

United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

**Authorization to Discharge Under the  
National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, Public Law 100-4 (hereafter CWA), the

**Pierce County  
(hereinafter “Permittee”)**

is authorized to discharge from all municipal separate storm sewer system (MS4) outfalls in the Permit Area described in Part 1.1 to waters of the United States, in accordance with the conditions and requirements set forth herein.

The conditions and requirements of this permit apply to existing MS4 outfalls identified in Appendix G on the effective date of this permit. For discharges from MS4 outfalls constructed after the effective date of the permit, the Permittee must secure all applicable tribal, federal, state and/or local permits, easements, and use authorizations,<sup>1</sup> and must comply with the notification requirements in Part 7.7 (*Planned Changes*).

This permit becomes effective on XXXXXXXXX

This permit and the authorization to discharge expires at midnight, XXXXXXXXX.

The Permittee must reapply for permit reissuance on or before XXXXX, (180 days before the expiration of this permit), pursuant to Part 8.2 (*Duty to Reapply*), if the Permittee intends to continue its operational control and management of discharges from the MS4 beyond the term of this permit.

Signed this \_\_\_\_\_ day of \_\_\_\_\_

Revised **DRAFT**  
\_\_\_\_\_  
Mat Martinson, Branch Chief  
Permits, Drinking Water, and  
Infrastructure Branch, Water Division

<sup>1</sup> This provision is consistent with Condition 7 of the Puyallup Tribe’s *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021.

## CONTENTS

<b>1</b>	<b>APPLICABILITY.....</b>	<b>7</b>
1.1	Permit Area.....	7
1.2	Authorized Discharges.....	7
1.3	Compliance with Water Quality Standards .....	8
1.4	Snow Disposal to Receiving Waters .....	8
1.5	Stormwater Discharges Associated with Industrial / Construction Activity.....	8
<b>2</b>	<b>PERMITTEE RESPONSIBILITIES.....</b>	<b>8</b>
2.1	Shared Implementation with Outside Entities .....	8
2.2	Maintain Adequate Legal Authority .....	9
2.3	Stormwater Management Program .....	10
2.4	Changes in Ownership, Operational Authority, or Responsibility for SWMP Implementation	11
<b>3</b>	<b>STORMWATER MANAGEMENT PROGRAM CONTROL MEASURES.....</b>	<b>13</b>
3.1	Education and Outreach.....	13
3.2	Public Involvement/Participation.....	14
3.3	Illicit Discharge Detection and Elimination.....	15
3.4	New Development, Redevelopment, and Construction Site Runoff.....	21
3.5	Structural Stormwater Controls .....	24
3.6	Source Control for Existing Development .....	26
3.7	Municipal Operations & Maintenance .....	30
3.8	Total Maximum Daily Load Requirements .....	35
<b>4</b>	<b>ADAPTIVE MANAGEMENT RESPONSE.....</b>	<b>36</b>
4.1	Written Notification .....	36
4.2	EPA Review .....	36
4.3	Adaptive Management Response Report.....	36
4.4	Implementation .....	37
4.5	Modifications.....	37
<b>5</b>	<b>MONITORING REQUIREMENTS.....</b>	<b>38</b>
5.1	Stormwater Monitoring.....	38
5.2	Quality Assurance Project Plan.....	42
5.3	Representative Sampling.....	44
5.4	Monitoring Procedures.....	44
5.5	Additional Monitoring .....	44

5.6	Records Contents.....	44
<b>6</b>	<b>REPORTING REQUIREMENTS .....</b>	<b>45</b>
6.1	Submittal Process .....	45
6.2	Annual Report.....	46
6.3	Stormwater Monitoring Reports .....	46
6.4	Retention of Records .....	47
6.5	Availability of Records .....	47
<b>7</b>	<b>COMPLIANCE RESPONSIBILITIES .....</b>	<b>48</b>
7.1	Duty to Comply .....	48
7.2	Penalties for Violations of Permit Conditions .....	48
7.3	Need to Halt or Reduce Activity Not a Defense .....	50
7.4	Duty to Mitigate .....	50
7.5	Proper Operation and Maintenance .....	50
7.6	Toxic Pollutants .....	50
7.7	Planned Changes .....	50
7.8	Anticipated Noncompliance .....	51
7.9	Twenty-Four-Hour Notice of Noncompliance Reporting .....	51
7.10	Bypass of Treatment Facilities.....	52
7.11	Upset Conditions .....	53
7.12	Other Noncompliance .....	53
7.13	Removed Substances.....	53
<b>8</b>	<b>GENERAL REQUIREMENTS .....</b>	<b>54</b>
8.1	Permit Actions .....	54
8.2	Duty to Reapply .....	54
8.3	Duty to Provide Information.....	54
8.4	Other Information .....	54
8.5	Signatory Requirements .....	54
8.6	Availability of Reports.....	56
8.7	Inspection and Entry.....	56
8.8	Property Rights .....	56
8.9	Transfers .....	56
8.10	State/Tribal Laws .....	57
8.11	Oil and Hazardous Substance Liability.....	57

8.12 Severability ..... 57

8.13 Re-opener Clause..... 57

**9 DEFINITIONS ..... 58**

**APPENDIX A. ANNUAL REPORTS ..... 67**

**APPENDIX B. STORMWATER MONITORING REPORT ..... 82**

**APPENDIX C. MINIMUM TECHNICAL REQUIREMENTS ..... 85**

**APPENDIX D. STREET WASTE DISPOSAL..... 86**

**APPENDIX E. MONITORING PARAMETERS AND MINIMUM LEVELS ..... 89**

**APPENDIX F. PERMIT AREA MAP..... 92**

**APPENDIX G. OUTFALLS EXISTING ON PERMIT EFFECTIVE DATE..... 93**

Revised Draft

**SCHEDULE OF SUBMITTALS**

<b>Submittal</b>	<b>Due Date</b>
Notification of New Ordinances and/or Other Regulatory Mechanisms Not Listed in Appendix C Part 2.2.3	Within 3 months of adoption or completion
Pierce County’s Stormwater Management Program Plan, as approved by the Washington Department of Ecology Part 2.3	Within 6 months of Permit effective date
Notification of Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation Notification Part 2.4	Within 90 days of any transfer or change
MS4 Map Part 3.3.2	Within 1 year of permit effective date
Written Notification of Violation of Water Quality Standards Part 4	Within 30 days from when the Permittee becomes aware
Adaptive Management Response Report Part 4.3	Within 60 days of receiving notification from EPA
Quality Assurance Project Plan Part 5.2	<i>Draft:</i> 6 months of permit effective date <i>Final:</i> Within 1 year of permit effective date
Annual Report Part 6.2	March 31 <sup>st</sup> of each year, beginning in 2024
Stormwater Monitoring Report Part 0	March 31 <sup>st</sup> of each year, beginning in 2024
Notification of Anticipated Noncompliance or Bypass Part 7.8 and Part 7.10.2.1	As soon as the Permittee becomes aware
Twenty-Four-Hour Notice of Noncompliance Part 7.9	Within 24-hours from when the Permittee becomes aware
Written Submission after a 24-hour Notice of Noncompliance Part 7.9.1	Within 5 business days of when the Permittee becomes aware
Renewal Application Part 8.2	180 days prior to permit expiration date

## ACRONYMS

BMP	Best Management Practice
CFR	Code of Federal Regulations
CWA	Clean Water Act
EPA	United States Environmental Protection Agency
GIS	Geographic Information System
IDDE	Illicit Discharge Detection and Elimination
LID	Low Impact Development
µg/L	Micrograms per Liter
mg/L	Milligrams per Liter
MDL	Method Detection Limit
ML	Minimum Level
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
QA/QC	Quality Assurance / Quality Control
QAPP	Quality Assurance Project Plan
SWMMWW	Stormwater Management Manual for Western Washington
SWMP	Stormwater Management Program
SWPPP	Stormwater Pollution Prevention Plan
TMDL	Total Maximum Daily Load
U.S.	United States
U.S.C.	United States Code
WAC	Washington Administrative Code

# 1 APPLICABILITY

## 1.1 Permit Area

This permit covers all land held in trust by the federal government within the 1873 Survey Area of the Puyallup Reservation in Tacoma, Washington (the Permit Area).

As defined in the 1988 *Land Claims Settlement Agreement* and the *Puyallup Tribe of Indians Settlement Act of 1989*, 25 U.S.C. § 1773 (b)(1), the Permit Area within the 1873 Survey Area includes the Puyallup River bedlands below the ordinary highwater mark, the mouth of Hylebos Creek intertidal areas below the high tide line, and all land held in trust by the federal government for a federally recognized tribe or individual tribal member. See Appendix F (*Permit Area Map*) and Appendix G (*Outfalls Existing on Permit Effective Date*).

## 1.2 Authorized Discharges

During the effective dates of this permit, the Permittee is authorized to discharge stormwater to waters of the United States from all portions of its MS4 located within the boundaries of the Permit Area described in Part 1.1 (*Permit Area*), subject to the conditions set forth herein. This permit also conditionally authorizes the discharge of flows categorized as allowable non-stormwater discharges in Part 1.2.1 of this permit.

1.2.1 The Permittee is authorized to discharge non-stormwater from the MS4, only if such discharges satisfy one of the following conditions:

1.2.1.1 The discharges comply with a separate National Pollutant Discharge Elimination System (NPDES) permit;

1.2.1.2 The discharges originate from emergency firefighting activities during the emergency only, not after the emergency has ceased. Determination of cessation of the emergency is at the discretion of the emergency on-scene coordinator. During cleanup, non-stormwater discharges to the MS4 are prohibited;

1.2.1.3 The discharges result from a spill and are the result of an unusual and severe weather event where reasonable and prudent measures have been taken to minimize the impact of such discharge;

1.2.1.4 The discharges result from a spill and consist of emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to minimize the impact of such discharges; or

1.2.1.5 The discharges are from another illicit or non-stormwater discharge that is managed by the Permittee as provided in Part 3.3 (*Illicit Discharge Detection and Elimination*).

### 1.3 Compliance with Water Quality Standards

If the Permittee complies with all the terms and conditions of this permit, it is presumed that the Permittee is not causing or contributing to an exceedance above the *Water Quality Standards for Surface Waters of the Puyallup Tribe*. If the Permittee finds that there has been a discharge that causes, or has the potential to cause or contribute to, an exceedance above the *Water Quality Standards for Surface Waters of the Puyallup Tribe*, the required response by the Permittee is set forth in Part 4 (*Adaptive Management Response*).

### 1.4 Snow Disposal to Receiving Waters

The Permittee is not authorized to dispose of snow directly to waters of the United States or directly to the MS4(s). Discharges from Permittee-owned and/or operated snow disposal sites, and the Permittee's snow management practices, are authorized under this permit when such sites/practices are operated using Best Management Practices (BMPs) as required in Part 3.7 (*Municipal Operations & Maintenance*). Such BMPs must be designed to prevent pollutants in the runoff and prevent violations of the applicable water quality standards.

### 1.5 Stormwater Discharges Associated with Industrial / Construction Activity

The Permittee is not authorized to allow stormwater discharge associated with industrial activity (as defined in 40 CFR §122.26(b)(14)), and/or stormwater discharge associated with construction activity (as defined in 40 CFR §122.26(b)(14)(x) and (b)(15)) into the MS4, unless such discharges are otherwise authorized under another appropriate NPDES permit.

## 2 PERMITTEE RESPONSIBILITIES

### 2.1 Shared Implementation with Outside Entities

A Permittee may share or delegate implementation of one or more of the stormwater management control measures to another entity. The Permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure(s). A Permittee may rely on another entity if:

- 2.1.1 The other entity, in fact, implements the control measure;
- 2.1.2 The particular control measure is at least as stringent as the corresponding permit requirement;
- 2.1.3 The other entity agrees to implement the control measure on the Permittee's behalf; and
- 2.1.4 The Permittee and outside entity maintain a written and binding agreement between the parties. Any previously signed agreement may be updated, as necessary, to comply with this requirement. The written agreement must:



- 2.1.4.1 Describe each entity's respective roles and responsibilities related to this permit;
- 2.1.4.2 Identify all aspects of stormwater management where the entities will share or delegate implementation responsibility;
- 2.1.4.3 Be described in the Permittee's Stormwater Management Program (SWMP) Document, and
- 2.1.4.4 Be submitted with the next Annual Report.

## 2.2 Maintain Adequate Legal Authority

To the extent allowable, pursuant to the respective authority granted the Permittee under applicable State law, the Permittee must maintain relevant ordinances or other regulatory mechanisms sufficient to control pollutant discharges into and from its MS4 to meet the requirements of this permit. The SWMP Document required by Part 2.3.1 (*SWMP Document*) must summarize all the Permittee's legal authorities or regulatory mechanisms that satisfy the criteria listed below in Part 2.2.1.

- 2.2.1 To the extent allowable, pursuant to the respective authority granted the Permittee under applicable State law, the Permittee must:
  - 2.2.1.1 Control through ordinance, order or other similar means, the contribution of pollutants to MS4s owned and/or operated by the Permittee from stormwater discharges associated with industrial activity, and control the quality of stormwater discharged from sites of industrial activity;
  - 2.2.1.2 Prohibit through ordinance, order, or similar means, illicit discharges to the MS4 owned and/or operated by the Permittee;
  - 2.2.1.3 Control, through ordinance, order, or other similar means, the discharge of spills, dumping or disposal of materials other than stormwater to the MS4s owned and/or operated by the Permittee, pursuant to Part 3.3 (*Illicit Discharge Detection and Elimination*);
  - 2.2.1.4 Control through interagency agreements the contribution of pollutants from one portion of the MS4 to another interconnected MS4;
  - 2.2.1.5 Require compliance with conditions in ordinances, permits, contracts or orders; and
  - 2.2.1.6 Within the limitations of State law, carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with these permit

conditions, including the prohibition of illicit discharges to the MS4 and compliance with local ordinances.

- 2.2.2 If existing legal authority is not sufficient to meet the criteria listed in Part 2.2.1, the Permittee must adopt new ordinances or regulatory mechanisms no later than 30 months after the effective date of the permit, that provide it with adequate legal authority as allowed and authorized pursuant to applicable State law.
- 2.2.3 Any ordinance and other regulatory mechanisms required by this permit that are not listed in Appendix C must be submitted to the Environmental Protection Agency (EPA) Director of Water Division and the Puyallup Tribe of Indians (Puyallup Tribe) within three (3) months of adoption or completion as directed by Part 6.1 (*Submittal Process*).<sup>2</sup>

### 2.3 Stormwater Management Program

The Permittee must implement a Stormwater Management Program (SWMP) during the term of this permit. The SWMP is the set of actions and activities comprising the control measure components and in Part 3 (*STORMWATER MANAGEMENT PROGRAM CONTROL MEASURES*) and additional actions in Part 5 (*Monitoring Requirements*). To the extent allowable under state and federal law, all SWMP requirements are mandatory.

#### 2.3.1 SWMP Document

The Permittee must maintain a written SWMP Document, or documents, to describe in detail how the Permittee complies with the required control measures in this permit.

The Permittee has an existing SWMP document that meets the requirements of Section S5 of the Washington Department of Ecology's (WDOE) Phase I Municipal Stormwater General Permit (WAR044002). No later than six months after the permit effective date, the Permittee must submit a digital copy of the existing Pierce County SWMP as approved by the WDOE to the Puyallup Tribe as directed by Part 6.1 (*Submittal Process*). This submittal must include all figures, maps, appendices and associated WDOE correspondence regarding comments and approvals of the existing SWMP.<sup>3</sup>

The Permittee may add to and/or update their existing SWMP document or create a new SWMP Document to meet the requirements of this permit.

---

<sup>2</sup> This provision is consistent with Condition 3 of the Puyallup Tribe's *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021.

<sup>3</sup> This provision is consistent with Condition 5 of the Puyallup Tribe's *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021

- 2.3.1.1 The SWMP Document must be organized according to the SWMP control measure requirements in Part 2 (*PERMITTEE RESPONSIBILITIES*), Part 3 (*STORMWATER MANAGEMENT PROGRAM CONTROL MEASURES*) and Part 5 (*Monitoring Requirements*).
- 2.3.1.2 The Permittee's SWMP Document must be updated at least annually for submittal with the Permittee's Annual Report. For each of the control measure requirements, the SWMP Document should include a description of all planned SWMP activities for the upcoming year.
- 2.3.1.3 The Permittee's SWMP Document must be available through the website required in Part 3.2 (*Public Involvement/Participation*).
- 2.3.1.4 The Permittee must submit an updated SWMP Document, including all figures, maps, appendices, and any recent additions with each Annual Report<sup>4</sup> and with the Permit Renewal as required by Part 8.2 (*Duty to Reapply*).

### 2.3.2 **SWMP Information and Metrics**

The Permittee must maintain a method of gathering, tracking, and using SWMP information to set priorities and assess permit compliance. The Permittee must track activities and document program outcomes as stipulated by the respective SWMP control measure, (e.g., the number of inspections, official enforcement actions, and/or types of public education actions, etc.), and must include this information in the Annual Report.

### 2.3.3 **SWMP Resources**

The Permittee must provide adequate finances, staff, equipment and other support capabilities to implement the SWMP actions and activities and other requirements outlined in this permit. The Permittee must track the cost or estimated cost of development and implementation of each component of the SWMP. This information shall be provided to EPA and the Puyallup Tribe upon request.

## 2.4 **Changes in Ownership, Operational Authority, or Responsibility for**

---

<sup>4</sup> This provision is consistent with Condition 5 of the Puyallup Tribe's *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021.

## **SWMP Implementation<sup>5</sup>**

- 2.4.1 The Permittee must notify the EPA Director of the Water Division and the Puyallup Tribe, in writing at the addresses listed in Part 6.1.1, within 90 days whenever:
  - 2.4.1.1 The Permittee identifies that it owns and/or operates an MS4 outfall that is not specifically identified in Appendix G of this permit and that discharges to surface waters of the Puyallup Tribe; or
  - 2.4.1.2 The Permittee accepts operational responsibility or ownership of any area draining to the MS4 outfalls identified in Appendix G of this permit; or
  - 2.4.1.3 The Permittee transfers to another entity its operational responsibility or ownership of any area draining to the MS4 outfalls identified in Appendix G of this permit.
- 2.4.2 Written notification provided under this Part must summarize the pertinent circumstances of the change in ownership, operational authority, or responsibility for SWMP implementation.
- 2.4.3 Written notification regarding additional MS4 outfalls that discharge to surface waters of the Puyallup Tribe identified after the permit effective date that discharge to surface waters of the Puyallup Tribe must identify the physical location of the MS4 outfall, including latitude/longitude and a general location map, and provide all known and available information as required by Part 3.3.2.
- 2.4.4 A copy of any written notification(s) provided under this Part must be attached in the subsequent Annual Report.
- 2.4.5 No later than one year after the Permittee's written notification provided under this Part, the Permittee must update its MS4 map(s) required by Part 3.3.2 and reflect all changes in the subsequent SWMP Document.

---

<sup>5</sup> This provision is consistent with Condition 4 of the Puyallup Tribe's *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021.

### **3 STORMWATER MANAGEMENT PROGRAM CONTROL MEASURES**

#### **3.1 Education and Outreach**

The Permittee must conduct or participate in public education and outreach activities designed to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts and encourage the public to participate in stewardship activities. The program must include the following:

##### **3.1.1 SWMP Document**

The Permittee must describe the education and outreach program and discuss the program goals in the SWMP Document.

##### **3.1.2 Program Design**

The education and outreach activities must be designed to educate target audiences about stormwater and its impacts and provide specific actions they can follow to minimize those impacts.

3.1.2.1 The Permittee must implement the education and outreach program for the area served by the MS4.

3.1.2.2 The program design must be based on local water quality information and target audience characteristics to identify high priority target audiences, subject areas, and/or BMPs.

3.1.2.3 The Permittee should consider delivering its selected messages in language(s) other than English, as appropriate for the target audience.

3.1.2.4 The Permittee must develop a public education and outreach program designed to increase general awareness and/or affect behavior change in at least one of the listed target audiences on at least one of the listed stormwater related topics.

##### **3.1.3 Target Audiences**

The Permittee must target its education and outreach program activities to reach at least one of the following audiences:

3.1.3.1 General Public including school-age children and overburdened communities;

3.1.3.2 Businesses including home-based and mobile businesses;

3.1.3.3 Engineers, contractors, developers, and land-use planners;

3.1.3.4 Residents;

3.1.3.5 Landscapers;

3.1.3.6 Property Managers/Owners;

##### **3.1.4 Topics**

Depending on the target audience selected, the Permittee must select one or more of the following topics to build general awareness and/or effect behavior change through its education and outreach activities:

- 3.1.4.1 General impacts of stormwater on local surface waters;
- 3.1.4.2 Impacts from impervious surfaces;
- 3.1.4.3 Hazards associated with illicit discharges and improper disposal of waste;
- 3.1.4.4 LID principles and LID BMPs;
- 3.1.4.5 Technical standards for stormwater site and erosion control plans;
- 3.1.4.6 Stormwater treatment BMPs or facilities and flow control BMPs or facilities;
- 3.1.4.7 Use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps, and other hazardous materials;
- 3.1.4.8 Prevention of illicit discharges;
- 3.1.4.9 Appropriate yard care techniques for protecting water quality;
- 3.1.4.10 Use and storage of pesticides and fertilizers and other household chemicals;
- 3.1.4.11 Carpet cleaning;
- 3.1.4.12 Repair and maintenance BMPs for vehicles, equipment, and/or home buildings;
- 3.1.4.13 Proper pet waste management and disposal;
- 3.1.4.14 Stormwater facility maintenance, including LID facilities;
- 3.1.4.15 Dumpster and trash compactor maintenance;
- 3.1.4.16 Litter and debris prevention;
- 3.1.4.17 Source Control BMPs;
- 3.1.4.18 Locally important, stormwater-related subject area; and/or
- 3.1.4.19 Benefits of commute reduction and/or alternative commuting methods.

### 3.1.5 **Program Evaluation**

At least once during the permit term, the Permittee must measure and document the understanding and/or adoption of the appropriate behavior(s) for at least one audience in at least one of the topics listed above. Beginning in Year 3 of the permit term, the results of the evaluation must be used to direct future education and outreach resources most effectively through the remainder of the permit term.

### 3.1.6 **Annual Report**

In each Annual Report, the Permittee must summarize evaluation methods conducted during the reporting period to measure changes in awareness and/or behaviors as a result of the education and outreach activities. .

## 3.2 **Public Involvement/Participation**

The Permittee must implement a program designed to encourage public

involvement and participation in the Permittee's SWMP and implementation priorities. The program must include the following:

**3.2.1 SWMP Document**

The Permittee must describe the public involvement and participation program and its goals in the SWMP Document.

**3.2.2 Program Design**

The Permittee must create opportunities for the public, including overburdened communities, to participate in the decision-making process involving the development, implementation, and update of the Permittee's SWMP.

3.2.2.1 The Permittee must comply with applicable local public notice requirements when conducting the public involvement and participation activities associated with this permit.

**3.2.3 Website**

The Permittee must make the SWMP Document required by Part 2.3.1 and Annual Reports required by Part 6.2 available to the public on the Permittee's website no later than May 31<sup>st</sup> of each year. All other submittals required by this permit must be available to the public as specified in Part 6.5 (*Availability of Records*).

**3.2.4 Annual Report**

In each Annual Report, the Permittee must summarize its public involvement and participation activities sponsored during the reporting period.

**3.3 Illicit Discharge Detection and Elimination**

The Permittee must implement an on-going program to prevent, detect, characterize, trace, and eliminate illicit connections and illicit discharges into the MS4. The Permittee must include a written description of the program in the SWMP Document.

**3.3.1 SWMP Document**

The Permittee must describe the IDDE program and its goals in the SWMP Document.

**3.3.2 Map of MS4**

No later than 1 year after the permit effective date, the Permittee must submit to the Puyallup Tribe an updated map of the MS4 in the Permit Area defined by Part 1.1. The Permittee must submit a hard copy of the map sufficient to update each party's land use maps at an appropriate scale for review, and electronic shape files via ARCGIS or other shared compatible format, to the Puyallup Tribe as indicated in Part 6.1 (*Submittal Process*). The Permittee must maintain current MS4 map(s) throughout the permit term and submit any updates upon

completion with the subsequent Annual Report.<sup>6</sup> At a minimum, the MS4 map must include the following information:

- 3.3.2.1 Location of all known inlets, catch basins, outfalls, and discharge points;
- 3.3.2.2 Receiving water;
- 3.3.2.3 Stormwater treatment BMPs or facilities and flow control BMPs or facilities that are owned and/or operated by the Permittee, including all connections between these BMPs/facilities and tributary conveyances (mapped in accordance with this Part), and all associated emergency overflows;
- 3.3.2.4 Geographic areas served by the Permittee's MS4 that do not discharge stormwater to receiving water;
- 3.3.2.5 Tributary conveyances for all known MS4 outfalls and discharge points with a 24-inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems. The following features or attributes (or both) must be mapped: tributary conveyance type, material, and size where known; associated drainage areas, and land uses);
- 3.3.2.6 Connections between the Permittee's MS4 and other municipalities or public entities ;
- 3.3.2.7 All connections to the MS4 authorized or allowed by the Permittee after February 16, 2007;
- 3.3.2.8 Existing known connections greater than or equal to 8 inches in nominal diameter to tributary conveyances mapped in accordance with Part 3.3.2.5;
- 3.3.2.9 Permittee owned and/or operated parking lots and roads located within the Permit Area defined by Part 1,1;
- 3.3.2.10 Locations of all Permittee owned and/or operated industrial activities, maintenance/storage facilities, and snow disposal sites that discharge directly to the Permittee's MS4, and/or to waters of the US; and
- 3.3.2.11 Jurisdictional boundaries.

### 3.3.3 Legal Authority

The Permittee must prohibit all illicit discharges into the MS4 through enforcement of an ordinance or other regulatory mechanism under the legal authorities of the Permittee

---

<sup>6</sup> This provision is consistent with Condition 6 of the Puyallup Tribe's *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021.



- 3.3.3.1 All relevant regulatory mechanisms required by this Part must be submitted to EPA and the Puyallup Tribe as directed in Part 2.2.3.
- 3.3.3.2 The Permittee must implement appropriate enforcement procedures and actions associated with the ordinance or regulatory mechanism, including a written policy of enforcement escalation procedures for recalcitrant or repeat offenders.
- 3.3.3.3 Conditionally Allowable Discharges: The ordinance or regulatory mechanism may allow the following categories of non-stormwater discharges, only if the stated conditions are met:
  - 3.3.3.3.1 Discharges from potable water sources, including but not limited to water line flushing, hyper-chlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water: Planned discharges must be dechlorinated to a total residual chlorine concentration of 0.1 parts per million (ppm) or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4;
  - 3.3.3.3.2 Discharges from lawn watering and other irrigation runoff: These discharges must be reduced through, at a minimum, public education activities required by Part 3.1, and water conservation efforts;
  - 3.3.3.3.3 Dechlorinated swimming pool, spa, and hot tub discharges: The discharges must be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted, re-oxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Discharges must be thermally controlled to prevent an increase in temperature of the receiving waters. Swimming pool cleaning wastewater and filter backwash must not be discharged to the MS4;
  - 3.3.3.3.4 Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents: The Permittee must reduce these discharges through public education activities required through Part 3.1 and/or water conservation efforts. To avoid washing pollutants into the MS4, the Permittee must minimize the amount of street wash and

dust control water used. At active construction sites, street sweeping must be performed prior to washing the street; and

- 3.3.3.3.5 Other non-stormwater discharges. The discharges must be in compliance with the requirements of a pollution prevention plan reviewed by the Permittee which addresses control of such discharges.
- 3.3.3.4 Allowable Discharges: The regulatory mechanism does not need to prohibit the following discharges:
  - 3.3.3.4.1 Diverted stream flows;
  - 3.3.3.4.2 Rising ground waters;
  - 3.3.3.4.3 Uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(b)(20));
  - 3.3.3.4.4 Uncontaminated pumped ground water;
  - 3.3.3.4.5 Foundation drains;
  - 3.3.3.4.6 Air conditioning condensation;
  - 3.3.3.4.7 Irrigation water from agricultural sources that is commingled with urban stormwater;
  - 3.3.3.4.8 Springs;
  - 3.3.3.4.9 Uncontaminated water from crawl space pumps;
  - 3.3.3.4.10 Footing drains;
  - 3.3.3.4.11 Flows from riparian habitats and wetlands;
  - 3.3.3.4.12 Non-stormwater discharges authorized by another NPDES or State Waste Discharge permit; and
  - 3.3.3.4.13 Discharges from emergency firefighting activities in accordance with Part 1.2.

### 3.3.4 **Detection and Elimination**

The Permittee must implement an on-going program to detect and eliminate illicit discharges, spills, and illicit connections into their MS4. This program must include:

- 3.3.4.1 Procedures for locating priority areas likely to have illicit discharges, including areas where complaints have been recorded in the past, and areas with storage of large quantities of materials that could result in spills;
- 3.3.4.2 Procedures for field assessment activities, including visual inspection of outfalls draining priority areas during dry weather and for the purposes of verifying outfall locations, identifying previously unknown outfalls, and detecting illicit discharges.
  - 3.3.4.2.1 The dry weather screening activities may include field tests of parameters selected by the

Permittee as being indicators of discharge sources. The Permittee may utilize less expensive “field test kits,” and test methods not approved by EPA under 40 CFR Part 136, provided the manufacturer’s published detection ranges are adequate for the illicit discharge detection purposes;

- 3.3.4.2.2 No later than 1 year after the effective date of the permit, the Permittee must begin dry weather field screening for non-stormwater flows from stormwater outfalls in the Permit Area.
- 3.3.4.2.3 No later than 180 days prior to the permit expiration date, the Permittee must complete field screening of all known and accessible MS4 outfalls located within the Permit Area;
- 3.3.4.2.4 Screening for illicit connections must be conducted in an effective manner as described in *Illicit Connections and Illicit Discharge Field Screening and Source Tracing Guidance Manual*, prepared by Herrera Environmental Consultants Inc., and Aspect Consulting, May 2020 (available at <https://www.wastormwatercenter.org/permit-assistance/municipal/permit-assistance-2/ic-id/> ) or other methodology of comparable effectiveness;
- 3.3.4.3 Procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges that are found by or reported to the Permittee. Procedures must address the evaluation of whether the discharge must be immediately contained and steps to be taken for containment of the discharge;
- 3.3.4.4 Procedures for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures; and,
- 3.3.4.5 Procedures for eliminating the discharge; including notification of appropriate owners or operators of interconnected MS4s; notification of the property owner; technical assistance; follow-up inspections; and escalating

enforcement and legal actions if the discharge is not eliminated.

3.3.4.6 Compliance with Parts 3.3.4.3, .4 and .5 of this provision will be achieved by meeting the following timelines:

3.3.4.6.1 Immediately respond to all illicit discharges including spills which are determined to constitute a threat to human health or the environment;

3.3.4.6.2 Investigate (or refer to the appropriate agency), within seven (7) days, any complaints, reports or monitoring information that indicates a potential illicit discharge, including spills;

3.3.4.6.3 Initiate an investigation within twenty-one (21) days of any report or discovery of a suspected illicit connection to determine the source of the connection, the nature and volume of discharge through the connection, and the party responsible for the connection; and

3.3.4.6.4 Upon confirmation of an illicit connection, use the authority granted the Permittee under applicable State law in a documented effort to eliminate the illicit connection within six months. The Permittee must take action to eliminate the illicit connection and must document the effort as part of the Annual Report. All known illicit connections to the MS4 must be eliminated.

### 3.3.5 Telephone Hotline

The Permittee must list and publicize a telephone hotline or other local means for the public and Permittee personnel to report spills and other illicit discharges for investigation.

3.3.5.1 The hotline must be answered during normal business hours and have an answering service or system in place to record incoming calls/reports after hours.

3.3.5.2 The Permittee must confirm receipt of complaints or reports of illicit discharges no later than within two working days.

### 3.3.6 Training

The Permittee must ensure that all staff responsible for the investigation, identification, elimination, clean up and reporting of illicit discharges, including spills and illicit connections, are trained to conduct these activities. No later than one year from permit effective date, the Permittee must provide appropriate training to existing employees who will implement this permit Orientation and training concerning the Permittee's SWMP must be accomplished within the first 180 days of employment for new staff who work directly on topics and requirements outlined in Part 3.3. Follow-up training must be

provided as necessary to address changes in procedures, techniques, or requirements.

### 3.3.7 Annual Report

The Permittee must include in each Annual Report the following information related to IDDE activities during the reporting period in areas draining to MS4 outfalls within the Permit Area described in Part 1.1:

- 3.3.7.1 A copy of the completed MS4 map as an electronic file via Arc GIS compatible format;
- 3.3.7.2 Number and type of illicit discharges identified;
- 3.3.7.3 Summary of field screening efforts required by Part 3.3.4.2, including dry weather screening for known and accessible MS4 outfalls;
- 3.3.7.4 Locations and efforts to address identified illicit discharges;
- 3.3.7.5 Record of calls received; and
- 3.3.7.6 Summary information regarding relevant staff training provided or obtained, verification that appropriate staff members received training and the number of staff members trained.

### 3.4 New Development, Redevelopment, and Construction Site Runoff

The Permittee must implement and enforce a program to reduce pollutants in stormwater runoff to the MS4 from new development, redevelopment, and construction activities. The program must include the following:

#### 3.4.1 SWMP Document

The Permittee must include a written description of the new development, redevelopment, and construction site runoff control program in the SWMP Document, including the list of policies and procedures used to implement these measures. Refer to Appendix C for a list of approved manuals and ordinances.

#### 3.4.2 Oversight

The Permittee must provide adequate direction and oversight to educate entities responsible for “regulated construction activities” and “regulated industrial activities,” as defined in Part 9 (*DEFINITIONS*), occurring within the Permit Area and discharging to the Permittee’s MS4, to obtain authorization to discharge under the appropriate stormwater permits as required by Part 1.5.

#### 3.4.3 Legal Authority

The Permittee must use an ordinance or other regulatory mechanism available under the legal authorities of the Permittee to address runoff from new development, redevelopment, and construction site projects in the Permit Area as identified below:

- 3.4.3.1 The Permittee’s enforceable mechanism must include minimum requirements, thresholds, and definitions of the most up to date version of the documents listed in APPENDIX C for new development, redevelopment, and construction sites. Adjustment and variance criteria equivalent to those in APPENDIX C must be included.
  - 3.4.3.2 The Permittee’s enforceable mechanism must include the following when implementing the minimum requirements found in the most up to date version of the documents listed in APPENDIX C:
    - 3.4.3.2.1 Site planning requirements;
    - 3.4.3.2.2 BMP selection criteria;
    - 3.4.3.2.3 BMP design criteria;
    - 3.4.3.2.4 BMP infeasibility criteria;
    - 3.4.3.2.5 Low Impact Development (LID) competing needs criteria, and
    - 3.4.3.2.6 BMP limitations
  - 3.4.3.3 The Permittee’s enforceable mechanism must include the legal authority to inspect private stormwater facilities and enforce maintenance standards for all new development and redevelopment approved under the provisions of this part.
  - 3.4.3.4 All relevant ordinances and other regulatory mechanisms required by this part must be submitted to EPA and the Puyallup Tribe as directed in Part 2.2.3.
- 3.4.4 **Site Plan Review, Inspection and Corrective Action**
- The program must include site plan review, site inspection, and enforcement capability sufficient to meet the standards listed in Parts 3.4.4.1 through 3.4.4.8 below, for both private and public projects. This program will be applied to all sites that meet the thresholds adopted pursuant to Part 3.4.3, above:
- 3.4.4.1 Review of all stormwater site plans for proposed development activities that meet the minimum thresholds adopted pursuant to Part 3.4.3 above;
  - 3.4.4.2 Inspect, prior to clearing and construction, all development sites that meet the minimum thresholds adopted pursuant to Part 3.4.3, above.
  - 3.4.4.3 Inspect all development sites, that meet the minimum thresholds adopted pursuant to Part 3.4.3, above, during construction to verify proper installation and maintenance of required erosion and sediment controls. Enforce as necessary based on the inspection.
  - 3.4.4.4 Manage maintenance activities to inspect all stormwater treatment BMPs or facilities and flow control BMPs or facilities, and catch basins, in new residential developments

every six months, until 90% of the lots are constructed (or when construction has stopped and the site is fully stabilized), to identify maintenance needs and enforce compliance with maintenance standards as needed.

- 3.4.4.5 Inspect all development sites, that meet the minimum thresholds adopted pursuant to Part 3.4.3, above, upon completion of construction and prior to final approval or occupancy to ensure proper installation of stormwater facilities. Verify that a maintenance plan is completed and responsibility for maintenance is assigned for stormwater treatment BMPs or facilities and flow control BMPs or facilities. Enforce as necessary based on inspection.
- 3.4.4.6 Compliance with the inspection requirements above, shall be determined by the presence and records of an established inspection program designed to inspect all sites, that meet the minimum thresholds adopted pursuant to Part 3.4.3, above.
  - 3.4.4.6.1 Compliance during this permit term shall be determined by achieving at least 80% of scheduled inspections.
- 3.4.4.7 The program must include a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records. Records of maintenance inspections and maintenance activities must be maintained.
- 3.4.4.8 The program must include an enforcement strategy to respond to issues of non-compliance.

### 3.4.5 **Training**

The Permittee must ensure that all staff whose primary job duties are implementing the new development, redevelopment, and construction site runoff program, including plan review, construction site inspections, and enforcement, are trained to conduct these activities. No later than one year from permit effective date, the Permittee must provide appropriate training to existing employees who will implement this permit. Orientation and training concerning the Permittee's stormwater management program must be accomplished within the first six months of employment for new staff who work directly on topics and requirements outlined in Part 3.4. Follow-up training must be provided as necessary to address changes in procedures, techniques, requirements, or staffing..

### 3.4.6 **Annual Report**

The Permittee must include in each Annual Report the following information related to controlling runoff from new development and redevelopment activities during the reporting period in areas draining to MS4 outfalls within the Permit Area described in Part 1.1:

- 3.4.6.1 Number of corrective actions taken at project sites;
- 3.4.6.2 Number of site plans reviewed;
- 3.4.6.3 Number of site inspections conducted by the Permittee, including the location and result/response; and
- 3.4.6.4 Summary information regarding relevant staff training provided or obtained, verification that appropriate staff members received training and the number of staff members trained.

### 3.5 Structural Stormwater Controls<sup>7</sup>

The Permittee must implement a program that considers structural stormwater controls to prevent or reduce impacts to receiving waters caused by discharges from the Permittee's MS4 outfalls located within the Permit Area described in Part 1.1. The program must address impacts from disturbances to watershed hydrology and stormwater pollutant discharges and include the following:

#### 3.5.1 SWMP Document

The Permittee's SWMP Document must describe the Structural Stormwater Control Program goals and the planning process used to develop the Structural Stormwater Control Program, including the items found in Sections 3.5.2.1 - 3.5.2.7.

#### 3.5.2 Program Design

The program must consider impacts caused by stormwater discharges from areas of existing development, including runoff from highways, streets and roads owned and/or operated by the Permittee, and areas of new development, where impacts are anticipated as development occurs. When planning structural stormwater control projects, the permittee must consider:

- 3.5.2.1 The geographic scale of the planning process;
- 3.5.2.2 Issues and regulations addressed;
- 3.5.2.3 Steps in the planning process;
- 3.5.2.4 Types of characterization information considered;
- 3.5.2.5 Amount budgeted for implementation;
- 3.5.2.6 The public involvement process; and,
- 3.5.2.7 A description of the prioritization process, procedures and criteria used to select the Structural Stormwater Control projects.

#### 3.5.3 Projects

The program must address impacts that are not adequately controlled by other required actions of the SWMP.

---

<sup>7</sup> This Part is consistent with Condition 11 of the Puyallup Tribe's *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021.



- 3.5.3.1 The program must consider the following projects:
  - 3.5.3.1.1 New flow control BMPs or facilities;
  - 3.5.3.1.2 New treatment (or treatment and flow control) BMPs or facilities;
  - 3.5.3.1.3 Retrofit of existing treatment BMPs or facilities and/or flow control BMPs or facilities;
  - 3.5.3.1.4 Property acquisition for water quality and/or flow control benefits (not associated with future facilities), and
  - 3.5.3.1.5 Maintenance with capital construction costs  $\geq$  \$25,000.
- 3.5.3.2 The Permittee should consider other projects to address impacts, such as:
  - 3.5.3.2.1 Restoration of riparian buffers;
  - 3.5.3.2.2 Restoration of forest cover;
  - 3.5.3.2.3 Floodplain reconnection projects;
  - 3.5.3.2.4 Permanent removal of impervious surfaces, and
  - 3.5.3.2.5 Other actions to address stormwater runoff into or from the MS4 not otherwise required in Part 3.
- 3.5.3.3 The Permittee may not use in-stream culvert replacement or channel restoration projects for compliance with this requirement.
- 3.5.3.4 The Structural Stormwater Control program may also include a program designed to implement small scale projects that are not planned in advance.

**3.5.4 Annual Report**

In each Annual Report, the Permittee must provide the following information for current planned structural stormwater control projects that are scheduled for implementation; this list must include a status update for any ongoing project. The Permittee may use Appendix 12 of the Washington Department of Ecology’s Phase I Municipal Stormwater Permit as a format and guidance for submitting this information:

- 3.5.5.1 Project Name
- 3.5.5.2 Project Location (Latitude/Longitude)
- 3.5.5.3 Project type
- 3.5.5.4 Cost estimate
- 3.5.5.5 Basin area treated (in acres).

### 3.6 Source Control for Existing Development

The Permittee must implement a program to reduce pollutants in runoff from areas that discharge to the MS4 owned and/or operated by the Permittee in the Permit Area. The program must include the following:

#### 3.6.1 SWMP Document

The Permittee must include a written description of the Source Control Program in the SWMP Document including descriptions of the identification, inspection and enforcement procedures used to control sources of stormwater pollution.

#### 3.6.2 Legal Authority

The Permittee must enforce ordinance(s), or other enforceable documents, requiring the application of source control BMPs, or treatment BMPs or facilities, or both, for pollutant generating sources associated with existing land uses and activities.

3.6.2.1 All relevant ordinances and other regulatory mechanisms required by this part must be submitted to EPA and the Puyallup Tribe as directed by Part 2.2.3.

#### 3.6.3 Program Design

3.6.3.1 The requirements of this subsection are met by using source control BMPs in Volume IV of the 2019 Stormwater Management Manual for Western Washington (SWMMWW) or those found in the most up to date version of the documents listed in APPENDIX C.<sup>8</sup>

3.6.3.2 Applicable operational source control BMPs must be required for all pollutant generating sources. Structural source control BMPs, or treatment BMPs or facilities, or both, must be required for pollutant generating sources if operational source control BMPs do not prevent illicit discharges or violations of surface water, standards because of inadequate stormwater controls.

3.6.3.3 Implementation of source control requirements may be done through education and technical assistance programs, provided that formal enforcement authority is available to the Permittee and is used as determined necessary by the Permittee, in accordance with Part 3.6.6, below.

#### 3.6.4 Identification

The Permittee must implement a program to identify publicly and privately owned institutional, commercial, and industrial sites which have the potential to generate pollutants to the Permittee's MS4. The

---

<sup>8</sup> This provision is consistent with Condition 11 of the Puyallup Tribe's *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021.

program must include a source control inventory which lists:

- 3.6.4.1 Businesses and/or properties identified based on the presence of activities that are pollutant generating.
- 3.6.4.2 Other pollutant generating sources, such as home-based businesses and multifamily properties, which are identified based on complaint response.
- 3.6.4.3 Application of operational and structural source control BMPs, and, if necessary, treatment BMPs or facilities to pollution generating sources associated with existing land uses and activities.
- 3.6.4.4 The Permittee must update the inventory at least once every five years.

### 3.6.5 **Inspection**

The Permittee must implement an inspection program for sites identified in Part 3.6.4.

- 3.6.5.1 All identified sites with a business address must be provided, by mail, telephone, electronic communications, or in person, information about activities that may generate pollutants and the source control requirements applicable to those activities. This information may be provided all at one time or spread out over the permit term to allow for some tailoring and distribution of the information during site inspections.
- 3.6.5.2 The Permittee must annually complete the number of inspections equal to 20% of the businesses and/or sites listed in their source control inventory to assess BMP effectiveness and compliance with source control requirements.
  - 3.6.5.2.1 The Permittee may count follow up compliance inspections at the same site toward the 20% inspection rate.
  - 3.6.5.2.2 The Permittee may select which sites to inspect each year and is not required to inspect 100% of sites over a 5-year period.
  - 3.6.5.2.3 Sites may be prioritized for inspection based on their land use category, potential for pollution generation, proximity to receiving waters, or to address an identified pollution problem within a specific geographic area or sub-basin.

- 3.6.5.3 The Permittee must inspect 100% of sites identified through legitimate complaints.
- 3.6.5.4 The Permittee may count inspections conducted based on complaints, or when the property owner denies entry, to the 20% inspection rate.

### 3.6.6 **Enforcement**

The Permittee must enforce its ordinance or regulatory mechanism at sites, identified pursuant to Part 3.6.4, including sites with discharges authorized by a separate NPDES permit. For sites with discharges authorized by a separate NPDES permit, the Permittee must coordinate with the appropriate NPDES permitting authority.

The Permittee must implement an escalating enforcement policy to require sites to come into compliance with stormwater requirements within a reasonable time period as specified below:

- 3.6.6.1 If the Permittee determines, through inspections or otherwise, that a site has failed to adequately implement required BMPs, the Permittee must take appropriate follow-up action(s) which may include phone calls, letters, emails or follow-up inspections.
- 3.6.6.2 When the Permittee determines that a facility has failed to adequately implement BMPs after a follow-up inspection, the Permittee must take enforcement action as established through authority in its municipal code or ordinances, or through the judicial system.
- 3.6.6.3 The Permittee must maintain records, including documentation of each site visit, inspection reports, warning letters, notices of violations, and other enforcement records, demonstrating an effort to bring facilities into compliance. The Permittee must also maintain records of sites that are not inspected because the property owner denies entry.
- 3.6.6.4 The Permittee may refer non-emergency violations of local ordinances to EPA and the Puyallup Tribe as indicated in Part 6.1, provided, the Permittee also makes a documented effort of progressive enforcement. At a minimum, a Permittee's enforcement effort must include documentation of inspections and warning letters or notices of violation.

### 3.6.7 **Additional Controls**<sup>9</sup>

If stormwater discharges from areas of existing development are not adequately controlled by operational source controls alone and other required actions of the SWMP, and/or are resulting in illicit discharges

---

<sup>9</sup> This provision is consistent with Condition 11 of the Puyallup Tribe's *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021. See also Part 3.5.

or violations of water quality standards, the Permittee must implement a structural stormwater control program that includes, but is not limited to, projects identified in Parts 3.5.3.1 and 3.5.3.2.

### 3.6.8 **Pesticides, Herbicides and Fertilizers**

This program must include practices to reduce polluted runoff from the application of pesticides, herbicides, and fertilizers discharging into MS4s owned and/or operated by the Permittee (See Part 3.7 for more information on required O&M procedures).

### 3.6.9 **Training**

The Permittee must train staff who are responsible for implementing the source control program to conduct these activities. The ongoing training program must cover the legal authority for source control, source control BMPs and their proper application, inspection protocols, lessons learned, typical cases, and enforcement procedures. No later than one year from permit effective date, the Permittee must provide appropriate training to existing employees who will implement this permit. Follow-up training must be provided as needed to address changes in procedures, techniques, requirements, or staff..

### 3.6.10 **Annual Report**

The Permittee must include in each Annual Report the following information related to source control activities in areas draining to MS4 outfalls within the Permit Area described in Part 1.1 during the reporting period:

3.6.10.1 The 1<sup>st</sup> Year Annual Report must contain the available source control inventory information for areas draining to MS4 outfalls in the Permit Area; This summary list should include, at a minimum, site location identifier or name, address, latitude/longitude, and brief site description or type as listed in Part 3.6.4; subsequent Annual Reports may refer to or reference this initial inventory;

3.6.10.2 Summary information regarding all source control inspections, follow up actions taken, enforcement actions taken, including any circumstances beyond the Permittee's control that may have prevented an intended inspection;

3.6.10.3 Verification that the source control inventory list provided in the 1<sup>st</sup> Year Annual Report has been updated at least once within the last five years. The updated source control inventory including those sources identified by complaints (sources identified by complaints must be noted as such in the inventory) must be available to EPA and the Puyallup Tribe upon request; and

3.6.10.4 Summary information regarding relevant staff training provided or obtained, verification that appropriate staff

members received training and the number of staff members trained.

### 3.7 Municipal Operations & Maintenance

The Permittee must update and implement its Operation & Maintenance (O&M) program to regulate and conduct O&M activities to prevent or reduce stormwater impacts. The O&M program must address each of the following:

#### 3.7.1 SWMP Document

The Permittee must include a written description of the O&M Program to regulate maintenance and conduct maintenance activities in the SWMP Document.

#### 3.7.2 Maintenance Standards

The Permittee must establish maintenance standards that are as protective, or more protective, of facility function than those specified in the 2019 SWMMWW or those found in the most up to date version of the documents listed in APPENDIX C. The Permittee must perform appropriate maintenance upon becoming aware that the maintenance standard is not being met as follows:

3.7.2.1 Within 1 year for typical maintenance of facilities, except catch basins;

3.7.2.2 Within 6 months for catch basins; and/or

3.7.2.3 Within 2 years for maintenance that requires capital construction of less than \$25,000.

#### 3.7.3 Legal Authority

The Permittee must enforce an ordinance or other regulatory mechanism requiring maintenance of all stormwater treatment BMPs or facilities and flow control BMPs or facilities that are regulated by the Permittee, including catch basins that are part of the facilities regulated by the Permittee (See Part 3.7.4).

3.7.3.1 The Permittee's ordinance or regulatory mechanism must meet the maintenance standards described in Part 3.7.2.

3.7.3.2 All relevant ordinances and other regulatory mechanisms required by this part must be submitted to EPA and the Puyallup Tribe as directed by Part 2.2.3.

#### 3.7.4 Maintenance of Stormwater Facilities Regulated by the Permittee

The Permittee must implement a program designed to annually inspect all stormwater treatment BMPs or facilities and flow control BMPs or facilities regulated by the Permittee to enforce compliance with adopted maintenance standards as needed based on inspection.

3.7.4.1 The inspection program is limited to facilities to which the Permittee can legally gain access, provided the Permittee must seek access to all stormwater treatment BMPs or

facilities and flow control BMPs or facilities regulated by the Permittee.

- 3.7.4.2 The Permittee may reduce the inspection frequency in accordance with Part 3.7.5.1.
- 3.7.4.3 Compliance with the inspection requirements in Part 3.7.4 will be determined by the presence of an established inspection program designed to inspect all sites, and achieving inspection of 80% of all sites.
- 3.7.4.4 The Permittee must require cleaning of catch basins regulated by the Permittee if they are found to be out of compliance with established maintenance standards in the course of inspections conducted at facilities under the requirements of Parts 3.3 and 3.6, or if the catch basins are part of the stormwater facilities inspected under the requirements of this Part.

### 3.7.5 **Permittee Owned or Operated Stormwater Facilities**

The Permittee's O&M program must include annual inspection of all Permittee owned and/or operated stormwater facilities used for flow control and treatment. The Permittee must take appropriate maintenance actions in accordance with its adopted maintenance standards.

- 3.7.5.1 The Permittee may reduce the inspection frequency based on maintenance records of double the length of time of the proposed inspection frequency. In the absence of maintenance records, the Permittee may substitute written statements to document a specific less frequent inspection schedule. Written statements must be based on actual inspection and maintenance experience and must be included within the SWMP Document and certified in accordance with 8.5 (Signatory Requirements). The Permittee cannot reduce the inspection frequency to less than once per permit term (once per five years).
- 3.7.5.2 The Permittee must conduct spot checks of potentially damaged stormwater control facilities (other than catch basins) after major storm events. For the purposes of this permit, a major storm event is rainfall greater than the 24-hour, 10-year or greater recurrence interval. The Permittee must conduct repairs or take appropriate maintenance action in accordance with maintenance standards established above, based on the results of the spot check inspections.
- 3.7.5.3 Compliance with the inspection requirements in Part 3.7.5 will be determined by evaluating Permittee records of an established stormwater facility inspection program designed

to inspect all sites and achieving at least 95% of required inspections.

### 3.7.6 **Permittee Owned or Operated Catch Basins**

- 3.7.6.1 The Permittee's O&M program must include inspection of all catch basins and inlets owned and/or operated by the Permittee at least once before the end of the permit term.
- 3.7.6.2 Catch basins must be cleaned as determined by the maintenance standard as stated in Part 3.7.2.
- 3.7.6.3 The disposal of decant water must be in accordance with the requirements in APPENDIX D.
- 3.7.6.4 Compliance with the inspection requirements in Part 3.7.6 will be determined by evaluating Permittee records of an established stormwater facility inspection program. The Permittee must have a program designed to inspect all catch basins and inlets and achieving at least 95% of required inspections prior to the permit expiration date.

### 3.7.7 **Other Maintenance Practices**

The Permittee must document and implement maintenance practices to reduce stormwater impacts associated with runoff discharging through the Permittee's MS4 in the Permit Area defined in Part 1.1 from lands owned or maintained by the Permittee, and/or road maintenance activities under the functional control of the Permittee. *Lands owned or maintained by the Permittee* include, but are not limited to parking lots; streets, roads, and highways; buildings, parks, and open space; road rights-of-way; maintenance yards; stormwater treatment BMPs or facilities; and flow control BMPs or facilities. The Permittee must ensure that the following activities are conducted in a manner that is protective of receiving water quality:

- 3.7.7.1 Pipe cleaning;
- 3.7.7.2 Cleaning of culverts that convey stormwater in ditch systems;
- 3.7.7.3 Ditch maintenance;
- 3.7.7.4 Street cleaning;
- 3.7.7.5 Road repair and resurfacing, including pavement grinding;
- 3.7.7.6 Snow and ice control;
- 3.7.7.7 Utility installation;
- 3.7.7.8 Maintaining roadside areas, including vegetation management;
- 3.7.7.9 Dust control;
- 3.7.7.10 Pavement striping maintenance;
- 3.7.7.11 Application of fertilizer, pesticides, and herbicides, according to the instructions for their use, including reducing nutrients



and pesticides using alternatives that minimize environmental impacts;

- 3.7.7.12 Sediment and erosion control;
- 3.7.7.13 Landscape maintenance and vegetation disposal;
- 3.7.7.14 Trash and pet waste management; and
- 3.7.7.15 Building exterior cleaning and maintenance.

### 3.7.8 **Stormwater Pollution Prevention Plan**

No later than two years after the effective date of this permit, the Permittee must develop and implement Stormwater Pollution Prevention Plans (SWPPP) for all heavy equipment maintenance or storage yards, and/or material storage facilities owned and/or operated by the Permittee within the Permit Area, which are not already regulated under another appropriate NPDES permit.

- 3.7.8.1 The Permittee may use generic SWPPPs that can be tailored to multiple similar activity sites to comply with this requirement.
- 3.7.8.2 Implementation of non-structural BMPs must begin immediately after the SWPPP is developed.
- 3.7.8.3 A schedule for installation of any necessary structural BMPs must be included in the SWPPP.
- 3.7.8.4 The SWPPP(s) must include a summary of BMPs expected to be utilized at the site and periodic visual observation of discharges from the facility by responsible staff to verify the effectiveness of BMPs used to reduce pollutants in runoff.

### 3.7.9 **Training**

The Permittee must develop and implement an on-going training program for Permittee staff who have primary responsibility for construction, operations or maintenance job functions that may impact stormwater quality.

The training program must address the importance of protecting water quality; the requirements of this permit; O&M standards; inspection procedures; selection of appropriate BMPs as required in this Part; ways to perform their job activities to prevent or minimize impacts to water quality; and procedures for reporting water quality concerns, including potential illicit discharges.

No later than one year from permit effective date, the Permittee must provide appropriate training to existing employees who will implement this permit. Orientation and training concerning the Permittee's stormwater management program must be accomplished within the first 180 days of employment, or new assignment, for new staff who work directly on topics and requirements outlined in Part 3.7.. Follow-up training must be provided as needed to address changes in procedures, techniques, or requirements.

### 3.7.10 Annual Report

The Permittee must include in each Annual Report the following information related to O&M activities in areas draining to MS4 outfalls within the Permit Area described in Part 1.1 during the relevant reporting period:

- 3.7.10.1 Summarize information regarding all stormwater facility inspections, catch basin inspections, and maintenance or repair activities conducted by the Permittee, and those circumstances considered beyond the Permittee's control that prevent a maintenance activity from occurring.
- 3.7.10.2 Where circumstances prevent the maintenance activity as described in Part 3.7.2 from occurring, the Permittee must document the circumstances to describe how they were outside the Permittee's control.
- 3.7.10.3 The 1st Year Annual Report must include a list of all Permittee-regulated stormwater facilities, and their locations, that are expected to be inspected during the permit term in compliance with this Part.  
Subsequent Annual Reports must summarize the Permittee's inspection and maintenance of those Permittee-regulated stormwater facilities to document progress towards achieving  $\geq 80\%$  of required inspections during the permit term.
- 3.7.10.4 The 1st Year Annual Report must include a list of all Permittee-owned and/or operated stormwater facilities used for flow control and treatment, and their locations, that are expected to be inspected during the permit term in compliance with this Part.  
Subsequent Annual Reports must summarize the Permittee's inspection and maintenance of those Permittee-owned and/or operated stormwater facilities to document progress towards achieving  $\geq 95\%$  of required inspections during the permit term.
- 3.7.10.5 The 1st Year Annual Report must include a list of all Permittee-owned and/or operated catch basins and inlets to be inspected annually in compliance with this Part.  
Subsequent Annual Reports must document the Permittee's progress toward inspecting and maintaining  $\geq 95\%$  of all catch basins and inlets prior to the permit expiration date.
- 3.7.10.6 Summary information regarding relevant staff training provided or obtained, verification that appropriate staff members received training and the number of staff members trained. .

### 3.8 Total Maximum Daily Load Requirements<sup>10</sup>

Compliance with this permit constitutes compliance with the Total Maximum Daily Load (TMDL) approved by EPA in 1994 for dissolved oxygen, biological oxygen demand, and ammonia in the Puyallup River basin. After the effective date of this permit, if EPA approves a TMDL containing wasteload allocations for MS4 discharges to surface waters of the Puyallup Tribe, EPA may modify this Permit pursuant to Part 8.13 (*Reopener Clause*).

---

<sup>10</sup> This provision is consistent with Condition 12 of the Puyallup Tribe's *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021.

## 4 ADAPTIVE MANAGEMENT RESPONSE

The Permittee must notify the EPA Director of the Enforcement and Compliance Assurance Division, EPA Director of Water Division and the Puyallup Tribe in writing as required by Part 6.1 (*Submittal Process*) within 30 days of becoming aware that, based on credible site-specific information, a discharge from the Permittee's MS4 is causing or contributing to a known, likely, on-going, and/or continuing violation of water quality standards in the receiving water.

### 4.1 Written Notification

Written notification provided under this Part must, identify the source of the site-specific information; describe the location, nature and extent of the known or likely water quality standard violation in the receiving water; and explain the reasons why the MS4 discharge is believed to be causing or contributing to the problem. This notification must document any prior response activities the Permittee may have conducted pursuant to Part 7.9 (*Twenty-Four-Hour Notice of Noncompliance Reporting*). For ongoing or continuing violations, a single written notification to each EPA and the Puyallup Tribe will fulfill this requirement.

### 4.2 EPA Review

In the event that EPA determines, based on a notification from the Permittee as provided under this Part or through any other means, that a discharge from the MS4 owned or operated by the Permittee is causing or contributing to an ongoing and/or continuous violation of water quality standards in a receiving water, EPA will notify the Permittee in writing that an adaptive management response is required as outlined below in Part 4.3 (*Adaptive Management Response*).

- 4.2.1 EPA may elect not to require an adaptive management response from the Permittee if EPA determines that the violation of water quality standards is already being addressed by a Total Maximum Daily Load (TMDL) implementation plan or other enforceable water quality cleanup plan; or, EPA concludes the MS4 contribution to the violation will be eliminated through implementation of other permit requirements, regulatory requirements, or Permittee actions.

### 4.3 Adaptive Management Response Report

Within 60 days of receiving a notification pursuant to Part 4.2 (*EPA Review*), or by an alternative date established by EPA, the Permittee must review its Stormwater Management Program and submit a report to EPA and the Puyallup Tribe. The Adaptive Management Response Report must include:

- 4.3.1 A description of the operational and/or structural BMPs that are currently being implemented at the location to prevent or reduce any pollutants that are causing or contributing to the violation of water quality standards, including a qualitative assessment of the effectiveness of each BMP.
- 4.3.2 A description of potential additional operational and/or structural BMPs that will or may be implemented in order to prevent or reduce any pollutants that are causing or contributing to the violation of water quality standards.
- 4.3.3 A description of the potential monitoring or other assessment and evaluation efforts that will or may be implemented to monitor, assess, or evaluate the effectiveness of the additional BMPs.
- 4.3.4 A schedule for implementing the additional BMPs including, as appropriate: funding, training, purchasing, construction, monitoring, and other assessment and evaluation of implementation.

#### 4.4 Implementation

EPA will, in writing, acknowledge receipt of the Adaptive Management Response Report within a reasonable time and notify the Permittee when it expects to complete its review of the report. EPA will either approve the additional BMPs and implementation schedule or require the Permittee to modify the report as needed. If modifications are required, EPA will specify a reasonable time frame in which the Permittee must submit and EPA will review the revised report.

- 4.4.1 The Permittee must implement the additional BMPs, pursuant to the schedule approved by EPA, immediately upon receipt of written notification of approval.
- 4.4.2 The Permittee must include with each subsequent Annual Report a summary of the status of implementation and the results of any monitoring, assessment or evaluation efforts conducted during the reporting period. If, based on the information provided under this Part, EPA determines that modification of the BMPs or a specific implementation schedule is necessary EPA will notify the Permittee in accordance with Part 8.1 (*Permit Actions*).
- 4.4.3 If EPA notifies the Permittee that changes to the SWMP are necessary pursuant to Part 4.4.2, the notification will offer the Permittee an opportunity to propose alternative program changes to meet the objectives of the requested modification. Following this opportunity, the Permittee must implement any required changes according to the schedule set by EPA.

#### 4.5 Modifications

Any formal modifications to the requirements of this permit will be accomplished according to Part 8.1 (*Permit Actions*).

## 5 MONITORING REQUIREMENTS

### 5.1 Stormwater Monitoring

The Permittee must begin implementation of a stormwater monitoring program no later than two years after the effective date of the Permit. The stormwater monitoring program is intended to characterize stormwater runoff quantity and quality in a manner that allows analysis of loadings and changes in conditions over time. The Permittee may develop their stormwater monitoring program in compliance with this Part using as guidance the WDOE's *Phase I Municipal Stormwater Permit Appendix 9 – Stormwater Discharge Monitoring – August 1, 2019 and Modified October 20, 2021*, available at:

[https://fortress.wa.gov/ecy/ezshare/wq/permits/MuniPhaseI\\_Appendix9-Final.Mod.pdf](https://fortress.wa.gov/ecy/ezshare/wq/permits/MuniPhaseI_Appendix9-Final.Mod.pdf).

#### 5.1.1 Discharge Monitoring Location

The Permittee must meet the requirements of this section by monitoring at least one representative stormwater outfall within the Permit Area discharging at a downstream location or directly into the Puyallup River.<sup>11</sup>

5.1.1.1 The Permittee must map all known portions of the tributary conveyance systems and drainage areas of the discharge monitoring location. As required by Part 3.3.2, prior to the expiration date of this permit, the Permittee must have an ongoing program to map any new drainage contributing to the selected discharge monitoring location.

5.1.1.2 The discharge monitoring location must be evaluated for a rainfall to runoff relationship in order to ensure that the discharge monitoring location will receive enough runoff for sufficient sample volume. This rainfall to runoff relationship will also assist in programming the automatic sampling equipment. In order to establish the rainfall to runoff relationship, one year of continuous flow recording (including base flow and all storm events) is necessary.

#### 5.1.2 Sample Frequency

The Permittee must sample each stormwater discharge monitoring location according to the frequency described below. Documented good faith efforts with good professional practice by the Permittee which do not result in collecting a successful sample for the full number of required storms may be considered as contributing toward compliance with this requirement:

---

<sup>11</sup> This requirement is consistent with Condition 9 of the Puyallup Tribe's *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021. See also Part 5.2.

- 5.1.2.1 The Permittee must sample and analyze a minimum of eleven (11) qualifying storm events per water year. Qualifying storm event sampling must be distributed throughout the year, approximately reflecting the distribution of rainfall between the wet and dry seasons (with a goal of 60-80% of the samples collected during the wet season and a goal of 20-40% of the samples collected in the dry season).
- 5.1.2.2 The Puyallup Tribe may approve a reduced sampling frequency if the Permittee provides a statistical analysis demonstrating that monitoring goals can be met with fewer samples. See Part 5.2.

### 5.1.3 **Qualifying Storm Event Criteria**

The wet season is from October 1 through April 30. A qualifying wet season storm event is defined as follows:

- Rainfall volume: 0.20" minimum, no fixed maximum
- Rainfall duration: No fixed minimum or maximum
- Antecedent dry period: Less than or equal to 0.05" rain in the previous 6 hours, unless more time is needed to return to baseflow at the sampling point
- Inter-event dry period: 6 hours

The dry season is from May 1 through September 30. A qualifying dry season storm event is defined as follows:

- Rainfall volume: 0.20" minimum, no fixed maximum
- Rainfall duration: No fixed minimum or maximum
- Antecedent dry period: less than or equal to 0.02" rain in the previous 24 hours
- Inter-event dry period: 6 hours

### 5.1.4 **Sample Type**

Storm events must be sampled using flow-weighted composite sampling techniques. Automatic samplers must be programmed to begin sampling as early in the runoff event as practical and to continue sampling past the longest estimated time of concentration for the tributary area.

- 5.1.4.1 For storm events lasting less than 24 hours, samples shall be collected for at least seventy-five percent (75%) of the storm event hydrograph. For storm events lasting longer than 24 hours, samples shall be collected for at least

seventy-five percent (75%) of the hydrograph of the first 24 hours of the storm.

- 5.1.4.2 Each composite sample must consist of at least 10 aliquots. Composite samples with 7 to 9 aliquots are acceptable if they meet the other sampling criteria and help achieve a representative balance of wet season/dry season events and storm sizes.
- 5.1.4.3 Continuous flow recording of all storm events (not just sampled storm events) is necessary for at least one year to establish a baseline rainfall/runoff relationship. Ongoing continuous flow monitoring is required for each of the sampled storm events as necessary to properly conduct the flow-weighted composite sampling. Precipitation data must be collected from the nearest rain gauge reporting at least hourly rainfall amounts.
- 5.1.4.4 Grab samples are necessary for some parameters (See Part 5.1.5.4). Grab samples must be collected early in the storm event.
- 5.1.4.5 The Permittee must use sufficiently sensitive analytical methods which meet the following:
- 5.1.4.5.1 The Permittee must use a method that detects and quantifies the level of the pollutant, or
- 5.1.4.5.2 The Permittee must use a method that can achieve a maximum minimum level (ML) less than or equal to those specified in APPENDIX E or as otherwise approved by the Puyallup Tribe.

#### 5.1.5 Parameters

- 5.1.5.1 Flow weighted composite samples must be analyzed for the parameters listed in Appendix E –Table 1 and summarized below, utilizing an Ecology- or EPA- accredited laboratory and the methods and reporting limits as provided in Table 1 found in APPENDIX E or as otherwise approved by the Puyallup Tribe:
- Conventional parameters
  - Methylene blue activating substances (MBAS)
  - Nutrients
  - Metals
  - Organics:
    - Polycyclic aromatic hydrocarbons (PAHs)
    - Pesticides
    - Phthalates
- 5.1.5.2 Analyte Priority. If the volume of stormwater sample collected from a qualifying storm is insufficient to allow



analysis for all parameters listed above, the sample shall be analyzed for as many parameters as possible in the following priority order: (1) metals and hardness; (2) conductivity; (3) TSS; (4) nutrients; (5) organics: PAHs, phthalates, insecticide, and herbicides; (6) BOD<sub>5</sub>; and (7) remaining conventional parameters. If insufficient sample exists to run the next highest priority pollutant, that analysis should be bypassed and analyses run on lower priority pollutants in accordance with the remaining priority order to the extent possible.

5.1.5.3 Parameters that are below minimum levels after two years of data may be dropped from the analysis.

5.1.5.4 Grab samples must be analyzed for the following constituents/parameters utilizing an Ecology- or EPA-accredited laboratory and minimum levels listed in Appendix E- Table 1:

- *E. coli* bacteria
- Total petroleum hydrocarbons – diesel fraction

#### 5.1.6 Stormwater Solids Samples

Stormwater solids samples must be collected twice per water year at each stormwater discharge monitoring location, or in the vicinity of each stormwater monitoring location, according to the following:

5.1.6.1 The Puyallup Tribe may approve reducing this requirement to a once per year frequency if the Permittee provides evidence demonstrating that insufficient material is present in the conveyance. See Part 5.2.

5.1.6.2 Use of in-line traps or similar collection system is needed for stormwater solids sampling.

5.1.6.3 Stormwater solids samples must be analyzed for the listed in Appendix E- Table 2 and summarized below utilizing a Washington Department of Ecology- or EPA-accredited laboratory and the methods and minimum levels listed in Appendix E-Table 2 or otherwise approved by the Puyallup Tribe:

- Conventional parameters
- Metals
- Organics:
  - Pesticides
  - PAHs
  - Phthalates
  - Phenolics
  - Polychlorinated biphenyls (PCBs)
  - Polybrominated diphenyl ethers (PBDEs)

- Total petroleum hydrocarbon – diesel fraction (TPH-Dx)
- 5.1.6.4 Analyte Priority. If the stormwater solids sample volume is insufficient to analyze for all of the parameters listed below, the sample must be analyzed for as many parameters as possible in the following priority order: (1) conventional parameters; (2) metals; (3) TPH-Dx; (4) Phenolics; (5) PAHs and phthalates; (6) pesticides; (7) PBDEs; and (8) PCBs. If insufficient sample exists to run the next highest priority pollutant, that analysis may be bypassed and analyses run on lower priority pollutants in accordance with the remaining priority order to the extent possible. Additional samples must be collected if insufficient sample exists from a single sample to run all of the organic pollutants listed above.
- 5.1.6.5 A visual, qualitative determination of grain size must be reported for all stormwater solids samples (in addition to the quantitative analysis for all samples with sufficient volume).
- 5.1.6.6 Parameters that are below minimum levels after two years of data may be dropped from the analysis.

## 5.2 Quality Assurance Project Plan

The Permittee must develop a Quality Assurance Project Plan (QAPP) for all monitoring required by this Part. Any existing QAPPs may be modified to meet the requirements of this section.

No later than six months from the effective date of this permit, the Permittee must submit a draft QAPP for review and approval to the Puyallup Tribe at the address provided in Part 6.1.1.<sup>12</sup>

The Puyallup Tribe may consider deviations from the requirements of Part 5.1 when approving the QAPP, provided that all Permittee-requested deviations are evidence based and discussed with the Puyallup Tribe during the Tribe's review of the draft QAPP. A final QAPP must be submitted to the Puyallup Tribe for approval as soon as possible following finalization and before one year from the effective date of this permit, or within 60 days of receiving the Puyallup Tribe's comments on the draft QAPP (whichever is later).

The file name of the electronic QAPP must be as follows: YYYY\_MM\_DD\_«Permit Number»\_QAPP <draft or final>, where YYYY\_MM\_DD is the date that the Permittee submits the document, and <draft or final> represents the iterative version of the document.

Monitoring activities must begin within 30 days of receiving the Puyallup Tribe's approval of the final QAPP. The QAPP must meet the following requirements:

---

<sup>12</sup> This sentence is consistent with Condition 9 of the Puyallup Tribe's *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021. See also Part 5.1.1.

### 5.2.1 Purpose

The QAPP must be designed to assist in planning for the collection and analysis of effluent samples in support of the permit and in explaining data anomalies when they occur.

### 5.2.2 Format

Throughout all sample collection and analysis activities, the Permittee must use EPA-approved QA/QC and chain-of-custody procedures described in *EPA Requirements for Quality Assurance Project Plans (EPA/QA/R-5)* and *Guidance for Quality Assurance Project Plans (EPA/QA/G-5)*. The QAPP must be prepared in the format that is specified in these documents.

### 5.2.3 QAPP Requirements

At a minimum, the QAPP must contain the following:

- 5.2.3.1 Details on the number of samples, type of sample containers, sample preservation methods, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements;
- 5.2.3.2 Specifications for the collection and analysis of quality assurance samples for each sampling event, including matrix spiked and duplicate samples, and analysis of field transfer blanks (sample blanks);
- 5.2.3.3 Map(s) indicating the location of the sampling points and associated drainage basins with known land uses;
- 5.2.3.4 Description of each stormwater monitoring location and associated drainage basin in detail. The QAPP must describe the size of the drainage basin, and the percentage of area in the drainage basin representing the following land uses: high density residential, low density residential, commercial, industrial, agriculture, and transportation right-of-way. The QAPP must contain definitions for each land use;
- 5.2.3.5 Sampling approach for each sampling site used to collect stormwater solids samples;
- 5.2.3.6 Qualification and training of personnel, and
- 5.2.3.7 Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the Permittee.

### 5.2.4 Modifications

The Permittee must amend the QAPP whenever there is a modification in sample collection, sample analysis, or other procedure

addressed by the QAPP.

#### 5.2.5 **Retention**

Copies of the QAPP must be retained on site and made available to EPA and the Puyallup Tribe upon request.

### 5.3 **Representative Sampling**

Samples and measurements taken to meet the requirements of this permit must be representative of the volume and nature of the monitored activity..

### 5.4 **Monitoring Procedures**

Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless another method is required under 40 CFR subchapters N or O, or other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.

### 5.5 **Additional Monitoring**

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the Permittee must include the results of this monitoring in the calculation and reporting of the data submitted in each Annual Report.

Upon request by EPA or the Puyallup Tribe, the Permittee must submit results of any other sampling, regardless of the test method used.

### 5.6 **Records Contents**

Records of monitoring information must include:

- 5.6.1 The date, exact place, and time of sampling or measurements;
- 5.6.2 The name(s) of the individual(s) who performed the sampling or measurements;
- 5.6.3 The date(s) analyses were performed;
- 5.6.4 The names of the individual(s) who performed the analyses;
- 5.6.5 The analytical techniques or methods used; and
- 5.6.6 The results of such analyses.

## 6 REPORTING REQUIREMENTS

### 6.1 Submittal Process<sup>13</sup>

The Permittee must submit documents required by this permit to EPA and the Puyallup Tribe at the addresses identified below. *Documents required by this permit* include, but are not limited to, SWMP documents, agreements, notifications, maps, adaptive management reports, quality assurance plans, annual reports, stormwater monitoring reports, and permit renewal applications.

Electronic or digital format documents are required. Submittals must be provided either via e-mail or secure file transfer service, such as a file transfer protocol (FTP) software. File attachments cannot exceed 20MB total per email and may not include Zip files. If e-mail size is greater than 20MB, then submittals must be sent by secure file transfer service.

The Permittee must sign and certify all electronic submittals as required by Part 8.5 (*Signatory Requirements*).

#### 6.1.1 Addresses

The Permittee must submit documents required by this permit to the specified EPA office and/or the Puyallup Tribe using the email addresses listed below. Emails to submit documents must use the following email subject line:

*CWA NPDES «Permit Number» «Report or Document TypeName»*

Addressee	Electronic Mail Address
U.S. EPA Region 10 Director, Water Division	[To Be Determined]
U.S. EPA Region 10 Director, Enforcement & Compliance Assurance Division	<a href="mailto:R10enforcement@epa.gov">R10enforcement@epa.gov</a>
Puyallup Tribe of Indians Water Manager, Environmental Department	<a href="mailto:char.naylor@puyalluptribe-nsn.gov">char.naylor@puyalluptribe-nsn.gov</a>

#### 6.1.2 Electronic Document Submittal using an EPA Web Portal

Prior to the Permit expiration date, EPA may provide the Permittee with instructions for submitting electronic or digital format documents

<sup>13</sup> This requirement is consistent with Condition 2 and 10 of the Puyallup Tribe's *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021.

required by this permit to EPA using a dedicated EPA Web Portal for the MS4 Permit program. The Permittee may then use that portal after requesting and receiving permission from EPA. Upon use of the dedicated EPA Web Portal, the Permittee is no longer required to submit documents to EPA via email.

## 6.2 Annual Report

No later than March 31<sup>st</sup>, of each year beginning in 2024 the Permittee must submit an Annual Report to the EPA Director of the Enforcement & Compliance Assurance Division, and the Puyallup Tribe. An example format is provided in APPENDIX A. The reporting period for each Annual Report is described below:

Annual Report	Reporting Period	Due Date
1 <sup>st</sup> Year	Permit Effective Date – Dec 31, 2023	March 31, 2024
2 <sup>nd</sup> Year	Jan 1 – Dec 31, 2024	March 31, 2025
3 <sup>rd</sup> Year	Jan 1 – Dec 31, 2025	March 31, 2026
4 <sup>th</sup> Year	Jan 1 – Dec 31, 2026	March 31, 2027
5 <sup>th</sup> Year	Jan 1 – Dec 31, 2027	March 31, 2028

The file name of the electronic Annual Report must be as follows: *YYYY\_MM\_DD\_«Permit Number»\_MS4 Annual Report\_Yr X*, where *YYYY\_MM\_DD* is the date that the Permittee submits the Annual Report and *X* is the Year/reporting period represented.

Unless otherwise specified, the file name of any attachments to the Annual Report must be as follows: *YYYY\_MM\_DD\_«Permit Number»\_MS4 Annual Report\_«Document Type Name»*, where *YYYY\_MM\_DD* is the date that the Permittee submits the report, and document type name describes the attachment's content.

## 6.3 Stormwater Monitoring Reports<sup>14</sup>

An "Annual Stormwater Monitoring Report" must be submitted as an attachment with each Annual Report beginning in 2024.

Each report must summarize all monitoring data collected during the preceding water year (October 1 – September 30). The first annual monitoring report submitted may include data from a partial water year, if available, and should document Permittee accomplishments to date regarding the initiation of the monitoring activities required by Part 5. Each subsequent report must integrate data from earlier years into the analysis of results, as appropriate. See APPENDIX B for required information to be included in each report.

---

<sup>14</sup> This requirement is consistent with Condition 10 of the Puyallup Tribe's *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021. See also Appendix B.

The file name of the electronic Stormwater Monitoring Report must be as follows: YYYY\_MM\_DD\_«Permit Number»\_SW Monitoring WYXXXX, where YYYY\_MM\_DD is the date that the Permittee submits the report and XXXX is the Water Year represented in the report.

#### **6.4 Retention of Records**

The Permittee must retain records and copies of all information (including all monitoring, calibration, and maintenance records and all original strip chart recordings for any continuous monitoring instrumentation, copies of all reports required by this permit, a copy of the NPDES permit, and records of all data used to complete the SWMP Document and application for this permit) for a period of at least five years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended at the request of EPA or the Puyallup Tribe at any time.

#### **6.5 Availability of Records**

At a minimum, the Permittee must retain all records associated with this permit in a location and format that are accessible to EPA and the Puyallup Tribe. The Permittee must make all records described above available to the public if requested to do so in writing. The public must be able to view the records during normal business hours. The Permittee may charge the public a reasonable fee for copying requests.

## **7 COMPLIANCE RESPONSIBILITIES**

### **7.1 Duty to Comply**

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

### **7.2 Penalties for Violations of Permit Conditions**

#### **7.2.1 Civil and Administrative Penalties**

Civil and Administrative Penalties. Pursuant to 40 CFR Part 19 and the CWA, any person who violates CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any such sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8), is subject to a civil penalty not to exceed the maximum amounts authorized by CWA § 309(d) and the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note; Pub. L. 101-410) as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. § 3701 note) and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note, Pub. L. 114-74) (currently \$59,973 per day for each violation)..

#### **7.2.2 Administrative Penalties**

Any person may be assessed an administrative penalty by the Administrator for violating CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any of such sections in a permit issued under CWA § 402. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by CWA § 309(g)(2)(A) and the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note; Pub. L. 101-410) as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. § 3701 note) and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note, Pub. L. 114-74) (currently \$23,989 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$59,973). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by CWA § 309(g)(2)(B) and the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note; Pub. L. 101-410) as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. § 3701 note) and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note, Pub. L. 114-74) (currently \$23,989 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$299,857)..



## 7.2.3 Criminal Penalties

### 7.2.3.1 Negligent Violations

The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

### 7.2.3.2 Knowing Violations

Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

### 7.2.3.3 Knowing Endangerment

Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

### 7.2.3.4 False Statements

The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or

both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both. The CWA further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

### **7.3 Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### **7.4 Duty to Mitigate**

The Permittee must take all reasonable steps to minimize or prevent any discharge or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

### **7.5 Proper Operation and Maintenance**

The Permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes best management practices, adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of this permit.

### **7.6 Toxic Pollutants**

The Permittee must comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

### **7.7 Planned Changes**

The Permittee must give notice to the Director of the Water Division and the Puyallup Tribe as directed by Part 6.1 (*Submittal Process*) as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

- The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR §122.29(b); or

- The alteration or addition could significantly change the nature or increase the quantity of the pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit.

### 7.8 Anticipated Noncompliance

The Permittee must give advance notice to the EPA Director of the Enforcement and Compliance Assurance Division, and the Puyallup Tribe using the addresses provided in Part 6.1.1 (*Addresses*), of any planned changes in the permitted facility or activity which may result in noncompliance with this permit.

### 7.9 Twenty-Four-Hour Notice of Noncompliance Reporting

The Permittee must report the following occurrences of noncompliance to the EPA Director of the Enforcement and Compliance Assurance Division by telephone at (206) 553-1846, within 24-hours from the time the Permittee becomes aware of the circumstances:

- Any discharge to or from the MS4 which could result in noncompliance that may endanger health or the environment;
- Any unanticipated bypass that results in or contributes to an exceedance of any effluent limitation in this permit. See Part 7.10 (*Bypass of Treatment Facilities*);
- Any upset that results in or contributes to an exceedance of any effluent limitation in this permit. See Part 7.11 (*Upset Conditions*).

#### 7.9.1 Written Report

The Permittee must also provide a written submission within five (5) business days of the time that the Permittee becomes aware of any event required to be reported under Part 7.9 (*Twenty-Four-Hour Notice of Noncompliance Reporting*). The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the estimated time noncompliance is expected to continue if it has not been corrected; and all steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Permittee must sign and certify the report in accordance with the requirements of Permit Part 8.5 (*Signatory Requirements*). The report must be submitted to the EPA Director of the Enforcement and Compliance Assurance Division, with copies to the Puyallup Tribe, as directed by Part 6.1 (*Submittal Process*), and using the electronic file name as follows:

YYYY\_MM\_DD\_«Permit Number»\_Noncompliance Report, where YYYY\_MM\_DD is the date that the Permittee submits the report.

#### 7.9.2 Written Report Waiver

The EPA Director of the Enforcement and Compliance Assurance Division may waive the written report on a case by case basis if the

oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.

## 7.10 Bypass of Treatment Facilities

### 7.10.1 Bypass Not Exceeding Limitations

The Permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 7.10.2 and 7.10.3 of this Part.

### 7.10.2 Notice

#### 7.10.2.1 Anticipated bypass.

If the Permittee knows in advance of the need for a bypass, it must submit prior notice, to the Director of the Enforcement and Compliance Assurance Division, if possible, at least 10 days before the date of the bypass.

#### 7.10.2.2 Unanticipated bypass.

The Permittee must submit notice of an unanticipated bypass as required under Part 7.9 (*Twenty-Four-Hour Notice of Noncompliance Reporting*)

### 7.10.3 Prohibition of Bypass

Bypass of stormwater from all or any portion of a stormwater treatment BMP is prohibited, and the Director of the Enforcement and Compliance Assurance Division may take enforcement action against the Permittee for a bypass, unless:

- The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
- The Permittee submitted notices as required under Part 7.10.2 above.

### 7.10.4 Optional Approval

The Director of the Enforcement and Compliance Assurance Division may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in this part.

## 7.11 Upset Conditions

### 7.11.1 Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with a technology-based permit effluent limitation if the Permittee meets the requirements of paragraph 7.11.2 of this Part. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

### 7.11.2 Conditions Necessary for a Demonstration of Upset

To establish the affirmative defense of upset, the Permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- An upset occurred and that the Permittee can identify the cause(s) of the upset;
- The permitted facility was at the time being properly operated;
- The Permittee submitted notice of the upset as required under Part 7.9, (*Twenty-Four-Hour Notice of Noncompliance Reporting*) and,
- The Permittee complied with any remedial measures required under Part 7.4, (*Duty to Mitigate*).

### 7.11.3 Burden of Proof

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

## 7.12 Other Noncompliance

The Permittee must report all instances of noncompliance, not required to be reported within 24 hours, as part of each Annual Report. Such noncompliance reports must contain all the information listed in Part 7.9 (*Twenty-Four-Hour Notice of Noncompliance Reporting*).

## 7.13 Removed Substances

All collected screenings, grit, solids, sludges, filter backwash water, decant water, and/or other pollutants removed in the course of maintenance, and/or treatment or control of stormwater and other wastewaters must be managed and disposed of in a manner such as to prevent such pollutants from entering the waters of the U.S. See also APPENDIX D of the Permit.

## 8 GENERAL REQUIREMENTS

### 8.1 Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR §§122.62, 122.64, or 124.5. The filing of a request by the Permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

### 8.2 Duty to Reapply

If the Permittee intends to continue its operational control and management of discharges from the MS4 as regulated by this permit after the permit expiration date, the Permittee must apply for and obtain a new permit in accordance with 40 CFR §122.21(d), and unless permission for the application to be submitted at a later date has been granted by the EPA Director of the Water Division, the Permittee must submit a new application at least 180 days before the permit expiration date.

### 8.3 Duty to Provide Information

The Permittee must furnish to EPA and the Puyallup Tribe, within the time specified in the request, any information that EPA or the Puyallup Tribe may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee must also furnish to EPA or the Puyallup Tribe, upon request, copies of the records required to be kept by this permit.

### 8.4 Other Information

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in an application, or any report to EPA or the Puyallup Tribe, it must promptly submit the omitted facts or corrected information in writing.

### 8.5 Signatory Requirements

All permit applications, reports, or information submitted to EPA and the Puyallup Tribe must be signed and certified as follows:

#### 8.5.1 All Permit applications must be signed and certified:

- For a corporation: by a principal corporate officer.
- For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
- For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

#### 8.5.2 Duly Authorized Representative

All reports required by this permit and other information requested by EPA or the Puyallup Tribe must be signed by a person described in Part 8.5.1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- 8.5.2.1 The authorization is made in writing by a person described above;
- 8.5.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, owner or operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
- 8.5.2.3 Written authorization is submitted to the EPA Director of the Enforcement and Compliance Assurance Division and the Puyallup Tribe.

### 8.5.3 Changes to Authorization

If an authorization under Part 8.5.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 8.5.2 must be submitted to the EPA Director of the Enforcement and Compliance Assurance Division and the Puyallup Tribe prior to or together with any reports, information, or applications to be signed by an authorized representative.

### 8.5.4 Certification

Any person signing a document under this part must make the following certification:

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

### 8.5.5 Electronic Report Signatures

If applications or reports required under this permit are submitted electronically by or on behalf of the Permittee, any person providing the electronic signature for such documents shall meet all relevant requirements of this section, and shall ensure that all of the relevant requirements of 40 CFR part 3 (including, in all cases, subpart D to part 3) (Cross-Media Electronic Reporting) and 40 CFR part 127 (NPDES Electronic Reporting Requirements) are met for that submission.

## 8.6 Availability of Reports

In accordance with 40 CFR §2, information submitted to EPA pursuant to this permit may be claimed as confidential by the Permittee. In accordance with the CWA, permit applications, permits, and effluent data are not considered confidential. Any confidential claim must be asserted at the time of submission by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the Permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR §2, Subpart B (Public Information) and 41 Federal Register 36924 (September 1, 1976), as amended.

## 8.7 Inspection and Entry

The Permittee must allow the EPA Director of the Enforcement and Compliance Assurance Division; the Puyallup Tribe; or an authorized representative (including an authorized contractor acting as a representative of the Director), upon the presentation of credentials and other documents as may be required by law, to:

### 8.7.1 Enter

Upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

### 8.7.2 Access

Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

### 8.7.3 Inspect

Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

### 8.7.4 Sample, Monitor, Evaluate or Audit

At reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any discharges, substances or parameters at any location.

## 8.8 Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

## 8.9 Transfers

This permit is not transferable to any person except after written notice to the Director of the Water Division as directed by Part 6.1 (*Submittal Process*). The Director of the Water Division may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such



other requirements as may be necessary under the CWA.

#### **8.10 State/Tribal Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state/Tribal law or regulation under authority preserved by Section 510 of the CWA. No condition of the permit releases the Permittee from any responsibility or requirements under other environmental statutes or regulations.

#### **8.11 Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Clean Water Act or Section 106 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

#### **8.12 Severability**

The provisions of this permit are severable, and if any provision of this Permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

#### **8.13 Re-opener Clause**

This permit is subject to modification, revocation and reissuance, or termination at the request of any interested person (including the Permittee) or upon EPA initiative. However, a permit may only be modified, revoked or reissued, or terminated for the reasons specified in 40 CFR §§122.62 or 122.64, and 40 CFR §124.5. This includes new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance, including but not limited to any Reasonable and Prudent Alternatives or Reasonable and Prudent Measures developed through Endangered Species Act consultation, and/or future monitoring results. All requests for permit modification must be addressed to the Director of the Water Division in writing as directed in Part 6.1 (*Submittal Process*) and must contain facts or reasons supporting the request. See also Part 8.1 (*Permit Actions*).

## 9 DEFINITIONS

1. **Administrator** means the Administrator of the United States Environmental Protection Agency, or an authorized representative [40 CFR §122.2].
2. **Best Management Practice, or BMP**, means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 40 CFR 122.2 and 122.44(k).
3. **Bypass** means the intentional diversion of waste streams from any portion of a treatment facility. See 40 CFR 122.41(m). For the purposes of this permit, Bypass also means the intentional diversion of stormwater from any portion of a stormwater treatment facility.
4. **Catch Basin** means a chamber or well, usually built at the curb line of a street, for the admission of surface water to a sewer or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow. See 2019 *Stormwater Management Manual for Western Washington*.
5. **CFR** means the Code of Federal Regulations, which is the official annual compilation of all regulations and rules promulgated during the previous year by the agencies of the United States government, combined with all the previously issued regulations and rules of those agencies that are still in effect.
6. **Construction General Permit or CGP** means the current version of the U.S. Environmental Protection Agency's *NPDES General Permit for Stormwater Discharges from Construction Activities in Indian Country within the State of Washington*, Permit No. WAR10I000. The permit is posted on EPA's website at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>
7. **Construction Activity** includes, but is not limited to, clearing, grading, excavation, and other site preparation work related to construction of residential buildings and non-residential buildings, and heavy construction (e.g., highways, streets, bridges, tunnels, pipelines, transmission lines and industrial non-building structures).
8. **Control Measure** as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.
9. **CWA or the Act**, means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, 33 U.S.C. § 1251 et seq. [40 CFR §122.2].
10. **Director of the Enforcement and Compliance Assurance Division** means the Director of the Enforcement and Compliance Assurance Division, EPA Region 10, or an authorized representative.

11. **Director of the Water Division** means the Director of the Water Division, EPA Region 10, or an authorized representative.
12. **Discharge**, when used without qualification, means the discharge of a pollutant as defined at 40 CFR §122.2.
13. **Discharge of a Pollutant** is defined at 40 CFR §122.2 and means (a) any addition of any pollutant or combination of pollutants to waters of the United States from any point source, or (b) any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger. See 40 CFR §122.2.
14. **Discharge Point** means the location where a discharge leaves the permittee's MS4 to another permittee's MS4 or a private or public stormwater conveyance.
15. **Effluent Limitation** means any restriction imposed by the Director on quantities, discharge rates, and concentrations of "pollutants" which are discharged from point sources into waters of the United States, the waters of the contiguous zone, or the ocean, including schedules of compliance. [See CWA §502(11) and 40 CFR §122.2]. The terms and conditions of this permit represent a type of effluent limitation and refers to actions designed to reduce pollutant discharges. See also 40 CFR §122.34 and 81 FR 89337 (Dec. 9, 2016).
16. **EPA** means the Environmental Protection Agency.
17. **Erosion** means the process of carrying away soil particles by the action of water.
18. **Flow Control BMP or Facility** means a drainage facility designed to mitigate the impacts of increased surface and stormwater runoff flow rates generated by development. Flow control facilities are designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground, or to hold runoff for a short period of time, releasing it to the conveyance system at a controlled rate. See 2019 *Stormwater Management Manual for Western Washington*.
19. **Hyperchlorinated** means water that contains more than 10 mg/Liter chlorine.
20. **Illicit Connection** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
21. **Illicit Discharge** means any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, or of non-stormwater discharges allowed as specified in this permit (Parts 1.2.1, 1.5, 3.3.3.3 and 3.3.3.4). See also 40 CFR 122.26(b)(2)..
22. **Impervious surface** means a non-vegetated surface area that either prevents or

retards the entry of water into the soil mantle as under natural conditions prior to development. Impervious surface also means a non-vegetated surface area which causes water to run off the surface in greater quantities (or at an increased rate of flow) than the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to: roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities must be considered impervious surfaces for purposes of runoff modeling.

23. **Indian Country** as defined by 18 U.S.C. § 1151 and 40 CFR §122.2, means:
- (a) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation,
  - (b) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and,
  - (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

For the purposes of this permit, see also: *Land Claims Settlement Agreement and Puyallup Tribe of Indians Settlement Act of 1989*.

24. **Indian Tribe** means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian Reservation [40 CFR §122.2].
25. **Industrial Activity** as used in this permit refers to the eleven categories of industrial activities included in the definition of discharges of stormwater associated with industrial activity at 40 CFR §122.26(b)(14).
26. **Industrial Stormwater** as used in this Permit refers to stormwater runoff from industrial activities, such as those defined in 40 CFR 122.26(b)(14)(i-xi).
27. **Infiltration** is the process by which stormwater penetrates into soil.
28. **Inlet** means a form of connection between surface of the ground and a drain or sewer for the admission of surface and stormwater runoff. See 2019 *Stormwater Management Manual for Western Washington*.
29. **Land Claims Settlement Agreement** and/or **1988 Land Claims Settlement Agreement** means the August 27, 1988 agreement resolving land claims and other issues amongst the signatories and entitled “*Agreement between the Puyallup Tribe of Indians, local Governments of Pierce County, the State of Washington, the United States of America, and certain private property owners*” that was codified in the *Puyallup Tribe of Indians Settlement Act of 1989*, 25 U.S.C. § 1773.
30. **Land in Trust Status** and/or **Trust Land** is defined in the 1988 Land Claims Settlement Agreement and means land or any interest in land the title to which is

held in trust by the United States for an individual Indian or Tribe; *restricted land* or *land in restricted status* means land the title to which is held by an individual Indian or a Tribe and which can be alienated or encumbered by the owner only with the approval of the Secretary of the Interior, because of limitations contained in the conveyance instrument pursuant to federal law or because of a federal law directly imposing limitations. Wherever the term *trust land* is referred to in this permit, it means both trust and restricted lands.

31. **Low Impact Development** or *LID* means a stormwater and land use management strategy that strives to mimic pre-development hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of onsite natural features, site planning, and distributed stormwater management practices that are integrated into a project design.
32. **LID Best Management Practices** or *LID practices*, means the distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention/rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.
33. **LID Principles** means the land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.
34. **Maintenance** means the repair and maintenance activities conducted on currently serviceable structures, facilities, and equipment that involves no expansion or use beyond that previously existing and results in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse, or cessation in the use of structures and systems. Those usual activities may include replacement of dysfunctional facilities, including cases where environmental permits require replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed. One example is the replacement of a collapsed, fish blocking, round culvert with a new box culvert under the same span, or width, of roadway. In regard to stormwater facilities, maintenance includes assessment to ensure ongoing proper operation, removal of built up pollutants (i.e. sediments), replacement of failed or failing treatment media, and other actions taken to correct defects as identified in the maintenance standards of Chapter 4, Volume V- *Runoff Treatment BMPs* of the 2019 *Stormwater Management Manual for Western Washington* or other functionally equivalent documents.
35. **Method Detection Limit (MDL)** means the minimum measured concentration of a substance that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results.
36. **Minimize** means to reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

37. **Minimum Level (ML)** means either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). Minimum levels may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.
38. **Municipal Separate Storm Sewer, municipal separate storm sewer system or MS4** is defined at 40 CFR 122.26(b)(8), (b)(18), and (b)(19), and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.
39. **Municipality** means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA.
40. **National Pollutant Discharge Elimination System (NPDES)** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA [40 CFR §122.2]. The term includes an “approved program” delegated to a State agency.
41. **New Development** means land disturbing activities, including Class IV-general forest practices that are conversions from timberland to other uses; structural development, including construction or installation of a building or other structure; creation of hard surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 Revised Code of Washington. Projects meeting the definition of redevelopment shall not be considered new development. See 2019 *Stormwater Management Manual for Western Washington*.
42. **Outfall** means a point source (defined below) at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.
43. **Owner or Operator** means the owner or operator of any facility or activity subject

to regulation under the NPDES program.

44. **Point Source** is defined at 40 CFR §122.2 and means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
45. **Pollutant** is defined at 40 CFR §122.2, and includes: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials [except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.)], heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
46. **Project Site** means that portion of a property, properties, or right of way subject to land disturbing activities, new hard surfaces, or replaced hard surfaces. See 2019 *Stormwater Management Manual for Western Washington*.
47. **Puyallup Tribe of Indians Settlement Act of 1989**, or 1989 *Land Claims Settlement Act*, means Public Law 101-41, 25 U.S.C. § 1773.
48. **Redevelopment** means, on a site that is already substantially developed (i.e., has 35% or more of existing hard surface coverage), the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities. See: 2019 *Stormwater Management Manual for Western Washington*.
49. **Receiving Waters** means naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and marine waters, or groundwater, to which a MS4 discharges.. See also *waters of the United States*.
50. **Regulated Construction Activities**, as used in this permit, means clearing, grading, or excavation that results in a land disturbance of greater than or equal to one acre, or that disturbs less than one acre if part of a larger common plan of development or sale. See 40 CFR §122.26(b)(x) and 40 CFR §122.26(b)(15). See also *stormwater discharge associated with construction activity* and *stormwater discharge associated with industrial activity*.
51. **Regulated Industrial Activities**, as used in this permit, means the categories of industrial activity described at 40 CFR §122.26(b)(14)(i)-(ix) and (xi). See also *stormwater discharge associated with industrial activity*.
52. **Runoff** see *stormwater*.
53. **Severe Property Damage** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or

substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. See 40 CFR §122.41(m)(1)(ii).

54. **Snow Management** means the plowing, relocation and collection of snow and ice.
55. **Source Control BMP** means a structure or operation intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. See 2019 *Western Washington Stormwater Management Manual for Western Washington*. The term *structural source control BMPs* are physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. The term *operational source control BMPs* are non-structural practices that prevent or reduce pollutants from entering stormwater. See Volume IV of the 2019 *Stormwater Management Manual for Western Washington* for additional details.
56. **Stormwater**, and *stormwater runoff* as used in this permit means runoff during and following precipitation and snow melt events, including surface runoff and drainage, as defined at 40 CFR §122.26(b)(13).
57. **Stormwater Discharge Associated with Construction Activity**, as used in this permit, refers to a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling) or other industrial stormwater directly related to the construction process are located. (See 40 CFR §122.26(b)(14)(x) and 40 CFR §122.26(b)(15) for the two regulatory definitions of stormwater associated with construction sites.)
58. **Stormwater Discharge Associated with Industrial Activity**, as used in this permit, refers to the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial activity included in the regulatory definition at 40 CFR §122.26(b)(14).
59. **Stormwater Drainage System** means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter stormwater. See 2019 *Stormwater Management Manual for Western Washington*.
60. **Stormwater Facility** means a constructed component of a stormwater drainage system, designed or constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales. See 2019 *Stormwater Management Manual for Western Washington*.
61. **Stormwater Management Practice** or *Stormwater Management Control* means practices that manage stormwater, including structural and vegetative components of a stormwater system.



62. **Stormwater Management Program (SWMP)** refers to a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system.
63. **Stormwater Management Program Document (SWMP Document)** refers to the written document which describes the Permittee's plans and actions to reduce pollutants from stormwater to the maximum extent practicable via the requirement of this Permit.
64. **Stormwater Pollution Prevention Plan (SWPPP)** means a site-specific plan designed to describe the control of soil or other materials to prevent pollutants in stormwater runoff, generally developed for a construction site, or an industrial facility. For the purposes of this permit, a SWPPP means a written document that identifies potential sources of pollution, describes practices to reduce pollutants in stormwater discharges from the site, and identifies procedures that the operator will implement to comply with applicable permit requirements.
65. **Surface Waters** and **Surface Waters of the Puyallup Tribe** means rivers, ponds, streams, inland waters, wetlands and all other surface waters and water courses on trust land within the 1873 Survey Area described in the Land Claims Settlement Agreement dated August 27, 1988 and ratified by Congress in the Puyallup Tribe of Indians Settlement Act of 1989, 25 U.S.C. § 1773(b). See *Water Quality Standards for Surface Waters of the Puyallup Tribe*, 1994, Section 2(27).
66. **Treatment** means stormwater management practices that treat stormwater after pollutants have been incorporated into the stormwater.
67. **Treatment BMP or Facility** means a BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs are wet ponds, oil/water separators, biofiltration swales, and constructed wetlands. See 2019 *Stormwater Management Manual for Western Washington*.
68. **Tributary Conveyance** means pipes ditches, catch basins, and inlets owned or operated by the Permittee and designed or used for collecting and conveying stormwater.
69. **Uncontaminated**, for the purposes of this permit, means that the MS4 discharge does not:
- Result in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at any time since November 16, 1987; or
  - Result in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or
  - Contribute to a violation or exceedance of an applicable water quality standard.
70. **Upset** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed

treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. See 40 CFR §122.42(n)(1).

71. **Waters of the United States** or *waters of the U.S.* means: those waters defined in 40 CFR §120.2.
72. **Watershed** is defined as all the land area that is drained by a water body and its tributaries.
73. **Wetlands** means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Revised Draft

## **APPENDIX A. ANNUAL REPORTS**

This Appendix outlines the content of the Annual Reports and provides an example format.

Revised Draft



**Annual Report Template**  
**Pierce County**  
**Municipal Separate Storm Sewer System (MS4)**  
**Permit # WAS026875**



**Reporting Period**

- Year 1 Reporting Period: Permit Effective Date – December 31, 2023  
*Annual Report Due Date:* March 31, 2024
- Year 2 Reporting Period: January 1, 2024 – December 31, 2024  
*Annual Report Due Date:* March 31, 2025
- Year 3 Reporting Period: January 1, 2025 – December 31, 2025  
*Annual Report Due Date:* March 31, 2026
- Year 4 Reporting Period: January 1, 2026 – December 31, 2026  
*Annual Report Due Date:* March 31, 2027
- Year 5 Reporting Period: January 1, 2027 – December 31, 2027  
*Annual Report Due Date:* March 31, 2028
- Other [Click or tap here to enter text.](#) *Annual Report Due on March 31<sup>st</sup>*

**General Information**

Contact Person Name and Title: [Click or tap here to enter text.](#)  
Phone Number: [Click or tap here to enter text.](#)  
E-mail: [Click or tap here to enter text.](#)  
Stormwater Website URL: [Click or tap here to enter text.](#)

**Signature and Certification**

*Certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

Signature: [Click or tap here to enter text.](#)                      Date: [Click or tap to enter a date.](#)  
Printed Name: [Click or tap here to enter text.](#)  
Signatory Title: [Click or tap here to enter text.](#)

## REPORTING REQUIREMENTS AND STORMWATER MANAGEMENT PROGRAM (SWMP)

### (PART 2)

#### Shared Implementation with Outside Entities (Part 2.1)

1. Does the Permittee share permit implementation and compliance responsibility with another entity, pursuant to Permit Part 2.1?

Yes    No

If yes:  Attach a copy of the written agreement(s).

Briefly identify the SWMP control measures addressed by the agreement(s):  
Click or tap here to enter text.

#### SWMP Document (Part 2.3.1)

2.  Attach the Permittee's current Stormwater Management Program (SWMP) Document, as required by Permit Part 2.3.1.

*Year 1 Reporting Period only:* Did the Permittee submit its existing SWMP Plan as approved by Washington Department of Ecology to the Puyallup Tribe on or before (insert PED+ 6 mos)?

Yes    No

#### SWMP Information and Metrics (Part 2.3.2)

3. Has the Permittee implemented a method of gathering, tracking, and using SWMP information to set priorities and assess permit compliance, pursuant to Permit Part 2.3.2?

Yes    No

#### SWMP Resources (Part 2.3.3)

4. Has the Permittee implemented a method of estimating SWMP implementation costs over the relevant reporting period pursuant to Permit Part 2.3.3?

Yes    No

#### Changes in Ownership, Operational Authority, or Responsibility for SWMP Implementation (Part 2.4)

5. During the reporting period, did the Permittee notify EPA and the Puyallup Tribe about changes related to the Permittee's responsibility for MS4 outfalls in the Permit Area, or for SWMP implementation responsibility in areas draining to MS4 outfalls in the Permit Area, as required by Permit Part 2.4?

Yes    No

If yes:  Attach a copy of the notification(s) submitted during the reporting period.

**Additional Comments:** Click or tap here to enter text.

### MS4 MAPPING AND DOCUMENTATION (PART 3.3.2)

6. Has the Permittee maintained mapping data for the features listed in Permit Part 3.3.2?

Yes  No

If necessary, summarize MS4 mapping progress to date: [Click or tap here to enter text.](#)

(Year 1 Annual Report only): Was the Permittee's MS4 Map submitted to Puyallup Tribe on or before (**PED+ 1 yr**)

Yes  No

Attach the MS4 map (including spreadsheet or other means of providing mapping data required by Parts 3.3.2.1 through 3.3.2.11).

**Additional Comments:** [Click or tap here to enter text.](#)

### PUBLIC INVOLVEMENT AND PARTICIPATION (PART 3.2)

7. Summarize in the Comments field below the opportunities created by the Permittee for the public, including overburdened communities, to participate in the decision-making processes involving the development, implementation, and updates of the SWMP, as required by Permit Part 3.2.2?

[: Click or tap here to enter text.](#)

Has the Permittee posted the updated SWMP Document and latest Annual Report on the Permittee's website no later than May 31<sup>st</sup>, as required by Part 3.2.3?

Yes  No

Provide the Website address for the SWMP Document and Annual Reports:

[: Click or tap here to enter text.](#)

**Additional Comments:** [Click or tap here to enter text.](#)

## CONTROLLING RUNOFF FROM NEW DEVELOPMENT, REDEVELOPMENT AND CONSTRUCTION SITES (PART 3.4)

### For areas in the Permittee’s jurisdiction draining to the Permittee’s MS4 outfalls in the Permit Area:

8. Has the Permittee reviewed Stormwater Site Plans, per Permit Part 3.4.4.1?

Yes  No

Number of site plans reviewed during the reporting period

: [Click or tap here to enter text.](#)

9. Has the Permittee inspected, prior to clearing and construction, permitted development sites per Permit Part 3.4.4.2?

Yes  No

10. Has the Permittee inspected permitted development sites during construction to verify proper installation and maintenance of required erosion and sediment controls per Permit Part 3.4.4.3?

Yes  No

11. Has the Permittee inspected stormwater treatment best management practices (BMPs) or facilities, flow control BMPs or facilities, and/or catch basins in new residential developments every 6 months until 90% of the lots are constructed (or when construction has stopped and the site is fully stabilized), as required by Permit Part 3.4.4.4?

Yes  No

12. Has the Permittee inspected permitted development sites upon completion of construction and prior to final approval or occupancy to ensure proper installation of stormwater facilities as required by Permit Part 3.4.4.5?

Yes  No

13. Number of site inspections conducted during the reporting period (reflecting Questions 10-13 above) as required by Parts 3.4.4.2 through 3.4.4.5:

: [Click or tap here to enter text.](#)

14. Number of enforcement/corrective actions taken during the reporting period (based on construction phase inspections at new development and redevelopment projects) as required by Permit Part 3.4.4:

[Click or tap here to enter text.](#)

15. Briefly summarize (or attach separate summary) of inspection location(s), follow-up action(s) conducted, subsequent enforcement action(s), and/or any referrals to different departments or agencies (Permit Part 3.4.6.3):

: Click or tap here to enter text.

16. Has the Permittee verified that a maintenance plan is completed and responsibility for maintenance is assigned for all stormwater treatment BMPs or facilities, and/or flow control BMPs or facilities, prior to final approval and occupancy being granted, as required by Permit Part 3.4.4.5?

Yes  No

17. Has the Permittee achieved at least 80% of required construction-related inspections, per Permit Part 3.4.4.6.1?

Yes  No

18. Has the Permittee provided appropriate direction and education to representatives of proposed new development and redevelopment sites, instructing them about how to request and obtain authorization to discharge under the appropriate stormwater industrial or construction general permits, as required by Permit Part 3.4.2?

Yes  No

19. Has the Permittee provided ongoing training to staff whose primary job duties are implementing the program to control stormwater runoff from new development, redevelopment, and construction sites, as required by Permit Part 3.4.5?

Yes  No

Briefly summarize training opportunities and approximate number of staff participating during the reporting period:

Click or tap here to enter text.

**Additional Comments:** Click or tap here to enter text.

### STRUCTURAL STORMWATER CONTROLS (PART 3.5)

20.  Attach a list of current planned projects that are scheduled for implementation in areas draining to the MS4 outfalls in the Permit Area, and include a status update for any ongoing projects, as required by Permit Part 3.5.4.

*Note: The Permittee may use Appendix 12 of the Washington Department of Ecology's Phase I Municipal Stormwater Permit as a format and guidance for submitting this information.*

**Additional Comments:** Click or tap here to enter text.



### SOURCE CONTROL PROGRAM FOR EXISTING DEVELOPMENT (PART 3.6)

21.  (Year 1 Annual Report only): Attach a source control inventory to identify the institutional, commercial, and industrial properties which have the potential to generate pollutants to the Permittee’s MS4 outfalls in the Permit Area.

*As required by Part 3.6.10.1, this summary list should include, at a minimum, site location identifier or name, address, latitude/longitude, and brief site description or type per Part 3.6.4*

(Year 2 Annual Report and following):

- This Report refers to the original inventory previously submitted.
- This Report attaches an updated source control inventory.

22. Number of total sites identified in the source control inventory (Permit Part 3.6.4.1):

Click or tap here to enter text.

23.  Attach a summary of Permittee actions taken to implement the source control program, as required by Permit Parts 3.6.5, 3.6.6, 3.6.7 and 3.6.8.

Click or tap here to enter text.

24.  Attach a list of inspections, as required by Permit Part 3.6.5 and organized by the business category, noting the number of times each business was inspected, and if any enforcement actions were taken.

25. Has the Permittee provided ongoing training to staff responsible for implementing the source control program as required by Permit Part 3.6.9?

Yes    No

Briefly summarize training opportunities and approximate number of staff participating during the reporting period:

Click or tap here to enter text.

**Additional Comments:** Click or tap here to enter text.

### ILLICIT DISCHARGE DETECTION AND ELIMINATION (PART 3.3)

**For areas in the Permittee’s jurisdiction draining to the Permittee’s MS4 outfalls in the Permit Area:**

26. Has the Permittee continued to implement regulatory mechanisms to effectively prohibit illicit discharges into the MS4, as required by Permit Part 3.3.3?

Yes    No

27. Has the Permittee implemented procedures for conducting illicit discharge field screening and investigations in accordance with Permit Parts 3.3.4.1 and 3.3.4.2?

Yes    No

*Note: The Permittee must begin field screening of the MS4 outfalls during dry weather no later than 1 year after the permit effective date. (Permit Part 3.3.4.2.2)*

28. Number of known MS4 outfalls in the Permit Area screened during the reporting period:

Click or tap here to enter text.

Percentage of all known MS4 outfalls in the Permit Area screened from permit effective date through the end of this reporting period:

Click or tap here to enter text.

*Note: The Permittee must field screen 100% of all known and accessible MS4 outfalls in the Permit Area no later than 180 days prior to the permit expiration date (Permit Part 3.3.4.2.3)*

29. Has the Permittee implemented an ongoing program to characterize, trace, and eliminate illicit discharges into the MS4 leading to MS4 outfalls in the Permit Area, as required by Permit Part 3.3.4.3 through 3.3.4.5?

Yes  No

30. Has the Permittee participated in a regional emergency response program, or implemented procedures to investigate and respond to spills and improper disposal as required by Part 3.3.4 and 3.3.4.6?

Yes  No

31. How is the Permittee's hotline telephone number (other local means for the public and Permittee personnel to report spills and other illicit discharges for investigation) being publicized in areas draining to MS4 outfalls in the Permit Area, per Permit Part 3.3.5?

Click or tap here to enter text.

32. Has the Permittee provided ongoing training to staff responsible for implementing the IDDE program, per Permit Part 3.3.6?

Yes  No

Briefly summarize training opportunities and approximate number of staff participating during the reporting period:

Click or tap here to enter text.

33.  Attach a report with data describing the actions taken to characterize, trace, and eliminate each illicit discharge reported to, or investigated by, the permittee during the reporting period, as described in Permit Parts 3.3.7.2 through 3.3.7.5.

*Note: The Permittee may use Appendix 14 of the Washington Department of Ecology's Phase I Municipal Stormwater Permit as a format and guidance for submitting this information.*

**Additional Comments:** Click or tap here to enter text.

### MUNICIPAL OPERATIONS AND MAINTENANCE (PART 3.7)

34. Has the Permittee implemented maintenance standards that are as protective, or more protective, of facility function than those specified in the 2019 *Stormwater Management Manual for Western Washington*? (Permit Part 3.7.2)

Yes  No

***Regarding Permit Part 3.7.4, requiring the annual inspection of stormwater treatment BMPs or facilities, and/or flow control BMPs or facilities, that are regulated by the Permittee in areas draining to MS4 outfalls in the Permit Area:***

35. Number of known stormwater treatment BMPs or facilities, and/or flow control BMPs or facilities (as required by Permit Part 3.7.4):

Click or tap here to enter text.

36. Has the Permittee implemented an ongoing inspection program for these stormwater treatment BMPs or facilities, and/or flow control BMPs or facilities (as required by Permit Part 3.7.4.1)?

Yes  No

37.  Attach documentation (as required by Permit Parts 3.7.4.2 and 3.7.5.1) if the Permittee is using reduced inspection frequency during this permit cycle for these stormwater treatment BMPs or facilities, and/or flow control BMPs or facilities.

38. Has the Permittee achieved at least 80% of required inspections for these stormwater treatment BMPs or facilities, and/or flow control BMPs or facilities, as required by Permit Part 3.7.4.3?

Yes  No

39. Has the Permittee verified that maintenance was performed, as required by the schedule in Permit Part 3.7.2, when an inspection conducted under Permit Part 3.7.4 identified an exceedance of the maintenance standard?

Yes  No

40.  If needed: Attach documentation of maintenance time frame exceedances that were beyond the Permittee's control. (Permit Part 3.7.10.2)

***Additional Comments:*** Click or tap here to enter text.

***Regarding Permit Part 3.7.5, requiring the annual inspection of stormwater treatment BMPs or facilities, and/or flow control BMPs or facilities, that are owned and/or operated by the Permittee in areas draining to MS4 outfalls in the Permit Area:***

41. Number of known stormwater treatment BMPs or facilities, and/or flow control BMPs or facilities (as required by Permit Part 3.7.5):

Click or tap here to enter text.

42. Number of inspections of the known stormwater treatment BMPs or facilities, and/or flow control BMPs or facilities, during the reporting period:

Click or tap here to enter text.

43. Number of stormwater treatment BMPs or facilities, and/or flow control BMPs or facilities, for which maintenance was performed during the reporting period:

Click or tap here to enter text.

44.  Attach documentation (as required by Permit Part 3.7.5.1) if the Permittee is using reduced inspection frequency for the first time during this permit cycle for stormwater treatment BMPs or facilities, and/or flow control BMPs or facilities, that are owned or operated by the Permittee.

45. Did the Permittee conduct spot checks and inspections, if necessary, of potentially damaged stormwater treatment BMPs or facilities, and/or flow control BMPs or facilities, that are owned or operated by the Permittee. after major storm events? (Permit Part 3.7.5.2)

Yes    No

46. Has the Permittee achieved at least 95% of inspections required for the stormwater treatment BMPs or facilities, and/or flow control BMPs or facilities, that are that are owned or operated by the Permittee (Permit Part 3.7.5.3)?

Yes    No

47. Has the Permittee verified that maintenance was performed, per the schedule in Permit Part 3.7.2, when an inspection conducted under 3.7.5 identified an exceedance of the maintenance standard?

Yes    No

48.  If needed: Attach documentation of maintenance time frame exceedances that were beyond the Permittee's control. (Permit Part 3.7.10.2)

***Additional Comments:*** Click or tap here to enter text.

**Regarding Permit Part 3.7.6, requiring the annual inspection and maintenance of catch basins and inlets that are owned and/or operated by the Permittee in areas draining to MS4 outfalls in the Permit Area:**

49. Has the Permittee inspected all catch basins and inlets or used an alternative approach? (Permit Part 3.7.6.1)

Yes    No

Attach documentation of alternative catch basin and inlet inspection approach, if used.

50. Number of known catch basins and inlets:

Click or tap here to enter text.

51. Number of catch basins and inlets inspected during the reporting period:

Click or tap here to enter text.

52. Number of catch basins and inlets cleaned during the reporting period:

Click or tap here to enter text.

53. Will the Permittee's activities result in the inspection of between 95-100% of all catch basin and inlets at least once prior to the permit expiration date? (Permit Part 3.7.6.4)

Yes    No

54. Has the Permittee verified that maintenance was performed, per the schedule in Permit Part 3.7.2, when an inspection conducted under Permit Part 3.7.5 identified an exceedance of the maintenance standard?

Yes    No

55.  If necessary, attach documentation of maintenance time frame exceedances that were beyond the Permittee's control. (Permit Part 3.7.10.2)

**Additional Comments:** Click or tap here to enter text.

**Regarding Permit Part 3.7.7, requiring the Permittee to protect water quality when conducting other maintenance activities in the Permit Area:**

56. Has the Permittee implemented practices, policies, and procedures to reduce stormwater impacts from other municipal maintenance activities?

Yes  No

57. Has the Permittee documented those practices, policies, and procedures to reduce stormwater impacts?

Yes  No

Cite to the available documentation: [Click or tap here to enter text.](#)

58. Has the Permittee implemented Stormwater Pollution Prevention Plan(s) for all heavy equipment maintenance or storage yards, and material storage facilities owned and/or operated by the Permittee in the Permit Area? (Permit Part 3.7.8)

Yes  No

Identify the locations where SWPPPs are being implemented:

[Click or tap here to enter text.](#)

*Note: No later than 2 years after the permit effective date, the Permittee must develop and implement a SWPPP at any heavy equipment maintenance or storage yards, and/or material storage facilities that are owned and/or operated by the Permittee in areas draining to the Permittee's MS4 outfalls in the Permit Area.*

59. Has the Permittee provided ongoing training to staff responsible for implementing the operations and maintenance program, per Permit Part 3.7.9?

Yes  No

Briefly summarize training opportunities and approximate number of staff participating during the reporting period: [Click or tap here to enter text.](#)

**Additional Comments:** [Click or tap here to enter text.](#)

### EDUCATION AND OUTREACH (PART 3.1)

60. Does the Permittee conduct its stormwater education and awareness activities required by Permit Part 3.1 as part of a regional program or other ongoing effort in partnership with other entities?

Yes    No

If yes, identify partner organizations: Click or tap here to enter text.

61.  Attach a description of the public education and outreach program to be implemented during the permit term, identifying the intended target audience(s) and topic(s), as required by Permit Part 3.1.2, as well as the program's implementation schedule.

62. Summarize the Permittee activities, including any evaluation or assessment efforts conducted during the reporting period, as required by Permit Part 3.1.6:  
Click or tap here to enter text.

63. (*Year 4 Annual Report only*):

Attach a description of any identified changes in public understanding and/or adoption of behaviors resulting from the Permittee's education and outreach program activities; identify any planned changes to the program that would make the program more effective.

**Additional Comments:** Click or tap here to enter text.

### COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS (PART 3.8)

[Reserved]

### ADAPTIVE MANAGEMENT RESPONSE (PART 4)

64. During the reporting period, did the Permittee notify EPA and the Puyallup Tribe within 30 days of becoming aware that a discharge from the Permittee's MS4 caused or contributed to a known, likely, ongoing and/or continuing violation of water quality standards in the receiving water? (Permit Part 4.1)

Yes    No

If yes:  Attach a copy of any notification(s) submitted by the Permittee as required by Part 4 during the reporting period.

65. If requested, did the Permittee submit an Adaptive Management Response Report during the reporting period as required by Permit Part 4.3?

Yes    No

66. If EPA and the Puyallup Tribe approved the Permittee’s Adaptive Management Response Report during the reporting period:

- Attach a status summary of the implementation of any additional BMPs or other actions taken during the reporting period as identified in the Adaptive Management Response Report to reduce or prevent pollutants that are causing or contributing to the violation of water quality standards, including the status of any additional monitoring, assessment, or evaluation efforts being conducted as described in Parts 4.4.1 and 4.4.2.

**Additional Comments:** Click or tap here to enter text.

### MONITORING REQUIREMENTS (PART 5)

67. Did the Permittee submit a draft Quality Assurance Project Plan (QAPP) for its stormwater monitoring activities to the Puyallup Tribe for review and approval on or before (insert PED+ 6 mos)? (Permit Part 5.2)

- Yes     No

68. Did the Permittee submit a final QAPP to the Puyallup Tribe for approval before (insert PED+ 1 year), or within 60 days of receiving the Tribe’s comments on the draft QAPP (whichever date is later)? (Permit Part 5.2)

- Yes     No

If yes: Did the Permittee begin its implementation of its stormwater monitoring activities within 30 days of receiving the Puyallup Tribe’s approval of a final QAPP?

- Yes     No

*Note: The Permittee must begin its stormwater monitoring activities as required by Permit Part 5.1 no later than (insert PED+ 2 years).*

69.  Attach a Stormwater Monitoring Report as required by Part 6.3 and Appendix B.

*Note: The first Stormwater Monitoring Report, due on March 31, 2024, must document the Permittee’s progress to date to develop the final QAPP and to initiate the monitoring activities required by Part 5.1; the first Stormwater Monitoring Report should also include any data collected from a partial water year, if available. The Permittee’s subsequent Stormwater Monitoring Reports must integrate all monitoring data from earlier years into the current results analysis, as appropriate.*

**Additional Comments:** Click or tap here to enter text.



## OTHER REQUIREMENTS & RESPONSIBILITIES

70. As required by Permit Part 7.9, did the Permittee notify EPA during the reporting period of any discharge into or from the Permittee's MS4, which could constitute a threat to human health, or the environment?

Yes    No

If yes, did the Permittee take appropriate action to correct or minimize the threat to health or the environment, as required by Permit Parts 7.4?

Yes    No

If yes, did the Permittee submit the written report required by Permit Part 7.9.1?

Yes    No

71.  Attach a summary list of all instances during the reporting period of the Permittee's noncompliance not required to be reported within 24 hours, pursuant to Permit Part 7.12.

Revised Draft

## APPENDIX B. STORMWATER MONITORING REPORT<sup>15</sup>

Annual Stormwater Monitoring Reports must provide all data collected during the preceding water year (October 1 – September 30). Concentration data must be provided in the same units that are specified for Minimum Levels in Table 1 and Table 2 found in APPENDIX E. Flow data must be reported in gallons per minute. Loading data for each water year must be provided in total pounds and in pounds per acre.

Annual Stormwater Monitoring Reports must consist of a narrative report with a description of the findings and data of any stormwater monitoring or other stormwater-related studies conducted by the Permittee (or any other parties available), an Excel spreadsheet with concentration data (summary statistics: minimum, maximum, mean, median, and standard deviation), and pollutant loading calculations. Raw and final stormwater monitoring data must be conveyed with the report. The report must include:

- A brief summary of each monitored drainage basin (full details of the monitoring drainage basin must be in the QAPP), including any changes within the contributing drainage area or changes to the monitoring station that could affect hydrology and/or pollutant loading.
- A description of each flow-weighted composite and grab sampled storm event, including:
  - General summary about storm event criteria, including:
    - Precipitation data (in inches) including antecedent dry period and rainfall distribution throughout the event;
    - Flow and hydrograph data including sampled and total runoff time periods and volumes;
    - Total number of qualifying storm events captured and analyzed at each monitoring location;
    - Distribution of storms collected between wet and dry seasons; and,
    - Logistical problems associated with any storm event criterion.
  - A hyetograph and a hydrograph for each sampled storm event. Include properly labeled graphs that display the following:
    - Date of the storm event;
    - Time of day versus precipitation information;
    - Time versus flow rate (in gallons per minute)
    - Time versus aliquot collection; and,
    - Display the total duration of the storm event, not just the duration when samples were collected (the pollutant load calculation must include flow for the entire storm event, not just the water quality sampled

---

<sup>15</sup> This Appendix is consistent with Condition 10 of the Puyallup Tribe's *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021. See also Part 6.3.

portion).

- A summary of (or in the graph) the total runoff volume in gallons;
- A rainfall/runoff relationship table used to estimate the un-sampled storm events (when water quality samples were not collected);
- Whether or not any chemicals were removed from the list of analysis due to two years of non-detect data; and,
- A brief summary with storm event dates, where insufficient volumes were collected. Include the parameters analyzed.
- A description of the stormwater solids sampling event, including;
  - Timeframe for the sampling event;
  - A summary of stormwater solids sampling (including dates) where insufficient volumes were collected. Include the parameters analyzed;
  - Whether or not any chemicals were removed from the list of analysis due to two years of non-detect data; and,
- Event Mean Concentrations (EMCs)
- The wet and dry season pollutant loads and annual pollutant load based on water year for each discharge monitoring location expressed in total pounds, and pounds per acre. The loadings must take into account potential pollutant load from base flow. Loadings may be calculated following the Washington Department of Ecology's *Standard Operating Procedure for Calculating Pollutant Loads for Stormwater Discharges, WQP004* at <https://fortress.wa.gov/ecy/publications/SummaryPages/1810026.html>

Pollutant loading calculations and reporting are required only for the nutrients, metals, and organics parameters in stormwater. Include the following:

- For storm events where water quality samples were collected, the load in pounds per day for each parameter for each sampled storm event, include date of storm events;
- An estimated seasonal pollutant load for each parameter at each discharge monitoring location. This is calculated using all storm events (when water quality samples were collected and when samples were not collected);
- A total annual pollutant load (wet season load + dry season load) for each parameter (include estimated events);
- The rainfall/runoff relationship including your pollutant load estimates for un-sampled events; and,
- Note that if any data is unavailable to effectively estimate the rainfall to runoff relationship due to an incomplete water year, submit this information in the next year's stormwater monitoring report.
- Quality Assurance/Quality Control information for each successfully sampled qualifying storm event at each discharge monitoring location and solids sample collection event at each discharge monitoring location, including:
  - A narrative summary of field and laboratory verification, validation results and quality control checks performed;

- A narrative analysis of field and laboratory quality control sample results and how they compare with data quality objectives/indicators in the QAPP; and,
- Corrective actions reported/taken.
- An explanation and discussion of results from each successfully sampled qualifying storm event at each discharge monitoring location and solids sample collection event collected at each discharge monitoring location, including:
  - A statistical analysis of the event mean concentrations for each parameter and a narrative description of significant findings from this analysis; and,
  - Any conclusions based on data from this study including analyses of previously collected data from these discharge monitoring locations.
- A description of activities currently taking place or planned within the monitoring station's drainage area that may have affected or may potentially affect future monitoring results.

If the Permittee monitors any pollutant more frequently at the stormwater monitoring locations, then the results of this monitoring must be included in the annual monitoring report reflecting the water year in which the monitoring occurred.

After three (3) water years of data, the Annual Monitoring Report must include:

- Trend analyses;
- An evaluation of the data as it applies to the SWMP; and,
- Any stormwater management activities the Permittee has identified that can be implemented or adjusted to respond to this data.

## APPENDIX C. MINIMUM TECHNICAL REQUIREMENTS

The Washington Department of Ecology determined that the enforceable codes, policy, and manual listed below are functionally equivalent to Appendix I in the Phase I Municipal Stormwater Permit (effective August 1, 2019) and the required portions of Department of Ecology’s *2019 Stormwater Management Manual for Western Washington*.

The Puyallup Tribe and EPA determine that the following documents also meet the minimum technical requirements as stated in this permit. Pierce County must implement these codes, policy and manual to comply with the requirements of this permit.<sup>16</sup>

- Pierce County Code Title 17A, as effective on July 1, 2021 (ordinance No. 2021-45).
- Pierce County Code Title 17B, as effective on July 1, 2021 (ordinance No. 2020-102s)
- Pierce County Stormwater Management Manual and Site Development Manual as effective July 1, 2021 (ordinance No. 2021-45).
- Pierce County Memorandum “Policy to Buy into Regional Stormwater Ponds” as effective October 27, 2015.

---

<sup>16</sup> This paragraph is consistent with Condition 1 of the Puyallup Tribe’s *Final §401 Water Quality Certification for the Pierce County Municipal Separate Storm Sewer System NPDES Permit #WAS026875*, dated December 15, 2021.

## APPENDIX D. STREET WASTE DISPOSAL

This Appendix contains requirements for street waste disposal, pursuant to Part 3.7 (*Municipal Operations & Maintenance*) of this permit. See also Part 7.13 (*Removed Substances*).

### Street Waste Solids

Soils generated from maintenance of the MS4 may be reclaimed, recycled or reused when allowed by local codes and ordinances. Soils that are identified as contaminated pursuant to Washington Administrative Code (WAC) Chapter 173-350 shall be disposed at a qualified solid waste disposal facility.

### Street Waste Liquids

#### General Procedures:

**Street waste collection should emphasize retention of solids in preference to liquids.** Street waste solids are the principal objective in street waste collection and are substantially easier to store and treat than liquids.

**Street waste liquids require treatment before their discharge.** Street waste liquids usually contain high amounts of suspended and total solids and adsorbed metals. Treatment requirements depend on the discharge location.

**Discharges to sanitary sewer and storm sewer systems must be approved by the entity responsible for operation and maintenance of the system.** Neither Washington Department of Ecology nor EPA will generally require waste discharge permits for discharge of stormwater decant to sanitary sewers or to stormwater treatment BMPs that are constructed and maintained in accordance with Department of Ecology's 2019 *SMMWW* or any documents approved and referenced in Appendix C).

**The following order of preference, for disposal of catch basin decant liquid and water removed from stormwater treatment facilities, is required:**

1. **Discharge of stormwater treatment facility/BMP/Structure/catch basin decant liquids to a municipal sanitary sewer connected to a Public Owned Treatment Works (POTW) is the preferred disposal option.** Discharge to a municipal sanitary sewer requires the approval of the sewer authority. Approvals for discharge to a POTW will likely contain pretreatment, quantity and location conditions to protect the POTW.

2. **Discharge of catch basin decant liquids may be allowed into a Basic or Enhanced Stormwater Treatment BMP, if option 1 is not available.** Decant liquid collected from cleaning catch basins and stormwater treatment wet vaults may be discharged back into the storm sewer system under the following conditions:

- The preferred disposal option of discharge to sanitary sewer is not reasonably available; and
- The discharge is to a Basic or Enhanced Stormwater Treatment Facility as

described by Department of Ecology's 2019 *SMMWW* or any documents approved and referenced in APPENDIX C. If pretreatment does not remove visible sheen from oils, the treatment facility must be able to prevent the discharge of oils causing a visible sheen; and

- The discharge is as near to the treatment facility as is practical, to minimize contamination or recontamination of the collection system; and
- The storm sewer system owner/operator has granted approval and has determined that the stormwater treatment facility will accommodate the increased loading. Pretreatment conditions to protect the stormwater treatment BMP may be issued as part of the approval process. Following local pretreatment conditions is a requirement of this permit.
- Flocculants for the pretreatment of catch basin decant liquids must be non-toxic under the circumstances of use and must be approved in advance by the EPA Water Division Director and the Puyallup Tribe. Requests for approval must be submitted to the addresses provided in Part 6.1.1 at least 30 days in advance of expected use and describe all relevant details regarding the intended use of flocculants, including whether the Permittee has previously received approval for such use from the Washington Department of Ecology.

The reasonable availability of sanitary sewer discharge will be determined by the Permittee, by evaluating such factors as distance, time of travel, load restrictions, and capacity of the stormwater treatment facility.

**3. Water removed from stormwater ponds, vaults and oversized catch basins may be returned to the storm sewer system.** Stormwater ponds, vaults and oversized catch basins contain substantial amounts of liquid, which hampers the collection of solids and pose problems if the removed waste must be hauled away from the site. Water removed from these facilities may be discharged back into the pond, vault or catch basin provided:

- Clear water removed from a stormwater treatment structure may be discharged directly to a down gradient cell of a treatment pond or into the storm sewer system.
- Turbid water may be discharged back into the structure it was removed from if:
  - The removed water has been stored in a clean container (eductor truck, Baker tank or other appropriate container used specifically for handling stormwater or clean water); and
  - There will be no discharge from the treatment structure for at least 24 hours.
- If discharging to a pond, vault or catch basin that is not owned or operated by the Permittee, the discharge must be approved by the storm sewer system

owner/operator.

Revised Draft



## APPENDIX E. MONITORING PARAMETERS AND MINIMUM LEVELS

The Table below lists the maximum Minimum Level (ML) for pollutants that have monitoring requirements in the Permit. The Permittee may request different MLs. The request must be in writing and must be approved by the Puyallup Tribe. If the Permittee is unable to obtain the required ML in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection limit (MDL) and a ML to the Puyallup Tribe with appropriate laboratory documentation.

Table 1: Stormwater Monitoring Parameters and MLs

Analyte	Minimum Level
<b>Conventional Parameters</b>	
Total suspended solids	1.0 mg/L
Turbidity	± 0.2 NTU
Conductivity	± 1 µmhos/cm
Chloride	0.2 mg/L
BOD <sub>5</sub>	2.0 mg/L
pH	0.2 units
Hardness as CaCO <sub>3</sub>	1.0 mg/L
Methylene blue activated substances (MBAS)	0.025 mg/L
<b>Bacteria</b>	
<i>E. coli</i>	Specified in method – sample aliquot dependent
<b>Nutrients</b>	
Orthophosphate as P	0.01 mg/L
Total phosphorus as P	0.01 mg/L
Total Kjeldahl nitrogen as N	0.3 mg/L
Nitrate-Nitrite as N	0.1 mg/L
<b>Metals</b>	
Total zinc	5.0 µg/L
Dissolved zinc	1.0 µg/L
Total lead	0.1 µg/L
Total copper	0.5 µg/L
Total cadmium	0.2 µg/L
Dissolved lead	0.1 µg/L
Dissolved copper	0.1 µg/L
Dissolved cadmium	0.1 µg/L
<b>Organics</b>	

Analyte	Minimum Level
PAHs <sup>a</sup>	0.1 µg/L
Pesticides: Bifenthrin (pyrethroid insecticide) and dichlobenil (herbicide)	0.05 µg/L
Phthalates <sup>b</sup>	1 µg/L
<b>Petroleum Hydrocarbons</b>	
NWTPH-Dx (diesel, heavy oil, and summed total)	0.25-0.5 mg/L

- a. Polycyclic aromatic hydrocarbons (PAH), total and these individual compounds: acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(ghi)perylene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, pyrene, and retene. Report the individual compound concentrations, and their summed total.
- b. Phthalates, total and these individual compounds: bis(2-ethylhexyl)phthalate, butyl benzyl phthalate, di-n-octyl phthalate, dibutyl phthalate, and diethyl phthalate. Report the individual compound concentrations, and their summed total.

*Table 2: Stormwater Solids Monitoring Parameters and MLs*

Analyte	Minimum Level
<b>Conventional Parameters</b>	
Percent solids	0.1%
Total organic carbon	0.1%
Grain size	Not applicable
Total phosphorus	0.01 mg/kg
Total volatile solids	0.1%
<b>Metals, dry weight</b>	
Total zinc	5.0 mg/kg
Total lead	0.1 mg/kg
Total copper	0.1 mg/kg
Total cadmium	0.1 mg/kg
<b>Organics, dry weight</b>	
Pesticides: Bifenthrin and dichlobenil	1.0 µg/kg
PAHs <sup>a</sup>	70 µg/kg
Phthalates <sup>b</sup>	70 µg/kg Except di-n-octylphthalate (250 µg/kg)
Phenolics <sup>c</sup>	660 µg/kg
PCBs <sup>d</sup>	0.195 µg/kg or 5-20 ng/kg
PBDEs <sup>e</sup>	5-10 ng/kg

Analyte	Minimum Level
	Except PBDE 209: (200 ng/kg)
<b>Petroleum Hydrocarbons</b>	
TPH-Dx (diesel, heavy oil, and summed total)	25-100 mg/kg

- a. Polycyclic aromatic hydrocarbons (PAH), total and these individual compounds: acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(ghi)perylene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, pyrene, and retene. Report the individual compound concentrations, and their summed total.
- b. Phthalates: bis(2-ethylhexyl)phthalate, butyl benzyl phthalate, di-n-octyl phthalate, dibutyl phthalate, and diethyl phthalate. Report the individual compound concentrations, and their summed total.
- c. Phenolics: pentachlorophenol, p-cresol, and o-cresol. Report the individual compound concentrations.
- d. PCBs: EPA Methods 608.3 or EPA Method 8082A for Aroclors: 1016, 1221, 1232, 1242, 1248, 1254, 1260, 1262, 1268) are suitable starting points for stormwater solids characterization. If a more sensitive congener analysis is conducted (EPA Method 8082A or EPA Method 1668C) then those individual compound concentrations should also be reported in the annual report.
- e. Polybrominated diphenyl ethers (PBDEs): congener numbers 47, 49, 66, 71, 99, 100, 138, 153, 154, 183, 184, 191, and 209. Report the individual compound concentrations, and their summed total.

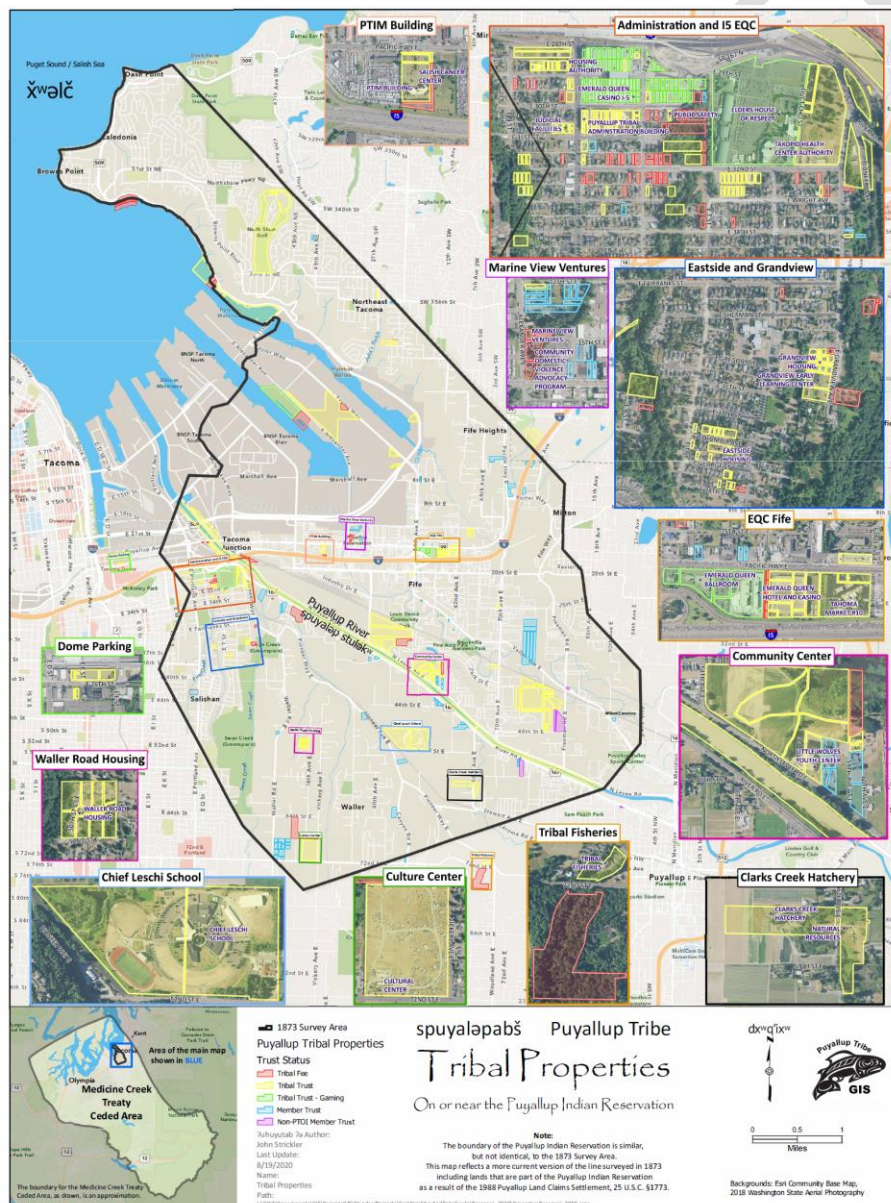
Revised Draft

## APPENDIX F. PERMIT AREA MAP

This map represents the Permit Area described in Part 1 and includes all land held in trust by the federal government within the 1873 Survey Area of the Puyallup Reservation in Tacoma, Washington (the Permit Area).

The legend of the Puyallup Tribe’s GIS map below titled “[Tribal \[sic\] Properties on or near the Puyallup Indian Reservation](#),” last updated 8-19-20, is used to provide an illustration of different categories of lands on the Puyallup Indian Reservation.

As defined in the 1988 *Puyallup Lands Claims Settlement Agreement* and the 1989 *Puyallup Tribe of Indians Settlement Act of 1989*, 25 U.S.C. § 1773 (b)(1), the Permit Area within the 1873 Survey Area includes the Puyallup River bedlands below the ordinary highwater mark, the mouth of Hylebos Creek intertidal areas below the high tide line, and all land held in trust by the federal government for a federally recognized tribe or individual tribal member.



## APPENDIX G. OUTFALLS EXISTING ON PERMIT EFFECTIVE DATE

The Permittee is authorized to discharge from the identified municipal separate storm sewer system (MS4) outfalls listed below, in accordance with the conditions and requirements set forth in this permit:

Outfall	Receiving Water	Latitude	Longitude
1	Puyallup River	47.209060	-122.329315
2	Puyallup River	47.221395	-122.353572
3	Puyallup River	47.225893	-122.364052
4	(Unnamed Channel south of Puyallup River)	47.191916	-122.386549
5			
6			
7			
8			

Revised Draft