers wishing to discharge to an ORRW must obtain an individual permit for storm water discharges.

9.5.2.1.6 Water Quality Criteria. All industrial activities shall be carried out in such a manner as will prevent violations of water quality criteria as stated in the Water Quality Standards of the Fond du Lac Reservation, Ordinance 12/98, as amended. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of water of the Fond du Lac Reservation for any of the uses designated in the Water Quality Standards of the Fond du Lac Reservation. These uses include wildlife, aquatic life, warm and cold water fisheries, subsistence farming (netting), primary contact recreation, cultural, wild rice areas, aesthetic waters, agriculture, navigation, and commercial.

9.5.2.1.7 Impacts to cultural sites. This certification does not authorize impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for such listing.

9.5.2.1.8 Where to Submit Information. All required or requested documents shall be sent to the:

Fond du Lac Reservation
Office of Water Protection
1720 Big Lake Road
Cloquet, Minnesota 55720

9.5.2.2 Grand Portage Band of the Minnesota Chippewa Tribe

The following conditions apply to industrial storm water discharges into Waters of the Grand Portage Reservation:

9.5.2.2.1 Definitions. The definitions set forth in the Grand Portage Water Resources Ordinance, as amended, ("Water Resources Ordinance") govern these certification conditions.

9.5.2.2.2 Water Quality Standards. All industrial storm water discharges authorized by this permit must comply with the Grand Portage Water Quality Standards, Applicable Federal Standards, and the Water Resources Ordinance.

9.5.2.2.3 Additional Monitoring. Grand Portage reserves the right to require monitoring of storm water discharges as determined on a case-by-case basis. If the Grand Portage Environmental Resources Board ("Board") determines that a monitoring plan is necessary, the monitoring plan must be prepared and incorporated into the Storm Water Pollution Prevention Plan ("SWPPP") before the SWPPP is submitted to the U.S. EPA. Accordingly, the Board must be contacted, at the address listed below, at the onset of writing the SWPPP.

9.5.2.2.4 Submission of SWPPP, NOI, and NOT. In addition, a copy of the SWPPP, Notice of Intent ("NOI"), and Notice of Termination (NOT) (collectively the "application") must be submitted to the Board at least 30 days before submitting the NOI to the U.S. EPA. Applications should be sent to the address below.

9.5.2.2.5 Additional information. Upon receipt of the application, the Board shall order the Grand Portage Environmental Department (Department) to conduct a technical review of the application materials. If necessary, Department staff will send a

request for additional information to the applicant within 30 days of receipt of the application.

9.5.2.2.6 Preliminary coverage determination. After considering the application and such other information and data as the Department staff deems relevant, the Department Director will evaluate whether there is a reasonable probability that the proposed activity will violate the Grand Portage Water Quality Standards or any Applicable Federal Standards and recommend one of the following preliminary determinations:

- Unconditionally grant coverage under the MSGP;
- Grant coverage under the MSGP subject to certain conditions; or
- Deny coverage under the MSGP.

9.5.2.2.7 Final coverage determination. Within 30 days of the Department Director's recommendation, the Board will provide public notice of the application for coverage under the MSGP and the Department Director's recommendations. Upon request, the Department will schedule a hearing as provided in 40 CFR Part 25. If, after considering the evidence provided at the hearing and the entire record, the Board determines by a preponderance of the evidence that the proposed activity will violate the Grand Portage Water Quality Standards or any Applicable Federal Standards, the Board shall deny eligibility for coverage under the MSGP, unless there is a reasonable certainty that compliance can be achieved by the applicant's adherence to reasonable conditions. If the Board finds insufficient evidence to show that the proposed activity will violate the Grand Portage Water Quality Standards or any Applicable Federal Standards, it shall approve coverage under the MSGP.

9.5.2.2.8 Appeals. Appeals related to water quality certification decisions or permits will be heard by the Grand Portage Tribal Court.

9.5.2.2.9 Prohibition of Discharge. The applicant is prohibited from discharging into the Waters of the Reservation pursuant to the MSGP unless the Board has granted coverage under the MSGP, or until the applicant has adhered to conditions required by the Board's conditional grant of coverage.

9.5.2.2.10 Compliance. The Board retains full authority provided by the Water Resources Ordinance to ensure compliance with and enforce the provisions of the Water Resource Ordinance, the Grand Portage Water Quality Standards, Applicable Federal Standards, and these certification conditions.

9.5.2.2.11 Where to Submit Information. All required or requested information mentioned above shall be sent to:

Grand Portage Environmental Resources Board
P.O. Box 428
Grand Portage, MN 55605

9.5.3 WIR05I000: Indian country within the State of Wisconsin, except those on Bad River Band of Lake Superior Tribe of Chippewa Indians lands and on Sokaogon Chippewa Community lands

No additional requirements.

Note: Facilities in the Bad River Band of Lake Superior Tribe of Chippewa Indians land Sokaogon Chippewa Community lands and are not eligible for stormwater discharge coverage under this permit. Contact the EPA Region 5 office for an individual permit application.

9.6 EPA Region 6: Arkansas, Louisiana, Oklahoma, Texas, and New Mexico (except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands).

9.6.1 LAR05I000: Indian country within the State of Louisiana

No additional requirements.

9.6.2 NMR050000: The State of New Mexico, except Indian country

Permittees in New Mexico must also meet the following conditions:

9.6.2.1 Benchmark Monitoring Concentrations. The benchmark values for the indicated pollutants in the table below must be modified to reflect New Mexico water quality standards for the facilities in New Mexico, based on benchmark values from the *Standards for Interstate and Intrastate Surface Waters* (as approved on June. 5, 2013), 20.6.4.900 NMAC).

Pollutant	MSGP Benchmark	Lowest New Mexico Water Quality Standard	Hardness dependent value (if appropriate) ¹
Ammonia*	2.14 mg/L	No Standard	
Biochemical Oxygen Demand (BOD 5 day)	30 mg/L	No Standard	
Chemical Oxygen Demand (COD)	120 mg/L	No Standard	
Total Suspended Solids	100 mg/L	Segment specific	
Turbidity	50 NTU	Segment specific	
Nitrate + Nitrite Nitrogen	0.68 mg/L	132 mg/L	
Total Phosphorus	2.0 mg/L	Segment specific	
pH	6.0 – 9.0 SU	Segment specific	
Aluminum (T) (pH 6.5 – 9)*	0.75 mg/L	--	3.4 mg/L (acute) 1.37 mg/L (chronic)
Antimony (T)	0.64 mg/L	0.006 mg/L	
Arsenic (T) (Freshwater)*	0.15 mg/L	0.01 mg/L	
Beryllium (T)	0.13 mg/L	0.004 mg/L	
Cadmium (T) (Freshwater)*	0.0021 mg/L	--	0.00165 mg/L (acute) 0.00045 mg/L (chronic)
Copper (T) (Freshwater)*	0.014 mg/L	--	0.013 mg/L (acute) 0.009 mg/L (chronic)
Cyanide (Freshwater)*	0.022 mg/L	0.0052 (WH)	
Iron (T)	1.0mg/L	No standard	
Lead (Freshwater)*	0.082 mg/L		0.065 mg/L (acute) 0.003 mg/L (chronic)
Magnesium (T)	0.064 mg/L	No standard	
Mercury (Freshwater)*	0.0014 mg/L	0.00077 mg/L	
Nickel (T) (Freshwater)*	0.47 mg/L		0.47 mg/L (acute) 0.052 mg/L (chronic)
Selenium (T) (Freshwater)* ²	0.005 mg/L	0.005 mg/L (WH)	

Pollutant	MSGP Benchmark	Lowest New Mexico Water Quality Standard	Hardness dependent value (if appropriate) ¹
Silver (Freshwater)*	0.0038 mg/L		0.0032 mg/L (acute)
Zinc (T) (Freshwater)*	0.12 mg/L		0.16 mg/L (acute) 0.121 mg/L (chronic)

* EPA's Criteria are based on receiving water hardness of 100 mg/L. The facility will need to test their receiving water these hardness values and use Table 1 in Appendix J of this permit to determine their applicable limit.

¹ New Mexico Environment Department's criteria are listed at a hardness value of 100 mg/L as CaCO₃ for comparison to EPA's benchmark standard.

² SO₄ dependent

EPA defines saline/salt waters as having salinity concentrations greater than or equal to 10 parts per thousand 95 percent or more of the time (as discussed on Page 55 of the permit's proposed fact sheet). Saltwater values may apply to certain areas of New Mexico, such as the Pecos Basin below Santa Rosa and the Rio Grande below Elephant Butte. These values may also apply to waters that are part of the Colorado River Basin.

New Mexico water quality hardness-based values in the table below replace values listed in Appendix J and are the applicable benchmark values for New Mexico in this permit.

All Units mg/L	*	(mg/L, dissolved)						
		Aluminum	Cadmium	Copper	Lead	Nickel	Silver	Zinc
25	Acute	0.512	0.00051	0.004	0.014	0.140	0.0003	0.045
	Chronic	0.205	0.00017	0.003	0.001	0.016		0.034
30	Acute	0.658	0.00059	0.004	0.017	0.170	0.0004	0.054
	Chronic	0.263	0.00019	0.003	0.001	0.019		0.041
40	Acute	0.975	0.00076	0.006	0.024	0.220	0.0007	0.070
	Chronic	0.391	0.00023	0.004	0.001	0.024		0.053
50	Acute	1.324	0.00091	0.007	0.03	0.260	0.0010	0.085
	Chronic	0.530	0.00028	0.005	0.001	0.029		0.065
60	Acute	1.699	0.00107	0.008	0.037	0.300	0.0013	0.101
	Chronic	0.681	0.00031	0.006	0.001	0.034		0.076
70	Acute	2.099	0.00122	0.010	0.044	0.350	0.0017	0.116
	Chronic	0.841	0.00035	0.007	0.002	0.038		0.088
80	Acute	2.520	0.00137	0.011	0.051	0.390	0.0022	0.131
	Chronic	1.010	0.00039	0.007	0.002	0.043		0.099
90	Acute	2.961	0.00151	0.012	0.058	0.430	0.0027	0.145
	Chronic	1.186	0.00042	0.008	0.002	0.048		0.110
100	Acute	3.421	0.00165	0.013	0.065	0.470	0.0032	0.160
	Chronic	1.370	0.00045	0.009	0.003	0.052		0.121
200	Acute	8.838	0.00298	0.026	0.14	0.840	0.011	0.301
	Chronic	3.541	0.00075	0.016	0.005	0.09		0.228
220	Acute	10.071						
	Chronic	4.035						
300	Acute	10.071	0.00421	0.038	0.210	1.190	0.021	0.435
	Chronic	4.035	0.00100	0.023	0.008	0.130		0.329
400+	Acute	10.071	0.00538	0.050	0.280	1.510	0.035	0.564
	Chronic	4.035	122	0.029	0.011	0.170		428

*Acute vs. Chronic applicability: Acute numeric standards shall be attained at the "point of discharge" (end-of-pipe) for any discharge to surface water with a *designated aquatic life use*. TSS values will be important for any criteria differences between total and dissolved measurements.

9.6.2.2 Notice of Termination. Requirements in Part 8 of the this permit, in sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), I (Oil and Gas Extraction), and J (Non-Metallic Mineral Mining and Dressing), at the Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities" section were made more stringent as to inspection frequencies and timing of inspections and corrective actions required as a result of a rain event. These certification requirements will apply to these sectors mentioned in this condition, as follows:

Permittees can only use the option to "plant the area so that within 3 years the 70% cover requirement is met" as stated in Part 8.G.4.2.11, Part 8.H.4.2.11, and Part 8.J.4.2.11 of this Permit, in New Mexico as a method for final vegetative stabilization for purposes of filing a Notice of Termination (NOT) under the following conditions:

If this option is selected, you must notify New Mexico Environment Department (NMED) at the address listed below at the time the NOT is submitted to EPA. The information to be submitted includes:

- A copy of the NOT;
- Contact information, including individual name or title, address, and phone number for the party responsible for implementing the final stabilization measures; and
- The date that the permanent vegetative stabilization practice was implemented and the projected timeframe that the 70% native vegetative cover requirements are expected to be met. (Note that if more than three years is required to establish 70 percent of the natural vegetative cover, this technique cannot be used or cited for fulfillment of the final stabilization requirement- you remain responsible for establishment of final stabilization.)

NMED also requires that operators periodically (minimum once/year) inspect and properly maintain the area until the criteria for final stabilization, as specified in Part 2.2 of the Construction General Permit (CGP), have been met. Operators must prepare an inspection report documenting the findings of these inspections and signed in accordance with Appendix B.11. This inspection record must be retained along with the SWPPP for three years after the NOT is submitted for the site and additionally submitted to NMED at the address listed below. The inspections must at a minimum include the following:

- Observations of all areas of the site disturbed by construction activity;
- Best Management Practices (BMPs)/post-construction storm water controls must be observed to ensure they are effective;
- An assessment of the status of vegetative re-establishment; and
- Corrective actions required to ensure vegetative success within three years, and control of pollutants in storm water runoff from the site, including implementation dates.

9.6.2.3 **Where to Submit Information.** All required or requested information mentioned above shall be sent to:

Program Manager
Point Source Regulation Section
NMED Surface Water Quality Bureau
PO Box 5469
Santa Fe, NM 87502

9.6.3 **NMR051000: Indian country within the State of New Mexico, except Ute Mountain Reservation lands that are covered under Colorado permit COR051000 and Navajo Reservation lands that are covered under Arizona permit AZR051000**

9.6.3.1 **Pueblo of Sandia**

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

9.6.3.1.1 **Submission of NOI.** Copies of all Notices of Intent (NOI) submitted to the EPA must also be sent concurrently to the Pueblo of Sandia Environment Department. Discharges are not authorized by this permit unless an accurate and complete NOI has been submitted to the Pueblo of Sandia.

9.6.3.1.2 **SWPPP Availability.** The Stormwater Pollution Prevention Plan (SWPPP) must be available to the Pueblo of Sandia Environment Department either electronically or hard copy upon request for review. Failure to provide a SWPPP to the Pueblo of Sandia Environment Department may result in denial of the water quality certification.

9.6.3.1.3 **SWPPP Amendments.** Any Stormwater Pollution Prevention Plan (SWPPP) modification, update or amendment shall be submitted to the Pueblo of Sandia Environment Department either electronically or hard copy within seven (7) calendar days of its finalization. Failure to provide a SWPPP to the Pueblo of Sandia Environment Department may result in denial of the water quality certification.

9.6.3.1.4 **Submission of Monitoring Data.** All monitoring and analytical data (e.g., Discharge Monitoring Reports (DMRs), follow-up monitoring reports, Exceedance Reports for Numeric Effluent Limits, etc.) submitted to the EPA must also be sent concurrently to the Pueblo of Sandia Environment Department.

9.6.3.1.5 **Submission of Annual Reports.** Copies of all Annual Reports submitted to the EPA must also be sent concurrently to the Pueblo of Sandia Environment Department. Discharges are not authorized by this permit unless an accurate and complete Annual Report has been submitted to the Pueblo of Sandia.

9.6.3.1.6 **Submission of Quarterly Visual Assessments.** Copies of all "Quarterly Visual Assessments" (Part 3.2) must be submitted either electronically or hard copy to the Pueblo of Sandia Environment Department within seven (7) calendar days.

9.6.3.1.7 **Submission of Corrective Action Documentation.** Copies of all "Corrective Action Documentation" (Part 4.4) must be submitted electronically or hard copy to the Pueblo of Sandia Environment Department within seven (7) calendar days.

9.6.3.1.8 **Additional Reporting.** Any notice of release of oils or hazardous substances shall be submitted to the Pueblo of Sandia Environment Department within twenty-four (24)

hours of becoming aware of the situation or circumstance, followed by the reporting requirements of 40 CFR 110, 40 CFR 300, 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 non-emergency spills or unauthorized discharges that may affect drinking water supplies, ceremonial and recreational surface waters, elicit fish kills, harm wildlife or endangered and threatened species, or endanger human health or the environment within eight (8) hours of becoming aware of the situation or circumstance, followed by the written report when it is sent to the EPA.

9.6.3.1.9 Authorization to Inspect. If requested by the Pueblo of Sandia Environment Department, the permittee must allow the Pueblo of Sandia 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 permit and the Pueblo of Sandia's Water Quality Standards.

9.6.3.1.10 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 the Pueblo of Sandia's Water Quality Standards. *Note: Upon receipt of a determination by the Pueblo of Sandia that discharges from a permittee under this general permit have reasonable potential to be causing or contributing to a violation of the Pueblo of Sandia's 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's Water Quality Standards or have the permittee apply for and obtain an individual NPDES permit for these discharges per CFR 122.28(B)(3).

9.6.3.1.11 Alternative Permit. Any industry discharging to waters of the United States that has been designated by the EPA or the Pueblo of Sandia as impaired or degraded water shall not be covered under this general permit but will be required to obtain an individual permit.

9.6.3.1.12 Submission of NOT. Before submitting a Notice of Termination (NOT), permittees must clearly demonstrate to the Pueblo of Sandia Environment Department through a site visit or documentation that requirements for site stabilization have been met and any degradation has been mitigated. A short letter stating the stabilization requirements have been met will be sent to the permittee. Upon receipt the permittee may apply for an NOT to the EPA. Copies of the NOT submitted to the EPA must also be sent concurrently to the Pueblo of Sandia Environment Department.

9.6.3.1.13 Where to Submit Information. All required or requested information mentioned above shall be sent to:

- Regular U.S. Delivery Mail:
Pueblo of Sandia Environment Department
Attention: Scott Bulgrin, Water Quality Manager
481 Sandia Loop
Bernalillo, New Mexico 87004
- Or Electronically to: sbulgrin@sandiapueblo.nsn.us

9.6.3.2 Pueblo of Santa Clara.

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

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

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

9.6.3.2.3 Where to Submit Information. All required or requested documents shall be sent to the:

Santa Clara Pueblo
Governor's Office
P.O. Box 580
Española, NM 87532

9.6.4 OKR05I000: Indian country within the State of Oklahoma

9.6.4.1 Certification Requirements. In accordance with Oklahoma's Water Quality Standards (OAC 785:45-5-25) certification is denied 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, 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.

Note: Operators of facilities within the watershed of any part of the Oklahoma Scenic Rivers system must contact the EPA Region 6 office for an individual permit application.

9.6.5 OKR05F000: Facilities in the State of Oklahoma not under the jurisdiction of the Oklahoma Department of Environmental Quality or the Oklahoma Department of Agriculture, Food and Forestry, except those on Indian Country. EPA jurisdiction facilities include SIC Codes 1311, 1381, 1382, 1389, and 5171

9.6.5.1 Certification Requirements. In accordance with Oklahoma's Water Quality Standards (OAC 785:45-5-25), Certification is denied for any new or proposed discharges located within the watershed or any part of the Oklahoma Scenic Rivers system, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork River, Little Lee Creek, 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.

Note: Operators of facilities within the watershed of any part of the Oklahoma Scenic Rivers system must contact the EPA Region 6 office for an individual permit application.

- 9.6.6 TXR05F000: Facilities in the State of Texas not under the jurisdiction of the Texas Commission on Environmental Quality, except those on Indian Country. EPA-jurisdiction facilities include SIC Codes 1311, 1321, 1381, 1382, and 1389 (other than oil field service company “home base” facilities)**
No additional requirements.
- 9.6.7 TXR05I000: Indian country within the State of Texas**
No additional requirements.
- 9.7 EPA Region 7: Iowa, Kansas, Missouri, Nebraska (except see Region 8 for Pine Ridge Reservation Lands).**
- 9.7.1 IAR05I000: Indian country within the State of Iowa**
No additional requirements.
- 9.7.2 KSR05I000: Indian country within the State of Kansas**
No additional requirements.
- 9.7.3 NER05I000: Indian country within the State of Nebraska, except Pine Ridge Reservation lands (see Region 8)**
No additional requirements.
- 9.8 EPA Region 8: Colorado, Montana, North Dakota, South Dakota, Wyoming, Utah (except see Region 9 for Goshute Reservation and Navajo Reservation Lands), the Ute Mountain Reservation in NM, and the Pine Ridge Reservation in NE.**
- 9.8.1 COR05F000: Areas in the State of Colorado, except those located on Indian country, subject to industrial activity by a Federal Operator**
No additional requirements.
- 9.8.2 COR05I000: Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico**
No additional requirements
- 9.8.3 MTR05I000: Indian country within the State of Montana**
No additional requirements.
- 9.8.4 NDR05I000: Indian country within the State of North Dakota, as well as that portion of the Standing Rock Reservation located in South Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under South Dakota permit SDR05I000 listed below)**
No additional requirements.
- 9.8.5 SDR05I000: Indian country within the State of South Dakota, as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota**

(except for the Standing Rock Reservation which is covered under North Dakota permit NDR051000 listed above)

No additional requirements.

9.8.6 UTR051000: Indian country within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)

No additional requirements.

9.8.7 WYR051000: Indian country within the State of Wyoming

No additional requirements.

9.9 EPA Region 9: California, Hawaii, Nevada, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Confederated Tribes of the Goshute Reservation in Utah and Nevada, Indian Country within the State of Arizona including the Navajo Reservation in Utah and New Mexico and Arizona, the Duck Valley Reservation in Idaho, and the Fort McDermitt Reservation in Oregon.

9.9.1 ASR050000: American Samoa

No additional requirements.

9.9.2 AZR051000: Indian country within the State of Arizona, including Navajo Reservation lands in New Mexico and Utah

9.9.2.1 Hualapai Tribe

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 (NOI) for proposed stormwater discharges under this permit and all Stormwater Pollution Plans (SWPPPs) for stormwater discharges on Hualapai Tribal lands shall be submitted to the Water Resource Program through the Tribal Chairwoman 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 Chairwoman
P.O. Box 179
Peach Springs, AZ 86434

9.9.2.2 Navajo Nation

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

9.9.2.2.1 Submission of NOI and SWPPP. Courtesy copies of Notices of Intent (NOI) and Stormwater Water Pollution Plans (SWPPPs) shall be made available to Navajo EPA for facilities located on Navajo lands.

9.9.2.2.2 Submission of Monitoring Data. Copies of all monitoring reports must be provided to Navajo EPA for facilities located on Navajo lands.

9.9.2.2.3 Authorization to Inspect. Facilities located on Navajo lands and covered under this permit will be subject to compliance inspections by Navajo EPA staff with active Federal Inspector Credentials under authority of the Clean Water Act.

9.9.2.3 White Mountain Apache Tribe

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

- 9.9.2.3.1 Submission of SWPPP.** The Storm Water Pollution Prevention Plan (SWPPP) must be available to the White Mountain Apache Water Resources Programs either electronically or hard copy upon request for review before a Notice of Intent (NOI) for comments from the White Mountain Apache Water Resources Programs. Failure to provide a SWPPP to the White Mountain Apache Water Resources Programs may result in denial of the water quality certification.
- 9.9.2.3.2 Submission of NOI.** Copies of all Notices of Intent (NOI) submitted to the EPA must also be sent concurrently to the White Mountain Apache Water Resources Programs. Discharges are not authorized by this permit unless an accurate and complete NOI has been submitted to the White Mountain Apache Tribe.
- 9.9.2.3.3 SWPPP Modification.** Any Storm Water Pollution Prevention Plan (SWPPP) modification, update or amendment shall be submitted to the White Mountain Apache Water Resources Programs either electronically or hard copy within seven (7) calendar days of its finalization. Failure to provide a SWPPP to the White Mountain Apache Water Resources Programs may result in denial of the water quality certification.
- 9.9.2.3.4 Submission of Monitoring Data.** All monitoring and analytical data (e.g. Discharge Monitoring Reports (DMRs), follow-up monitoring reports, Exceedance Reports for Numerical Effluent Limits, etc.) submitted to EPA must also be sent concurrently to the White Mountain Apache Water Resources Programs.
- 9.9.2.3.5 Submission of Annual Reports.** Copies of all Annual Reports submitted to the EPA must also be sent concurrently to the White Mountain Apache Water Resources Programs. Discharges are not authorized by this permit unless an accurate and complete Annual Report has been submitted to the White Mountain Apache Tribe.
- 9.9.2.3.6 Submission of Quarterly Visual Assessments.** Copies of all "Quarterly Visual Assessments" (Part 3.2) must be submitted either electronically or hard copy to the White Mountain Apache Water Resources Programs within seven (7) calendar days.
- 9.9.2.3.7 Submission of Corrective Action Documentation.** Copies of all "Corrective Action Documentation" (Part 4.4) must be submitted either electronically or hard copy to the White Mountain Apache Water Resources Programs within seven (7) calendar days.
- 9.9.2.3.8 Additional Reporting.** Any notice of release of oils or hazardous substances shall be submitted to the White Mountain Apache Water Resources Programs within twenty-four (24) hours of becoming aware of the situation or circumstance, followed by the reporting requirements of 40 CFR 110, 40 CFR 300, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances. The permittee must also telephone the White Mountain Apache Water Resources Programs at (928) 338-4267 of any non-emergency spills or unauthorized discharge that may affect drinking water, supplies, ceremonial and recreational surface waters, elicit fish kills, harm wildlife or endangered and threaten species, or endanger human health or

the environment within eight (8) hours of becoming aware of the situation or circumstance, followed by a written report when it is sent to the EPA.

9.9.2.3.9 Authorization to Inspect. If requested by the White Mountain Apache Water Resources Programs, the permittee must allow the White Mountain Apache Tribe 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 permit and the White Mountain Apache Tribe's Water Quality Standards.

9.9.2.3.10 Water Quality Standards. If requested by the White Mountain Apache Water Resources Programs, the permittee shall provide additional information necessary for a "case by case" eligibility determination to assure compliance with the White Mountain Apache Tribe's Water Quality Standards. *Note: Upon receipt of a determination by the White Mountain Apache Tribe that discharges from a permittee under this general permit have reasonable potential to be causing or contributing to a violation of the White Mountain Apache Tribe's Water Quality Standards, EPA Region 9 would be notified. EPA Region 9 would then notify the permittee to either improve their Stormwater Pollution Prevention Plan (SWPPP) to achieve compliance with the White Mountain Apache Tribe's Water Quality Standards or have the permittee apply for and obtain an individual NPDES permit for those discharges per CFR 122.28 (B)(3).

9.9.2.3.11 Alternative Permit. Any industry discharging into waters of the United States that has been designated by the EPA or the White Mountain Apache Tribe as impaired or degraded water shall not be covered under this general permit but will be required to obtain an individual permit.

9.9.2.3.12 Submission of NOT. Before submitting a Notice of Termination (NOT), permittees must clearly demonstrate to the White Mountain Apache Water Resources Programs through a site visit or documentation that requirements for site stabilization have been met and any degradation has been mitigated. A short letter stating the stabilization requirements have been met will be sent to the permittee. Upon receipt the permittee may apply for an NOT to the EPA. Copies of the NOT submitted to the EPA must also be sent concurrently to the White Mountain Apache Water Resources Programs.

9.9.2.3.13 Where to Submit Information. All required or requested information mentioned above shall be sent to:

- Regular U.S. Delivery Mail:
White Mountain Apache Tribe Water Resources Programs
Attention: Tara Chief, Water Quality Officer
P.O. Box 816
Fort Apache, AZ 85926
- Or Electronically to: tarachief@wmat.us

9.9.3 CAR05I000: Indian country within the State of California

9.9.3.1 Hoopa Valley Tribe

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

9.9.3.1.1 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).

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

9.9.3.2 Twenty-Nine Palms Band of Mission Indians

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

9.9.3.2.1 Submission of Monitoring Data. The Twenty-Nine Palms Tribal Water Quality Standards require that routine monitoring be performed quarterly at each sampling site. Additional special monitoring requirements include: a) Sampling following a significant storm event; and b) Sampling in the event of an accidental spill. Monitoring results for discharges into Twenty-Nine Palms Tribal waters must be reported to Twenty-Nine Palms Tribal EPA.

9.9.3.2.2 Certification. Certification does not relieve the applicant of the responsibility to comply with applicable local, state, or federal regulations or statutes, including regulations affecting any discharge into waters of the U.S. Copies of this certification shall be kept on the job site and readily available for reference by tribal members and tribal representatives. If the project is operated in a manner not consistent with the MSGPs, the permittee will be in violation of this certification.

9.9.3.2.3 Pollution Prevention. All practicable measures and precautions must be taken to prevent pollution affecting public health, fish, shellfish, wildlife, and recreation due to turbidity, pH, temperature, nutrients, suspended solids, floating debris, visible oil and grease, or other pollutants entering tribal waters, including wetlands.

9.9.3.2.4 Spills or Leaks. All equipment operated within any tribal waters must be cleaned away from the tribal waters and maintained to prevent fuel and oil leaks. These methods include, but are not limited to: offsite/ upland fuel and oil storage and refueling areas, on-site spill containment equipment, a spill contingency plan, and spill prevention/contaminant training for on-site personnel. Should a spill of petroleum products or chemicals occur, immediately call the National Response Center at (800) 424-8802 and the Tribal Environmental Protection Agency at (760) 398-6767.

9.9.3.2.5 Ground Disturbance. Ground disturbance shall not exceed the minimum necessary.

9.9.3.2.6 Minimizing Adverse Impacts. All projects using the MSGP must avoid discharges to the maximum extent practicable, and utilize the best available and practicable means of minimizing the adverse impact of discharges that cannot be avoided.

9.9.4 GUR050000: 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 MPR050000: Commonwealth of the Northern Mariana Islands

No additional requirements.

9.9.8 NVR051000: Indian country 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

No additional requirements.

9.10 Region 10: Alaska, Idaho (except see Region 9 for Duck Valley Reservation lands), Oregon (except see Region 9 for Fort McDermitt Reservation), Washington.**9.10.1 AKR05F000: Areas in the Denali National Park and Preserve subject to industrial activity by a Federal Operator**

No additional requirements.

9.10.2 AKR05I000: Indian country lands within the State of Alaska

No additional requirements.

9.10.3 IDR050000: The State of Idaho, except Indian country lands

Permittees in the State of Idaho must meet the following conditions. For the complete text of Idaho's certification including the full anti-degradation analysis, please visit the IDEQ website at <http://www.deq.idaho.gov/media/60177118/multi-sector-general-permit-401-certification.pdf>.

9.10.3.1 *New or Expanding Discharges.* New dischargers or existing dischargers wishing to expand their discharge to high-quality waters are only eligible for coverage under the MSGP if the discharger establishes, to the satisfaction of EPA and DEQ, that the new or expanded discharge will not result in an increase in the concentration of pollutants relevant to the use for which the water is considered high quality, or that the increase constitutes insignificant degradation as defined in the WQS (IDAPA 58.01.02.052.08.a).

A new discharger or an existing discharger wishing to expand must include an analysis regarding whether the new or expanded discharge will cause an increase in the pollutants relevant to the use for which the water is considered high quality, and if there is an increase, whether that increase constitutes insignificant degradation in the NOI, or in the planned changes report. These NOIs and planned changes reports must be submitted to both EPA and DEQ.

If DEQ determines the new discharge or planned changes of an existing discharger will result in significant degradation, the permittee will need to obtain DEQ's approval of an alternatives analysis (IDAPA 58.01.02.052.08.c), a socioeconomic justification (IDAPA 58.01.02.052.08.d) and information regarding other source controls (IDAPA 59.01.02.052.08.b).

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 Section 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 *all four consecutive quarterly samples are below the benchmark*.

9.10.3.3 Monitoring of Discharges to Impaired Waters. To determine the support status of the affected water body, persons filing a Notice of Intent (NOI) for coverage under this general permit must use the most current EPA Integrated Report, available on Idaho DEQ's website: <http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/>. DEQ's webpage also has a link to the state's map-based Integrated Report which presents information from the Integrated Report in a searchable, map-based format: <http://www.deq.idaho.gov/assistance-resources/maps-data> For water bodies included on the states 303(d) list (Category 5 of the Integrated Report), identified as "cause unknown", the permittee must monitor for the pollutants listed in the cause comments section of the report (e.g., nutrients, metals, pesticides).

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 and NOTs;
- Monitoring data collected pursuant to Part 6 of the MSGP, well as any additional monitoring data required by this Part;
- Exceedance Reports as required by Part 6.3;
- Planned Changes Reports

Both monitoring data and exceedance reports must be sent to the appropriate DEQ regional office with thirty (30) days of receipt of analytical results. DEQ Regional Office contact information is listed in Table 9.10.3.5.1.

Table 9.10.3.5.1: Idaho Regional Office contact information

Regional Office	Address	Phone	Email
Boise	1445 N. Orchard Rd, Boise 83706	208-373-0550	kati.carberry@deq.idaho.gov lance.holloway@deq.idaho.gov
Coeur d'Alene	2110 Ironwood Parkway, Coeur d'Alene 83814	208-769-1422	june.berquist@deq.idaho.gov
Idaho Falls	900 N. Skyline, Ste B, Idaho Falls 83402	208-528-2650	troy.saffle@deq.idaho.gov
Lewiston	1118 "F" St., Lewiston 83501	208-799-4370	cynthia.barrett@deq.idaho.gov
Pocatello	444 Hospital Way, Pocatello 83201	208-236-6160	lynn.vanevery@deq.idaho.gov greg.mladenka@deq.idaho.gov
Twin Falls	650 Addison Ave., W., Ste 110, Twin Falls 83301	208-736-2190	balthasar.buhidar@deq.idaho.gov
State Office	1410 N. Hilton Rd., Boise 83706	208-373-0574	nicole.deinarowicz@deq.idaho.gov

9.10.3.6 Benchmark Monitoring for Arsenic and Selenium. The benchmark values for arsenic and selenium are equal to 0.15 mg/L and 0.005 mg/L, respectively. These values are equivalent to Idaho's chronic water quality criteria. Given that storms are discrete events of relatively short duration, DEQ believes it is more appropriate to use the acute water quality criteria as benchmark values. Therefore, the benchmark value

for arsenic and selenium can be set equal to 0.34 mg/L and 0.02 mg/L, respectively, and still comply with Idaho WQS.

9.10.3.7 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.

9.10.3.8 Additional Reporting of Discharges Containing Hazardous Materials or Petroleum Products. Any unauthorized discharges containing hazardous materials or petroleum products must be reported to the Idaho State Communications Center by calling 1-800-632-8000 or 208-846-7610.

Spills must also be reported to the appropriate DEQ Regional Office (Table 9.10.3.5.1). Spills of petroleum products that exceed 25 gallons or that cause a visible sheen on nearby surface waters should be reported to DEQ within 24 hours. Petroleum product spills of less than 25 gallons or spills that do not cause a sheen on nearby surface waters must only be reported to DEQ if clean-up cannot be accomplished within 24 hours (IDAPA 58.01.02.850, 58.01.02.851, 58.01.02.852).

9.10.3.9 Numeric Effluent Limitations and Benchmark Monitoring for pH. The MSGP includes a pH range of 6.0 – 9.0 standard units, which does not comply with Idaho WQS (IDAPA 58.01.02.250.01.a). Therefore, numeric effluent limitations and benchmark monitoring concentrations for pH shall be 6.5 – 9.0 standard units.

9.10.3.10 Numeric Effluent Limitations for Total Arsenic and Total Zinc. The MSGP includes a total arsenic effluent limitation (Sector K) of 1.1 mg/L, which exceeds Idaho's acute and chronic criteria of 0.34 mg/L and 0.15 mg/L, respectively. Given that storms are discrete events of relatively short duration, DEQ believes it is more appropriate to use the acute water quality criteria as benchmark values; therefore DEQ requires the total arsenic effluent limit to be set equal to Idaho's acute criterion of 0.34 mg/L.

The MSGP includes a monthly average maximum numeric effluent limit for zinc of 0.296 mg/L (Sector K), which will only comply with water quality standards when hardness is greater than 290 mg/L. Similarly, the maximum daily limit and the monthly average maximum limit for zinc is 0.2 mg/L and 0.11 mg/L, respectively (Sector L); these limits do not generally comply with WQS when hardness values for the receiving water are less than 130 mg/L and 85 mg/L, respectively. Therefore, DEQ requires that the total zinc numeric effluent limit be equal to the acute water quality criterion of 0.12 mg/L.

9.10.4 IDR05I000: Indian country lands within the State of Idaho, except Duck Valley Reservation lands, which are covered under Nevada permit NVR05I000

9.10.4.1 Shoshone-Bannock Tribes

The following conditions apply only to discharges to waters of the Shoshone-Bannock Tribes:

9.10.4.1.1 Submission of NOI, Monitoring Data, and Reports. Copies of the Notices of Intent (NOI), Monitoring data collected pursuant to section 6.2 of this permit, and Exceedance Reports must be sent to the Shoshone-Bannock Tribes Water Resources Department (SBT-WRD). The monitoring data and exceedance reports must be sent to the SBT-WRD within thirty (30) days of receipt of analytical results.

9.10.4.1.2 Submission of SWPPP. If requested by the SBT-WRD, the permittee must submit a copy of the SWPPP to SBT-WRD within fourteen (14) days of the request.

9.10.4.1.3 Where to Submit Information. All required or requested documents shall be sent to:

Shoshone-Bannock Tribes Water Resources Department
P.O. Box 306 Pima Drive
Fort Hall, ID 83203
Phone: (208) 239-4582
Fax: (208) 239-4592

9.10.5 ORR05I000: Indian country lands within the State of Oregon, except Fort McDermitt Reservation lands, which are covered under Nevada permit NVR05I000

9.10.5.1 Confederated Tribes of the Umatilla Indian Reservation

Projects located within the exterior boundaries of the Umatilla Indian Reservation must 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 this 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. The applicant shall submit copies of each NOI to the CTUIR Tribal Historic Preservation Office (THPO). The NOI shall define the undertaking's area of potential effect (APE). This information will be used to determine whether or not the undertaking has the potential to affect historic properties. To be in compliance with the NHPA and be eligible for coverage under this permit, the operator must meet the following criteria:

- The THPO will be provided 30 days to comment on the APE as defined in the permit application.

- If the project is an undertaking, a cultural resource investigation must occur. 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:

Confederated Tribes of the Umatilla Indian Reservation
Water Resources Program
46411 Timine Way
Pendleton, OR 97801
(541) 966-2420

All required Historic Properties Preservation information must be sent to:

Confederated Tribes of the Umatilla Indian Reservation
Cultural Resources Protection Program
Tribal Historic Preservation Office
46411 Timine Way
Pendleton, OR 97801
(541) 429-7234

9.10.5.2 Confederated Tribes of the Warm Springs Indian Reservation

The following conditions apply for projects within the exterior boundaries of the Warm Springs Indian Reservation:

- 9.10.5.2.1 Water Quality Standards.** The operator shall be responsible for achieving compliance with the Confederated Tribes of the Warm Springs Indian Reservation's Water Quality Standards. (Tribal Ordinance 80).
- 9.10.5.2.2 Submission of NOI.** The operator shall submit a copy of the Notice of Intent (NOI) to be covered by this permit to the Tribes' Environmental Office at the address below, at the same time it is submitted to EPA.
- 9.10.5.2.3 Submission of SWPPP.** The operator shall be responsible for filing all Stormwater Pollution Prevention Plans (SWPPP) required under this permit to the Tribes' Environmental Office 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.
- 9.10.5.2.4 Additional Reporting.** The operator shall be responsible for reporting an exceedance to Tribal Water Quality Standards to the Tribes' Environmental Office at the same time it is reported to EPA.
- 9.10.5.2.5 Tribal Cultural Resources.** The applicant shall submit copies of each NOI to the Tribal Historic Preservation Office (THPO). The NOI shall define the undertaking's area of potential effect (APE). This information will be used to determine whether or not the

undertaking has the potential to affect historic properties. To be in compliance with the NHPA and be eligible for coverage under this permit, the operator must meet the following criteria:

- The THPO will be provided 30 days to comment on the APE as defined in the permit application.
- If the project is an undertaking, a cultural resource investigation must occur. All fieldwork must be conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines). 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 resolve effects to historic properties.

9.10.5.2.6 Where to Submit Information. All required or requested documents shall be sent to:

Confederated Tribes of Warm Springs
Branch of Natural Resources
Tribal Environmental Office
P.O. Box C
Warm Springs
Oregon, 97761
541-553-2002

9.10.6 WAR05I000: Indian country lands within the State of Washington

9.10.6.1 Confederated Tribes of the Colville Reservation

No Additional Requirements.

9.10.6.2 Lummi Nation

The following conditions apply only to discharges within the Lummi Nation:

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

9.10.6.2.2 Submission of SWPPP. 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.

9.10.6.2.3 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] 17 LAR 07.010 through 17 LAR 07.210).

9.10.6.2.4 Submission of NOI, Monitoring Data, Reports and NOT. Each operator shall submit a copy of the Notice of Intent (NOI), analytical monitoring results, any Exceedance Reports, Annual Reports, and Notice of Termination (NOT) to the Lummi Water

Resources Division at the same time it is submitted to the Environmental Protection Agency (EPA).

9.10.6.2.5 Where to Submit Information. All required or requested documents shall be sent to:

Lummi Natural Resources Department
ATTN: Water Resources Manager
2665 Kwina Road
Bellingham, WA 98226

Please see the Lummi Nation website (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.

9.10.6.3 Puyallup Tribe of Indians

The following conditions apply only to discharges to waters of the Puyallup Tribe of Indians:

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

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

9.10.6.3.3 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.

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

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

9.10.6.3.6 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.

9.10.6.3.7 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 C 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 of effluent limitation 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).

9.10.6.3.8 Discharges to CERCLA Sites. This permit does not authorize direct stormwater discharges to certain sites undergoing remedial cleanup actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) unless first approved by the appropriate EPA Regional office. In the case of the Commencement Bay, Near Shore/Tide Flats (WAD980726368), the Puyallup Tribe also requests notification by the facility and consultation with EPA prior to discharge. Contaminants at this site include but are not limited to: dioxins, furans, arsenic, copper, lead, zinc, 4-methyl-phenol, Hex-CB, HPAHs, PCBs, PCE, cadmium, mercury, and LPAHs.

9.10.6.3.9 Discharge-related Activities that have Potential to Cause an Adverse Effect on Historic Properties. Installation of stormwater controls that involve subsurface disturbances may potentially have an adverse impact on historic properties. Procedures detailed in Appendix F of the permit shall be completed. Brandon Reynon, the Puyallup Tribe's Cultural Regulatory Specialist, shall be contacted prior to initiating discharge-related activities that may have an impact on historic properties. His contact information is (253) 573-7986 and Brandon.reynon@puyalluptribe.com

9.10.6.3.10 Where to Submit Information. All required or requested documents shall be sent to the:

Puyallup Tribe of Indians
Department of Natural Resources c/o Bill Sullivan and Char Naylor
3009 E. Portland Avenue
Tacoma, Washington 98404

9.10.6.4 Spokane Tribe of Indians

Permit coverage not available until Clean Water Act (CWA) 401 certification is received.

9.10.6.5 Swinomish Indian Tribal Community

The following conditions apply only to discharges to waters of the Swinomish Indian Tribal Community:

9.10.6.5.1 Certification. This certification does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal and Swinomish Indian Tribal Community (SITC) agencies. Operator must obtain any applicable SITC permits.

- 9.10.6.5.2 Submission of SWPPP.** Each operator shall develop a Storm Water Pollution Prevention Plan (SWPPP) and submit it to the Swinomish Department of Environmental Protection (SDEP) for review and approval by the Director prior to beginning any discharge activities under the permit.
- 9.10.6.5.3 Water Quality Standards.** Each operator shall be responsible for achieving compliance with applicable Water Quality Standards for Surface Waters of the Swinomish Indian Reservation.
- 9.10.6.5.4 Submission of NOI, Monitoring Data, Reports and NOT.** Each operator shall submit a copy of the Notice of Intent (NOI), analytical monitoring results and Exceedance Reports if any, Annual Reports, and Notice of Termination (NOT) to the Swinomish DEP at the same time it is submitted to EPA.
- 9.10.6.5.5 Alternative Permit.** The permit does not allow discharge of any pollutant on EPA's Persistent Bioaccumulative and Toxic pollutant list. Operator must eliminate such discharge or apply for an Individual permit.
- 9.10.6.5.6 Historic Properties Preservation.** If any archeological/cultural resources or human remains are uncovered during the course of operations, all work will cease and operator must contact the Swinomish Tribal Historic Preservation Officer at 466-7352 or (cell) 840-4127.
- 9.10.6.5.7 Where to Submit Information.** All submittals and correspondence required by this certification including but not limited to Storm Water Pollution Prevention Plans (SWPPP), monitoring results, reports of exceedances, and other notices are to be directed to the Environmental Director, Swinomish Department of Environmental Protection, 11430 Moorage Way, LaConner, WA 98257, phone (360) 466-7201, fax (360) 466-1615, and shall reference 401 Certification # 2014-01 and NPDES MSGP WAR-51000.
- 9.10.6.6 Tulalip Tribes**
The following conditions apply only to discharges on waters of the Tulalip Tribes:
- 9.10.6.6.1 Submission of NOI, NOT, and No Exposure.** Copies of the Notice of Intent (NOI), Notice of Termination (NOT), and No Exposure Certification shall be submitted to the Tribe's Natural Resources Department.
- 9.10.6.6.2 Submission of SWPPP.** A copy of the Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Tribe's Natural Resources Department at least thirty (30) days in advance of submitting the NOI to EPA.
- 9.10.6.6.3 Compliance with Tribe's Water Quality Standards.** Each permittee shall be responsible for achieving compliance with the Tribe's Water Quality Standards.
- 9.10.6.6.4 Submission and approval of Sampling Plans.** A sampling plan shall be submitted to the Tribe's Natural Resources Department and approved by the Tribe prior to initiation of monitoring required under Part 6 of this permit.
- 9.10.6.6.5 Submission of Monitoring Data and Reports.** The results of any monitoring required by this permit and reports must be sent to the Tribe's Natural Resources Department,

including a description of the corrective actions required and undertaken to meet effluent limits or benchmarks (as applicable).

- 9.10.6.6.6 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.
- 9.10.6.6.7 Incorporation by reference.** This certification does not exempt the applicant from compliance with other statutes and codes administered by the tribes, county, state and federal agencies.
- 9.10.6.6.8 Invalidation.** This certification will cease to be valid if the project is constructed and/or operated in a manner not consistent with the project description contained in the permit. This certification will also cease to be valid and the applicant must reapply with an updated application if information contained in the permit is voided by subsequent submittals.
- 9.10.6.6.9 Modification.** Nothing in this certification waives the Tulalip Tribes of Washington's authority to issue modifications to this certification if additional impacts due to operational changes are identified, or if additional conditions are necessary to protect water quality or further protect the Tribal Communities interest.
- 9.10.6.6.10 Permits on-site.** A copy of the permit shall be kept on the job site and readily available for reference by the construction supervisor, construction managers and foreman, and Tribal inspectors.
- 9.10.6.6.11 Project Management.** The applicant shall ensure that project managers, construction managers and foreman, and other responsible parties have read and understand conditions of the permit, this certification, and other relevant documents, to avoid violations or noncompliance with this certification.
- 9.10.6.6.12 Emergencies/Contingency Measures.** In the event the operator is unable to comply with the permit terms and conditions due to any cause, the contractor shall immediately take action to stop the violation and correct the problem, and immediately report spill events to EPA's 24-hour Spill Response Team at (206) 553-1263 and the Tulalip Tribes Police Department (425) 508-1565. Compliance with this condition does not relieve the applicant from responsibility to maintain continuous compliance with the terms and conditions of this certification or the resulting liability from failure to comply.
- 9.10.6.6.13 Tribal Endangered Species Act Consultation.** Consultation with the Tribes that addresses the effects of a 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 C 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).

9.10.6.6.14 Discharges to CERCLA Sites. This permit does not authorize direct stormwater discharges to certain sites undergoing remedial cleanup actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) unless first approved by the appropriate EPA Regional office. In the case of the Tulalip Landfill site (WAD980639256), the Tulalip Tribes also requests notification by the facility and consultation with EPA prior to discharge. Contaminants at this site may include but are not limited to: dioxins, furans, arsenic, copper, lead, zinc, 4-methyl-phenol, Hex-CB, HPAHs, PCBs, PCE, cadmium, mercury, and LPAHs.

9.10.6.6.15 Discharge-related Activities that have Potential to Cause an Adverse Effect on Historic Properties. Installation of stormwater controls that involve subsurface disturbances may potentially have an adverse impact on historic properties. Procedures detailed in Appendix F of the permit shall be completed. Richard Young, of the Tulalip Tribe's Cultural Resources Department shall be contacted prior to initiating discharge-related activities that may have an impact on historic properties. His contact information is (360) 716-2652 and young@tulaliptribesnsn.gov.

9.10.6.6.16 Where to Submit Information: All required or requested documents shall be sent to the:

Tulalip Tribes Natural Resources Environmental Division
c/o Kurt Nelson and Valerie Streeter
6704 Marine Drive, Tulalip, Washington 98271

9.10.7 WAR05F000: Areas in the State of Washington, except those located on Indian Country lands, subject to industrial activity by a Federal Operator

Permittees in the State of Washington must meet the following conditions:

9.10.7.1 Discharges shall not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), sediment management standards (Chapter 173-204 WAC), and human health-based criteria in the National Toxics Rule (40 CFR Part 131.36). Discharges that are not in compliance with these standards are not authorized.

9.10.7.2 Prior to the discharge of stormwater and non-stormwater to waters of the state, the Permittee shall apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate best management practices (BMPs) installed and maintained in accordance with the SWPPP and the terms and conditions of this permit.

9.10.7.3 Additional Sampling Requirements and Effluent Limits for Discharges to Certain Impaired Waters and Puget Sound Sediment Cleanup Sites.

1. Permittees discharging to a 303(d)-listed waterbody (Category 5), either directly or indirectly through a stormwater drainage system, shall comply with the applicable sampling requirements and numeric effluent limits in Table 9.10.7.3.1.

For purposes of this condition, “applicable sampling requirements and effluent limits” means the sampling and effluent limits in Table 1 that correspond to the specific parameter(s) the receiving water is 303(d)-listed for at the time of permit coverage, or Total Suspended Solids (TSS) if the waterbody is 303(d)-listed (Category 5) for sediment quality at the time of MSGP coverage.

If a discharge point is subject to an impaired waterbody effluent limit for a parameter that also has a benchmark, the effluent limit supersedes the benchmark. All references to Category 5 pertain to the 2012 EPA-approved Water Quality Assessment.

The 2012 EPA-approved Water Quality Assessment may be viewed online at: http://www.ecy.wa.gov/programs/wq/links/wq_assessments.html.

Table 9.10.7.3.1: Sampling and Effluent Limits Applicable to Discharges to 303(d)-listed Waters

Parameter	Units	Maximum Daily ^a		Analytical Method ^b	Laboratory Quantitation Level ^c	Sampling Frequency ^d
		Freshwater	Marine			
Turbidity	NTUs	25	25	EPA 180.1 Meter	0.5	1/quarter
pH	SU	j	Between 7.0 and 8.5	Meter	±0.1	1/quarter
Fecal Coliform Bacteria	# colonies/100 mL	i	i	SM 9222D	20 CFU/100 mL	1/quarter
TSS ^f	mg/L	30	30	SM2540-D	5	1/quarter
Phosphorus, Total	mg/L	g	g	EPA 365.1	0.01	1/quarter
Total Ammonia (as N)	mg/L	g	g	SM 4500 NH ³ -GH	0.3	1/quarter
Copper, Total	µg/L	g	g	EPA 200.8	2.0	1/quarter
Lead, Total	µg/L	g	g	EPA 200.8	0.5	1/quarter
Mercury, Total	µg/L	2.1	1.8	EPA1631E	0.0005	1/quarter
Zinc, Total	µg/L	g	g	EPA 200.8	2.5	1/quarter
Pentachlorophenol	µg/L	9 ^h	g	EPA 625	1.0	1/quarter

- Maximum daily effluent limit means the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. The daily discharge is the average measurement of the pollutant over the day; this does not apply to pH.
- Or other equivalent method with the same reporting level.
- The Permittee shall ensure laboratory results comply with the quantitation level (QL) specified in the table. However, if an alternate method from 40 CFR Part 136 is sufficient to produce measurable results in the sample, the Permittee may use that method for analysis. If the Permittee uses an alternative method it must report the test method and QL on the DMR. If the Permittee is unable to obtain the required QL due to matrix effects, the Permittee must report the matrix-specific method detection level (MDL) and QL on the DMR.
- 1/quarter means at least one sample taken each quarter, e.g., Q1 = Jan 1 – March 31, Q2 = April 1 – June 30.
- Permittees shall use either a calibrated pH meter consistent with EPA 9040 or an approved state method.
- Permittees who discharge to a waterbody 303(d)-listed (Category 5) for sediment quality shall sample the discharge for TSS.
- Site-specific effluent limitation will be assigned at the time of permit coverage.
- Based on a pH of 7.0.

- i. A numeric effluent limit does not apply, but Permittees must sample according to Table 9.10.7.3.1. In addition, the following mandatory BMPs shall be incorporated into the SWPPP and implemented; the Permittee must:
 - 1) Use all known, available and reasonable methods to prevent rodents, birds, and other animals from feeding/nesting/roosting at the facility. Nothing in this section shall be construed as allowing violations of any applicable federal, state or local statutes, ordinances, or regulations including the Migratory Bird Treaty Act.
 - 2) Perform at least one annual dry weather inspection of the stormwater system to identify and eliminate sanitary sewer cross-connections.
 - 3) Install structural source control BMPs to address on-site activities and sources that could cause bacterial contamination (e.g., dumpsters, compost piles, food waste, and animal products).
 - 4) Implement operational source control BMPs to prevent bacterial contamination from any known sources of fecal coliform bacteria (e.g., animal waste).
 - 5) Conduct additional bacteria-related sampling and/or BMPs, if ordered by Ecology on a case-by-case basis.
- j. The effluent limit for a Permittee who discharges to a freshwater body 303(d)-listed for pH is: Between 6.0 and 8.5, if the 303(d)-listing is for high pH only; Between 6.5 and 9.0, if the 303(d)-listing is for low pH only; and Between 6.5 and 8.5 if the 303(d)-listing is for both low and high pH. All pH effluent limits are applied end-of-pipe.

2. Permittees discharging to a Puget Sound Sediment Cleanup Site¹, either directly or indirectly through a stormwater drainage system, shall comply with this section:

- a. Permittees shall sample the discharge for Total Suspended Solids (TSS) in accordance with Table 9.10.7.3.2.
- b. If the waterbody is listed within Category 5 (sediment medium) where the outfall discharges to the waterbody, the discharge is subject to the TSS numeric effluent limit in Table 9.10.7.3.1.
- c. If the waterbody is not listed within Category 5 (sediment medium) where the outfall discharges to the waterbody (e.g., Category 4B, etc.), the discharge is subject to the TSS benchmark in Table 9.10.7.3.2. If the discharge is subject to more than one TSS benchmark value (i.e., two different benchmarks), the lower benchmark supersedes the higher one. If a discharge exceeds the TSS benchmark, the Permittee shall implement corrective actions in accordance with the MSGP.
- d. Permittees shall remove accumulated solids from storm drain lines (including inlets, catch basins, sumps, conveyance lines, and oil/water separators) owned or controlled by the Permittee at least once during the term of the MSGP.

Permittees shall conduct line cleaning operations (e.g., jetting, vacuuming, removal, loading, storage, and/or transport) using BMPs to prevent discharges of storm drain solids to surface waters of the state.

Removed storm drain solids and liquids shall be disposed of in accordance with applicable laws and regulations and documented in the SWPPP.

¹ Puget Sound Sediment Cleanup Site means: Category 4B (Sediment) portions of Budd Inlet (Inner), Commencement Bay (Inner), Commencement Bay (Outer), Dalco Passage and East Passage, Duwamish Waterway (including East and West Waterway), Eagle Harbor, Elliot Bay, Hood Canal (North), Liberty Bay, Rosario Strait, Sinclair Inlet, and Thea Foss Waterway; Category 5 (Sediment) portions of the Duwamish Waterway (including East and West Waterway), and Port Gardner and Inner Everett Harbor; and the Port Angeles Harbor sediment cleanup area, as mapped on Ecology's ISGP website. All references to Category 4B and 5 pertain to the 2012 EPA-approved Water Quality Assessment, available online at: http://www.ecy.wa.gov/programs/wq/links/wq_assessments.html

- e. Prior to removing storm drain solids according to Condition 2.D, Permittees shall sample and analyze storm drain solids in accordance with Table 9.10.7.3.3. Storm drain solids must be collected/sampled from a representative catch basin, sump, pipe, or other feature within the storm drain system that corresponds to the discharge point where Total Suspended Solids (TSS) samples are collected per these conditions. Samples may be either a single grab sample or a composite sample. Samples must be representative of the storm drain solids generated and accumulated in the facility's drainage system. To the extent possible, sample locations must exclude portions of the drainage system affected by water from off-site sources (e.g., run-on from off-site properties, tidal influence, and backflow).
- f. All storm drain solids sampling data shall be reported to EPA no later than the DMR due date for the reporting period in which the solids were sampled. A copy of the lab report shall be submitted to EPA.

Table 9.10.7.3.2: Benchmarks and Sampling Requirements Applicable to Discharges to Puget Sound Sediment Cleanup Sites that are not Category 5 for Sediment Quality

Parameter	Units	Benchmark Value ^a	Analytical Method	Laboratory Quantitation Level ^b	Minimum Sampling Frequency ^c
TSS	mg/L	30	SM2540-D	5	1/quarter

- a. Permittees sampling more than once per quarter shall average the sample results and compare the average value to the benchmark to determine if the discharge has exceeded the benchmark value. However, if Permittees collect more than one sample during a 24-hour period, they must first calculate the daily average of the individual grab sample results collected during that 24-hour period; then use the daily average to calculate a quarterly average.
- b. The Permittee shall ensure laboratory results comply with the quantitation level (QL) specified in the table. However, if an alternate method from 40 CFR Part 136 is sufficient to produce measurable results in the sample, the Permittee may use that method for analysis. If the Permittee uses an alternative method it must report the test method and QL on the DMR. If the Permittee is unable to obtain the required QL due to matrix effects, the Permittee must report the matrix-specific method detection level (MDL) and QL on the DMR.
- c. 1/quarter means at least one sample taken each quarter, year-round.

Table 9.10.7.3.3: Sampling and Analytical Procedures for Storm Drain Solids

Analyte	Method in Sediment	Quantitation Level ^a
Conventional Parameters		
Percent total solids	SM 2540G, or ASTM Method D 2216	NA
Total organic carbon	Puget Sound Estuary Protocols (PSEP 1997), or EPA 9060	0.1%
Grain size	Ecology Method Sieve and Pipette (ASTM 1997), ASTM D422, or PSEP 1986/2003	NA
Metals		
Antimony, Total	EPA Method 200.8 (ICP/MS), EPA Method 6010 or EPA Method 6020	0.2 mg/kg dw ^b
Arsenic, Total	EPA Method 200.8 (ICP/MS), EPA Method 6010 or EPA Method 6020	0.1 mg/kg dw
Beryllium, Total	EPA Method 200.8 (ICP/MS), EPA Method 6010 or EPA Method 6020	0.2 mg/kg dw
Cadmium, Total	EPA Method 200.8 (ICP/MS), EPA Method 6010 or EPA Method 6020	0.2 mg/kg dw
Chromium, Total	EPA Method 200.8 (ICP/MS), EPA Method 6010 or EPA Method 6020	0.5 mg/kg dw

Analyte	Method in Sediment	Quantitation Level ^a
Copper, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.2 mg/kg dw
Lead, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.2 mg/kg dw
Mercury, Total	EPA Method 1631E, or EPA Method 7471B	0.005 mg/kg dw
Nickel, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.1 mg/kg dw
Selenium, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.5 mg/kg dw
Silver, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.1 mg/kg dw
Thallium, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.2 mg/kg dw
Zinc, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	5.0 mg/kg dw
Organics		
PAH compounds ^c	EPA Method 8270 D	70 µg/kg dw
PCBs (aroclors), Total ^d	EPA Method 8082	10 µg/kg dw
Petroleum Hydrocarbons		
NWTPH-Dx	NWTPH-Dx	25.0-100.0 mg/kg dw

- a. The Permittee shall ensure laboratory results comply with the quantitation level (QL) specified in the table. However, if an alternate method is sufficient to produce measurable results in the sample, the Permittee may use that method for analysis. If the Permittee uses an alternative method, it must report the test method and QL on the sediment monitoring report. All results shall be reported. For values below the QL, or where a QL is not specified, report results at the method detection level (MDL) from the lab and the qualifier of "U" for undetected at that concentration. If the Permittee is unable to obtain the required QL due to matrix effects, the Permittee must report the matrix-specific MDL and QL on the DMR.
- b. dw = dry weight.
- c. PAH compounds include: 1-methylnaphthalene, 2-methylnaphthalene, 2-chloronaphthalene, acenaphthylene, acenaphthene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b, k)fluoranthene, benzo(ghi)perylene, dibenzo(a,h)anthracene, dibenzofuran, carbazole, chrysene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene.
- d. Total = sum of PCB aroclors 1016+1221+1232+1242+1248+1254+1260.

9.10.7.4 Requirements for Discharges to Waters with Applicable TMDLs

1. The Permittee shall comply with applicable TMDL determinations. Applicable TMDLs or TMDL determinations are TMDLs which have been completed by the issuance date of this permit, or which have been completed prior to the date that the Permittee's NOI is received by EPA, whichever is later. EPA will list the Permittee's requirements to comply with this condition on the letter of permit coverage.
2. TMDL requirements associated with TMDLs completed after the issuance date of this permit only become effective if they are imposed through an administrative order issued by EPA.
3. Where Ecology has established a TMDL wasteload allocation and sampling requirements for the Permittee's discharge, the Permittee shall comply with all requirements of the TMDL.
 - a. If a discharge point is subject to a TMDL-related effluent limit for a parameter that also has a benchmark, the effluent limit supersedes the benchmark.

4. Where Ecology has established a TMDL general wasteload allocation for industrial stormwater discharges for a parameter present in the Permittee's discharge, but has not identified specific requirements, EPA will assume the Permittee's compliance with the terms and conditions of the permit complies with the approved TMDL.
5. Where Ecology has not established a TMDL wasteload allocation for industrial stormwater discharges for a parameter present in the Permittee's discharge, but has not excluded these discharges, EPA will assume the Permittee's compliance with the terms and conditions of this permit complies with the approved TMDL.
6. Where a TMDL for a parameter present in the Permittee's discharge specifically precludes or prohibits discharges of stormwater associated with industrial activity, the Permittee is not eligible for coverage under the MSGP.