

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

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

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

**Washington State Department of Transportation
(hereinafter “Permittee” or “WSDOT”)**

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 requirements set forth herein:

Outfall	Receiving Water	Latitude	Longitude
Interstate 5 (I-5) Outfall	Puyallup River	47.2401	-122.39988
I-5 High Occupancy Vehicle Lane (via Cleveland Pump Station)		47.242909	-122.405576
State Route (SR) 167-1.102		47.22968718	-122.3764956
SR 167 - 2.103		47.22100005	-122.3549697
SR 167 - 4.101		47.20896606	-122.3294706
SR 167 - 4.122		47.20922515	-122.3302585
SR 167 - 5.130		47.20466911	-122.3137755
SR 167 - 5.138		47.20471284	-122.3135111

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 Poulosom
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 - <i>Part 2.2.c</i>	If Necessary, with Next Annual Report (AR) Due October 31 st Beginning in 2028
Review, Update Stormwater Management Program Document - <i>Part Error! Reference source not found.</i>	With Each AR Due Oct. 31 st , Starting in 2028
Notice of Change in Ownership, Authority, Responsibility - <i>Part 2.4</i>	With Next AR, Due Oct. 31 st
Update & Submit All MS4 Maps - <i>Part 3.3.b</i>	No Later Than 180 days Before Permit Expiration Date
Submit Description of Current Sweeping; and Submit Comparison of Current vs. Increased Actions - <i>Part 3.6.f</i>	With 1 st AR Due Oct. 31, 2028; and With 4 th AR Due Oct. 31, 2031
Submit Updated MS4 Map Information for Outfalls Discharging to Impaired Segment of Puyallup River - <i>Part 4.1.a</i>	With 1 st Year AR Due Oct. 31, 2028
Submit Controls for Areas Discharging into Impaired Segment of Puyallup River - <i>Part 4.1.b</i>	With 4 th Year AR due Oct. 31, 2031
Adaptive Management Written Notification – <i>Part 4.4.a</i>	Within 30 days of Becoming Aware a MS4 Discharge Does Not Comply With Part 1.3 (<i>Permit Conditions and Effluent Limitations</i>)
Adaptive Management Response Report - <i>Part 4.4.d</i>	If Required, Within 60 Days of Receiving Notification from the EPA
Annual Reports - <i>Part 6.2 & Appendix A. Annual Reports</i>	October 31 st of Each Year, Beginning in 2028
Stormwater BMP Effectiveness Monitoring Report - <i>Part 6.3 & Appendix B</i>	October 31 st of Each Year, Beginning in 2028
Twenty-Four-Hour Notice of Noncompliance - <i>Part 7.9</i>	Within 24 Hours of Becoming Aware of the Circumstances
Written Report After a Notice of Noncompliance - <i>Part 7.9.a</i>	Within 5 Business Days of Becoming Aware of the Circumstances

Renewal Application/Duty to Reapply - Part 8.2	No Later Than 180 days Before Permit Expiration Date
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ACRONYMS

AR	Annual Report
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
HRM	Washington State Highway Runoff Manual
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
PPM	Parts per million
QAPP	Quality Assurance Project Plan
SCED	Source Control for Existing Development
SR	State Route
SWMMWW	Stormwater Management Manual for Western Washington
SWMP	Stormwater Management Program
SWPPP	Stormwater Pollution Prevention Plan
TMDL	Total Maximum Daily Load
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 discharges result 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 discharges result from a spill and consist of emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to minimize the impact of such discharges.

e. Illicit Discharges Otherwise Managed by the Permittee

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

1.2 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*) and 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 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 of a pollutant from 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 submitted to the EPA and the Puyallup Tribe with the next Annual Report.

2.2 Maintain Adequate Legal Authority

Within the limitations of state law and federal law, WSDOT must operate pursuant to legal authority which authorizes WSDOT to control discharges to and from the MS4s outfalls specified herein to meet the requirements of this permit. This authority may be a combination of statutes, permits, contracts, orders, interagency agreements, or similar instruments.

The Permittee's existing legal authority and regulatory mechanisms are identified in 0 (*Minimum Technical Requirements*).

a. SWMP Document Description

The SWMP Document must summarize the Permittee's current legal authority and regulatory mechanisms that satisfy the criteria listed below. To the extent allowable, and pursuant to the respective authorities granted the Permittee under applicable State law, the Permittee must:

- i. Control 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 and eliminate, through statute, ordinance, policy, permit, contract, court or administrative order, or other similar means, illicit discharges to the MS4 outfalls specified herein;
- iii. Control, through statute, ordinance, policy, permit, contract, court or administrative order, or other similar means, the discharge to the MS4 of

spills, dumping or disposal of materials other than stormwater, 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.

b. Deadlines

Upon the Permit effective date, if the Permittee's existing legal or regulatory mechanisms are not sufficient to meet the criteria listed above and to comply with all requirements of this permit, the Permittee must adopt the means of controlling such discharges into the MS4 no later than 15 months after the effective date of the permit, that will provide it with the necessary legal authority as allowed and authorized pursuant to applicable State law.

c. Annual Report

Any mechanism 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 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*), 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 one year after the permit effective date, the Permittee must complete the development of and maintain a written SWMP Document, or SWMP documents, specific to the areas draining to the MS4 outfalls specified herein. The SWMP Document must describe in detail how the Permittee complies with the actions and activities required by this permit.

- i. The Permittee may add to, update, and/or modify any other existing SWMP Plan to meet the requirements of this permit. If the Permittee chooses to add to or update the written SWMP Plan that is otherwise required by their Ecology General Permit to meet the requirements of this permit, the Permittee must provide a crosswalk or other index that clearly indicates all

SWMP activities addressing the requirements for the areas draining to the MS4 outfalls specified herein.

- ii. The SWMP Document describing how the Permittee complies with the control measures required by this permit must explicitly reference this NPDES permit number (WAS026743) and identify its purpose: “to reduce pollutants from the WSDOT MS4 outfalls discharging to surface waters of the Puyallup Tribe.”
- iii. 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 **Error! Reference source not found.** (*Monitoring*).
- iv. The Permittee must review the SWMP Document, and update it as needed, at least annually during the preparation of the Permittee’s Annual Report. Record of the date the annual review/update is completed must be indicated noted on the cover page of the SWMP Document.
- v. The Permittee’s SWMP Document must be available through the website required in Part 3.2 (*Public Involvement and Participation*).
- vi. The Permittee must submit the SWMP Document, including all figures, maps, appendices, and any additions, with each Annual Report.
- vii. A current and complete SWMP Document must be submitted with the Permit Renewal Application required by Part 8.2 (*Duty to Reapply*).

b. SWMP Information and Metrics

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

c. SWMP Resources

The Permittee must provide adequate finances, staff, equipment and other support capabilities to implement the SWMP actions and activities, and other requirements outlined in this permit. WSDOT must request adequate resources in its proposed budget submittals to the Governor’s Office to maintain compliance with this permit and implement its SWMP. WSDOT must track the estimated cost of permit implementation. This information must be provided to the EPA and the Puyallup Tribe upon request.

2.4 Change 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 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 and is not already specified herein; or
- ii. The Permittee accepts 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 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*) below, 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 Tribal Stormwater Management for Existing Development Program 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 Permit effective date, the Permittee must contact the Water Manager of the Puyallup Tribe via email as indicated Part **Error! Reference source not found.** 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.

The Permittee may invite the City of Tacoma 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 the date, 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 Training

The Permittee must implement a program designed to educate and train WSDOT staff, consultants, and contractors to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts.

a. Description in the SWMP Document

The Permittee's SWMP Document must describe the education and training activities that include the appropriate audiences in the areas draining to the Puyallup River through the MS4 outfalls specified herein.

b. Program Design

The education and training activities must be designed to educate target audiences about stormwater and its impacts and provide specific actions they can or must follow to minimize those impacts. The Permittee should consider delivering its selected messages in language(s) other than English, as appropriate for the target audience.

c. Targeted Training For Consultants, Contractors, and WSDOT Staff

The Permittee must provide the following stormwater management-related training:

- Illicit Discharge Detection and Elimination (IDDE) training pursuant to Part 3.3 h.;
- *[DRAFT 2026] Highway Runoff Manual* and Construction Site Erosion and Sediment Control training, pursuant to Part 3.4.d; and
- Road Operation and Maintenance training pursuant to Part 3.7.h.

d. Annual Report

Throughout the permit term, the Permittee must summarize for the previous annual reporting period, the number of WSDOT training courses conducted for audiences working in the areas draining to the Puyallup River through the MS4 outfalls specified herein, and the estimated number of WSDOT staff, consultants, and contractors trained in topics related to Illicit Discharge Detection and Elimination, the (DRAFT 2026) *WSDOT Highway Runoff Manual*, Construction Site Erosion and Sediment Control, and Road Operation and Maintenance.

3.2 Public Involvement and Participation

The Permittee must implement a program designed to educate and involve the public in the Permittee's stormwater management planning and implementation, including updates to the SWMP.

a. Description in the SWMP Document

The Permittee's SWMP Document must contain a description of the education, stewardship, and public involvement activities relevant to public audiences located near the areas draining to the Puyallup River through the MS4 outfalls specified herein.

b. Program Design

The Permittee must create opportunities for the public audiences located near the areas draining to the MS4 outfalls specified herein to participate in stewardship activities and to engage in decision-making processes involving stormwater management program plans for the areas draining to the Puyallup River through the MS4 outfalls specified herein .

c. Website

Beginning no later than December 31, 2028, and annually thereafter, the Permittee must post on their website the most recent SWMP Document required by Part 2.3 above and the Annual Report(s) required by Part 6.2. 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 stewardship, public involvement, and public engagement/participation activities sponsored during the previous reporting period in the areas draining to the Puyallup River through the MS4 outfalls specified herein 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 including spills into the MS4 located in areas draining to the MS4 outfalls identified herein. The program must include the following:

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 or maps(s) of the WSDOT MS4 leading to each of the outfalls specified herein. The required format for mapping is electronic, with fully described mapping standards.

- i. Each Annual Report must provide copies, or contain the relevant instructions for the EPA and the Puyallup Tribe to access, the WSDOT MS4 maps for the areas draining to the outfalls listed herein and/or draining to surface waters of the Puyallup Tribe,
- ii. Each Annual Report must include any updated MS4 map information required by Part 2.4 (*Change in Ownership, Operational Authority, or Responsibility for SWMP Implementation*).
- iii. No later than October 31, 2028, as part of the 1st Year Annual Report required by Part 6.2, the Permittee must submit the MS4 map information required by Permit Part 4.1.a. (*MS4 Map for Outfalls Discharging to Impaired Waters*).
- iv. No later than 180 days from the permit expiration date, and as part of the Permit Renewal Application required by Permit Part 8.2 (*Duty to Reapply*), the Permittee must submit all updated MS4 maps reflecting all areas draining to all MS4 outfalls specified herein, that may have been identified during the permit term pursuant to Permit Part 2.4, and/or that are otherwise owned and/or operated by WSDOT and are discharging to surface waters of the Puyallup Tribe.

At a minimum, the MS4 map(s) to be submitted with the Permit Renewal Application must include the following information, with clear, legible labels identifying each item:

- Location (including latitude and longitude) of the WSDOT MS4 outfalls discharging to surface waters of the Puyallup Tribe, including known inlets and catch basins leading to those outfalls and discharge points;
- Receiving water;
- Location of stormwater treatment BMPs or facilities, and flow control BMPs or facilities that are owned and/or operated by WSDOT in areas draining to the MS4 outfalls specified herein, including the locations of

any associated inlets and outlets to those facilities; Connection points between the WSDOT MS4 and other public entities;

- Locations of all WSDOT owned and/or operated parking lots, roads, or other features located within the areas draining into the MS4 outfalls specified herein;
- Locations of all WSDOT owned and/or operated industrial activities, or maintenance/storage facilities, in areas draining in the MS4 outfalls identified herein and/or to surface waters of the Puyallup Tribe; and
- Jurisdictional boundaries.

The following features or attributes must also be mapped and/or summarized separately in a table or other means of attribution:

- Outfall or tributary conveyance type, material, and size where known;
- Associated size and characteristics of drainage areas, and any other features conveying highway runoff to the specified WSDOT outfall location, including:
 - 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).

c. Legal Authority

Within the limitations of state and federal law, WSDOT must effectively prohibit illicit discharges pursuant to its legal authority which authorizes or enables the control of discharges draining into and from its MS4 outfalls identified herein. Such legal authority may be a combination of statutes, permits, contracts, orders, interagency agreements, or similar instruments. 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. **(Error! Reference source not found.**

e. Conditionally Allowable Discharges

The 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, education and training activities for Permittee maintenance staff as required by Part 3.1, and water conservation efforts;
- iii. 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 educational activities 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
- iv. Other non-stormwater discharges. The discharges must be in compliance with the requirements of a pollution prevention plan, reviewed by the WSDOT which addresses control of such discharges.

f. Detection and Elimination

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

- i. Procedures for identifying, reporting, and correcting or removing illicit connections and illicit discharges when they are suspected or identified. The program must also include procedures for addressing pollutants entering the MS4 from an interconnected, adjoining MS4;

- ii. Procedures for traffic collision related spills to ensure consistent, timely notification and response to traffic collision related spills. This program must include:
 - Procedures for coordination between WSDOT, Washington State Patrol, Washington Department of Ecology, the Puyallup Tribe of Indians, local jurisdictions, and first responders; and
 - Utilization of Washington Department of Ecology’s spill tracking information to assist in the identification of high-risk spill locations on state routes.
- iii. Compliance with this provision will be achieved by:
 - Immediately undertaking appropriate action for all illicit discharges including spills which are determined to constitute a threat to human health or the environment.
 - Investigating (or referring to the appropriate agency with authority to act), within seven (7) days, on average, any complaints, reports or monitoring information that indicates a potential illicit discharge, including spills; and
 - Initiating an investigation within 21 days of any report or discovery of a suspected illicit connection to determine whether it is illicit.
 - Upon confirmation of an illicit connection, using enforcement authority in a documented effort to eliminate the illicit connection within 6 months. WSDOT must document the effort as part of the next Annual Report. All known illicit connections to the MS4 must be eliminated.
 - WSDOT must maintain records of the activities to meet the requirements of this section including tracking traffic collision related spills, illicit discharges, and illicit connections that were found by, reported to, or investigated by WSDOT in areas draining to the MS4 outfalls identified herein.

g. Telephone Hotline

The Permittee must include reporting hotline telephone numbers on its internet site to facilitate public reporting of spills and other illicit discharges.

h. Training

The Permittee must ensure that training is provided to WSDOT first responder personnel and WSDOT staff who, as part of their normal job responsibilities, may come into contact with or otherwise observe an illicit discharge or connection to WSDOT’s MS4 or property. Training must include identification of illicit discharges and connections, as well as the proper procedures for notification, reporting, and responding.

i. Annual Report

In each Annual Report the Permittee must summarize the following information related to its MS4 mapping, spill response, and illicit connection/discharge elimination activities

during the reporting period for all areas draining to its MS4 outfalls specified herein:

- i. Updated map(s) of its MS4 leading to the outfalls specified herein, as indicated in Part 3.3.b above, including any relevant information for the EPA and the Puyallup Tribe to fully access the maps or by providing the maps in electronic format with fully described mapping standards;
- ii. Number and type of traffic collision related spills, illicit discharges, and illicit connections that were found by, reported to, or investigated by WSDOT in areas draining to the MS4 outfalls identified herein, including the Locations and efforts to address identified spills, illicit discharges and/or connections; and .
- iii. Number of WSDOT training courses conducted on the identification of illicit discharges and connections, as well as the proper procedures for notification, reporting, and responding, and number of WSDOT staff, consultants, or contractors attending.

3.4 New Development, Redevelopment, and Construction Site Runoff Control

The Permittee must implement and enforce a program to reduce pollutants in stormwater runoff from new development, redevelopment, and construction activities of new and existing highways, and highway maintenance facilities in areas draining to the MS4 outfalls specified herein. The program must include the following:

a. Description in SWMP Document

The SWMP Document must include a summary of WSDOT's program to prevent and control the impacts of runoff from new development, redevelopment, and construction activities, and the policies and procedures used to implement these requirements in areas draining to the MS4 outfalls specified herein.

b. Oversight

In areas of draining to the MS4 outfalls specified herein, the Permittee must provide adequate direction and oversight to educate entities responsible for "regulated construction activities" and "regulated industrial activities," defined in Parts 9.49 and 9.50, 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 apply the technical standards, including the minimum requirements, thresholds, adjustments, and definitions in the HRM cited in Appendix C. (*Minimum Technical Requirements*) on a site and project specific basis for the planning, design, inspection, and the operation and maintenance of stormwater management facilities in areas draining to the MS4 outfalls specified herein.

d. Training

The Permittee must ensure that WSDOT staff, consultants, and contractors involved in stormwater facility design receive HRM training, and that WSDOT staff, consultants, and contractors responsible for design, implementation, or inspection of temporary erosion and sediment control plans during construction receive Construction Site Erosion and Sediment Control training.

e. Annual Report

For areas draining to the MS4 outfalls specified herein, the Permittee must include summary information in the Annual Report related to controlling runoff from new development, redevelopment and/or construction activities during the reporting period:

- Location, number, and types of construction erosion control plans reviewed, construction sites inspected, stormwater treatment and/or flow control facilities built; and
- Number of WSDOT training courses on the HRM and Construction Site Erosion and Sediment Control, and number of WSDOT staff, consultants, and contractors trained.

3.5 Stormwater Management for Existing Highway Discharges into Tribal Waters

To reduce impacts to surface waters of the Puyallup Tribe caused by discharges from the MS4 outfalls specified herein, the Permittee must implement a program to retrofit existing highways that lack stormwater treatment or flow control, or for which treatment or flow control is not to current standards as specified in the *Highway Runoff Manual* cited in Appendix C (*Minimum Technical Requirements*).

a. Description in SWMP Document

The SWMP Document must contain a summary of any WSDOT highway retrofit project(s) scheduled and/or prioritized in areas draining to the MS4 outfalls specified in this permit. This summary should include any highway segments prioritized for stormwater retrofits, stormwater retrofit projects for which WSDOT has sought input from the Puyallup Tribe; any standalone stormwater retrofit projects selected for construction; any Puget Sound basin Project driven stormwater retrofit projects; and/or opportunistic stormwater retrofit projects located in the Puyallup River watershed.

b. Program Design

The Permittee must retrofit an existing highway segment using runoff treatment or flow control if the new development, redevelopment, or maintenance project triggers runoff treatment or flow control requirements as defined in the HRM cited in Appendix C.

If the Permittee determines that such treatment or flow control BMPs are infeasible within the project limits, the Permittee must document and submit its infeasibility determination as part of the next Annual Report.

c. Annual Report

In each Annual Report, the Permittee must include the following information for the areas draining to the MS4 outfalls specified herein:

- i. A summary of WSDOT engagement with representatives of the Puyallup Tribe related to WSDOT's prioritization of its retrofit activities and existing untreated highway runoff discharges into surface waters of the Puyallup Tribe;
- ii. A summary list of retrofit project locations that are planned or underway within areas draining to outfalls discharging to surface waters of the Puyallup Tribe;
- iii. Documentation related to infeasibility for the placement of runoff treatment or flow control BMPs for any new development, redevelopment, or maintenance projects in the areas draining to outfalls specified herein that trigger runoff treatment or flow control; and,
- iv. A list of stormwater retrofit projects completed in areas the draining to MS4 outfalls specified herein, including number of acres of stormwater treated as a result of the completed retrofit project.

3.6 Maintenance

The Permittee must implement a program to regulate and conduct maintenance activities to prevent or reduce stormwater impacts. The program must include the following:

a. Description in SWMP Document

The Permittee must include a written description of the program to conduct maintenance activities in the SWMP Document. See also 3.6.f (*Sweeping Program*).

b. Maintenance Standards

The Permittee must implement maintenance standards in accordance with the HRM as specified in 0. The purpose of the maintenance standard is to determine if maintenance is required.

c. Maintenance of Stormwater Treatment and Flow Control BMPs

The program must include annual inspection of all permanent stormwater treatment and flow control BMPs/facilities that are owned and/or operated by the Permittee in the areas draining to all MS4 outfalls specified herein.

- 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 within the SWMP Document and certified in accordance with 8.5 (*Signatory Requirements*). The Permittee cannot reduce the inspection frequency to less than once per permit term (i.e., once every five years as defined by this permit).
- ii. 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 planned inspections.
- iii. 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,
 - Within 2 years for BMPs requiring maintenance amounting to less than \$25,000.
 - The Permittee must prioritize repairs to BMPs amounting to more than \$25,000 as well as building access roads to stormwater BMPs that were built without access roads and address them as funding becomes available.

- iv. 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. In the event of an exceedance, the Permittee must document the circumstances that prevent maintenance from being performed according to the timelines in Part 3.6.c.iii above and describe how the circumstances were beyond the Permittee's control.

d. Maintenance of Catch Basins and Inlets

- i. The Permittee must implement a program to inspect all catch basins and inlets owned and/or operated by the Permittee in areas draining to the MS4 outfalls specified herein at least once before the permit expiration date.
- ii. Catch basins must be cleaned as determined by the maintenance standard identified in the HRM identified in Appendix C. When an inspection identifies an exceedance of the maintenance standards, maintenance shall be performed within 6 months for at least 95% of catch basins needing maintenance, and within one year for at least 98% of catch basins needing maintenance.
- iii. The disposal of decant water must be in accordance with the requirements in 0 (*Street Waste Disposal*).
- iv. 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 in the areas draining to the MS4 outfalls specified herein and achieving at least 95% of required inspections prior to the permit expiration date.

e. Other Maintenance Practices

The Permittee must implement maintenance practices, policies and procedures to reduce stormwater impacts associated with runoff from MS4s owned and/or operated by the Permittee in areas draining to the MS4 outfalls specified herein or that discharge directly to surface waters of the Puyallup Tribe. The Permittee must ensure that the following activities are conducted in a manner that is protective of receiving water quality:

- i. Pipe cleaning;
- ii. Cleaning of culverts that convey stormwater in ditch systems;
- iii. Ditch maintenance;
- iv. Road repair and resurfacing, including pavement grinding;
- v. Snow and ice control;
- vi. Utility installation;
- vii. Maintaining roadside areas, including vegetation management;
- viii. Dust control;

- ix. Pavement striping maintenance;
- x. Application of fertilizer, pesticides, and herbicides according to the instructions for their use, including reducing nutrients and pesticides using alternatives that minimize environmental impacts,
- xi. Sediment and erosion control;
- xii. Landscape maintenance and vegetation disposal;
- xiii. Trash and pet waste management; and
- xiv. Building exterior cleaning and maintenance.

f. Sweeping Program

No later than October 31, 2028, the Permittee must update the SWMP Document submitted with the 1st Year Annual Report to describe how and at what frequency the Permittee conducts street sweeping and cleaning operations on the portions of its roads and highways in areas draining to the MS4 outfalls specified herein and/or that discharge to surface waters of the Puyallup Tribe.

The SWMP Document must identify, at a minimum, the timing and frequency of WSDOT's sweeping/cleaning activities in these areas that occur either independently and/or in cooperation with neighboring jurisdictions pursuant to Part 2.1 (*Shared Implementation with Outside Entities*). The Permittee must account for both routine sweeping of roads and highways for debris and for performance of other roadside maintenance activities in the areas draining to the MS4 outfalls specified herein. The description must also include general discussion of any event-driven environmental roadway cleanup procedures that may occur after traffic collisions or other incidents, consistent with activities required by Part 3.3.f.ii (*Procedures for traffic collision related spills* to ensure consistent, timely notification and response to traffic collision related spills. This program must include:).

Throughout the permit term, the Permittee must continue to conduct sweeping and cleaning operations on its roads and highways in areas draining to the MS4 outfalls specified herein according to the schedule identified in the SWMP Document.

No later than October 31, 2031, as part of the 4th Year Annual Report, the Permittee must submit documentation showing a feasibility and cost comparison between the current sweeping and cleaning activity frequency for roads and highways operated by the Permittee in the areas draining to the MS4 outfalls specified herein and the goal of sweeping and cleaning these same areas at least once between July and September and at least three additional times each year in order to provide additional water quality benefits.

- i. The Permittee may document its reasoning for alternative timing and frequency of such activities based on local conditions (e.g. climate) and estimated

pollutant deposition quantities. Documentation must be based on actual maintenance experience and included in the SWMP Document.

- ii. The Permittee must follow equipment design performance specifications to ensure that street sweeping and cleaning equipment is operated at the proper design speed with appropriate verification, and that it is properly maintained.
- iii. The Permittee must dispose of sweeper waste material in accordance with Appendix D - Street Waste Disposal.
- iv. Compliance with this provision will be determined by the Permittee's written summary in the SWMP Document submitted with the 1st Year Annual Report regarding WSDOT's existing sweeping schedule and cleaning activities for each MS4 outfall drainage area discharging to surface waters of the Puyallup Tribe; and, no later than the due date of the 4th Year Annual Report, submittal of a documented comparison showing the feasibility and costs associated with existing road and highway sweeping activities compared to the goal of sweeping and cleaning the road and highway areas at least four times per year, and (as necessary) the relative water quality benefits of increasing or decreasing these individual activities to meet this goal.

g. Stormwater Pollution Prevention Plan

No later than two years after the Permit effective date, the Permittee must develop and implement Stormwater Pollution Prevention Plans (SWPPPs) for any heavy equipment maintenance or storage yards, and/or material storage facilities that are owned and/or operated by the Permittee in areas draining to the MS4 outfalls specified herein, which are not already regulated under another appropriate NPDES permit.

- 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.

h. Training

WSDOT must conduct an on-going training program for WSDOT staff, consultants and contractors who may 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.

i. 3.6 Annual Report

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

- i. Summarize 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 those 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 3.6.b, the Permittee must document such circumstances to describe how they were outside the Permittee's control.
- iii. The 1st Year Annual Report must include a list of all treatment BMPs or facilities and flow control BMPs or facilities regulated by the Permittee, and their locations, that are expected to be inspected during the permit term in compliance with this Part.

Subsequent Annual Reports must summarize the Permittee's inspection and maintenance of those treatment BMPs or facilities and flow control BMPs or facilities regulated by the Permittee to document progress towards achieving > 95% of required inspections during the permit term.

- iv. The 1st Year Annual Report must include a list of all catch basins and inlets owned and/or operated by the Permittee to be inspected annually 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.

- v. The 1st Year Annual Report must include a SWMP Document describing how and at what frequency the Permittee conducts street sweeping and cleaning operations on the portions of its roads and highways in areas draining to the MS4 outfalls specified herein and/or that discharge to surface waters of the Puyallup Tribe.
- vi. The 4th Year Annual Report must include documentation comparing the cost and feasibility of current sweeping and cleaning frequency for roads and highways operated by the Permittee in areas draining to the MS4 outfalls specified herein with increasing the sweeping and cleaning frequency to at least four times per year to provide additional water quality benefit; and
- vii. Summary information regarding relevant staff training provided or obtained, verification that appropriate staff members received training, and the number of staff members trained.

4 Special Conditions

4.1 Requirements for Discharges into Impaired Waters

a. MS4 Map for Outfalls Discharging to Impaired Waters

The Permittee must update the MS4 outfall maps required by Permit Part 3.3.b (*MS4 Map*) for each outfall listed below no later than one year from the permit effective date. The Permittee must submit the new information as part of the 1st Year Annual Report required by Part 6.2.

Outfalls	Latitude	Longitude
SR 167 - 4.101	47.22100005	-122.3549697
SR 167 - 4.122	47.20896606	-122.3294706
SR 167 - 5.130	47.20922515	-122.3302585
SR 167 - 5.138	47.20466911	-122.3137755

b. Target SWMP Activities for Source Control, Treatment and/or Prevention of Pollutants in Discharges into Impaired Waters

Using the information collected through Part 4.1.a above, the Permittee must begin to evaluate the feasibility of conducting enhanced SWMP activities in the areas draining to the outfalls identified above using its stormwater control measures pursuant to Part 3.3.f (*Illicit Discharge-Detection and Elimination*), Part 3.4.c (*New Development, Redevelopment, and Construction Site Runoff Control*), and Part 3.6 (*Maintenance*).

As part of the 4th Year Annual Report required by Part 6.2, the Permittee must submit a written summary of additional stormwater management actions that WSDOT considers feasible for deployment in these specific drainage areas that could better control, treat, or prevent sources of temperature, fecal coliform bacteria, and mercury in stormwater runoff from discharging through the WSDOT MS4 outfalls into the Puyallup River. This pollutant source control, treatment, and prevention summary must identify the specific SWMP program activities WSDOT could deploy, an implementation schedule, and discussion of how the activity would accomplish the pollutant source control, treatment, or elimination objective.

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 Section 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*) 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 that 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, the EPA will notify the Permittee in writing that an adaptive management response is required as outlined in Part 4.4.d below.

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 **Error! Reference source not found.** 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 SWMP 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 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, and other assessment or 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 BMP Effectiveness Monitoring

No later than one year from the effective date of the Permit, the Permittee must begin stormwater BMP effectiveness monitoring to quantify the effectiveness of WSDOT's Constructed Stormwater Treatment Wetland (CSTW) and modified media filter drain (MMFD, located near the Puyallup River at Interstate 5 in Tacoma, at reducing pollutant concentrations during standard roadway operations over time.

The Permittee may develop their monitoring activities in compliance with this Part using as guidance the Washington Department of Ecology's Technology Assessment Protocol – Ecology (TAPE), *Appendix C: Evaluating Stormwater Treatment Technologies with Long Detention Times* as revised in November 2024. See:

<https://apps.ecology.wa.gov/publications/SummaryPages/1810038.html>.

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. Monitoring Locations

At a minimum, WSDOT must monitor at the following locations:

Location	Approximate Latitude	Approximate Longitude	Receiving Water
Inlet to constructed stormwater treatment wetland	47.2388	-122.4064	Puyallup River
Outlet of constructed stormwater treatment wetland	47.2389	-122.4032	Puyallup River

- i. The Permittee must fully map the tributary conveyance systems and drainage areas of the monitoring locations.
- ii. The Permittee must evaluate the monitoring locations to establish a rainfall to runoff relationship to ensure adequate sample collection during storm events to meet sampling goals. The Permittee must ensure that specific storm event hydrology is monitored, validated, and representative of site flows.

b. Sample Collection Methodology

Sample collection must be conducted according to the long detention protocols outlined in the Washington Department of Ecology's *Technology Assessment Protocol – Ecology (TAPE)*. See: <https://apps.ecology.wa.gov/publications/SummaryPages/1810038.html>.

c. Storm Event Selection

The Permittee must use historic rainfall data to ascertain mean rainfall data for each day

of the calendar year. The Permittee must then estimate the amount of rainfall required to produce sufficient flow at both the influent and effluent locations of the CSTW and create a target number of sample days per year.

The Permittee must add at least 5% to the target number of sample days to account for equipment failure and operator error.

The Permittee must conduct sampling of sufficient duration to represent both inflow and outflow hydrographs.

The Permittee will assign a number to each day of the proposed study and will use a random number generator to select the days to be sampled. The process will be used for both the influent and effluent as they will be sampled separately. The Permittee will select the 24-hour sample period that works best for their field schedule. The sample period will remain the same for the entirety of the sample period.

- Storms occurring after several days or more of no precipitation may be specifically targeted for sampling. This exception to the protocol of random sampling allows for the inclusion of important first-flush events, such as will occur during the dry seasons.

d. Sampling Protocol

The Permittee must sample both monitoring locations according to the following frequency:

- i. The Permittee must sample and analyze a minimum of fifteen (15) valid influent and effluent samples. Consistent with the TAPE long detention BMP methodology, it is not necessary that there to be equal number of influent and effluent samples, however, influent and effluent monitoring must occur for the same duration. If the influent and/or effluent monitoring is extended to meet any of the above requirements, monitoring of the effluent/influent must also be extended.
- ii. Individual sampling events must be conducted for a period of up to 24 hours using automated flow-proportional composite sampling. The Permittee must use an automatic sampler with a flow meter to ensure the volume of each subsample is proportionate to flow. Inflow and outflow must be monitored separately. Monitoring must be conducted over a set 24-hour period.
- iii. 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.
- iv. The Permittee must collect precipitation data from an on-site rain gauge.
- v. Grab samples are necessary for some parameters (See Part 5.1.e.iii). Grab samples must be collected early in the storm event.
- vi. For all influent and effluent monitoring 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 Table 1 of Appendix E. *Monitoring Parameters and Minimum Levels*) or as otherwise approved by the EPA and the Puyallup Tribe.

e. Parameters

- i. Flow proportional composite samples must be analyzed for the parameters listed in Appendix E and summarized below, utilizing an Ecology- or EPA-accredited laboratory and the methods and reporting limits as provided in **Error! Reference source not found.** in Appendix E or otherwise approved by the EPA and the Puyallup Tribe:
 - Conventional parameters
 - 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) Total Suspended Solids; (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. Grab samples must be analyzed for the following constituents/parameters utilizing an Ecology- or EPA-accredited laboratory and minimum levels listed in Table 1 of Appendix E. *Monitoring Parameters and Minimum Levels*):
 - *E. coli* bacteria
 - Total petroleum hydrocarbons – diesel fraction (TPH-Dx)

f. Stormwater Solids Samples

Stormwater solids samples must be collected twice per water year (October 1 – September 30) at the influent of the CSTW monitoring location, or in the vicinity of the CSTW influent 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.

- ii. Use of in-line traps or similar collection system is needed for stormwater solids sampling. The Permittee may also sample settled out sediment from the CSTW.
- iii. Stormwater solids samples must be analyzed for the parameters listed in Appendix E-**Error! Reference source not found.** and summarized below utilizing a Washington Department of Ecology- or EPA-accredited laboratory and the methods and minimum levels listed in Appendix E-**Error! Reference source not found.**:
 - 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).

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 influent and effluent samples in support of the BMP effectiveness monitoring as described in this permit and in explaining data anomalies when they occur.

b. Format

Throughout all sample collection and analysis activities, the Permittee must use EPA-approved quality assurance/quality control 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 a format that is specified in these documents.

c. QAPP Requirements

At a minimum, the QAPP must contain the following:

- i. Detailed description of the study design and objectives for calculating using the Long Detention Stormwater Control Measure Evaluation Method discussed in the 2024 *TAPE, Appendix C*, as referenced in Part 5.1 above;
- ii. 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;
- iii. 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);
- iv. Map(s) indicating the location of the sampling points and associated drainage areas;
- v. Description of each monitoring location and associated drainage basin areas in detail.
- vi. Sampling approach for each sampling site used to collect stormwater solids samples;
- vii. Qualification and training of personnel, and
- viii. 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 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, agreements, notifications, maps, adaptive management reports, quality assurance plans, annual reports, stormwater monitoring reports, and permit renewal applications.

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

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

a. Addresses

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

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

Addressee	Electronic Mail Address
U.S. EPA Region 10, Director, Water Division	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 October 31st, 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 provided in Appendix A. *Annual Reports*)0. The reporting period for each Annual Report is described below:

Annual Report	Reporting Period	Due Date
Year 1	Permit Effective Date – June 30, 2028	October 31, 2028
Year 2	July 1, 2028-June 30, 2029	October 31, 2029
Year 3	July 1, 2029-June 30, 2030	October 31, 2030
Year 4	July 1, 2030-June 30, 2031	October 31, 2031
Year 5	July 1, 2031-June 30, 2032	October 31, 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, the file name of any attachments to the Annual Report must be as follows: YYYY_MM_DD_«Permit Number»_MS4 Annual Report_«Document Type Name», where YYYY_MM_DD is the date that the Permittee submits the report, and document type name describes the attachment's content.

6.3 Stormwater BMP Effectiveness Monitoring Report

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

Each report must summarize progress and analyze all collected data to evaluating the effectiveness of the CSTW/MMFD stormwater treatment and include all monitoring data collected during the preceding water year (October 1 – September 30). The first annual effectiveness monitoring report submitted may include data from a partial water year, if available, and should document Permittee accomplishments to date regarding the initiation of the monitoring activities required by Part **Error! Reference source not found.** Each subsequent report must integrate data from earlier years into the analysis of results, as appropriate. See Appendix B. *Stormwater BMP Effectiveness Monitoring Report*) for required information to be included in each report.

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

YYYY_MM_DD_«Permit Number»_SW Monitoring WYXXXX, where YYYY_MM_DD is the date that the Permittee submits the report and XXXX is the Water Year represented in the report.

6.4 Retention of Records

The Permittee must retain records and copies of all information (including all monitoring, calibration, and maintenance records and all original strip chart recordings for any continuous monitoring instrumentation, copies of all reports required by this permit, a copy of the NPDES permit, and records of all data used to complete the SWMP Document

and application for this permit) for a period of at least five years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended at the request of 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 the 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 \$227,378 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 EPA Director of the Water Division and the Puyallup Tribe as directed by Part 6.1 (*Submittal Process*) as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

- The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR §122.29(b); or
- The alteration or addition could significantly change the nature or increase the quantity of the pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit.

7.8 Anticipated Noncompliance

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

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

YYYY_MM_DD_«Permit Number»_Noncompliance Report, where YYYY_MM_DD is the date that the Permittee submits the report.

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 of the 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 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 to the EPA 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, physical address, and mailing address of the Permittee that operates the MS4; and the names, titles, email addresses, and other pertinent contact information for each primary administrative and technical contacts for the Permittee. 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. *SWMP Document*: Complete, updated SWMP Document as required by Part 2.3.a above;
- ii. *Changes in Ownership or Operational Control*: Summary Table describing all changes in ownership, operational authority, and/or responsibility for SWMP implementation that occurred 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 above;
- iii. *MS4 Map(s)*: Instructions or other means of providing the EPA and the Puyallup Tribe electronic access to updated MS4 map(s) for all outfall locations (if not previously submitted as part of the 4th Year Annual Report), as required by Part 3.3.i.ii above.

8.3 Duty to Provide Information

The Permittee must furnish to the EPA and the Puyallup Tribe, within the time specified in the request, any information that the EPA and the Puyallup Tribe may request to determine

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

8.4 Other Information

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in an application, or any report to 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:

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

b. Duly Authorized Representative

All reports required by this permit and other information requested by the EPA or the Puyallup Tribe must be signed by a person described in Part a 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 EPA Director of the Enforcement and Compliance Assurance Division and the Puyallup Tribe prior to or together with any reports, information, or applications to be signed by an authorized

representative.

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 the 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, the EPA may make the information available to the public without further notice to the Permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR § 2, Subpart B (Public Information) and 41 Federal Register 36924 (September 1, 1976), as amended.

8.7 Inspection and Entry

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

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, state or local laws or regulations.

8.9 Transfers

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

8.10 State/Tribal Laws

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

8.11 Oil and Hazardous Substance Liability

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

8.12 Severability

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

8.13 Re-opener Clause

This permit is subject to modification, revocation and reissuance, or termination at the request of any interested person (including the Permittee) or upon 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 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 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 (or Draft 2026) *Washington State Department of Transportation (WSDOT) Highway Runoff Manual*.
5. **CFR** means the Code of Federal Regulations, which is the official annual compilation of all regulations and rules promulgated during the previous year by the agencies of the United States government, combined with all the previously issued regulations and rules of those agencies that are still in effect.
6. **Construction General Permit** or CGP means the current version of the U.S. Environmental Protection Agency's *NPDES General Permit for Stormwater Discharges from Construction Activities in Indian Country within the State of Washington*, Permit No. WAR10I000. The permit is posted on EPA's website at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>
7. **Construction Activity** includes, but is not limited to, clearing, grading, excavation, and other site preparation work related to construction of residential buildings and non-residential buildings, and heavy construction (e.g., highways, streets, bridges, tunnels, pipelines, transmission lines and industrial non-building structures).
8. **Control Measure**, as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.
9. **CWA** or *the Act*, means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, 33 U.S.C. § 1251 et seq. [40 CFR §122.2].
10. **Director of the Enforcement and Compliance Assurance Division** means the Director of the Enforcement and Compliance Assurance Division, EPA Region 10, or an authorized representative.
11. **Director of the Water Division** means the Director of the Water Division, EPA Region 10, or an authorized representative.
12. **Discharge**, when used without qualification, means the discharge of a pollutant as defined at

40 CFR § 122.2.

13. **Discharge of a Pollutant** 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. **Discharge Point** means the location where a discharge leaves the permittee’s MS4 to another permittee’s MS4 or a private or public stormwater conveyance.
15. **Effluent Limitation** means any restriction imposed by the Director on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the United States, the waters of the contiguous zone, or the ocean, including schedules of compliance. [See CWA §502(11) and 40 CFR § 122.2]. The terms and conditions of this permit represent a type of effluent limitation and refers to actions designed to reduce pollutant discharges. See also 40 CFR §122.34 and 81 FR 89337 (Dec. 9, 2016).
16. **EPA** means the Environmental Protection Agency.
17. **Erosion** means the process of carrying away soil particles by the action of water.
18. **Flow Control BMP or Facility** means a drainage facility designed to mitigate the impacts of increased surface and stormwater runoff flow rates generated by development. Flow control facilities are designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground, or to hold runoff for a short period of time, releasing it to the conveyance system at a controlled rate. See 2019 (or Draft 2026) *WSDOT Highway Runoff Manual* and 2024 *Stormwater Management Manual for Western Washington*.
19. **Hyper-chlorinated** means water that contains more than 10 mg/Liter chlorine.
20. **Illicit Connection** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
21. **Illicit Discharge** means any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, or of non-stormwater discharges allowed as specified in this Permit (Parts 3.3.d and 3.3.e). See also 40 CFR § 122.26(b)(2).
22. **Impervious surface** means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. *Impervious surface* also means a non-vegetated surface area which causes water to run off the surface in greater quantities (or at an increased rate of flow) than the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to: roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other

surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities must be considered impervious surfaces for purposes of runoff modeling.

23. **Indian Country** as defined by 18 U.S.C. § 1151 and 40 CFR §122.2, means:

- (a) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation,
- (b) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and,
- (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

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

24. **Indian Tribe** means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian Reservation [40 CFR § 122.2].

25. **Industrial Activity** as used in this permit refers to the eleven categories of industrial activities included in the definition of discharges of stormwater associated with industrial activity at 40 CFR §122.26(b)(14).

26. **Industrial Stormwater** as used in this permit refers to stormwater runoff from industrial activities, such as those defined in 40 CFR § 122.26(b)(14)(i-xi).

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

28. **Inlet** means a form of connection between the surface of the ground and a drain or sewer for the admission of surface and stormwater runoff. See 2019 (or DRAFT 2026) *WSDOT Highway Runoff Manual*.

29. **Land Claims Settlement Agreement** and/or **1988 Land Claims Settlement Agreement** means the August 27, 1988 agreement resolving land claims and other issues amongst the signatories and entitled “Agreement between the Puyallup Tribe of Indians, local Governments of Pierce County, the State of Washington, the United States of America, and certain private property owners” that was codified in the Puyallup Tribe of Indians Settlement Act of 1989, 25 U.S.C. § 1773.

30. **Land 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.

31. **Low Impact Development** or *LID* means a stormwater and land use management strategy that strives to mimic pre-development hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of onsite natural features, site planning, and distributed stormwater management practices that are integrated into a project design.
32. **LID Best Management Practices** or *LID practices*, means the distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention/rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.
33. **LID Principles** means the land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.
34. **Maintenance** means the repair and maintenance activities conducted on currently serviceable structures, facilities, and equipment that involves no expansion or use beyond that previously existing and results in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse, or cessation in the use of structures and systems. Those usual activities may include replacement of dysfunctional facilities, including cases where environmental permits require replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed. One example is the replacement of a collapsed, fish blocking, round culvert with a new box culvert under the same span, or width, of roadway. In regard to stormwater facilities, maintenance includes assessment to ensure ongoing proper operation, removal of built up pollutants (i.e. sediments), replacement of failed or failing treatment media, and other actions taken to correct defects as identified in the maintenance standards of Chapter 4, Volume V- *Runoff Treatment BMPs* of the 2024 *Stormwater Management Manual for Western Washington* or other functionally equivalent documents such as the 2019 (or DRAFT 2026) WSDOT Highway Runoff Manual.
35. **Method Detection Limit (MDL)** means the minimum measured concentration of a substance that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results.
36. **Minimize** means to reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.
37. **Minimum Level (ML)** means either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). Minimum levels may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.
38. **Municipal Separate Storm Sewer, municipal separate storm sewer system, or MS4** is defined

at 40 CFR § 122.26(b)(8) (b)(8), (b)(18), and (b)(19) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR § 122.2.

39. **Municipality** means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA.
40. **National Pollutant Discharge Elimination System (NPDES)** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA [40 CFR § 122.2]. The term includes an approved program delegated to a state agency.
41. **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. **Project Site** means the portion of a site to undergo development or redevelopment. For road projects, it is the area between the beginning and ending mileposts within WSDOT right of

way. It is defined in the formal project definition agreed upon by the region and Headquarters as to the work to be done, the estimated cost, and the project schedule. See 2019 (or Draft 2026) *WSDOT Highway Runoff Manual*. For nonroad projects, refer to the 2019 (or Draft 2026) *WSDOT Highway Runoff Manual* definitions for project limits

46. **Puyallup Tribe of Indians Settlement Act of 1989**, or 1989 Land Claims Settlement Act, means Public Law 101-41, 25 U.S.C. § 1773.
47. **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 discharge occurs via an outfall or via sheet/dispersed flow. See also *surface waters of the Puyallup Tribe* and *waters of the United States*.
48. **Redevelopment** means, on a site that is already substantially developed (has 35% or more of existing impervious surface coverage): the creation or addition of impervious 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 impervious surface that is not part of a routine maintenance activity; and land disturbing activities. See 2019 (or Draft 2026) *WSDOT Highway Runoff Manual*.
49. **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*.
50. **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*.
51. **Runoff** see stormwater.
52. **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).
53. **Snow Management** means the plowing, relocation and collection of snow and ice.
54. **Source Control BMP** means a structure or operation intended to prevent pollutants from coming into contact with stormwater, either through physical separation of areas or through careful management of activities that are sources of pollutants. The term *Structural source control BMPs* are physical, structural, or mechanical devices or facilities intended to prevent pollutants from entering stormwater. The term *operational source control BMPs* are nonstructural practices that prevent or reduce pollutants entering stormwater. See: 2019 (or Draft 2026) *WSDOT Highway Runoff Manual* for additional details.
55. **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).

56. **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.)
57. **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).
58. **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 2024 *Stormwater Management Manual for Western Washington*.
59. **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(or DRAFT 2026) *WSDOT Highway Runoff Manual*.
60. **Stormwater Management Practice** or *Stormwater Management Control* means practices that manage stormwater, including structural and vegetative components of a stormwater system.
61. **Stormwater Management Program (SWMP)** refers to a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system.
62. **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.
63. **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.
64. **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*.

65. **Treatment** means stormwater management practices that treat stormwater after pollutants have been incorporated into the stormwater.
66. **Treatment BMP or Facility** means a BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs are wet ponds, oil/water separators, biofiltration swales, and constructed wetlands. See *2024 Stormwater Management Manual for Western Washington*.
67. **Tributary Conveyance** means pipes ditches, catch basins, and inlets owned or operated by the Permittee and designed or used for collecting and conveying stormwater.
68. **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.
69. **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).
70. **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.
71. **Watershed** is defined as all the land area that is drained by a water body and its tributaries.
72. **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 Reports

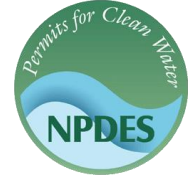
This Appendix will outline the content of the Annual Reports and provides an example format.

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.



Annual Report Template
WA State Department of Transportation
Municipal Separate Storm Sewer System (MS4)
Permit # WAS026743



Reporting Period

- ☐ **Year 1 Reporting Period:** Permit Effective Date – June 30, 2028
- *Annual Report Due Date:* October 31, 2028
- ☐ **Year 2 Reporting Period:** July 1, 2028 – June 30, 2029
- *Annual Report Due Date:* October 31, 2029
- ☐ **Year 3 Reporting Period:** July 1, 2029 – June 30, 2030
- *Annual Report Due Date:* October 31, 2030
- ☐ **Year 4 Reporting Period:** July 1, 2030 – June 30, 2031
- *Annual Report Due Date:* October 31, 2031
- ☐ **Year 5 Reporting Period:** July 1, 2031 – June 30, 2032
- *Annual Report Due Date:* October 31, 2032
- ☐ **Other** Click or tap here to enter text. *Annual Report Due on October 31st 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.

MV will Add AR Questions Here Prior to PN, as I did for Tacoma}

Appendix B. Stormwater BMP Effectiveness Monitoring Report

With each Annual Report, WSDOT must submit a Stormwater BMP Effectiveness Monitoring Report.

- The Stormwater BMP Effectiveness Monitoring Report must provide information regarding WSDOT's progress toward evaluating and quantifying the effectiveness of the Constructed Stormwater Treatment Wetland (CSTW) and the modified media filter drain (MMFD) in reducing pollutant concentrations in storm runoff from Interstate 5 during standard roadway operating conditions prior to discharging to the Tribe's portion of the Lower Puyallup River as outlined in Permit Part 5.
 - Each BMP Effectiveness Monitoring Report must summarize the data collected to date that quantifies the overall effectiveness of the Constructed Stormwater Treatment Wetland (CSTW) and the modified media filter drain (MMFD) in reducing pollutant concentrations in storm runoff from Interstate 5 during standard roadway operating conditions prior to discharging to the Tribe's portion of the Lower Puyallup River. The Report must summarize activities conducted during the preceding annual reporting period, including consideration and analysis of any/all data collected since the permit effective date, up to and including the preceding water year (October 1 – September 30).
- No later than the 4th Year Annual Report, WSDOT must prepare and submit a Preliminary Data Report to the EPA and the Puyallup Tribe, following the structure and content requirements outlined in Ecology's latest protocol for evaluating stormwater treatment technologies with long detention times as found in Appendix C of the *Technical Guidance Manual for Evaluating Emerging Stormwater Treatment Technologies: Technology Assessment Protocol – Ecology* (TAPE), dated November 2024.
 - The Preliminary Data Report must indicate whether WSDOT is on track to collect sufficient data to calculate the removal efficiencies for each measured pollutant using both the concentration-based and mass loading-based methods recommended in Appendix C of the Department of Ecology's TAPE protocol, dated November 2024.
- No later than the 5th Year Annual Report, WSDOT must submit a final Technical Evaluation Report, following the structure and content requirements outlined in Ecology's TAPE protocol for evaluating stormwater treatment technologies dated November 2024 (or later); the Final Technical Evaluation Report must include discussion and other summary information to document the calculated concentration-based and mass loading-based removal efficiencies for each measured pollutant as outlined in the Ecology TAPE protocol Appendix C (November 2024 or as subsequently updated) at <https://apps.ecology.wa.gov/publications/documents/1810038.pdf>

Appendix C. Minimum Technical Requirements

The Washington Department of Ecology (Ecology) has reviewed and determined that the *[DRAFT] 2026 Washington State Department of Transportation Highway Runoff Manual (2026 HRM)* meets the planning, minimum design requirements and best management practices for construction activities and new and existing Washington State highways, rest areas, park and ride lots, and highway maintenance facilities that are functionally equivalent to those in Ecology's *2024 Stormwater Management Manual for Western Washington (SWMMWW)*.

The Puyallup Tribe and EPA determine that the *[DRAFT] 2026 HRM* also meets the minimum technical requirements necessary to reduce the discharge of pollutants to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate requirements of the CWA and the Surface Water Quality Standards of the Puyallup Tribe, as otherwise stated in this permit.

WSDOT must therefore use the *[DRAFT] 2026 HRM* to comply with the stormwater management program control measures required by this permit in the areas draining to the MS4 outfalls specified herein.

Design-Bid-Build projects going to advertisement (AD) after December 7, 2026, or

Design-Bid projects issuing a Request for Proposal (RFP) after December 7, 2026, must comply with the 2026 HRM except as follows:

- i. Projects requiring an individual CWA § 401 Certification may be subject to additional stormwater requirements if, based on site specific information, the use of the 2026 HRM will not result in compliance with the Surface Waters of the Puyallup Tribe;
- ii. Design-Bid-Build projects receiving Design Approval before December 7, 2026, may use the 2019 HRM on the condition that the projects go to AD by July 31, 2028.
- iii. Design-Build projects receiving Conceptual Design Approval before December 7, 2026, on the condition that the RFP is issued before July 31, 2028, may use the 2019 HRM.

WSDOT's *DRAFT 2026 HRM* can be found online at:

<https://ftp.wsdot.wa.gov/incoming/Draft2026HRM/>

Appendix D. Street Waste Disposal

This Appendix contains requirements for street waste disposal, pursuant to Part 3.6 (*Maintenance*) of this permit. See also Part 7.13 (*Removed Substances*).

The source of this information is Appendix 5 – Street Waste Disposal in the Washington Department of Ecology’s Draft 2026 WSDOT GP. See: <https://ecology.wa.gov/regulations-permits/permits-certifications/stormwater-general-permits/municipal-stormwater-general-permits/wsdot-municipal-stormwater-permit>

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 in accordance with Ecology’s *Stormwater Management Manual For Western Washington*, as appropriate, a manual that has been deemed to be functionally equivalent to the SWMMWW, and/or is 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 the Washington Administrative Code (WAC) Chapter 173-350.¹ 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 the Puyallup Tribe or the Department of Ecology.

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 the 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

Analyte	Minimum Level
Dissolved cadmium	0.1 µg/L
Organics	
PAHs ^{Error! Reference source not found.}	0.1 µg/L
Pesticides: Bifenthrin (pyrethroid insecticide) and dichlobenil (herbicide); Pentachlorophenol	0.05 µg/L
Phthalates ^{Error! Reference source not found.}	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 ^{Error! Reference source not found.}	70 µg/kg

Analyte	Minimum Level
Phthalates ^{Error! Reference source not found.}	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