

United States Environmental Protection Agency
 Region 10
 1200 Sixth Avenue, Suite 155
 Seattle, Washington 98101-3188

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

In compliance with the provisions of the Clean Water Act (CWA), 33 USC §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the “Act”, the

**City of Tacoma
 (hereinafter “Permittee”)**

is authorized to discharge from the municipal separate storm sewer system (MS4) outfalls that are located on land held in trust by the federal government for the Puyallup Tribe, other federally recognized tribes, or individual tribal member, within the 1873 Survey Area of the Puyallup Reservation in Tacoma, Washington, and/or that directly discharge into surface waters of the Puyallup Tribe, at the following location(s) in accordance with the conditions and other requirements set forth herein:

Outfall		Receiving Water	Latitude	Longitude
<i>Original ID</i>	<i>Current ID</i>			
196	SWDP-100635 SWDP-100024 SWDP-100025 SWDP-100712 SWDP-100026	Puyallup River	47.242909	-122.405576
197	SWDP-100474	Puyallup River	47.241683	-122.403693
103	SWDP-100559	Blair Waterway	47.266192	-122.391448
	SWDP-100426	Hylebos Waterway	47.290057	-122.409164
-	SWDP-100545	Hylebos Waterway	47.289118	-122.408799
	SWDP-100546	Hylebos Waterway	47.287898	-122.407765
	SWDP-100222	Hylebos Waterway	47.286808	-122.407127
-	SWDP-102963	Hylebos Waterway	47.283375	-122.404075
-	SWDP-100556	Hylebos Waterway	47.283407	-122.404103
-	SWDP-100552	Hylebos Waterway	47.281621	-122.400005
-	SWDP-102357	Hylebos Waterway	47.281336	-122.399128
734	SWDP-100353	Hylebos Waterway	47.281379	-122.397747
-	SWDP-100574	Hylebos Waterway	47.28146	-122.394776
-	SWDP-100375	Hylebos Waterway	47.28152	-122.392934
-	SWDP-100376	Hylebos Waterway	47.281137	-122.392013

This permit becomes effective **insert date**

This permit and the authorization to discharge will expire at midnight, **insert date**.

The Permittee must reapply for a permit reissuance on or before **insert date**, (180 days

before the expiration of this permit), if the Permittee intends to continue its operational control and management of discharges at these locations beyond the term of this permit.

DRAFT

Susan Poulsom
Branch Manager
Permits, Drinking Water and Infrastructure

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SCHEDULE OF SUBMITTALS

Submittal	Due Date
Notification of New Ordinances and Other Regulatory Mechanisms Not Listed in Appendix C Part 2.2.c	If Necessary, with Subsequent Annual Report (AR) due on April 30 beginning in 2028
Stormwater Management Program Document Part 2.3	With Each Annual Report due April 30, starting in 2028
Notification of Changes in Ownership, Authority, or Responsibility Part 2.4	With the Subsequent Annual Report (due April 30 th)
Municipal Separate Storm Sewer System (MS4) Map Part 3.3.b	Within 1 year of Permit Effective Date
Stormwater Capital Improvement & Retrofit Plan Part 3.5.d	Interim Plan due w/2 nd Year AR by April 30, 2029 Final Plan due w/3 rd Year AR by April 30, 2030
Adaptive Management Written Notification Part 4.4.a	Within 30 days of when the Permittee becomes aware that an MS4 discharge does not comply with Part 1.3 (<i>Permit Conditions and Effluent Limitations</i>)
Adaptive Management Response Report Part 4.4.d	If required, within 60 days of receiving notification from EPA
Annual Reports Part 6.2 and Appendix A	April 30 th of each year, beginning in 2028
Stormwater Monitoring Report Part 6.3 and Appendix B	April 30 th of each year, beginning in 2028
Twenty-Four-Hour Notice of Noncompliance Part 7.9 (<i>Twenty-Four-Hour Notice of Noncompliance Reporting</i>)	Within 24 hours from when the Permittee becomes aware of the circumstances
Written Report After a 24-hour Notice of Noncompliance Part 7.9.a (<i>Written Report</i>)	Within 5 business days from when the Permittee becomes aware of the circumstances
Renewal Application Part 8.2 (<i>Duty to Reapply</i>)	Not later than 180 days before Permit Expiration Date

ACRONYMS

BMP	Best Management Practice
CFR	Code of Federal Regulations
CWA	Clean Water Act
Ecology	Washington Department of Ecology
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
MEP	Maximum Extent Practicable
ML	Minimum Level
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
PGS	Pollutant Generating Surfaces
POTW	Publicly Owned Treatment Works
PPM	Parts per million
QA/QC	Quality Assurance / Quality Control
QAPP	Quality Assurance Project Plan
SCED	Source Control for Existing Development
SMED	Stormwater Management for Existing Development
SWMMWW	Stormwater Management Manual for Western Washington
SWMP	Stormwater Management Program
SWPPP	Stormwater Pollution Prevention Plan
TMDL	Total Maximum Daily Load
TSMED	Tribal Stormwater Management for Existing Development
TSS	Total Suspended Solids
U.S.	United States
U.S.C.	United States Code
WAC	Washington Administrative Code
WSDOT	Washington State Department of Transportation

1 Authorized Discharges

The Permittee is authorized to discharge stormwater to surface waters of the Puyallup Tribe from all MS4 outfalls specified herein, subject to the conditions set forth in this document.

The Permittee is conditionally authorized to discharge non-stormwater from the Permittee's MS4 outfalls specified herein pursuant to Part 1.1 (*Non-Stormwater Discharges*).

1.1 Non-Stormwater Discharges

The Permittee is authorized to discharge non-stormwater from the MS4 outfalls specified herein, only if the non-stormwater discharge satisfies one of the conditions in Parts 1.1.a through 1.1.e below.

a. Separate Permit Compliance

The discharge complies with a separate National Pollutant Discharge Elimination System (NPDES) permit.

b. Emergency Firefighting

The discharge originates 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 outfalls specified herein are prohibited.

c. Spills Resulting from Unusual and Severe Weather

The discharge results from a spill and/or 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.

d. Spills Consisting of Emergency Discharges

The discharge results from a spill and consists 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.

e. Illicit Discharges Otherwise Managed by the Permittee

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

1.2 Stormwater Discharges Associated with Industrial / Construction Activity

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

1.3 Permit Conditions and Effluent Limitations

This permit includes terms and conditions necessary to reduce the discharge of pollutants

to the maximum extent practicable (MEP) from the MS4 outfalls specified herein, to protect water quality and to satisfy the appropriate requirements of the CWA and the Surface Water Quality Standards of the Puyallup Tribe.

a. Requirements to Reduce the Discharge of Pollutants to the MEP

The Permittee must reduce the discharge of pollutants to the MEP from the MS4 outfalls specified herein as detailed in Part 2 (*Permittee Responsibilities*), Part 3 (*Stormwater Management Program Control Measures*) and Part 5 (*Monitoring*).

b. Requirements to Protect Water Quality and Satisfy the Appropriate Requirements of the CWA and the Surface Water Quality Standards of the Puyallup Tribe

The Permittee must further protect water quality and satisfy the requirements of the CWA and the Surface Water Quality Standards of the Puyallup Tribe for discharges from the MS4 outfalls specified herein through compliance with any additional requirements identified in Part 4 (*Special Conditions*).

c. Adaptive Management

If the Permittee, the EPA or the Puyallup Tribe, finds that the discharge from any of the MS4 outfalls identified herein does not comply with the requirements of this permit, the Permittee's required response is set forth in Part 4.4 (*Adaptive Management Response*).

2 Permittee Responsibilities

2.1 Shared Implementation with Outside Entities

The 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). The Permittee may rely on another entity if the other entity, in fact, implements the control measure, and the specific control measure is at least as stringent as the corresponding permit requirement.

The other entity must agree to implement the control measure on the Permittee's behalf.

The Permittee and outside entity must 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 describe each entity's respective roles and responsibilities related to this permit; and identify all aspects of stormwater management where the entities will share and/or delegate implementation responsibility.

The agreement between parties must be described in the Permittee's Stormwater Management Program (SWMP) Document required by Part 2.3.a (*SWMP Document*), and be submitted to the EPA and the Puyallup Tribe with the next Annual Report.

2.2 Maintain Adequate Legal Authority

To the extent allowable pursuant to the respective authorities granted the Permittee under applicable State law, the Permittee must maintain relevant ordinances or other regulatory mechanisms sufficient to control pollutant discharges from the MS4 outfalls specified herein to meet the requirements of this permit.

a. Minimum Criteria

The Permittee's legal authority, and associated documents, as identified in Appendix C. (*Minimum Technical Requirements*) must continue to satisfy the minimum criteria listed below:

- i. 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.
- ii. Prohibit through ordinance, order, or other similar means, illicit discharges draining to the MS4 outfalls specified herein.
- iii. Control through ordinance, order, or 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*).
- iv. Control through interagency agreements, the contribution of pollutants from one portion of the MS4 to another interconnected MS4.

- v. Require compliance with conditions in ordinances, permits, contracts or orders. and
 - vi. 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 outfalls specified herein and compliance with ordinance, order, or other similar means.
- b. Deadlines

If the Permittee's legal authorities and associated documents are not sufficient to meet the criteria listed above and to comply with all requirements of this permit, the Permittee must adopt new ordinances or regulatory mechanisms that will provide the necessary legal authority as allowed and authorized pursuant to applicable State law no later than fifteen (15) months after the permit effective date.
- c. Annual Report

Any ordinance and other regulatory mechanism that is adopted by the Permittee as necessary to comply with this permit and that is not listed in Appendix C must be submitted to the Environmental Protection Agency (EPA) and the Puyallup Tribe of Indians (Puyallup Tribe) with the subsequent Annual Report as required by Part 6.2.

2.3 Stormwater Management Program

The Permittee must implement a comprehensive Stormwater Management Program (SWMP) in the areas draining to the MS4 outfalls specified herein. The SWMP is the set of actions and activities comprising the control measures in Part 3 (*Stormwater Management Program Control Measures*), any additional actions identified in Part 4 (*Special Conditions*) and the requirements in Part 5 (*Monitoring*). To the extent allowable under State and federal law, all SWMP requirements are mandatory.

a. SWMP Document

No later than twelve (12) months after the permit effective date, the Permittee must create and maintain a written SWMP Document, or SWMP documents, specific to the areas draining to the MS4 outfalls specified herein. This SWMP Document must describe in detail how the Permittee complies with the actions and activities required by this permit as outlined above.

The Permittee may add to and/or update their existing *2025 SWMP Program Plan* that was developed as required by Ecology's Phase I Municipal Stormwater General Permit. (WAR044003) to meet this requirement. Alternatively, the Permittee may create a separate SWMP Document for this permit.

If the Permittee chooses to update their existing *2025 SWMP Program Plan* to meet the requirements of this permit, the Permittee must provide a crosswalk or other index that clearly indicates all SWMP activities addressing these permit requirements for areas draining to the MS4 outfalls specified herein.

Documentation describing how the Permittee complies with the required control measures in this permit must explicitly reference this NPDES permit number (WAS026689) and identify its purpose *“to reduce pollutants from the MS4 outfalls discharging to surface waters of the Puyallup Tribe.”*

The SWMP Document must be organized according to the provisions in Part 2 (*Permittee Responsibilities*), Part 3 (*Stormwater Management Program Control Measures*), Part 4 (*Special Conditions*), and Part 5 (*Monitoring*).

- i. The SWMP Document must be updated at least annually.
- ii. The SWMP Document must be available through the website required in Part 3.2 (*Public Involvement/Participation*).
- iii. The Permittee must submit an updated SWMP Document, including all figures, maps, appendices, and any additions, with each Annual Report.
- iv. The updated SWMP Document must be submitted with the Permit Renewal Application required by Part 8.2 (*Duty to Reapply*).

b. 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.

c. Resources

The Permittee must provide adequate finances, staff, equipment and other support capabilities to implement the SWMP 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 must be provided to the EPA and the Puyallup Tribe upon request.

2.4 Changes in Ownership, Operational Authority, or Responsibility for SWMP Implementation

a. Notification

The Permittee must notify the EPA Director of the Water Division, and the Puyallup Tribe, as part of the next Annual Report required by Part 6.2 whenever:

- i. The Permittee identifies that it owns and/or operates an MS4 outfall that discharges to surface waters of the Puyallup Tribe that is not specified herein; or
- ii. The Permittee accepts new operational responsibility or ownership of any area draining to the MS4 outfalls specified herein; or
- iii. The Permittee transfers to another entity its operational responsibility or ownership of any MS4 outfall, and/or any area draining to the MS4 outfall or outfalls specified herein.

b. Newly Identified MS4 Outfalls

After the permit effective date, each Annual Report must provide written summary of any additional MS4 outfall(s) that discharge to surface waters of the Puyallup Tribe if any have been discovered by the Permittee during the reporting period. The Annual Report must identify the physical location of the MS4 outfall, latitude and longitude, a general location map, and available information as required by Part 3.3.b (*MS4 Map*).

c. Changes in Ownership or Operational Authority

Each Annual Report must provide written summary of pertinent circumstances regarding any change in ownership, operational authority, or responsibility for SWMP implementation in areas draining to the MS4 outfalls specified herein.

d. Update Documentation

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.b (*MS4 Map*), to reflect all changes described above.

e. Permit Renewal Application

No later than 180 days prior to the permit expiration date, the Permittee must include a table summarizing each change in ownership, operational authority or SWMP responsibility identified and reported by the Permittee during the permit term as part of the Renewal Application required by Part 8.2 (*Duty to Reapply*). The summary table can highlight basic information and reference the specific Annual Report where further details can be found.

2.5 Annual Meeting

At least once per calendar year, the Permittee must schedule and meet with the Water Manager of the Puyallup Tribe. The purpose of this Annual Meeting is to share information, coordinate, and consult on activities conducted in areas draining to MS4 outfall locations identified in this permit, including but not limited to planned projects and activities required by the *Stormwater Management for Existing Development Discharging into Tribal Waters* control measure in Part 3.5, the monitoring requirements in Part 5, and/or other actions to be conducted in compliance with this permit.

At a minimum, beginning no later than six months after the effective date of this permit, the Permittee must contact the Water Manager of the Puyallup Tribe via email as indicated Part 6.1.a below to schedule an inaugural meeting to occur within the following six-month period. Upon mutual agreement between the parties, the first Annual Meeting may occur in person or via electronic means. Subsequent meetings must be coordinated and scheduled to occur at least annually at times and locations that are mutually agreed upon by the Permittee and the Water Manager of the Puyallup Tribe.

Tacoma may invite Washington State Department of Transportation [WSDOT], the other MS4 permittee representative located in the 1873 Survey Areas subject to permitting by the EPA, to the Annual Meeting to share information, coordinate, and consult on stormwater management issues, projects or topics of mutual interest.

The Permittee must document the occurrence of the Annual Meeting in its Annual Report by providing key meeting summary details such as meeting date, time, location, attendee representatives, and topic agenda. If the Permittee meets with the Puyallup Tribe representatives more frequently than required by this MS4 permit to coordinate on stormwater implementation issues, the Permittee must include in each Annual Report a summary record of additional coordination meetings.

If a meeting cannot be scheduled due to conflicting schedules or other unforeseen circumstances, it will not constitute a permit violation provided that the Permittee demonstrates in its Annual Report that it made good faith efforts to contact and schedule the meeting with the Water Manager of the Puyallup Tribe or their designated staff representative(s) regarding the Tribal MS4 program at least once per calendar year.

3 Stormwater Management Program Control Measures

3.1 Education and Outreach

The Permittee must conduct public education and outreach activities designed to build general awareness about methods to reduce impacts from stormwater runoff, affect behavior change to reduce or eliminate behaviors or practices contributing to adverse stormwater impacts and create stewardship opportunities for community engagement that address impacts from stormwater runoff. The Permittee may meet these requirements individually or as part of a regional group. Activities must be conducted in a manner that includes relevant audiences in the areas draining to the MS4 outfalls specified herein. The program must include the following:

a. Description in SWMP Document

The Permittee's SWMP Document must contain a description of the education and outreach program and the associated program goals.

b. 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.

- i. The Permittee must implement the education and outreach program activities to include priority audiences in areas draining to MS4 outfalls specified herein.
- ii. The program design must be based on local and/or regional water quality information and priority audience characteristics to identify high priority audiences, subject areas, and/or Best Management Practices (BMPs).
- iii. The Permittee should consider delivering its selected messages in language(s) other than English, as appropriate for the priority audience.
- iv. 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 audiences related to at least one of the listed stormwater related topics.

c. Priority Audiences

The Permittee must focus its education and outreach program activities to reach at least one of the following audiences on an ongoing or strategic schedule:

- i. General Public (including school-age children, college/university, trade students, and overburdened communities, and businesses (including home-based and mobile businesses);
- ii. Engineers, contractors, developers, property owners/managers, and land-use planners;
- iii. Residents;
- iv. Landscapers.

d. Topics

Depending on the priority 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:

- i. General impacts of stormwater on surface waters including impacts from impervious surfaces and of the hazards associated with illicit discharges and improper waste disposal;
- ii. Low Impact Development (LID) principles and LID BMPs;
- iii. Technical standards for stormwater site and erosion control plans;
- iv. Stormwater treatment BMPs or facilities and flow control BMPs or facilities;
- v. Use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps, and other hazardous materials;
- vi. Prevention of illicit discharges;
- vii. Yard care techniques protective of water quality;
- viii. Use and storage of pesticides and fertilizers and other household chemicals;
- ix. Carpet cleaning;
- x. Repair and maintenance BMPs for vehicles, equipment, and/or home buildings;
- xi. Pet waste management and disposal;
- xii. Stormwater facility maintenance, including LID facilities;
- xiii. Dumpster and trash compactor maintenance;
- xiv. Litter and debris prevention;
- xv. (Audience specific) Source Control BMPs (See Part 3.6); and/or
- xvi. Locally important, stormwater-related subject area.

e. Program Evaluation

At least once during the permit term, the Permittee must measure and document at least one audience's understanding and/or adoption of the appropriate behavior(s) for 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.

f. Annual Report

In each Annual Report, the Permittee must summarize the priority audience, selected topic(s), activities, and any evaluation methods conducted during the reporting period to reflect changes in awareness and/or behaviors because 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. Public involvement/participation activities must be conducted in a manner that includes priority audiences in areas draining to the Permittee's MS4 outfalls specified herein. The program must include the following:

a. Description in SWMP Document

The Permittee's SWMP Document must contain a description of the public involvement and participation program and the associated program goals.

b. Program Design

The Permittee must create opportunities for the public, including overburdened communities, to participate in the decision-making processes involving the development, implementation, and update of the Permittee's SWMP through such opportunities as advisory councils, public hearings, watershed committees, or other efforts.

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

c. Website

No later than May 31st of each year, the Permittee must make the SWMP Document required by Part 2.3.a and Annual Reports required by Part 6.2 available to the public on the Permittee's website. All other submittals required by this permit must be available to the public as specified in Part 6.5 (*Availability of Records*).

d. 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 prohibit non-stormwater discharges, and to prevent, detect, characterize, trace, and eliminate illicit connections and illicit discharges into the MS4 located in areas draining to the Permittee's MS4 outfalls identified herein.

a. Description in SWMP Document

The SWMP Document must include a summary of the Illicit Discharge Detection and Elimination (IDDE) program and the associated program goals.

b. MS4 Map

Throughout the permit term the Permittee must maintain an updated map of the MS4 leading to the outfalls specified herein. The required format for mapping is electronic, with fully described mapping standards.

No later than 180 days from the permit expiration date, and as part of the Permit Renewal Application required by Permit Part **Error! Reference source not found. (Error! Reference source not found.)**, the Permittee must submit updated maps of all MS4s in areas draining to the outfalls specified herein and/or that are discharging to surface waters of the Puyallup Tribe.

At a minimum, the MS4 map(s) must include the following information:

- i. Location (including latitude and longitude) of the Permittee's MS4 outfalls discharging to surface waters of the Puyallup Tribe, including known inlets and catch basins leading to those outfalls;
- ii. Receiving waters;
- iii. Location of stormwater treatment BMPs or facilities and flow control BMPs or facilities that are owned and/or operated by the Permittee in areas draining to the MS4 outfalls specified herein, including all connections between these BMPs/facilities and any tributary conveyances (mapped in accordance with this Part), and all associated emergency overflows;
- iv. Tributary conveyances for all MS4 outfalls identified herein and connections 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, land use and land cover.

The following information must be summarized for each contributing drainage area: estimated total acres; estimated acres by land use category (i.e., commercial, industrial, residential, open space); estimated acres by land cover category (i.e. tree canopy; non-canopy vegetation; buildings; other impervious; soil and dry vegetation; roads; water (in acres); and estimated acres of runoff treated with one or more structural BMP(s).

- v. Connections between the Permittee's MS4 and other municipalities or public entities in areas draining to the MS4 outfalls specified herein;
- vi. Locations of Permittee-owned and/or operated parking lots and roads in areas draining to the MS4 outfalls specified herein;
- vii. Locations of all Permittee owned and/or operated industrial activities, maintenance/storage facilities in areas draining to the MS4 outfalls specified herein and/or discharge to surface waters of the Puyallup Tribe; and
- viii. Jurisdictional boundaries.

c. Legal Authority

The Permittee must effectively prohibit non-stormwater and illicit discharges in areas draining to the Permittee's MS4 outfalls identified herein through enforcement of an ordinance or other regulatory mechanism to the extent allowable pursuant to the respective authority granted the Permittee under applicable State law. See also Part 2.2 above and Appendix C. *Minimum Technical Requirements*).

d. Allowable Discharges

The regulatory mechanism does not need to prohibit the following discharges:

- i. Diverted stream flows;
- ii. Rising ground waters;
- iii. Uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(b)(20));
- iv. Uncontaminated pumped ground water;
- v. Foundation drains;
- vi. Air conditioning condensation;
- vii. Irrigation water from agricultural sources that is commingled with urban stormwater;
- viii. Springs;
- ix. Uncontaminated water from crawl space pumps;
- x. Footing drains;
- xi. Flows from riparian habitats and wetlands;
- xii. Non-stormwater discharges authorized by another NPDES permit; and
- xiii. Non-stormwater discharges from emergency firefighting activities in accordance with Part 1.1.b.

e. Conditionally Allowable Discharges

The ordinance or regulatory mechanism may allow the following categories of non-stormwater discharges, only if the stated conditions are met:

- i. 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;
 - ii. *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;
 - iii. *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;
 - iv. 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
 - v. *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.
- f. Detection and Elimination

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

- i. *Procedures for locating priority areas* that are 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;
- ii. *Procedures for field assessment activities*, including visual inspection of outfalls draining priority areas during dry weather appropriate to the characteristics of the MS4 and for the purposes of verifying outfall locations, identifying previously unknown outfalls, and detecting illicit discharges.
- iii. 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 the EPA under 40 CFR Part 136, provided the manufacturer’s

published detection ranges are adequate for the illicit discharge detection purposes as outlined 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/>).

- iv. *Dry weather field screening*: No later than one (1) year after the effective date of the permit, the Permittee must begin dry weather field screening for non-stormwater flows into the MS4 draining to the Permittee's outfalls specified herein and must complete such screening no later than 180 days prior to the permit expiration date.
- v. *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;
- vi. *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;
- vii. *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,
- viii. *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.
- ix. Compliance

Compliance with Parts vi, vii and viii will be achieved by meeting the following timelines:

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

- 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.

g. 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.

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

h. Training

The Permittee must ensure that all staff responsible for the investigation, identification, elimination, clean up, and reporting of illicit discharges, 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 in areas draining to MS4 outfalls identified herein. Training concerning the Permittee's SWMP required by this permit must be completed within the first 180 days of employment for new staff working directly on requirements in Part 3.3. Follow-up training must be provided as necessary to address changes in procedures, techniques, or requirements.

i. Annual Report

Each Annual Report must summarize information related to IDDE activities during the reporting period in areas draining to MS4 outfalls specified herein:

- i. An updated MS4 map for all areas draining to the outfalls specified herein, including any updated information required by Part 2.4 (*Changes in Ownership, Operational Authority, or Responsibility for SWMP Implementation*) above.
 - a. Map information for the areas draining to the outfalls listed herein and/or draining to surface waters of the Puyallup Tribe, may be submitted either as an electronic file with fully described mapping

standards. or the Annual Report must contain relevant instructions for the EPA and the Puyallup Tribe to access the available MS4 maps.

- ii. Summary of the number and type of illicit discharges identified during the reporting period in areas draining to the outfalls specified herein, including dry weather field screening activities and efforts to address any identified illicit discharges; and
- iii. Summary information regarding staff training provided or obtained.

3.4 New Development, Redevelopment, and Construction Site Runoff Control

The Permittee must implement and enforce a program to reduce pollutants in stormwater runoff to the MS4 from new development, redevelopment, and construction activities in areas draining to the MS4 outfalls identified herein. The program must apply to private and public development, including transportation projects.

a. Description in SWMP Document

The Permittee's SWMP Document must describe the new development, redevelopment, and construction site runoff control program and reference the policies and procedures used to implement these requirements.

b. Oversight

In areas of the Permittee's jurisdiction draining to the MS4 outfalls specified herein, the Permittee must provide adequate direction and oversight to educate those operators responsible for "regulated construction activities" and "regulated industrial activities," as defined in Parts 9.50 and 9.51 (*Definitions*), respectively, to obtain authorization to discharge under the appropriate stormwater permits as required by Part 1.2 (*Stormwater Discharges Associated with Industrial / Construction Activity*).

c. Legal Authority

The Permittee must continue to use an ordinance or other regulatory mechanism(s) in areas draining to the MS4 outfalls specified herein to address runoff from new development, redevelopment, and construction site projects. The regulatory mechanism(s) must include the minimum requirements, thresholds, and definitions for new development, redevelopment, and construction sites found in the documents listed in Appendix C. *Minimum Technical Requirements*) See also Part 2.2.

These regulatory mechanism(s) must include the following when implementing the most current version of documents listed in Appendix C. *Minimum Technical Requirements*):

- Site planning requirements;
 - BMP selection criteria;
 - BMP design criteria;
 - BMP infeasibility criteria;
 - Low Impact Development (LID) competing needs criteria, and
 - BMP limitations
- iii. 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.

d. Site Plan Review, Inspection, and Corrective Action

The program must include site plan review, site inspection, and enforcement capability sufficient to meet the following standards listed in Parts i through viii below, for both private and public projects in areas draining to the MS4 outfalls identified herein:

- i. Review of all stormwater site plans for proposed development activities that meet the minimum thresholds adopted pursuant to Part 3.4.c above;
- ii. Inspect, prior to clearing and construction, all locally permitted development sites that meet the minimum thresholds adopted pursuant to Part cc, above.
- iii. Inspect all locally permitted development sites, that meet the minimum thresholds adopted pursuant to Part 3.4.c, above, during construction to verify proper installation and maintenance of required erosion and sediment controls. Enforce, as necessary, based on the inspection.
- iv. Manage maintenance activities to inspect all permanent stormwater treatment and flow control BMPs/facilities, and catch basins, in new residential developments at least twice per 12 month period with no less than four months between inspections, 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.
- v. Inspect all locally permitted development sites, that meet the minimum thresholds adopted pursuant to Part 3.4.c, 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.
- vi. Compliance with these inspection requirements above will 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.c, above.

Compliance during this permit term shall be determined by achieving at least 80% of scheduled inspections.

- vii. 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.

- viii. The program must include an enforcement strategy to respond to issues of non-compliance.

e. 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 in areas draining to the MS4 outfalls identified herein.

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 completed 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.

f. Annual Report

Each Annual Report must summarize information related to activities to control runoff from new development, redevelopment and construction site activities in areas draining to MS4 outfalls specified herein during the reporting period.

- i. Number of site plans reviewed, site inspections conducted, and corrective actions taken at project sites; including the location and result/response of any corrective actions required by Part 3.4.d; and
- ii. Summary information regarding any staff training provided or obtained.

3.5 Stormwater Management for Existing Development Discharging into Tribal Waters

In all areas draining to the MS4 outfalls specified herein, the Permittee must implement stormwater management for existing development discharging into Tribal waters to prevent or reduce impacts to surface waters of the Puyallup Tribe caused by discharges from the identified MS4 outfalls.

Activities conducted under this control measure may be referred to as ‘the Tribal SMED’ or ‘TSMED’ program.

The TSMED program must address impacts to surface waters of the Puyallup Tribe from disturbances to watershed hydrology and stormwater pollutant discharges, and impacts that are not adequately controlled by the other required actions of this Permit.

The Permittee must consider impacts caused by stormwater discharges from existing development in the areas draining to the MS4 outfalls identified herein, including runoff from highways, streets and roads owned or operated by the Permittee; and areas where impacts are anticipated as development occurs.

The Permittee must plan, design, install and/or conduct projects and activities that are designed to demonstrably control the sources, treat discharges, and/or otherwise reduce the flow of pollutants in runoff from existing developed areas discharging into surface waters of the Puyallup Tribe. The Permittee must select and utilize practices shown to effectively reduce the pollutants listed in Appendix E. Monitoring *Parameters and Minimum Levels*), and in particular are intended to accomplish the long-term management or removal of metals and other pollutants related to road runoff identified in stormwater discharges to surface waters of the Puyallup Tribe from the MS4 outfalls identified herein.

a. Description in SWMP Document

The SWMP Document must describe the Tribal SMED program, and the prioritization process, procedures, and criteria used to identify and select any Tribal SMED projects and/or activities to be accomplished during the initial five-year permit term. This description must include the program goals; interim planning process to develop the Tribal SMED program, the steps in the planning process; types of characterization information considered; amount budgeted for implementation; and the public involvement process. The Permittee must also anticipate and plan for future activities to be conducted and/or projects to be installed as part of the Permittee’s stormwater capital improvement plan over the 10-15 years following the permit effective date.

b. Project and Activity Types

The Permittee’s Tribal SMED Program must consider the following projects and activities in areas draining to the MS4 outfalls identified herein:

- New flow control facilities;
- New treatment (or treatment and flow control) facilities;
- New LID BMPs;
- Retrofit of existing treatment and/or flow control facilities;
- Maintenance with capital construction costs $\geq$ \$25,000; and

- Property acquisition for water quality and/or flow control benefits (not associated with future facilities).

The Permittee's Tribal SMED Program may include a program designed to implement small-scale projects or activities that are not planned in advance.

The Permittee may consider other projects to address impacts, such as:

- Restoration of riparian buffers.
- Restoration of forest cover.
- Permanent removal of impervious surfaces.
- Street sweeping that exceeds the program required by Part 3.7.g below.
- Line cleaning.
- Watershed collaboration.

c. Prohibited Projects

The Permittee may not use in-stream culvert replacement or channel restoration projects for compliance with this requirement.

d. Stormwater Capital Improvement and Retrofit Plan

Using the Tribal SMED program framework identified above, the Permittee must develop, describe and implement a Stormwater Capital Improvement and Retrofit Plan for areas draining to the MS4 outfalls identified herein. The Permittee may incorporate this plan into the SWMP Document description specified in Part 3.5.a above, or the Permittee may create a standalone document.

No later than the permit expiration date, the Permittee must demonstrably reduce pollutants in runoff from Pollutant Generating Surfaces (PGS) in areas draining to the MS4 outfalls specified herein through the planning, design, installation, implementation, and/or scheduled completion of projects and associated activities that will achieve pollutant reductions.

- i. At least one (1) project, activity, or combination of projects and activities, must demonstrably reduce pollutants by increasing runoff treatment and/or management from a minimum of ten (10) acres in the areas draining to the MS4 outfalls specified herein that discharge into the Lower Puyallup River.
- ii. At least one (1) project, activity, or combination, must demonstrably reduce pollutants by increasing runoff treatment and/or management from a minimum of ten (10) acres in the areas draining to the MS4 outfalls specified herein that discharge into the Hylebos Waterway.
- iii. As a part of the 2nd Year Annual Report, the Permittee must submit an *Interim Stormwater Capital Improvement and Retrofit Plan* containing an initial outline and a progress report that includes a feasibility analysis or other identification of the projects and actions the Permittee expects to accomplish and/or that have been accomplished to date. The Plan must identify how the Permittee intends to demonstrate the reduction of pollutants from existing PGS through implementation of the identified projects and/or activities.

- iv. No later than the 3rd Year Annual Report, the Permittee must submit a Final *Stormwater Capital Improvement and Retrofit Plan*, identifying all projects and activities to be started and/or completed no later than the permit expiration date. The Plan must include an installation and completion schedule for any projects that will not be accomplished during the permit term. The Permittee must continue the planning, design, installation, and implementation of all identified projects through completion, and report on iterative progress in each subsequent Annual Report.

e. Annual Report

- i. Each Annual Report must include information about the Permittee's TSMED projects and activities to be accomplished, ongoing, or completed and operational in the areas draining to the MS4 outfalls identified herein that in total will meet the acreage targets identified in Part 3.5.d.i. and d.ii above.

To submit TSMED project and activity information, the Permittee may use the reporting format and methodology from Ecology's *Phase I Municipal Stormwater Permit-Appendix 12*, which is incorporated by reference as Appendix G of this permit.
- ii. At a minimum, the Annual Report must include information listed below for each TSMED project used to meet the acreage targets identified in Part 3.5.d.i. and d.ii above. The Permittee must summarize projects or activities accomplished to date, and provide status updates for any ongoing or completed and operational project/activity:
 - Project/Activity Name;
 - Project Location (Latitude/Longitude);
 - Project or Activity Type (identified narratively in Part 3.5.b above);
 - Cost Estimate;
 - Anticipated Schedule for Completion;
 - Basin Area Served by TSMED Project (in acres); and
 - Estimated Amount and Type of Pollutants Removed.
- iii. The Permittee must submit the *Interim Stormwater Capital Improvement and Retrofit Plan* that addresses the required elements described in Parts 3.a and 3.d.iii above with the 1st Year and 2nd Year Annual Reports.
- iv. The Permittee must submit a final *Stormwater Capital Improvement and Retrofit Plan* as described in Part 3.d.iv above with the 3rd Year Annual Report.

3.6 Source Control for Existing Development

The Permittee must implement a program to reduce pollutants in runoff from areas of existing development that discharge in areas draining to the MS4 outfalls specified herein. The program must include the application of source control BMPs, inspections, and enforcement.

a. Description in SWMP Document

The SWMP Document must include a description of the identification, inspection, and enforcement procedures used to control sources of stormwater pollution in areas draining to the MS4 outfalls specified herein as part of the Source Control for Existing Development (SCED) program.

b. Legal Authority

The Permittee must continue to enforce ordinance(s), or other regulatory mechanisms to require the application of source control BMPs for pollutant generating sources associated with existing land uses and activities in areas draining to the MS4 outfalls specified herein.

c. Program Design

- i. The requirements of this subsection are met by using source control BMPs in Volume IV of the 2024 *Stormwater Management Manual for Western Washington* (SWMMWW) and/or those found in the current version of the documents listed in *Appendix C. Minimum Technical Requirements*). In cases where the manuals lack guidance for a specific source of pollutants, the Permittee must work with the owner/operator to implement or adapt BMPs based on the professional judgement of the Permittee.
- ii. 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 pollutant discharges because of inadequate stormwater controls.
- iii. 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.f, below.

d. Identification

In areas that drain to the MS4 outfalls specified herein, the Permittee must continue to implement a program to identify publicly and privately owned institutional, commercial, and industrial sites which have the potential to generate pollutants. See *Appendix F. Businesses and Activities that are Potential Sources of Pollutants*). The program must include an updated source control inventory which lists the types of sites listed below:

- i. Businesses and/or sites identified based on the presence of activities that are pollutant generating; and.
- ii. Other pollutant generating sources, based on complaint response, such as home-based businesses and multi-family sites.
- iii. The site inventory for areas draining to the MS4 outfalls identified herein must be included as part of the 1st Year Annual Report and must be updated at least once during the permit term.

e. Inspection

The Permittee must continue to implement an inspection program for sites in areas draining to the MS4 outfalls specified herein and identified in Part 3.6.d. above.

- i. All identified sites with a known 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.
- ii. 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. The Permittee may count follow-up compliance inspections at the same site toward the 20% inspection rate. The Permittee may select which sites to inspect each year and is not required to inspect 100% of sites over a 5-year period. 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.
- iii. The Permittee must inspect 100% of sites identified through legitimate complaints.
- iv. The Permittee may count inspections conducted based on complaints, or when the property owner denies entry, to the 20% inspection rate.

f. Enforcement

The Permittee must enforce its ordinance or regulatory mechanism at sites identified pursuant to Part 3.6.d above, in the areas draining to the MS4 outfalls specified herein, including any sites with discharges authorized by a separate NPDES permit. For any 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 the stormwater source control requirements within a reasonable time period as specified below:

- i. 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.
- ii. When the Permittee determines that a facility has failed to adequately implement BMPs after a follow-up inspection(s), the Permittee must take enforcement action as established through authority in its municipal code or ordinances, or through the judicial system.
- iii. 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.
- iv. The Permittee may refer non-emergency violations of local ordinances to the EPA and the Puyallup Tribe as indicated in Part 6.1 (*Submittal Process*) 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.

g. Additional Controls

If stormwater discharges from areas of existing development draining to MS4 outfalls specified herein are not adequately controlled by operational source controls alone and other required actions of the SWMP, and are resulting in illicit discharges or other noncompliance, the Permittee must implement a TSMED activity that includes, but is not limited to, actions identified in Parts 3.5.d. and e. above.

h. Training

The Permittee must train staff who are responsible for implementing the source control program to conduct these activities in areas draining to the MS4 outfalls specified herein. 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.

i. Annual Report

The Permittee's Annual Reports must include the following information related to source control activities occurring during the reporting period in the areas draining to the MS4 outfalls specified herein:

- i. The 1st Year Annual Report must contain the available source control inventory information for areas draining to the MS4 outfalls specified herein. This summary list should be organized by business type of activities with

potential to discharge to the MS4 outfalls specified herein. At a minimum, the list should include site location identifier or name, address, latitude/longitude, and brief site description or type as listed in Part 3.6.d. All subsequent Annual Reports reference this initial inventory list;

- ii. Summary information regarding all source control inspections, follow-up actions taken, enforcement actions taken during the reporting period in areas draining to the MS4 outfalls specified herein; this includes any circumstances beyond the Permittee's control that may have prevented an intended inspection;
- iii. The 5th Year Annual Report must include verification that the source control inventory list provided with the 1st Year Annual Report has been updated at least once within the last five years. An updated source control inventory including sources identified by complaints (sources identified by complaints must be noted as such in the inventory) must be available to the EPA and the Puyallup Tribe upon request; and
- iv. Summary information regarding relevant training provided or obtained, and number of appropriate staff trained.

3.7 Municipal Operations & Maintenance

The Permittee must update and implement its Operation & Maintenance (O&M) program to regulate and conduct maintenance activities to prevent or reduce stormwater impacts in areas draining to the MS4 outfalls identified herein.

a. Description in SWMP Document

The Permittee's SWMP Document must contain a description of the O&M Program to regulate and conduct maintenance activities in areas draining to MS4 outfalls specified herein.

b. Maintenance Standards

The Permittee must establish maintenance standards that are as protective, or more protective, of facility function than those specified in the 2024 SWMMWW or than those found in the most up to date version of the documents listed in *Appendix C. Minimum Technical Requirements*).

- i. The purpose of the maintenance standard is to determine if maintenance is required. The maintenance standard is not a measure of the facility's required condition at all times between inspections. Exceeding the maintenance standard between inspections and/or maintenance is not a permit violation.
- ii. Unless there are circumstances beyond the Permittee's control, when an inspection identifies an exceedance of the maintenance standard, maintenance must be performed:
 - Within 1 year for typical maintenance of facilities, except catch basins;
 - Within 6 months for catch basins; and
 - Within 2 years for maintenance that requires capital construction of less than \$25,000.

Circumstances beyond the Permittee's control include denial or delay of access by property owners, denial or delay of necessary permit approvals, and unexpected reallocations of maintenance staff to perform emergency work. For each exceedance of the required timeframe, the Permittee must document the circumstances and how they were beyond the Permittee's control.

c. Maintenance of Stormwater Facilities Regulated by the Permittee

To the extent allowable pursuant to the respective authorities granted the Permittee under applicable State law, the Permittee must enforce an ordinance or other regulatory mechanism requiring maintenance of all stormwater facilities that are regulated by the Permittee, including catch basins that are part of the facilities regulated by the Permittee.

- i. The Permittee's ordinance or regulatory mechanism must meet the maintenance standards described in Part 3.7.b, above.
 - ii. The Permittee must annually inspect all stormwater facilities regulated by the Permittee in areas draining to the MS4 outfalls specified herein to enforce compliance with adopted maintenance standards as needed based on inspection. The inspection program is limited to facilities to which the Permittee can legally gain access, provided the Permittee must seek access to all stormwater facilities regulated by the Permittee. Inspections must be conducted by qualified personnel or a qualified third party.
 - iii. The Permittee may reduce the inspection frequency in accordance with Part 3.7.d.i below.
 - iv. Compliance with the inspection requirements in this Part will be determined by the presence of an established inspection program designed to inspect all facilities in the areas draining to MS4 outfalls specified herein and achieving inspection of at least 80% of required inspections annually.
 - v. 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 (*Illicit Discharge Detection and Elimination*) and 3.6 (*Source Control For Existing Development*), or if the catch basins are part of the stormwater facilities inspected under the requirements of this Part.
- d. Maintenance of Stormwater Facilities Owned and/or Operated by the Permittee

The Permittee's O&M program must include annual inspection of all stormwater treatment BMPs or facilities and flow control BMPs or facilities that are owned and/or operated by the Permittee in areas draining to the MS4 outfalls specified herein. The Permittee must take appropriate maintenance actions in accordance with its adopted maintenance standards. The inspection program must be implemented by qualified personnel.

 - i. 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 in 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).
 - ii. The Permittee must conduct spot checks of potentially damaged treatment BMPs or facilities and flow control BMPs or facilities 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. If spot checks indicate

widespread damage/maintenance needs, inspect all stormwater treatment BMPs or facilities and flow control BMPs or facilities that may be affected. 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.

- iii. Compliance with the inspection requirements in this Part 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 annually.

e. Maintenance of Catch Basins Owned and/or Operated by the Permittee

The Permittee must inspect all catch basins and inlets owned and/or operated by the Permittee in the areas draining to the MS4 outfalls specified herein at least once before the end of the permit term.

- i. Catch basins must be cleaned as determined by the maintenance standard as stated in Part 3.7.b above.
- ii. The disposal of decant water must be in accordance with the requirements in Appendix D. *Street Waste Disposal*).
- iii. Compliance with the inspection requirements in this Part will be determined by evaluating Permittee records of an established inspection program designed to inspect all catch basins and inlets and achieving at least 95% of required inspections prior to the permit expiration date.

f. Other Maintenance Practices

The Permittee must implement maintenance practices, policies and procedures to reduce pollutants in runoff from all lands owned or maintained by the Permittee, and/or from road maintenance activities under the functional control of the Permittee, in areas of their jurisdiction draining to the MS4 outfalls specified herein. 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 following activities must be addressed:

- i. Pipe cleaning;
- ii. Cleaning of culverts that convey stormwater in ditch systems;
- iii. Ditch maintenance;
- iv. Street cleaning;
- v. Road repair and resurfacing, including pavement grinding;
- vi. Snow and ice control;
- vii. Utility installation;
- viii. Maintaining roadside areas, including vegetation management;
- ix. Dust control;
- x. Pavement striping maintenance;
- xi. Application of fertilizer, pesticides, and herbicides according to the instructions for their use, including reducing nutrients and pesticides and using alternatives that minimize environmental impacts;
- xii. Sediment and erosion control;
- xiii. Landscape maintenance and vegetation disposal;
- xiv. Trash and pet waste management; and
- xv. Building exterior cleaning and maintenance.

g. Street Sweeping Program

No later than July 1, 2027, the Permittee must develop and implement a street sweeping program on streets and lands owned or operated by the Permittee in the areas draining to the MS4 outfalls specified herein.

Sweeping must occur at least once between July and September and at least three additional times each year, as determined by the Permittee to provide additional water quality benefits. For calendar year 2027, only one sweeping event is required.

- i. Compliance during this permit term shall be determined by the records of a sweeping program designed to sweep least 90% of mapped areas at each sweeping event.
- ii. The Permittee may document reasoning for alternative sweeping timing and frequency based on local conditions (e.g. climate) and estimated pollutant deposition quantities. Documentation shall be based on actual maintenance experience and included in the SWMP Document.
- iii. The Permittee must follow equipment design performance specifications to ensure that street sweeping equipment is operated at the proper design speed with appropriate verification, and that it is properly maintained.

- iv. The Permittee must dispose of sweeper waste material in accordance with Appendix D. *Street Waste Disposal*) below.
- h. Stormwater Pollution Prevention Plan

The Permittee must develop and implement Stormwater Pollution Prevention Plans (SWPPP) for all heavy equipment maintenance or storage yards, and/or material storage facilities that are owned and/or operated by the Permittee, that are not already regulated under another appropriate NPDES permit, and that are located in areas draining to the MS4 outfalls specified herein,

 - i. The Permittee may use generic SWPPPs that can be tailored to multiple similar activity sites to comply with this requirement.
 - ii. Implementation of non-structural BMPs must begin immediately after the SWPPP is developed.
 - iii. A schedule for installation of any necessary structural BMPs must be included in the SWPPP.
 - iv. 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.
- i. 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 implement this permit. Orientation and training concerning the Permittee's stormwater management program must be completed 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.
- j. Annual Report

The Permittee must include in each Annual Report the following information related to O&M activities during the relevant reporting period in areas draining to the MS4 outfalls specified herein:

- i. Summary information regarding all treatment BMP or facility and flow control BMP or facility inspections, catch basin inspections, and maintenance or repair activities conducted by the Permittee based on those inspections, and any circumstances considered beyond the Permittee's control that prevent a maintenance activity from occurring.
- ii. Where maintenance activity did not occur as described in Part 3.7.b, the Permittee must document such circumstances to describe how they were outside the Permittee's control.
- iii. The 1st Year Annual Report must list all treatment BMPs or facilities and flow control BMPs or facilities regulated by the Permittee, and their locations in the areas draining to the MS4 outfalls specified herein, that are expected to be inspected during the permit term in compliance with this Part.

Subsequent Annual Reports must summarize the Permittee's inspection of those listed facilities regulated by the Permittee to document progress towards achieving > 80% of required inspections during the permit term.

- iv. The 1st Year Annual Report must include a list of all treatment BMPs or facilities and flow control BMPs or facilities owned and/or operated by the Permittee, and their locations in the areas draining to the MS4 outfalls specified herein, 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 treatment BMPs or facilities and flow control BMPs or facilities owned/operated by the Permittee to document progress towards achieving > 95% of required inspections during the permit term.

- v. The 1st Year Annual Report must include a list of all catch basins and inlets owned and/or operated by the Permittee in the areas draining to the MS4 outfalls specified herein to be inspected in compliance with this Part.

Subsequent Annual Reports must document the Permittee's progress toward inspecting and maintaining >95% of all catch basins and inlets prior to the permit expiration date.

- vi. Summary information about the priority area-focused municipal sweeping program in the areas draining to the MS4 outfalls specified herein, including:
 - (a) Areas swept identified on a map (i.e. streets that are considered high traffic (estimated number of vehicles served/or arterials or collectors), and streets serving commercial or industrial land use),
 - (b) Sweeping dates,
 - (c) Sweeping frequency,
 - (d) Type of sweeper used,
 - (e) Total curb miles and curb miles swept,
 - and (f) Approximation of street waste solids removed for each sweeping event (indicate unit of measurement and wet or dry weight, where available).
- vii. Summary list of the facilities and associated SWPPPs for heavy equipment maintenance or storage yards, and material storage facilities owned and/or

operated by the Permittee in areas draining to the MS4 outfalls specified herein.

- viii. Summary information regarding relevant training provided or obtained by appropriate staff members responsible for O&M activities.

4 Special Conditions

4.1 Requirements for Discharges into Impaired Waters

No additional requirements.

4.2 Requirements from the Terms and Conditions of the Biological Opinion Concluding Endangered Species Act Consultation

No additional requirements.

4.3 Conditions of the CWA §401 Certification from the Puyallup Tribe

To be determined.

4.4 Adaptive Management Response

The Permittee must notify the EPA, 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 does not comply with Part 1.3 (*Permit Conditions and Effluent Limitations*) above and an adaptive management response is needed to resolve the issue.

a. 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 noncompliance with Part 1.3 (*Permit Conditions and Effluent Limitations*) 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 problems, a single written notification to both the EPA and the Puyallup Tribe will fulfill this requirement.

b. Adaptive Management

In the event the 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 outfalls identified herein does not comply with this permit, EPA will notify the Permittee in writing that an adaptive management response is required as outlined in Part 4.4.d below (*Adaptive Management Response Report*).

c. EPA Review

The EPA may elect not to require an adaptive management response from the Permittee if the EPA determines that the noncompliance with this permit is already being addressed by a TMDL implementation plan or other enforceable water quality cleanup plan; or the EPA concludes the noncompliance with Part 1.3 (*Permit Conditions and Effluent Limitations*) will be eliminated through implementation of other permit requirements, regulatory requirements, or Permittee actions.

d. Adaptive Management Response Report

Within 60 days of receiving a notification pursuant to Part 4.4.b (*Adaptive*

Management), or by an alternative date established by the EPA, the Permittee must review its Stormwater Management Program and submit a report to the EPA and the Puyallup Tribe as directed in Part 6.1 (*Submittal Process*). The Adaptive Management Response Report must include:

- i. 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 noncompliance with Part 1.3 (*Permit Conditions and Effluent Limitations*) above, including a qualitative assessment of the effectiveness of each BMP.
 - ii. A description of potential additional operational and/or structural BMPs that will or may be implemented to prevent or reduce any pollutants that are causing or contributing to the noncompliance.
 - iii. 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.
 - iv. A schedule for implementing the additional BMPs including, as appropriate: funding, training, purchasing, construction, monitoring, other assessment and evaluation of implementation.
- e. Implementation

The 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. The EPA and the Puyallup Tribe will either approve the additional BMPs and implementation schedule or require the Permittee to modify the report as needed. If modifications are required, the EPA will specify a reasonable time frame in which the Permittee must submit the revised report.

i. Start Date

The Permittee must implement the additional BMPs, pursuant to the schedule approved by the EPA, immediately upon receipt of written notification of approval.

ii. Status Report

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, the EPA determines that modification of the BMPs or a specific implementation schedule is necessary the EPA will notify the Permittee in accordance with Part 8.1 (*Permit Actions*). If the EPA notifies the Permittee that changes to the SWMP are necessary, 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 the EPA.

f. Modifications

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

5 Monitoring

5.1 Stormwater Discharge and Sediment Monitoring

The Permittee must begin implementation of a stormwater and sediment monitoring program no later than 180 days after the effective date of the Permit, pursuant to Part 5.2 below. The monitoring program is intended to characterize stormwater quality in a manner that allows analysis of pollutant loadings and changes in conditions over time.

The Permittee may develop their stormwater monitoring program in compliance with this Part using guidance provided by Ecology's *Phase I Municipal Stormwater Permit Appendix 9 – Stormwater Discharge Monitoring – August 1, 2024*, available at:

https://fortress.wa.gov/ecy/ezshare/wq/permits/MS4_2024_App9_Final.pdf

Deviations from the requirements of this Part are allowed, provided that all Permittee-initiated deviations are evidence based and are detailed in the Quality Assurance Project Plan required by Part 5.2 below.

a. Discharge Monitoring Location

The Permittee must monitor at the following location:

Outfall		Receiving Water	Latitude	Longitude
Health ID	ALTID			
196	SWDP-100635 SWDP-100024 SWDP-100025 SWDP-100712 SWDP-100026	Puyallup River	47.242909	-122.405576
Cleveland Pump Station				

- i. The Permittee must fully map all tributary conveyance systems and drainage areas of the discharge monitoring location. See Part 3.3.b, above.
- ii. The discharge monitoring location must be evaluated for a rainfall to runoff relationship based on pump run-time records compared to rainfall; this method must be described in the QAPP required by Part 5.2. This rainfall to runoff relationship will also assist in programming the automatic sampling equipment.

b. Sample Frequency

The Permittee must sample the 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:

- i. The Permittee must sample and analyze the discharge from the pump station during 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).

- ii. The EPA and 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.

c. 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

d. Sample Type

Discharge events must be sampled using flow-weighted composite sampling techniques as appropriate. Automatic samplers must be programmed to begin sampling as early in the discharge event as practical and to continue as long as the discharge occurs.

- i. For discharge events lasting less than 24 hours, samples shall be collected for at least seventy-five percent (75%) of the volume discharged. For discharge events lasting longer than 24 hours, samples shall be collected for at least seventy-five percent (75%) of the volume discharged during first 24 hours.
- ii. 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.
- iii. Continuous flow recording of all discharge 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 discharge events as necessary to properly conduct the composite sampling. Precipitation data

must be collected from the nearest rain gauge reporting at least hourly rainfall amounts.

- iv. Grab samples are necessary for some parameters (See Part iv). Grab samples must be collected early in the storm event. When possible, grab samples will be collected during the same storm event as a composite sample. If it is not possible to collect a manual grab sample for *E. coli* bacteria due to logistical or safety reasons, a grab sample for *E. coli* bacteria will be collected during a separate qualifying event.
- v. The Permittee must use sufficiently sensitive analytical methods which meet the following:
 - The Permittee must use a method that detects and quantifies the level of the pollutant, or
 - The Permittee must use a method that can achieve a maximum minimum level (ML) less than or equal to those specified in *Appendix E. Monitoring Parameters and Minimum Levels*).

e. Parameters

- i. Flow weighted composite samples must be analyzed for the parameters listed in Appendix E and summarized below, utilizing an Ecology- or the EPA-accredited laboratory and the methods and reporting limits as provided in Table 1 found in *Appendix E. Monitoring Parameters and Minimum Levels*:
 - Conventional parameters
 - Methylene blue activating substances (MBAS)
 - Nutrients
 - Metals
 - Organics:
 - Polycyclic aromatic hydrocarbons (PAHs)
 - Pesticides
 - Phthalates
- ii. 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) BOD5; 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.
- iii. Parameters that are below minimum levels after two years of data may be dropped from the analysis.

- iv. 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

f. Stormwater Solids Samples

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

- i. The Permittee may request 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. below.
- ii. Use of in-line traps or similar collection system is needed for stormwater solids sampling.
- iii. Stormwater solids samples must be analyzed for the parameters listed in *Appendix E. Monitoring Parameters and Minimum Levels* utilizing an Ecology- or EPA-accredited laboratory and the methods and minimum levels listed in Appendix E - Table 2:
 - Conventional parameters
 - Metals
 - Organics:
 - Pesticides
 - PAHs
 - Phthalates
 - Phenolics
 - Polychlorinated biphenyls (PCBs)
 - Polybrominated diphenyl ethers (PBDEs)
 - Total petroleum hydrocarbon – diesel fraction (TPH-Dx)
- iv. 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.

- v. 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).
- vi. 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.

The file name of the electronic QAPP must be as follows: YYYY_MM_DD_«Permit Number»_QAPP <Title>, where YYYY_MM_DD is the date that the Permittee finalizes the document.

The QAPP must be developed, and all monitoring activities must begin, no later than 180 days after the permit effective date. The QAPP must meet the following requirements:

a. 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.

b. Format

Throughout all sample collection and analysis activities, the Permittee must use the 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.

c. QAPP Requirements

At a minimum, the QAPP must contain the following:

- i. 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;
- ii. 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);
- iii. Map(s) indicating the location of the sampling point and associated drainage basins with known land uses;

- iv. Detailed description of each stormwater monitoring location and associated drainage basin. The QAP 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;
- v. Sampling approach for each site used to collect stormwater solids samples;
- vi. Qualification and training of personnel; and
- vii. Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the Permittee.

d. Modifications

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

e. Retention

Copies of the QAPP must be retained on site and made available to the 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 the 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 the 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, at a minimum, include:

- The date, exact place, and time of sampling or measurements;
- The name(s) of the individual(s) who performed the sampling or measurements;
- The date(s) analyses were performed;

- The names of the individual(s) who performed the analyses;
- The analytical techniques or methods used; and
- The results of such analyses.

6 Reporting Requirements

6.1 Submittal Process

The Permittee must submit documents required by this permit to the EPA and the Puyallup Tribe at the addresses identified below. *Documents required by this permit* include, but are not limited to, SWMP documents, relevant 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 the e-mail size is greater than 20MB, then submittals must be sent by secure file transfer service.

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

a. Addressees

The Permittee must submit documents required by this permit to the specified EPA office and 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	EPAR10WD-NPDES@epa.gov
U.S. EPA Region 10, Director, Enforcement & Compliance Assurance Division	R10enforcement@epa.gov
Puyallup Tribe of Indians, Water Manager, Environmental Department	char.naylor@puyalluptribe-nsn.gov

b. Electronic Document Submittal using an EPA Web Portal

Prior to the Permit expiration date, the EPA may provide the Permittee with instructions for submitting electronic or digital format documents required by this permit to the EPA using a dedicated EPA Web Portal for the MS4 Permit program. The Permittee may then use that Web Portal after requesting and receiving permission from the EPA Web Portal. Upon use of the dedicated EPA Web Portal, the Permittee is no longer required to submit documents to the EPA via email.

6.2 Annual Report

No later than April 30, of each year beginning in 2028, and annually thereafter, the Permittee must submit an Annual Report to the EPA Director of the Enforcement &

Compliance Assurance Division, and the Puyallup Tribe. An example Annual Report format is in *Appendix A. Annual Report Format*. The reporting period for each Annual Report is described below:

Annual Report	Reporting Period	Due Date
Year 1	Permit Effective Date – Dec. 31, 2027	April 30, 2028
Year 2	Jan 1 – Dec. 31, 2028	April 30, 2029
Year 3	Jan 1 – Dec. 31, 2029	April 30, 2030
Year 4	Jan 1 – Dec. 31, 2030	April 30, 2031
Year 5	Jan 1 – Dec. 31, 2031	April 30, 2032

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, any attachments to the Annual Report must be named as follows: YYYY_MM_DD_WAS026689_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

An “Annual Stormwater Monitoring Report” must be submitted as an attachment with each Annual Report beginning in 2028.

Each report must summarize all monitoring data collected during the preceding water year (October 1 – September 30). The first Annual Stormwater Monitoring Report submitted may include data from a partial water year, if available, and should document Permittee accomplishments to date regarding the start of the monitoring activities required by Part 5. Each subsequent Monitoring Report must integrate data from earlier years into the analysis of results, as appropriate. See *Appendix B. Stormwater Discharge and Sediment Monitoring Report*) for required report content.

The file name of the electronic Stormwater Monitoring Report must be as follows: YYYY_MM_DD_WAS026689_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 the 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

a. 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 \$68,445 per day for each violation).

b. 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 \$27,378 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$342,218).

c. Criminal Penalties

i. 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.

ii. 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.

iii. 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.

iv. 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 Director of the Enforcement and Compliance Assurance Division, and the Puyallup Tribe using the addresses provided in Part 6.1.a (*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 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 outfalls specified herein 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*).

a. Written Report

The Permittee must also provide a written submittal 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 submittal 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.

b. Written Report Waiver

The 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

a. 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 b and c of this Part.

b. Notice

i. Anticipated bypass.

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

before the date of the bypass.

ii. Unanticipated bypass.

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

c. Prohibition of Bypass

Bypass of stormwater from all or any portion of a treatment BMP or facility 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 b above.

d. 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

a. 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 b 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.

b. 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*).

c. 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. Street Waste Disposal*.

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.

a. Contents of a Permit Renewal Application

The Renewal Application must contain the information required by 40 CFR §122.21(f) which includes: name and mailing addresses of the Permittee(s) that operate the MS4(s), and the names and titles of the primary administrative and technical contacts for the Permittee(s). In addition, the Permittee must identify the identification number of the existing NPDES MS4 permit; and any previously unidentified water bodies that receive discharges from the MS4. NPDES Form 1 may be used to submit this information to the EPA. The following attachments must be submitted with NPDES Form 1 as part of a complete MS4 Permit Renewal Application:

- i. Updated SWMP Document as required by Part 2.3.a
- ii. Summary table describing changes ownership, operational authority, or responsibility for SWMP implementation occurring during the permit term for MS4 outfalls located on land held in trust by the federal government within the 1873 Survey Area of the Puyallup Reservation in Tacoma, Washington, and/or that directly discharge into surface waters of the Puyallup Tribe, as required by Part 2.4.e;
- iii. Updated MS4 maps as an electronic file with fully described mapping standards as required by Part 3.3.b.

8.3 Duty to Provide Information

The Permittee must furnish the EPA, and the Puyallup Tribe, within the time specified in the request, any information that the EPA or the Puyallup Tribe may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or determine compliance with this permit. The Permittee must also furnish to EPA and the Puyallup Tribe of Indians, 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 the EPA and 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 the EPA and the Puyallup Tribe must be signed and certified as follows:

a. Signature

All Permit applications must be signed and certified:

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

b. Duly Authorized Representative

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

- i. The authorization is made in writing by a person described above;
- ii. 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
- iii. Written authorization is submitted to the EPA Director of the Enforcement and Compliance Assurance Division and the Puyallup Tribe.

c. Changes to Authorization

If an authorization under Part b 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 b must be submitted to the 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.

d. 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."

e. 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 in 41 Federal Register 36924 (September 1, 1976), as amended.

8.7 Inspection and Entry

The Permittee must allow the Director of the Enforcement and Compliance Assurance Division; the Puyallup Tribe of Indians; and/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:

a. 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;

b. Access

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

c. Inspect

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

d. 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, Tribal, 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 Tribal/State 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 Tribal/State 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 the EPA's 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 EPA 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 the 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** 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 [40 CFR §122.2].
14. **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 the actions and activities designed to reduce pollutant discharges. See also 40 CFR §122.34 and 81 FR 89337 (Dec. 9, 2016).
15. **EPA** means the Environmental Protection Agency.
16. **Erosion** means the process of carrying away soil particles by the action of water.
17. **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. For purposes of this permit, flow control BMP or facility means the mitigation technique used at a development site to meet the Minimum Requirements identified in Volume 1, Chapter 3-*Minimum Requirements for New Development and Redevelopment* of the 2019 and/or 2024 *Stormwater Management Manual for Western Washington* or any functionally equivalent document identified in Appendix C of this permit.
18. **Hyperchlorinated** means water that contains more than 10 mg/Liter chlorine.
19. **Illicit Connection** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
20. **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 1.1 (*Non-Stormwater Discharges*), 3.3.d (*Allowable Non-stormwater*) and e (*Conditionally Allowable Non-stormwater*)). See also 40 CFR 122.26(b)(2).
21. **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.

22. **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*.

23. **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].

24. **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).

25. **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).

26. **Infiltration** is the process by which stormwater penetrates into soil.

27. **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 and/or 2024 *Stormwater Management Manual for Western Washington*.

28. **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.

29. **Land Held in Trust** 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 terms *land held in trust* or *trust land* is referred to in this permit, it means both trust and restricted lands.

30. **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.
31. **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.
32. **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.
33. **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 and/or 2024 *Stormwater Management Manual for Western Washington* or other functionally equivalent documents.
34. **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.
35. **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.
36. **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.

37. **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.
38. **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.
39. **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.
40. **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 the 2019 and/or 2024 versions of the *Stormwater Management Manual for Western Washington*.
41. **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. See: 40 CFR §122.26(b)(9).
42. **Owner or Operator** means the owner or operator of any facility or activity subject to regulation under the NPDES program.
43. **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.

44. **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.
45. **Pollution Generating Surfaces (PGS)**, as used in this permit, means the combination of pollution generating pervious surfaces (PGPS) and pollution generating hard surfaces (PGHS) as defined in the latest versions of the stormwater management manuals identified in Appendix C of this permit. In general, PGPS is any non-impervious surface that: is subject to vehicular use; that supports industrial activity; that includes the storage of erodible or leachable materials, wastes, or chemicals, and which receives direct rainfall or the run-on or blow-in of rainfall; that includes the use of pesticides and fertilizers; or that experiences the loss of soil. PGPS also includes lawns and landscaped areas such as golf courses, parks, cemeteries, and sports fields (natural and artificial turf). PGHS are hard surfaces that are considered significant sources of pollutants in stormwater runoff, and include: permeable pavements subject to vehicular use; any surface, whether paved or not, that is regularly used by motor vehicles, such as roads, unvegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unfenced fire lanes, vehicular equipment storage yards, and airport runways; areas that support industrial activity; areas that include the storage of erodible or leachable materials, wastes, or chemicals, and which receives direct rainfall or the run-on or blow-in of rainfall; metal roofs unless they are coated with an inert, non-leachable material (e.g., baked-on enamel coating); and roofs that are subject to venting significant amounts of dusts, mists, or fumes from manufacturing, commercial (such as restaurants or processing facilities where oils and other solid particles are expected to be expelled), or other indoor activities. See: 2019 and/or 2024 Stormwater Management Manual for Western Washington.
46. **Project Site** means that portion of a property, multiple properties, or right of way subject to land disturbing activities, new hard surfaces, or replaced hard surfaces. See 2019 and/or 2024 *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. **Receiving Waters** means naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and marine waters, to which a MS4 discharges. See also *surface waters of the Puyallup Tribe* and *waters of the United States*.
49. **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: the 2019 and/or 2024 versions of the *Stormwater Management Manual for Western Washington*.

50. **Regulated Construction Activities**, as used in this permit, refers to the federal definition of activities that require a NPDES permit at 40 CFR §122.26(b)(x) and 40 CFR §122.26(b)(15) and 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 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 and/or 2024 *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 and/or 2024 *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 and/or 2024 *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). See also: *receiving waters* and *waters of the United States*.
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. For purposes of this permit, treatment BMP or facility means the mitigation technique used at a development site to meet the Minimum

Requirements identified in Volume 1, Chapter 3-*Minimum Requirements for New Development and Redevelopment* of the 2019 and/or 2024 *Stormwater Management Manual for Western Washington* or the functionally equivalent document(s) identified in Appendix C of this permit.

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. See also: *receiving waters* and *surface waters of the Puyallup Tribe*.
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

Appendix A. Annual Report Format

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

The EPA intends to provide a final Annual Report Template in the final Permit at the time of permit issuance to assist the Permittee to submit the MS4 Annual Report to the EPA electronically.

The Permittee is not obligated to use the Template, but all required elements from the Permit will be included and can serve as a guide for filling out the Annual Report online through NeTMS4, the EPA's Web based reporting portal for the MS4 permit program.



TBD



Annual Report Template
City of Tacoma
Municipal Separate Storm Sewer System (MS4)
Permit # WAS026689

Reporting Period

☐ **Year 1 Reporting Period:** Permit Effective Date – December 31, 2027

- *Annual Report Due Date:* April 30, 2028

☐ **Year 2 Reporting Period:** January 1, 2028 – December 31, 2028

- *Annual Report Due Date:* April 30, 2029

☐ **Year 3 Reporting Period:** January 1, 2029 – December 31, 2029

- *Annual Report Due Date:* April 30, 2030

☐ **Year 4 Reporting Period:** January 1, 2030 – December 31, 2030

- *Annual Report Due Date:* April 30, 2031

☐ **Year 5 Reporting Period:** January 1, 2031 – December 31, 2031

- *Annual Report Due Date:* April 30, 2032

☐ **Other** Click or tap here to enter text. *Annual Report Due on April 30th of each year*

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.

NOTE: The following is a draft list of the Annual Report questions intended to assess the Permittee's required SWMP actions and activities conducted in the areas draining to the MS4 outfalls identified herein during the five-year permit term. The EPA's final Permit will provide the Annual Report format, including narrative comment fields, attachment instructions, etc., as appropriate.

Permittee Responsibilities

1. If applicable, identify other entities relied on to satisfy any of the obligations under the Permit. (2.1).
2. If adopted or updated during the reporting period, cite ordinance or other enforceable document or regulatory mechanism if it is not listed in Appendix C. (2.2.c)
3. Attach updated annual Stormwater Management Program (SWMP) Document specific to the areas draining to the MS4 outfalls specified herein. (2.3.a)
4. Implemented an ongoing program to gather, track, and maintain information per 2.3.b, and 2.3.c. including costs or estimated costs of developing and implementing the SWMP?
 - If possible, what are the estimated costs for implementing the SWMP activities in the areas draining to the MS4 outfalls discharging to Tribal waters?
 - What was the annual expenditure or estimate to develop and implement the SWMP as reported to the Department of Ecology for the City of Tacoma?
 - What were the source(s) of funding for the Tacoma stormwater program?

Notification of Changes in Ownership, Operational Authority, or Responsibility for SWMP Implementation:

5. Attach a map and written summary as specified in 2.4.b or 2.4.c to identify any newly Identified MS4 outfall that is operated by the Permittee and that discharges to Tribal waters; or the pertinent circumstances regarding any changes in ownership, operational authority, or SWMP implementation in areas draining to the MS4 outfalls specified herein.

Annual Meeting

6. Identify one or more date, time, location, attendees, and topic agenda of the required SW coordination meeting with the Tribal Water Program representative(s). (2.5)

Education and Outreach

7. Attach description of education and outreach general awareness efforts conducted in areas draining to the MS4 outfalls identified herein, including your priority audiences, topics/subject areas, per 3.1.
 - Attach a summary of any evaluation methods used during the reporting period to reflect the changes in awareness and/or targeted behaviors because of the education and outreach awareness efforts.

Public Involvement/Participation

8. Posted the updated SWMP Document and latest Annual Report on your website no later than May 31? (3.2.c.)
 - Summarize opportunities occurring during the reporting period for the public in the areas draining to the MS4 outfalls specified herein to participate in the decision-making processes involving the development, implementation, and update of the Permittee's SWMP
 - List website address in Comments field.

Illicit Discharge Detection and Elimination

9. Maintained electronic mapping data for the features listed in 3.3.b.
10. Attach updated file that lists the known outfall locations, size, and materials, where known, for all areas draining to the MS4 outfalls specified herein, including any updated information required by Part 2.4.
 - The map data for the areas draining to the outfalls listed herein, and/or draining to surface waters of the Puyallup Tribe, must be submitted either as an electronic file with fully described mapping standards as described below; alternatively, provide instructions for the EPA and the Puyallup Tribe to access and download the available MS4 maps.
 - Map data shall be in one of the following formats: ESRI file geodatabase template (feature class in a .gdb). • Shapefile template • ArcGIS Online template (sharing template a or b via ArcGIS Online). • Excel template
11. Mapped and assessed acreage of MS4 tributary basins to 24-inch outfalls (or equivalent) that have stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee? (3.3.b.iv).
 - Attach a map of the MS4 tributary basins (.pdf file format).
 - Attach a table of MS4 tributary basins quantifying estimated acres managed or acres unmanaged by stormwater treatment and flow control BMPs/facilities (.xlsx file format), which includes the following information: estimated total acres; estimated acres by land use category (i.e., commercial, industrial, residential, open space); estimated acres by land cover category (i.e. tree canopy; non-canopy vegetation; buildings; other impervious; soil and dry vegetation; roads; water (in acres); and estimated acres of runoff treated with one or more structural BMP(s).
12. Continued an ongoing program to address illicit discharges, including spills, and illicit connections into the MS4, per 3.3?
13. Continued to implement regulatory mechanisms to effectively prohibit illicit discharges into the MS4, per 3.3.c. Updated an ordinance or other regulatory mechanism, if necessary, to effectively prohibit non-stormwater, illicit discharges, as described in 3.3.e.

14. Implemented procedures for conducting illicit discharge investigations in accordance with 3.3.f. Cite field screening methodology used in the Comments field.
15. Provide the total number of the MS4 outfalls (out of the 15 MS4 outfalls specified herein) that were screened for illicit/dry weather discharges in reporting year, per 3.3.f.v. (Required to screen 100% of MS4 outfalls specified herein no later than 180 days prior to permit expiration date.) Cite field screening techniques used.
16. Describe how you publicized a hotline telephone number in areas draining to the MS4 outfalls identified herein for public reporting of spills and other illicit discharges in the Comments field (3.3.g).
17. Implemented an ongoing illicit discharge training program for all staff responsible for the procedures and program, per 3.3.h?
18. Attach a report with data describing the actions taken to characterize, trace, and eliminate each illicit discharge reported to, or investigated by, the permittee as described in . The submittal must include all applicable information for the areas draining to the MS4 outfalls specified herein. The report may follow the format described in the *Department of Ecology's Phase I Municipal Stormwater General Permit-Appendix 14*.

New Development, Redevelopment and Construction Sites Runoff Control

19. Maintained enforceable requirements, technical standards, and a manual that corresponds to requirements equivalent to the Stormwater Management Manual for Western Washington as identified in Appendix C?
20. Adopted and made effective the enforceable requirements, technical standards, and manual to meet requirements [identified in Special Conditions Part 4], no later than XX?
21. Reviewed Stormwater Site Plans, per 3.4.d.i?
 - Number of stormwater site plans reviewed during the reporting period?
22. Inspected, prior to clearing and construction, permitted development sites per 3.4.d.ii?
23. Inspected permitted development sites during construction to verify proper installation and maintenance of required erosion and sediment controls per 3.4.d.iii?
24. Inspected stormwater treatment and flow control BMPs/facilities and catch basins in new residential developments twice per 12-month period, with no less than four months between inspections, per 3.4.d.iv?
25. Inspected permitted development sites upon completion of construction and prior to final approval or occupancy to ensure proper installation of permanent stormwater facilities, per 3.4.d.v?
 - Verified that a maintenance plan is completed and responsibility for maintenance is assigned for stormwater treatment and flow control BMPs/facilities prior to final approval and occupancy being granted? per 3.4.d.v

26. Number of enforcement actions taken during the reporting period? (Based on all construction and post-construction phase inspections at new development and redevelopment projects.) (3.4.d.vi)
27. Achieved at least 80% of required construction-related inspections? (3.4.d.vi)
28. Made online links to Ecology's Construction Stormwater General Permit Notice of Intent, the Industrial Stormwater General Permit Notice of Intent, and the registration requirements for Underground Injection Control (UIC) wells available to representatives of proposed new development and redevelopment, and/or provided representatives necessary information for contacting EPA to obtain coverage under the EPA's Construction General Permit or Multi-Sector General Permit for Stormwater Associated with Industrial Activity, as appropriate? (3.4.b)
29. All staff whose primary job duties are implementing the program to control stormwater runoff from new development, redevelopment, and construction sites including permitting, plan review, construction site inspections, and enforcement are trained to conduct these activities. (3.4.e)

Tribal Stormwater Management for Existing Development

30. With the 1st and 2nd Year Annual Reports, submit a narrative *Interim Stormwater Capital Improvement and Retrofit Plan* addressing the required elements described in Parts 3.a and 3.d.iii.
31. With the 3rd Year Annual Report, submit the *Final Stormwater Capital Improvement and Retrofit Plan* addressing the required elements described in Parts 3.a and 3.d.iv.
32. Beginning with the 1st year Annual Report, and annually thereafter, list the following information regarding TSMED projects and activities to be accomplished, ongoing, or completed and operational in the areas draining to the MS4 outfalls identified herein that will meet the acreage targets identified in Part 3.5.d.i. and d.ii, during this permit term.

- Using the reporting format and methodology from *Ecology's Phase I Municipal Stormwater Permit-Appendix 12*, the following minimum information must be submitted for each project or activity:

- Project/Activity Name;
- Project Location (Latitude/Longitude);
- Project or Activity Type (identified narratively in Part 3.5.b above);
- Cost Estimate;
- Anticipated Schedule for Completion;
- Basin Area Served by TSMED Project (in acres); and
- Estimated Amount and Type of Pollutants Removed.

Source Control Program for Existing Development

33. Updated inventory to identify institutional, commercial, and industrial properties which have the potential to generate pollutants to the Permittee's MS4 in areas draining to the MS4 outfalls identified herein (per 3.6.d)? (Required at least once every five years).
 - Number of total sites identified for the inventory.
34. Attach a summary of actions taken to implement the source control program in areas draining to the MS4 outfalls identified herein, per 3.6.e and f.
35. Attach a list of inspections per 3.6.e, organized by the business groups, noting the number of times each business was inspected, and if enforcement actions were taken, per 3.6.f.
36. Implemented an ongoing source control training program, per 3.6.h?

Operations and Maintenance

37. Implemented maintenance standards that are as protective, or more protective, of facility function than those specified in the *Stormwater Management Manual for Western Washington*? (3.7.b)
38. Applied a maintenance standard for a facility or facilities that do not have maintenance standards specified? If so, note in the Comments field what kinds of facilities are covered by this alternative standard.
39. Verified that maintenance was performed, per the schedule in 3.7.b, when an inspection identified an exceedance of the maintenance standard?
 - Attach documentation of maintenance time frame exceedances that were beyond the Permittee's control.
40. Evaluated and, if necessary, updated the existing ordinances or other enforceable documents requiring maintenance of all stormwater facilities regulated by the Permittee (including catch basins that are part of the facilities) regulated by the Permittee? (3.7.c)
 - If updated, cite ordinance or other enforceable document.
41. Implemented an ongoing inspection program for stormwater facilities regulated by the Permittee per 3.7.c.?
 - Are you using a reduced inspection frequency?
42. Achieved at least 80% of inspections required? (3.7.c.iv).
43. Number of known stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee? (3.7.d)
 - Number of these BMPs/facilities inspected during the reporting period?
 - Number of these BMPs/facilities for which maintenance was performed during the reporting period?

44. If using reduced inspection frequency for municipally owned or operated stormwater treatment and flow control BMPs/facilities for the first time during this permit cycle, attach documentation per 3.7.d.i.
45. Conducted spot checks and inspections of potentially damaged stormwater treatment and flow control BMPs/facilities after major storm events? (3.7.d.ii)
46. Achieved at least 95% of required inspections per 3.7.d.iii?
47. Inspected catch basins owned or operated by the Permittee every year or used an alternative approach? (3.7.e)
 - Number of known catch basins and inlets?
 - Number of catch basins and inlets inspected during the reporting period?
 - Number of catch basins and inlets cleaned during the reporting period?
48. Attach documentation of alternative catch basin inspection approach, if used. (3.7.e)
49. Disposed of decant water in accordance with the requirements in Appendix 6 – Street Waste Disposal. (3.7.e.ii)
50. Implemented practices, policies, and procedures to reduce stormwater impacts associated with runoff from all lands owned or maintained by the Permittee, and road maintenance activities under the functional control of the Permittee per 3.7.f.
51. Updated documented practices, policies, and procedures to reduce stormwater impacts associated with runoff from all lands owned or maintained by the Permittee, and road maintenance activities under the functional control of the Permittee per S5.C.10.e. (Required by December 31, 2027) a. Cite documentation in Comments.
52. No later than July 1, 2027, developed and implemented a municipal street sweeping program to focus on areas and times during the year that would reasonably be expected to result in the maximum water quality benefits to receiving waters (3.7.g).
53. Attach documentation if implementing an alternative sweeping timing and frequency based on local conditions. (3.7.g.ii)
54. Disposed of sweeper waste material in accordance with Appendix 6- Street Waste Disposal. (3.7.g.iv)
55. Document the following for sweeping of priority areas for the reporting year in each Annual Report (3.7.g):
 - Attach map of priority areas swept
 - Sweeping dates
 - Sweeping frequency
 - Type of sweeper
 - Total curb miles of priority areas and curb miles swept

- Approximation of street waste solids removed for each sweeping event, with unit of weight and wet or dry weight, where available.
56. Implemented a Stormwater Pollution Prevention Plan for all heavy equipment maintenance or storage yards, and material storage facilities, owned or operated by the Permittee in areas subject to this Permit that are not required to have coverage under an NPDES permit that authorizes stormwater discharges associated with the activity per 3.7.h?
57. Implemented an ongoing training program for employees of the Permittee whose primary construction, operations or maintenance job functions may impact stormwater quality per 3.7.i?

Special Conditions

[TBD]

Monitoring and Assessment

58. Began a stormwater discharge and sediment monitoring program no later than {180 days after the effective date of the Permit}?
59. Attach QAPP (5.2)
60. Attach Stormwater Monitoring Report (6.3 and Appendix B)

Adding Annual Report Questions Here

Appendix B. Stormwater Discharge and Sediment Monitoring Report

The source for this information is *Appendix 9 – Stormwater Discharge Monitoring* in the Washington Department of Ecology's Phase I Municipal Stormwater General Permit, effective 8/1/2024 - 7/31/2029.

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. Monitoring Parameters and Minimum Levels*

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 portion).

- o A summary of (or in the graph) the total runoff volume in gallons;
 - o A rainfall/runoff relationship table used to estimate the un-sampled storm events (when water quality samples were not collected);
 - o Whether or not any chemicals were removed from the list of analysis due to two years of non-detect data; and,
 - o 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;
 - o Timeframe for the sampling event;
 - o A summary of stormwater solids sampling (including dates) where insufficient volumes were collected. Include the parameters analyzed;
 - o 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:
 - o 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);
 - o A total annual pollutant load (wet season load + dry season load) for each parameter (include estimated events);
 - o The rainfall/runoff relationship including your pollutant load estimates for un-sampled events; and,
 - o Note that if any data is unavailable to effectively estimate your 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:
 - o A narrative summary of field and laboratory verification, validation results and quality control checks performed;
 - o A narrative analysis of field and laboratory quality control sample results and how they compare with data quality objectives/indicators in the QAPP; and,

- o 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:
 - o A statistical analysis of the event mean concentrations for each parameter and a narrative description of significant findings from this analysis; and,
 - o 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

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

The EPA determines that the enforceable codes and manual listed below meet the minimum technical requirements necessary for compliance with this permit upon the effective date of this permit.

- Tacoma Municipal Code Chapter 12.08 Wastewater and Surface Water Management as effective on July 1, 2021.
 - The 2021 Stormwater management Manual, as effective on July 1, 2021.
2. Ecology substantively updated the *Stormwater Management Manual for Western Washington* as the *2024 Stormwater Management Manual for Western Washington* (2024 SWMMWW), effective August 1, 2024.

Ecology requires City of Tacoma to update the enforceable codes and manual listed above listed to be functionally equivalent to the 2024 SWMMWW no later than July 1, 2026, pursuant to the Phase 1 Municipal Stormwater General Permit, effective August 1, 2024.

3. *After July 1, 2026, Tacoma will meet the minimum technical requirements necessary for compliance with this EPA permit after the above listed enforceable codes and manual are deemed functionally equivalent to the 2024 SWMMWW, by implementing those requirements in all areas draining to the MS4 outfalls specified herein.*
4. As directed by Part 2.2 (*Maintain Adequate Legal Authority*) if the Permittee's legal authority is insufficient to meet the terms and conditions of this permit, the Permittee must adopt new ordinance or regulatory mechanism that provides it with the necessary authority as allowed and authorized pursuant to applicable State law.
5. Any ordinance or regulatory mechanism needed to comply with this permit and that is not listed here in Appendix C must be adopted by the Permittee within 15 months after the permit effective date, and no later than July 1, 2027. The newly adopted ordinance or regulatory mechanism must be submitted to the EPA and the Puyallup Tribe as an attachment to the subsequent Annual Report; see Part 6.1 (*Submittal Process*).

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*).

The source of this information is *Appendix 6 – Street Waste Disposal* in the Washington Department of Ecology's Phase I Municipal Stormwater General Permit, effective 8/1/2024 - 7/31/2029.

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 which include, but are not limited to, eductor and street sweeping truck decant and drainage from piles and containers, 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. The EPA, the Puyallup Tribe and the Washington Department of Ecology will generally not require waste discharge permits for discharge of stormwater decant to sanitary sewers or to stormwater treatment BMPs constructed and maintained that are constructed and maintained in accordance with Ecology's *Stormwater Management Manual For Western Washington*, as appropriate, or a manual that has been deemed to be functionally equivalent to the SWMMWW and listed in Appendix C of this Permit.

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

- 1. Discharge of street waste decant liquids to a municipal sanitary sewer connected to a Publicly 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 street waste decant liquids may be allowed into a Basic or Metals Runoff Treatment BMP, if option 1 is not available.** Street waste liquid may be discharged back into the storm sewer system under the following conditions only when all the following apply:
 - The preferred disposal option of discharge to sanitary sewer is not reasonably available; and
 - The liquid comes from street waste only. Do not send liquids decanted from sanitary wastes to stormwater BMPs;
 - The discharge is to a Basic or Metals Runoff Treatment BMP. If pretreatment does not remove visible sheen from oils, the Runoff Treatment BMP must be able to

prevent the discharge of oils causing a visible sheen;

- The discharge from the eductor or sweeper truck is as near to the inlet of the Runoff Treatment BMP as is practical, to minimize contamination or recontamination of the collection system;
- The storm sewer system owner/operator has granted approval and has determined that the Runoff Treatment BMP will accommodate the increased loading. Pretreatment conditions to protect the Runoff Treatment BMP may be issued as part of the approval process. Following local pretreatment conditions is a requirement of this permit; and
- 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 Director of the Water Division and the Puyallup Tribe. Requests for approval must be submitted to the addresses provided in Part 6.a 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 Runoff Treatment BMP .

- 3. Operators may temporarily place portable tanks (e.g. Baker Tanks) near where sweeping is taking place to temporarily hold water and solids from the sweeper.** Transfer this water/solid mixture to the decant facility at a later time.
- 4. Operators may discharge liquids removed from the street while sweeping during rain events, if the designated decant facility is a distance away (i.e., travel time would significantly impact the amount of sweeping).** When sweeping during rain events, the sweeper will fill with water quickly.

Discharge to Wastewater Collection System: Operators may discharge water from eductor or sweeper trucks to the wastewater collection system through manholes located in the street that is swept with approval from the Sewer Authority. The method used to move water from the sweeper to the wastewater collection system should be developed by the Sewer Authority.

Discharge to Stormwater Collection System: Operators may discharge clear decanted water to the stormwater collection system for the roadway being swept when all of the conditions listed below apply. Operators cannot deposit decanted water into a collection system different from the system for the roadway being swept. Conditions to discharge:

- The catch basin receiving the decanted water already receives runoff from the swept street.
- The water entering the sweeper storage tank is runoff from the street and not

water placed on the street by a water truck or the sweeper during the sweeping operation.

- The sweeper stays in place for a minimum of 15 minutes at the discharge location to allow solids to settle prior to decanting the water from the storage tank.
- The operator places an appropriately sized catch basin filter in the catch basin or a filter sock attached to the end of the outlet hose allowing for a slow release of water. Remove the catch basin filter or filter sock following its use.
- The operator stops discharging liquids to the catch basin when there is a concentration of solids leaving the tank.
- The storm sewer system owner/operator shall approve the discharge.

5. Operators may return water removed from stormwater ponds, vaults, and oversized catch basins to the storm sewer system. Stormwater ponds, vaults, and oversized catch basins contain substantial amounts of liquid, which hampers the collection of solids and poses 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 oversized 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 or facility used specifically for handling stormwater or clean water); and
 - There will be no discharge from the pond, vault, or oversized catch basin for at least 24 hours.
- The discharge must be approved by the storm sewer system owner/operator.

Street Waste Solids

Soils generated from maintenance of the MS4 may be reclaimed, recycled or reused when allowed by local codes and ordinances. Street Wastes are defined in Chapter 173-350 WAC¹. Soils that are identified as contaminated, pursuant to Chapter 173-350 WAC, shall be disposed of at a qualified solid waste disposal facility. Typically, the County Health Department produces permits for disposal of solid waste and not Ecology or the Puyallup Tribe.

¹ See: <https://apps.leg.wa.gov/wac/default.aspx?cite=173-350>

Appendix E. Monitoring Parameters and Minimum Levels

The Tables below list the maximum Minimum Level (ML) for pollutants that have monitoring requirements in this permit.* The Permittee may request different MLs. The request must be in writing and must be approved by the EPA. If the Permittee is unable to obtain the required ML in the effluent due to matrix effects, the Permittee must submit a matrix-specific detection limit (MDL) and an ML to the EPA with appropriate laboratory documentation.

Table 1: Stormwater Monitoring Parameters and MLs

Analyte	Minimum Level
Conventional Parameters	
Total suspended solids	1.0 mg/L
Turbidity	± 0.2 NTU
Conductivity	± 1 µmhos/cm
Chloride	0.2 mg/L
BOD ₅	2.0 mg/L
pH	0.2 units
Hardness as CaCO ₃	1.0 mg/L
Methylene blue activated substances (MBAS)	0.025 mg/L
Bacteria	
<i>E. coli</i>	Specified in method – sample aliquot dependent
Nutrients	
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
Metals	
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
Organics	
PAHs ^{A.1.1.1i.1.a}	0.1 µg/L
Pesticides: Bifenthrin (pyrethroid insecticide) and dichlobenil (herbicide); Pentachlorophenol	0.05 µg/L
Phthalates ^{A.1.1.1i.1.b}	1 µg/L
Petroleum Hydrocarbons	
NWTPH-Dx (diesel, heavy oil, and summed total)	0.25-0.5 mg/L

- a. Polycyclic aromatic hydrocarbons (PAH), total and these individual compounds: 1-methylnaphthalene, 2-methylnaphthalene; 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
Conventional Parameters	
Percent solids	0.1%
Total organic carbon	0.1%
Grain size	Not applicable
Total phosphorus	0.01 mg/kg
Total volatile solids	0.1%
Metals, dry weight	
Total zinc	5.0 mg/kg
Total lead	0.1 mg/kg
Total copper	0.1 mg/kg
Total cadmium	0.1 mg/kg
Organics, dry weight	
Pesticides: Bifenthrin and dichlobenil	1.0 µg/kg
PAHs ^a	70 µg/kg
Phthalates ^b	70 µg/kg Except di-n-octylphthalate (250 µg/kg)
Phenolics ^c	660 µg/kg
PCBs ^d	0.195 µg/kg or 5-20 ng/kg
PBDEs ^e	5-10 ng/kg Except PBDE 209: (200 ng/kg)
Petroleum Hydrocarbons	
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, and 209. Report the individual compound concentrations, and their summed total.

* The source for this information is **Appendix 9 – Stormwater Discharge Monitoring** in the Washington Department of Ecology's Phase I Municipal Stormwater General Permit, effective 8/1/2024 - 7/31/2029.

Appendix F. Businesses and Activities that are Potential Sources of Pollutants

This Appendix identifies businesses and/or activities with potential outdoor pollutant generating sources that may be located in areas draining to the MS4 outfalls identified herein that should be listed in the source control inventory pursuant to Permit Part 3.6.d (*SCED-Identification*). Standard Industrial Code (SIC), Major Group, and North American Industrial Classification System numbers provided for reference.

Table 3: Businesses and Activities that are Potential Sources of Pollutants*

Group Description	SIC Major Group	SIC Industry Group No.	NAICS Major Group
Support Activities for Animal Production		074, 075	1152xx
Construction of Buildings	15		236
Heavy and Civil Engineering Construction	16		237
Specialty Trade Contractors	17		238
Beverage, Food, and Tobacco Manufacturing	20		311, 312
Wood Product Manufacturing	24		321
Paper Manufacturing	26		3221xx, 3222xx
Printing and Related Support Activities	27		323
Chemical Manufacturing	28		325
Petroleum and Coal Products Manufacturing	29		3241xx
Plastics and Rubber Product Manufacturing	30		326
Leather and Allied Product Manufacturing	31		316
Nonmetallic Mineral Product Manufacturing	32		327
Primary Metal Manufacturing	33		331
Fabricated Metal Product Manufacturing	34		332
Machinery, Computer, E-Product manufacturing	35		333, 334
Electrical Equipment, Appliance, Component Manufacturing	36		335
Transportation Equipment Manufacturing	37		336
Rail Transportation	40		482
Transit and Ground Passenger Transportation	41		485
Truck Transportation and Warehousing	42		484, 493
Support Activities for Transportation		473, 474, 478	4881xx, 4882xx, 4884xx, 4889xx,
Utilities	49		2211xx
Wholesale Trade – Durable Goods		501, 503, 505-507, 509	423140, 423930, 423110, 4233xx, 4237xx, 4238xx,
Wholesale Trade – Nondurable Goods		514 - 519	424930, 4244xx, 4246xx, 4247xx, 4248xx,
Building Materials, Hardware, Garden Supplies		521, 523, 526	444
Food and Beverage Stores	54		445
Automotive Dealers and Gasoline Service Stations	55		441, 447
Food Services and Drinking Places	58		722
Rental and Leasing Services		735	5321xx, 5324xx
Repair and Maintenance	75		811192, 8111xx, 8112xx, 8113xx, 8114xx,
Ambulatory Health Care Services and Hospitals		806, 807	621910,
Educational Services	82		6111xx, 6112xx, 6113xx, 6115xx
Museums, Historical Sites, and Similar Institutions		842	712

*Source: **Appendix 8 – Urban Land Uses and Pollutant Generating Sources in the Washington Department of Ecology's Phase I Municipal Stormwater General Permit, effective 8/1/2024 - 7/31/2029.**

Appendix G. Tribal Stormwater Management For Existing Development Program Reporting

This appendix incorporates by reference *Appendix 12 – Stormwater Management for Existing Development Program Reporting* in the *Washington Department of Ecology’s Phase I Municipal Stormwater Permit* as issued July 1, 2024, and effective through July 31, 2029.

The purpose of this appendix is to allow Tacoma to submit its list of projects and activities to EPA and the Puyallup Tribe in compliance with the Stormwater Management for Existing Discharges to Tribal Waters (Tribal SMED) program requirements in Permit Part 3.5, using the same reporting format that Tacoma uses to report to Ecology.

Use the Ecology Phase I GP-Appendix 12 SMED Reporting Spreadsheet, available at https://fortress.wa.gov/ecy/ezshare/wq/permits/MS4_2024_Appendix_12_PHI_ReportFinal.xlsx.

- [online version of Ecology Appendix 12 here: Reporting Template:](https://fortress.wa.gov/ecy/ezshare/wq/permits/MS4_2024_Appendix_12_PHI_ReportFinal.xlsx)
https://fortress.wa.gov/ecy/ezshare/wq/permits/MS4_2024_Appendix_12_PHI_ReportFinal.xlsx
- [Ecology’s Guidance:](https://fortress.wa.gov/ecy/ezshare/wq/permits/MS4_2024_App12_Final.pdf)
https://fortress.wa.gov/ecy/ezshare/wq/permits/MS4_2024_App12_Final.pdf