

construction storm water discharges or the receiving stream is a Tier 3 water, in which case Subpart 9.C.1.a.ii applies.

- i. The operator must include a Sediment Control Plan (SCP) as a part of the Storm Water Pollution Prevention Plan (SWPPP). The SCP must include site-specific interim and permanent stabilization, managerial, and structural solids, erosion, and sediment control BMPs and/or other controls that are designed to prevent an increase in the sediment yield and flow velocity from pre-construction, undisturbed conditions. This applies to discharges both during construction and after construction operations have been completed. The SCP must identify, and document the rationale for selecting these BMPs and/or other controls. The SCP must also describe design specifications, construction specifications, maintenance schedules (including a long term maintenance plan), criteria for inspections, as well as expected performance and longevity of the BMPs. Using appropriate soil loss prediction models (such as SEDCAD 4.0, RUSLE, SEDIMONT II, MULTISED, etc.), the operator(s) must demonstrate, and include documentation in the SCP, that implementation of the site-specific practices will result in sediment yields that will not be greater than the sediment yield levels from pre-construction, undisturbed conditions. The SCP must be prepared in accordance with good engineering practices and certified by a registered professional engineer. The operator(s) must design, implement, and maintain BMPs in the manner specified in the SCP and the SWPPP.
 - ii. Operators are not eligible to obtain authorization under this permit for all new storm water discharges to outstanding national resource waters (ONRWs) (also referred to as "Tier 3: waters). According to the Antidegradation Policy at Paragraph 3 of Subsection A of 20.6.4.8 NMAC, in part, "ONRWs may include, but are not limited to, surface waters of the state within national and state monuments, parks, wildlife refuges, waters of exceptional recreational or ecological significance, and waters identified under the Wild and Scenic Rivers Act." No ONRWs exist at the time this permit is being finalized; however, during the term of the permit, if a receiving water is designated as an ONRW, the operator must obtain an individual permit for storm water discharges from large and small construction activities.
- b. Storm water discharges associated with industrial activity to Clean Water Act section 303(d) waters as well as all other "waters of the State" that the New Mexico Environment Department, Surface Waters Quality Bureau (SWQB) has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard and/or that do not comply with the applicable anti-degradation provisions of the State's WQS are not authorized by this permit.

Note: Upon receipt of this determination, NMED anticipates that, within a reasonable period of time, EPA will notify the general permittee to apply for and obtain an individual NPDES permit for these discharges per 40 CFR Part 122.28(b)(3).

- c. Inspections required under Subpart 3.10 must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. The option for inspections at least once per 7 calendar days is not available. The Inspection Waivers provided in Parts 3.10.B and C still apply.
- d. Permittees can not use temporary erosion controls as described in item 3 of the Appendix A definition of "Final Stabilization" as a method for final stabilization under the permit.
- e. Signed copies of discharge monitoring reports, individual permit applications, and all other reports required by the permit to be submitted, shall also be sent to:

Program Manager
Point Source Regulation Section
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 26110
Santa Fe, NM 87502

2. NMR15000I: Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I
 - a. *Pueblo of Acoma* The following conditions apply only to discharges on the Pueblo of Acoma.

- i. A copy of the storm water pollution prevention plan, Notice of Intent, and Notice of Termination must be submitted to the Haaku Water Office at the address below. The pollution prevention plan must be submitted to the Pueblo at least thirty (30) days in advance of submitting the Notice of Intent to EPA.

HAAKU WATER OFFICE
 Pueblo of Acoma
 P.O. Box 309
 Pueblo of Acoma, NM 87034

- b. *Pueblo of Isleta* The following conditions apply only to discharges on the Pueblo of Isleta.

- i. Subpart 1.3.C.4, (Eligibility, Limitations on Coverage) first sentence, is revised to read: "This permit does not authorize discharges that EPA or the Pueblo of Isleta, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard or impairment of a designated use of receiving waters."
- ii. Subpart 2.4. (Where to Submit) is amended to add the following section (2.4.C):
 - C. Copies of all Notices of Intent submitted to EPA must also be sent concurrently to the Pueblo of Isleta at the following address. Discharges are not authorized by this permit unless an accurate and complete Notice of Intent has been submitted to the Pueblo of Islet

Regular U.S. Mail Delivery
 Environment Department
 Pueblo of Isleta
 P.O. Box 1270
 Isleta, NM 87022

OR

Overnight/Express Mail Delivery
 Environment Department
 Building L
 11000 Broadway, SE
 Albuquerque, NM 87105

- iii. Part 2 (Authorizations for Discharges of Storm Water from Construction Activity), second sentence, is amended to read: " Discharges are not authorized if your NOI is incomplete or inaccurate, if you failed to submit a copy of the NOI to the Pueblo of Isleta, or if you were never eligible for permit coverage.
- iv. Subpart 3.4. (Pollution Prevention Plan Contents: Controls to Reduce Pollutants), section A, last sentence, is amended to read: "For each major activity identified in the project description the SWPPP must clearly describe appropriate control measures, the general sequence during the construction process in which the measures will be implemented, and which operator is responsible for the control measure's implementation and maintenance."
- v. Subpart 3.8 (Copy of Permit Requirements), first sentence, is revised to read "Copies of this permit and of the signed and certified NOI form that was submitted to the Pueblo of Isleta and EPA must be included in the SWPPP."
- vi. Subpart 3.10.(Inspections), section A is revised to read "Inspections must be conducted at least once every 7 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater."
- vii. Subpart 3.10. (Inspections), section G, last paragraph, is amended to add: "Copies of inspection reports that identify incidents of noncompliance shall be sent to Pueblo of Isleta at the address listed in Subpart 2.4.C." (See above)
- viii. Subpart 3.12. (Signature, Plan Review and Making Plans Available), section A, first sentence is amended to read: "A copy of the SWPPP (including a copy of the permit) must be retained at the construction site (or other location easily accessible during normal business hours to the Pueblo of Isleta's Environmental Department, EPA, a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service) from the date of commencement of construction activities to the date of final stabilization."
- ix. Subpart 3.12. (Signature, Plan Review and Making Plans Available), section C. is amended to read: "SWPPPs must be made available upon request by EPA; representatives of the Pueblo of Isleta Environment Department, a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service to the requestor. The copy of the

SWPPP that is required to be kept on-site or locally available must be made available, in its entirety, to the EPA staff and the Pueblo of Isleta's Environment Department staff for review and copying at the time of an on-site inspection.

- x. Subpart 3.13. (Management Practices), section A is amended to add: "Erosion and sediment controls shall be designed to retain sediment on-site."
- xi. Subpart 4.3 (Releases in Excess of Reportable Quantities), first bullet is amended to read: "you must provide notice to the Pueblo of Isleta Environment Department (505-869-5748) and the National Response Center (NRC) (800-424-8802; in the Washington, DC, metropolitan area call 202-426-2675) in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 as soon as site staff have knowledge of the discharge; and"
- xii. Subpart 4.5 (Attainment of Water Quality Standards After Authorization), is amended to add the following fourth bullet:
 "You must provide the Pueblo of Isleta, at the address listed in Subpart 2.4.C, with a copy of the EPA notification, the supplemental action plan, data and certification required by EPA."
- xiii. Subpart 5.3. (Where to Submit) is amended to add the following section (5.3.C):
 C. Copies of all Notices of Termination submitted to EPA must also be sent concurrently to the Pueblo of Isleta at the following address.

Regular U.S. Mail Delivery

OR

Overnight/Express Mail Delivery

Environment Department
 Pueblo of Isleta
 P.O. Box 1270
 Isleta, NM 87022

Environment Department
 Building L
 11000 Broadway, SE
 Albuquerque, NM 87105

- xiv. Any correspondence, other than NOIs and NOTs, with the Pueblo of Isleta concerning storm water discharges authorized by this permit shall sent one of the addresses in Subpart 5.3.C (see above).
- xv. Appendix G, Section 9, first sentence is amended to read:
 "You must allow the Pueblo of Isleta's Environment Department, EPA, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:"
- xvi. Appendix G, Section 12, subsections A, B, C, F, G and H are amended to require that when you must notify EPA of an event (e.g., planned changes, anticipated noncompliance, transfers, required reporting due to potential adverse effects or environmental impacts or other noncompliance matters), the Pueblo of Isleta must also be notified.
- xvii. Parties wishing to apply for an Equivalent Analysis Waiver (see Appendix D, Section C) must provide a copy of the waiver analysis to the Pueblo of Isleta at the address specified in Subpart 5.3.C (See above) at the time it is submitted to EPA.
- c. *Pueblo of San Juan*. The following conditions apply only to discharges on the Pueblo of San Juan.
 - i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pueblo at the time it is provided to the Environmental Protection Agency, at the following address:
 Office of Environmental Affairs
 Pueblo of San Juan
 P.O. Box 717
 San Juan, NM 87566
 - ii. Appendix G, Section 10 (Monitoring and records), item D is amended to add:
 "All monitoring must be conducted in accordance with the Pueblo of San Juan's Quality Assurance Project Plan."
- d. *Pueblo of Sandía*. The following conditions apply only to discharges on the Pueblo of Sandia.

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- i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pueblo at the same time it is submitted to the Environmental Protection Agency.
 Environment Department
 Pueblo of Sandia
 Box 6008
 Bernalillo, NM 87004
 - ii. The Storm Water Pollution Prevention Plan must be available to tribal environmental personnel upon request.
 - iii. You must telephone the Pueblo of Sandia Environment Department at (505) 867-4533 of any noncompliance that may endanger human health or the environment within ten (10) hours of becoming aware of the circumstance.
 - e. *Santa Clara Pueblo*. The following conditions apply only to discharges on the Santa Clara Pueblo.
 - i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Santa Clara Pueblo Office of Environmental Affairs at the same time it is submitted to the Environmental Protection Agency.
 Santa Clara Pueblo
 Office of Environmental Affairs
 One Knee Street
 P.O. Box 580
 Espanola, NM 87532
 - f. *Pueblo of Tesuque* The following conditions apply only to discharges on the Pueblo of Tesuque.
 - i. A copy of the storm water pollution prevention plan, Notice of Intent, and Notice of Termination must be submitted to the Pueblo of Tesuque Environment Department at the address below. The Notice of Intent and the Notice of Termination must be submitted at the same time they are submitted to EPA. The pollution prevention plan must be submitted before the project begins. Phone: 505- 983-2667 FAX: 505-982-2331
 Pueblo of Tesuque
 Environment Department
 Rt. 42, Box 360-T
 Santa Fe, NM 87506
3. OKR15000F: Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).
- a. Subpart 1.3.C. (Limitations on Coverage) is modified to add paragraphs 8 and 9 as follows:
 - “8. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Big Lee Creek or an water or watershed designated “ORW” (Outstanding Resource Water) in Oklahoma’s Water Quality Standards, this permit may only be used to authorize discharges from temporary construction activities. Discharges from ongoing activities such as sand and gravel mining or any other mineral mining are not authorized.
 - 9. Activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Big Lee Creek or an water or watershed designated “ORW” (Outstanding Resource Water) in Oklahoma’s Water Quality Standards, this permit may not be used to authorize discharges from concrete or asphalt batch plants.”
- D. Region 8
- 1. MTR10000I: Indian country within the State of Montana
 - a. Confederated Salish and Kootenai Tribes of the Flathead Nation. The following conditions apply only for projects on the Flathead Indian Reservation:

- i. The permittee must send the SWPPP to the Tribes at least 30 days before construction starts. The 30 day period will give Tribal staff time to become familiar with the project site, prepare for construction inspections and determine compliance with Tribal water quality standards, as required by the Tribe's Water Quality Management Ordinance 89B (1990) and Surface Water Quality Standards & Antidegradation Policy (1995). Copies of the SWPPP should be sent to the following address:

Confederated Salish and Kootenai Tribes
 Natural Resources Department
 Department Head
 P.O. Box 278
 Pablo, MT 59855

- ii. Before submitting the Notice of Termination, permittees must clearly demonstrate to an appointed tribal staff person during an on-site inspection that requirements for site stabilization have been met and all temporary erosion control structures removed. The staff person performing the on-site inspection will be determined by the Environmental Protection Division Manager. The staff person will draft a short letter stating the stabilization requirements have been met to add to the permittees Notice of Termination submission to EPA.
- iii. The permittee must send a copy of the Notice of Intent (NOI) and the Notice of Termination (NOT) to the Tribes at the same time that the NOI and NOT is sent to EPA. Copies of the NOI and NOT should be sent to the address above.

- b. Fort Peck Tribes - Assiniboine & Sioux. The following conditions apply only for projects within the Fort Peck Indian Reservation:

- i. The permittee must send a copy of the Notice of Intent (NOI) and the Notice of Termination (NOT) to the Tribes at the same time that the NOI and NOT is sent to EPA. Copies of the NOI and NOT should be sent to the following address:

Deb Madison
 Environmental Program Manager
 Fort Peck Assiniboine & Sioux Tribes
 P.O. Box 1027
 Poplar, MT 59255

E. Region 9

1. ASR100000: The Island of American Samoa

- a. Discharges authorized by the general permit shall meet all applicable American Samoa water quality standards.
- b. Permittees discharging under the general permit shall comply with all conditions of the permit.

2. AZR100001: Indian country lands within the State of Arizona, including Navajo Reservation lands in New Mexico and Utah

- a. White Mountain Apache Tribe. The following condition applies only for projects on the White Mountain Apache Reservation: All NOIs for proposed storm water discharge coverage shall be provided to the following address:

Tribal Environmental Planning Office
 P.O. Box 2109
 Whiteriver, AZ 85941

3. NIR100000: Commonwealth of the Northern Mariana Islands (CNMI)

- a. An Earthmoving and Erosion Control Permit shall be obtained from the CNMI DEQ prior to any construction activity covered under the NPDES general permit.
- b. All conditions and requirements set forth in the USEPA NPDES general permit for discharges from large and small construction must be complied with.

- c. A SWPPP for storm water discharges from construction activity must be approved by the Director of the CNMI DEQ prior to the submission of the NOI to USEPA. The CNMI address for the submittal of the SWPPP for approval is:
- Commonwealth of the Northern Mariana Islands
Office of the Governor
Director, Division of Environmental Quality (DEQ)
P.O. Box 501304 C.K.
Saipan, MP 96950-1304
- d. An NOI to be covered by the general permit for discharges from large and small construction sites must be submitted to CNMI DEQ (use above address) and USEPA, Region 9, in the form prescribed by USEPA, accompanied by a SWPPP approval letter from CNMI DEQ.
- e. The NOI must be postmarked seven (7) calendar days prior to any storm water discharges and a copy must be submitted to the Director of CNMI DEQ (use above address) no later than seven (7) calendar days prior to any stormwater discharges.
- f. Copies of all monitoring reports required by the NPDES general permit must be submitted to CNMI DEQ (use above address).
- g. In accordance with section 10.3(h) and (i) of the CNMI water quality standards, CNMI DEQ reserves the right to deny coverage under the general permit and to require submittal of an application for an individual NPDES permit based on a review of the NOI or other information made available to the Director.

F. Region 10

1. AKR100000: The State of Alaska, except Indian country
- a. Operators of construction projects disturbing five or more acres occurring outside the Municipality of Anchorage must submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent (NOI) to the State of Alaska Department of Environmental Conservation (ADEC) for review, and shall be accompanied by the state-required fee of \$400. Submittal of the SWPPP and the NOI to the ADEC should be made at the same time the NOI is submitted to the EPA.
- b. Operators of publicly-funded projects disturbing five or more acres occurring within the Municipality of Anchorage must submit a copy of the SWPPP and a copy of the NOI to the ADEC for review, and shall be accompanied by the state-required fee of \$400. Submittal of the SWPPP and the NOI to the ADEC should be made at the same time the NOI is submitted to the EPA.
- c. Operators of construction projects disturbing at least one acre and less than five acres must submit a copy of the NOI to the ADEC at the same time it is submitted to the EPA.
- d. Storm Water Pollution Prevention Plans and Notices of Intent must be submitted to ADEC at the following address:
- Alaska Department of Environmental Conservation
Water Quality Permitting/Storm Water
555 Cordova Street
Anchorage, Alaska 99501
- e. Operators of private construction projects disturbing one or more acres within the Municipality of Anchorage shall submit a copy of the Storm Water Pollution Prevention Plan to the Municipality at the following address:
- Municipality of Anchorage, Office of Planning Development and Public Works
4700 S. Bragaw Street
P.O. Box 196650
Anchorage, Alaska 99519-6650
- f. Submittal of the SWPPP to the Municipality of Anchorage should be made before or at the same time the NOI is submitted to the EPA and the ADEC and shall be accompanied by any Municipality-required fee.

2. IDR100000: The State of Idaho, except Indian country
- a. Any construction related storm water discharges to impaired water bodies on Idaho's Clean Water Act (CWA) Section 303(d) list with EPA-approved Total Maximum Daily Loads (TMDL) must be consistent with any load allocations established by the applicable TMDL.
 - b. No net increase of listed pollutants is allowed in any construction related storm water discharges to an impaired water body considered "high priority" as included on Idaho's CWA Section 303(d) list that does not yet have an EPA-approved TMDL.
 - c. If a TMDL has not been established for an impaired water body considered "medium priority" or "low priority" as included on Idaho's CWA Section 303(d) list, BMPs shall be employed as necessary to prohibit further impairment of the designated or existing beneficial uses.
 - d. Only BMPs authorized by the appropriate designated agency as defined in the Idaho Water Quality Standards and Wastewater Treatment Requirements (IDAPA 58.01.02 et seq.), or otherwise approved by the Idaho Department of Environmental Quality, will be allowed.
 - e. Use of the "Equivalent Analysis Waiver" in Addendum D is not authorized.
 - f. Operators may contact the Idaho Department of Environmental Quality regional office nearest the construction activity for more information about impaired waterways:

Boise Regional Office:
1445 N. Orchard
Boise ID 83706-2239
Tel: (208)373-0550
Fax: (208)373-0287

Cascade Satellite Office:
109 N. Main St., PO Box 247
Cascade, ID 83611
Tel: (208)382-6808
Fax: (208)382-3327

Coeur d'Alene Regional Office:
2110 Ironwood Parkway
Coeur d'Alene ID 83814
Tel: (208)769-1422
Fax: (208)769-1404

Grangeville Satellite Office:
300 W. Main
Grangeville ID 83530
Tel: (208)983-0808
Fax: (208)983-2873

Idaho Falls Regional Office:
900 N. Skyline, Suite B
Idaho Falls, ID 83402
Tel: (208)528-2650
Fax: (208)528-2695

Lewiston Regional Office:
1118 "F" Street
Lewiston, ID 83501
Tel: (208)799-4370
Toll Free: 1-877-541-3304
Fax: (208)799-3451

Pocatello Regional Office:
444 Hospital Way #300
Pocatello ID 83201
Tel: (208)236-6160
Fax: (208)236-6168

Twin Falls Regional Office:
601 Pole Line Road, Suite 2
Twin Falls, ID 83301
Tel: (208)736-2190
Fax: (208)736-2194

3. ORR100001: Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9):
- a. Confederated Tribes of the Umatilla Indian Reservation. The following conditions apply only for projects within the exterior boundaries of the Umatilla Indian Reservation:
 - i. The operator shall be responsible for achieving compliance with the Confederated Tribes of the Umatilla Indian Reservation's (CTUIR) Water Quality Standards.
 - ii. The operator shall submit all Erosion Control and/or Storm Water Pollution Prevention Plans to the CTUIR Water Resources Program for review and approval by the Department of Natural Resources Director prior to submitting the Notice of Intent to EPA and prior to beginning any discharge activities.
 - iii. The operator shall contact the CTUIR Tribal Historic Preservation Office (THPO) prior to beginning any construction activities to determine whether a cultural resource survey of the project area or other investigation is required. All cultural resource fieldwork must be conducted by qualified personnel and documented using Oregon Reporting Standards. The resulting report must be submitted to the THPO for concurrence at least 30 days before any ground disturbing work can occur at the site. The operator must obtain THPO concurrence in the form of a letter, which (if necessary) will include any measures that must be taken to prevent or mitigate adverse effects to potentially eligible historic properties, prior to any ground disturbing work.
 - iv. The operator shall submit copies of the Notice of Intent to the CTUIR Water Resources Program and the CTUIR Tribal Historic Preservation Office at the same time it is submitted to EPA.

- v. Erosion Control and Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:

Confederated Tribes of the Umatilla Indian Reservation
Water Resources Program
P.O. Box 638
Pendleton, OR 97801
(541) 276-3447

Confederated Tribes of the Umatilla Indian Reservation
Cultural Resources Protection Program
Tribal Historic Preservation Office
P.O. Box 638
Pendleton, OR 97801
(541) 276-3629

- b. Confederated Tribes of Warm Springs. The following conditions apply only for projects on the Warm Springs Indian Reservation:
- i. All activities covered by this NPDES general permit occurring within a designated riparian buffer zone as established in Ordinance 74 (Integrated Resource Management Plan or IRMP) must be reviewed, approved and permitted through the Tribe's Hydraulic Permit Application process, including payment of any applicable fees.
 - ii. All activities covered by this NPDES general permit must follow all applicable land management and resource conservation requirements specified in the IRMP.
 - iii. Operators of activities covered by this NPDES general permit must submit a Storm Water Pollution Prevention Plan to the Tribe's Water Control Board at the following address for approval at least 30 days prior to beginning construction activity:

Chair, Warm Springs Water Control Board
P.O. Box C
Warm Springs, Oregon 97761

4. WAR10000F: Federal Facilities in the State of Washington, except those located on Indian Country

The following conditions apply to stormwater discharges from all permitted construction sites which disturb one acre or more and which discharge to surface waters (40 CFR part 122.26(b)(14)(x) and 122.26 (b)(15)):

- a. Discharges must not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), sediment management standards (Chapter 173-204 WAC), ground water quality standards (Chapter 173-200 WAC), and human health-based criteria in the National Toxics Rule (Federal Register, Vol. 57, No. 246, Dec. 22, 1992, pages 60848-60923). Discharges that are not in compliance with these standards are not authorized.
- b. You must apply all known available and reasonable methods of prevention, control and treatment (AKART), including the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate BMPs installed and maintained in accordance with the SWPPP and the terms and conditions of this permit.
- c. Stormwater BMPs must be properly designed, constructed, maintained and operated to:
 - i. Prevent pollution of state waters and protect water quality, including compliance with applicable state water quality standards;
 - ii. Satisfy state requirements for all known available and reasonable methods of prevention, control and treatment (AKART) of wastes (including construction stormwater runoff) prior to discharge to waters of the state; and
 - iii. Satisfy the federal technology-based treatment requirements under 40 CFR part 125.3.
- d. You must document the technical basis for the design criteria used to select and design your stormwater management BMPs. You must document within your Stormwater Pollution Prevention Plan (SWPPP) how stormwater BMPs were selected, the pollutant removal performance expected from the BMP being selected, the technical basis (scientific, technical studies, and/or modeling) which support the performance claims for the BMPs being selected, and an assessment of how the selected BMP will

comply with state water quality standards, satisfy the state AKART requirements, and satisfy the federal technology-based treatment requirements.

If you choose to follow the stormwater management practices contained in stormwater technical manuals approved by Washington State, including the proper selection, implementation and maintenance of appropriate BMPs, you are presumed to have satisfied this demonstration requirement and do not need to include within the SWPPP the technical basis which support the performance claims for the BMPs being used. The SWPPP must include a reference to the manual used. Approved stormwater technical manuals include:

- i. Stormwater Management Manual for Western Washington, August 2001, for sites west of the crest of the Cascade Mountains;
 - ii. Stormwater Management Manual for Eastern Washington, (completion expected in the fall of 2003) for sites east of the crest of the Cascade Mountains; or
 - iii. Other equivalent stormwater management guidance documents approved by Ecology.
- e. Stormwater discharges from construction sites which disturb 5 acres or more (40 CFR part 122.26(b)(14)(x)) and which discharge to surface waters listed as impaired by the state under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, and/or phosphorus are subject to an effluent limitation that is equal to the applicable water quality standards at the point of discharge. If impairment is due to turbidity and/or fine sediment, the turbidity at the point of discharge shall not exceed the background (upstream) turbidity of the receiving water.
- i. Effluent limitations apply to direct discharges to listed waterbodies as well as indirect discharges via a stormwater conveyance system.
 - ii. All references and requirements associated with Section 303(d) of the Clean Water Act shall use the most current listing by Ecology of impaired waters that exists at the time of application for coverage under this permit
- f. Stormwater discharges from construction sites which disturb 5 acres or more (40 CFR part 122.26(b)(14)(x)) and which discharge to surface waters for which there is a total maximum daily load (TMDL) allocation or other control plan that addresses sediment (including turbidity, fine sediment, total suspended solids or siltation), high pH, or phosphorus must be consistent with the requirements in the approved TMDL or applicable control plan. Control plans may be total maximum daily load (TMDL) determinations, restrictions for the protection of endangered species, ground water management plans, or other limitations that regulate or set limits on discharges to a specific waterbody or groundwater recharge area.

Information on impaired waterways is available from the Department of Ecology web site at: <http://www.ecy.wa.gov/programs/wq/stormwater>. You may also contact the Department of Ecology for more information about impaired waterways at:

Mailing Address:

Department of Ecology
Stormwater Unit
PO Box 47600
Olympia, WA 98504-7600
Phone: 360-407-6000

Physical Address:

Department of Ecology
300 Desmond Drive
Lacey, WA 98503
Phone: 360-407-6000

5. WAR10000I: Indian country within the State of Washington
- a. Puyallup Tribe of Indians. The following conditions apply only for projects on the Puyallup Reservation:
 - i. Each operator shall be responsible for achieving compliance with the Puyallup Tribe's Water Quality Standards.

- ii. Each operator shall submit all Pollution Prevention Plans to the Puyallup Tribe Environmental Department for review and approval prior to beginning any discharge activities.
 - iii. Each operator shall submit a copy of the Notice of Intent to the Puyallup Tribal Environmental Department at the same time it is submitted to EPA.
 - iv. Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:
Puyallup Tribe Natural Resources, Environmental Department
1850 Alexander Avenue
Tacoma, WA 98421
- b. Confederated Tribes of the Chehalis Reservation. The following conditions apply only for projects on the Chehalis Reservation:
- i. The operator shall be responsible for achieving compliance with the Chehalis Tribe's Water Quality Standards.
 - ii. The operator shall submit a Storm Water Pollution Prevention Plan to the Chehalis Tribe Department of Natural Resources for review and approval at least thirty (30) days prior to beginning any discharge activities.
 - iii. The operator shall submit a copy of the Notice of Intent to the Chehalis Tribe Department of Natural Resources at the same time it is submitted to EPA.
 - iv. Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:
Chehalis Tribe Department of Natural Resources
420 Howanut Road
Oakville, WA 98568

Appendix A - Definitions and Acronyms**Definitions**

"Arid Areas" means areas with an average annual rainfall of 0 to 10 inches.

"Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Commencement of Construction Activities" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material).

"Control Measure" as used in this permit, refers to any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

"CWA" means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

"Discharge" when used without qualification means the "discharge of a pollutant."

"Discharge of Storm Water Associated with Construction Activity" as used in this permit, refers to a discharge of pollutants in storm water from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

"Eligible" means qualified for authorization to discharge storm water under this general permit.

"Facility" or "Activity" means any "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

"Federal Facility" means any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the Federal government.

"Final Stabilization" means that:

1. All soil disturbing activities at the site have been completed and either of the two following criteria are met:
 - a. a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
 - b. equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
2. When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent ($0.70 \times 0.50 = 0.35$) would require 35 percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.
3. In arid and semi-arid areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
 - a. Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by you,
 - b. The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.
4. For individual lots in residential construction, final stabilization means that either:
 - a. The homebuilder has completed final stabilization as specified above, or

- b. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.
5. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to "water of the United States," and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (1) or (2) or (3) above.

"Indian country" is defined at 40 CFR §122.2 to mean:

1. 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;
2. All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

"Large Construction Activity" is defined at 40 CFR §122.26(b)(14)(x) and incorporated here by reference. A large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

"Municipal Separate Storm Sewer System" or "MS4" is defined at 40 CFR §122.26(b)(8) to mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and 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, storm water, 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;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

"New Project" means the "commencement of construction activities" occurs after the effective date of this permit.

"Ongoing Project" means the "commencement of construction activities" occurs before the effective date of this permit.

"Operator" for the purpose of this permit and in the context of storm water associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of EPA's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of storm water associated with construction activity.

"Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

“Permitting Authority” means the United States Environmental Protection Agency, EPA, a Regional Administrator of the Environmental Protection Agency or an authorized representative.

“Point Source” 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 storm water runoff.

“Pollutant” is defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

“Project Area” means:

- The areas on the construction site where storm water discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavation, site development, or other ground disturbance activities occur) and the immediate vicinity. (Example: 1. Where bald eagles nest in a tree that is on or bordering a construction site and could be disturbed by the construction activity or where grading causes storm water to flow into a small wetland or other habitat that is on the site that contains listed species.)
- The areas where storm water discharges flow from the construction site to the point of discharge into receiving waters. (Example: Where storm water flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as amphibians) are found in the ditch, swale, or gully.)
- The areas where storm water from construction activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where storm water from construction activities discharges into a stream segment that is known to harbor listed aquatic species.)
- The areas where storm water BMPs will be constructed and operated, including any areas where storm water flows to and from BMPs. (Example: Where a storm water retention pond would be built.)
- The areas upstream and /or downstream from construction activities discharges into a stream segment that may be affected by the said discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

“Receiving water” means the “Water of the United States” as defined in 40 CFR §122.2 into which the regulated storm water discharges.

“Runoff coefficient” means the fraction of total rainfall that will appear at the conveyance as runoff.

“Semi-Arid Areas” means areas with an average annual rainfall of 10 to 20 inches.

“Site” means the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity.

“Small Construction Activity” is defined at 40 CFR §122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

“Storm Water” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Storm Water Discharge-Related Activities” as used in this permit, include: activities that cause, contribute to, or result in storm water point source pollutant discharges, including but not limited to: excavation, site development, grading and other surface disturbance activities; and measures to control storm water including the siting, construction and operation of BMPs to control, reduce or prevent storm water pollution.

“Total Maximum Daily Load” or “TMDL” means the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

"Waters of the United States" is as defined at 40 CFR §122.2.

"Wetland" 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.

ACRONYMS

BMP - Best Management Practices

CGP - Construction General Permit

CFR - Code of Federal Regulations

CWA - Clean Water Act

EPA - United States Environmental Protection Agency

ESA - Endangered Species Act

FWS - United States Fish and Wildlife Service

MS4 - Municipal Separate Storm Sewer System

MSGP - Multi-Sector General Permit

NHPA - National Historic Preservation Act

NMFS - United States National Marine Fisheries Service

NOI - Notice of Intent

NOT - Notice of Termination

NPDES - National Pollutant Discharge Elimination System

POTW - Publicly Owned Treatment Works

SHPO - State Historic Preservation Officer

SWPPP - Storm Water Pollution Prevention Plan

THPO - Tribal Historic Preservation Officer

TMDL - Total Maximum Daily Load

WQS - Water Quality Standard

Appendix B - Permit Areas Eligible for Coverage

Permit coverage for storm water discharges from construction activity occurring within the following areas is provided by legally separate and distinctly numbered permits:

1. EPA Region 1: CT, MA, ME, NH, RI, VT

US EPA, Region 01
 Office of Ecosystem Protection
 NPDES Storm Water Program
 1 Congress St, Suite 1100 (CMU)
 Boston, MA 02114-2023

The States of Connecticut, Maine, Rhode Island, and Vermont are the NPDES Permitting Authority for the majority of discharges within their respective states.

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
MAR100000	Commonwealth of Massachusetts (except Indian country)
MAR100001	Indian country within the State of Massachusetts
CTR100001	Indian country within the State of Connecticut
NHR100000	State of New Hampshire
RIR100001	Indian country within the State of Rhode Island
VTR10000F	Federal Facilities in the State of Vermont
MER100001	Indian country within the State of Maine

2. EPA Region 2: NJ, NY, PR, VI

For NJ, NY, and VI:

US EPA, Region 02
 NPDES Storm Water Program
 290 Broadway, 24th Floor
 New York, NY 10007-1866

For PR:

US EPA, Region 02
 Caribbean Environmental Protection Division
 NPDES Storm Water Program
 1492 Ponce de Leon Ave
 Central Europa Building, Suite 417
 San Juan, PR 00907-4127

The State of New York is the NPDES Permitting Authority for the majority of discharges within its state. The State of New Jersey and the Virgin Islands are the NPDES Permitting Authority for all discharges within their respective states.

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
NYR100001	Indian country within the State of New York
PRR100000	The Commonwealth of Puerto Rico

3. EPA Region 3: DE, DC, MD, PA, VA, WV

US EPA, Region 03
 NPDES Storm Water Program
 1650 Arch St
 Philadelphia, PA 19103

The State of Delaware is the NPDES Permitting Authority for the majority of discharges within its state. Maryland, Pennsylvania, Virginia, and West Virginia are the NPDES Permitting Authority for all discharges within their respective states.

<u>Permit No.</u>	<u>Areas of Coverage/Where EPA is Permitting Authority</u>
DCR100000	The District of Columbia
DER10000F	Federal Facilities in the State of Delaware

4. EPA Region 4: AL, FL, GA, KY, MS, NC, SC, TN

US EPA, Region 04
 Water Management Division
 NPDES Storm Water Program
 61 Forsyth St SW
 Atlanta, GA 30303-3104

Coverage Not Available. Construction activities in Region 4 must obtain permit coverage under an alternative permit.

5. EPA Region 5: IL, IN, MI, MN, OH, WI

US EPA, Region 05
 NPDES & Technical Support
 NPDES Storm Water Program
 77 W Jackson Blvd
 (WN-16J)
 Chicago, IL 60604-3507

The States of Michigan, Minnesota, and Wisconsin are the NPDES Permitting Authority for the majority of discharges within their respective states. The States of Illinois, Indiana, and Ohio are the NPDES Permitting Authorities for all discharges within their respective states.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
MIR10000I	Indian country within the State of Michigan
MNR10000I	Indian country within the State of Minnesota
WIR10000I	Indian country within the State of Wisconsin, except the Sokaogon Chippewa (Mole Lake) Community.

6. EPA Region 6: AR, LA, OK, TX, NM (except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands)

US EPA, Region 06
 NPDES Storm Water Program
 1445 Ross Ave, Suite 1200
 Dallas, TX 75202-2733

The States of Louisiana, Oklahoma, and Texas are the NPDES Permitting Authority for the majority of discharges within their respective state. The State of Arkansas is the NPDES Permitting Authority for all discharges within its respective state.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
LAR15000I	Indian country within the State of Louisiana
NMR150000	The State of New Mexico, except Indian country
NMR15000I	Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.
OKR15000I	Indian country within the State of Oklahoma
OKR15000F	Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).
TXR15000F	Discharges in the State of Texas that are not under the authority of the Texas Commission on Environmental Quality (formerly TNRCC), including activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline.
TXR15000I	Indian country within the State of Texas.

7. EPA Region 7: IA, KS, MO, NE (except see Region 8 for Pine Ridge Reservation Lands)

US EPA, Region 07
 NPDES Storm Water Program
 901 N 5th St
 Kansas City, KS 66101

The States of Iowa, Kansas, and Nebraska are the NPDES Permitting Authority for the majority of discharges within their respective states. The State of Missouri is the NPDES Permitting Authority for all discharges within its state.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
IAR10000I	Indian country within the State of Iowa
KSR10000I	Indian country within the State of Kansas
NER10000I	Indian country within the State of Nebraska, except Pine Ridge Reservation lands (see Region 8)

8. EPA Region 8: CO, MT, ND, SD, WY, UT (except see Region 9 for Goshute Reservation and Navajo Reservation Lands), the Ute Mountain Reservation in NM, and the Pine Ridge Reservation in NE.

US EPA, Region 08
NPDES Storm Water Program
999 18th St, Suite 300
(EPR-EP)
Denver, CO 80202-2466

The States of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming are the NPDES Permitting Authority for the majority of discharges within their respective states.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
COR10000F	Federal Facilities in the State of Colorado, except those located on Indian country
COR10000I	Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
MTR10000I	Indian country within the State of Montana
NDR10000I	Indian country within the State of North Dakota, as well as that portion of the Standing Rock Reservation located in South Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under South Dakota permit SDR10000I listed below)
SDR10000I	Indian country within the State of South Dakota, as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota (except for the Standing Rock Reservation which is covered under North Dakota permit NDR10000I listed above)
UTR10000I	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)
WYR10000I	Indian country within the State of Wyoming

9. EPA Region 9: CA, HI, NV, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Goshute Reservation in UT and NV, the Navajo Reservation in UT, NM, and AZ, the Duck Valley Reservation in ID, and the Fort McDermitt Reservation in OR.

US EPA, Region 09
NPDES Storm Water Program
75 Hawthorne St
San Francisco, CA 94105-3901

The States of Arizona, California and Nevada are the NPDES Permitting Authority for the majority of discharges within their respective states. The State of Hawaii is the NPDES Permitting Authority for all discharges within its state.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
ASR100000	The Island of American Samoa
AZR10000I	Indian country within the State of Arizona, as well as Navajo Reservation lands in New Mexico and Utah
CAR10000I	Indian country within the State of California
GUR100000	The Island of Guam
JAR100000	Johnston Atoll
MWR100000	Midway Island and Wake Island
NIR100000	Commonwealth of the Northern Mariana Islands
NVR10000I	Indian country within the State of Nevada, as well as the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Goshute Reservation in Utah

10. EPA Region 10: AK, WA, ID (except see Region 9 for Duck Valley Reservation Lands), and OR (except see Region 9 for Fort McDermitt Reservation).

US EPA, Region 10
 NPDES Storm Water Program
 1200 6th Ave (OW-130)
 Seattle, WA 98101-1128
 Phone: (206) 553-6650

The States of Oregon and Washington are the NPDES Permitting Authority for the majority of discharges within their respective states.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
AKR100000	The State of Alaska, except Indian country
AKR10000I	Indian country within the state of Alaska
IDR100000	The State of Idaho, except Indian country
IDR10000I	Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)
ORR10000I	Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)
WAR10000F	Federal Facilities in the State of Washington, except those located on Indian country
WAR10000I	Indian country within the State of Washington

Appendix C - Endangered Species Act Review Procedures

You must meet at least one of the six criteria in Subpart 1.3.C.6 to be eligible for coverage under this permit. You must follow the procedures in this Appendix to assess the potential effects of storm water discharges and storm water discharge-related activities on listed species and their critical habitat. When evaluating these potential effects, operators must evaluate the entire project area.

For purposes of this Appendix, the term "project area" is inclusive of the term "Action Area." Action area is defined in 50 CFR §402.02 as all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. This includes areas beyond the footprint of the construction area that may be affected by storm water discharges and storm water discharge related activities. "Project area" is defined in Appendix A.

(Operators who are eligible and able to certify eligibility under Criterion B, C, D, or F of Subpart 1.3.C.6 because of a previously issued ESA section 10 permit, a previously completed ESA section 7 consultation, or because the operator's activities were already addressed in another operator's certification of eligibility may proceed directly to Step Four.)

Step One: Determine if Listed Threatened or Endangered Species are Present On or Near Your Project Area

You must determine, to the best of your knowledge, whether listed species are located on or near your project area. To make this determination, you should:

- Determine if listed species are in your county or township. The local offices of the U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS), and State or Tribal Heritage Centers often maintain lists of federally listed endangered or threatened species on their internet sites. Visit www.epa.gov/npdes/stormwater/cgp to find the appropriate site for your state or check with your local office. In most cases, these lists allow you to determine if there are listed species in your county or township.
- If there are listed species in your county or township, check to see if critical habitat has been designated and if that area overlaps or is near your project area.
- Contact your local FWS, NMFS, or State or Tribal Heritage Center to determine if the listed species could be found on or near your project area and if any critical habitat areas have been designated that overlap or are near your project area. Critical habitat areas maybe designated independently from the listed species for your county, so even if there are no listed species in your county or township, you must still contact one of the agencies mentioned above to determine if there are any critical habitat areas on or near your project area.

You can also find critical habitat designations and associated requirements at 50 CFR Parts 17 and 226. <http://www.access.gpo.gov>.

- If there are no listed species in your county or township, no critical habitat areas on or near your project area, or if your local FWS, NMFS, or State or Tribal Heritage Center indicates that listed species are not a concern in your part of the county or township, you may check box A on the Notice of Intent Form.
- If there are listed species and if your local FWS, NMFS, or State or Tribal Heritage Center indicates that these species could exist on or near your project area, you will need to do one or more of the following:
 - Conduct visual inspections: This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal storm water collection systems.
 - Conduct a formal biological survey. In some cases, particularly for larger construction sites with extensive storm water discharges, biological surveys may be an appropriate way to assess whether species are located on or near the project area and whether there are likely adverse effects to such species. Biological surveys are frequently performed by environmental consulting firms. A biological survey may in some cases be useful in conjunction with Steps Two, Three, or Four of these instructions.
 - Conduct an environmental assessment under the National Environmental Policy Act (NEPA). Such reviews may indicate if listed species are in proximity to the project area. Coverage under the CGP does not trigger such a review because the CGP does not regulate new sources (that is, dischargers subject to New Source Performance Standards under section 306 of the Clean Water Act), and is thus statutorily