The Tulalip Tribes of Washington

I-5 / 4th ST and 88th ST NE
Corridor Improvements

Tulalip Tribes Project No. 2026-014

ADDENDUM NO. 1 – July 14, 2026
to
Request for Bid Proposals

The Tulalip Tribes of Washington

ADDENDUM NO. 1 – July 14, 2026

Sealed bid proposals will be received by the Tulalip Tribes of Washington, at the Job Shack Site located at 11404 - 34th Avenue NE, Tulalip, WA for the following Project:

Tulalip Tribes *Project No. 2026-014*
I-5 / 4th ST and 88th ST NE Corridor Improvements
Tulalip, Washington

Related to Request for Bid Proposals
Bid Package 2026-014
I-5 / 4th ST and 88th ST NE Corridor Improvements

until Tuesday, August 11, 2026, at 2:00 p.m., at which time all bids will be opened and read aloud. All required bid documentation shall be submitted to the 11404 - 34th Avenue NE Job Shack Site by the scheduled bid date and times. ORAL, TELEPHONIC, FAXED, OR TELEGRAPHIC BIDS WILL NOT BE ACCEPTED.

This Addendum is being issued to provide clarifications to certain Bid Document related issues and or questions received from potential Bidders related to the above Project. Submitted Request for Bid Proposals shall conform to the requirements of this Addendum. Unless specifically changed and/or amended by this Addendum all other requirements, terms and conditions of the Bid Documents and any previous addenda shall remain unchanged.

1. The following changes, additions, and/or deletions to the Bid Documents dated June 25, 2026, hereby become a part of the Bid Documents.
2. Bidders shall notify all their Subcontractors affected by this Addendum.
3. It is essential that prospective Bidders note the contents of this Addendum and the Tulalip Tribes of Washington be made aware the Addendum has been received. Therefore, Bidder shall acknowledge receipt of this Addendum on the Request for Bid Proposal form.

CLARIFICATIONS

Contractor questions and responses through July 8, 2026, have been provided for information only. Provisions of Contract Documents remain in full force and effect and are not impacted from the information attached to this Addendum.

NOTICE TO BIDDERS

1. The bid opening date has been revised to August 11, 2026.
2. The construction bid cost range is $50 million to $62 million.

INSTRUCTIONS TO BIDDERS

1. Revise section 2.3.1.2 to state “In order to prevent an extension of the bid opening, the Bidder is encouraged to make all requests for interpretation or clarification a minimum of ten (10) days before the bid opening.”

SPECIFICATIONS

1. SP-69 Line 1-2 revise “Contacting Agency” to “Contracting Agency”

DRAWINGS

1. No Change

BID PROPOSAL FORM

1. Pages BPF-3 to BPF-18 and BPF-22 to BPF-40 are replaced as indicated below in the attachments.

CONTRACT FORM

1. No change

ATTACHMENTS

1. Bid Proposal Form pages BPF-3 to BPF-18 and BPF-22 to BPF-40 (bid schedules A-D and G-J).
2. EPA NPDES permit and associated SWPPP
3. Contractor Clarifications Q&A

END OF ADDENDUM NO. 1

BID SCHEDULE

TULALIP TRIBES

I-5 4TH ST AND 88TH ST NE CORRIDOR IMPROVEMENTS PROJECT
SCHEDULE OF PRICES

SCHEDULES A THROUGH L

(Work Within Tribal Reservation Boundary
Washington State Sales Tax Does Not Apply)

Schedule A – Marine Dr NE – Work Within the Tribal Reservation Boundary Outside WSDOT Right-of-Way					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
SECTION 1: PREPARATION					
A1	MOBILIZATION	L.S.	1	$	$
A2	CLEARING AND GRUBBING	ACRE	1.14	$	$
A3	REMOVING DRAINAGE STRUCTURE	EACH	12	$	$
A4	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	L.S.	1	$	$
A5	REMOVING CEMENT CONC. SIDEWALK	S.Y.	128	$	$
A6	REMOVING ASPHALT CONC. PAVEMENT	S.Y.	661	$	$
SECTION 2: GRADING					
A7	ROADWAY EXCAVATION INCL. HAUL	C.Y.	7,534	$	$
A8	GRAVEL BORROW INCL. HAUL	TON	1,321	$	$
A9	EMBANKMENT COMPACTION	C.Y.	710	$	$
A10	DEWATERING	L.S.	1	$	$
SECTION 4: DRAINAGE					
A11	QUARRY SPALLS	C.Y.	8	$	$
A12	UNDERDRAIN PIPE 6 IN. DIAM.	L.F.	148	$	$
A13	DRAIN PIPE 6 IN. DIAM.	L.F.	8	$	$
A14	HIGH-DENSITY POLYETHYLENE (HDPE) PIPE 4 IN. DIAM.	L.F.	31	$	$
A15	HIGH-DENSITY POLYETHYLENE (HDPE) PIPE 12 IN. DIAM.	L.F.	974	$	$
SECTION 5: STORM SEWER					
A16	CATCH BASIN TYPE 1	EACH	37	$	$
A17	CATCH BASIN TYPE 2 48 IN. DIAM.	EACH	10	$	$
A18	TESTING STORM SEWER PIPE	L.F.	2,222	$	$
A19	SCHEDULE A STORM SEWER PIPE 12 IN. DIAM.	L.F.	1,217	$	$
A20	STORMWATER TREATMENT VAULT OPTION 1 - STANDARD	EACH	1	$	$

Schedule A – Marine Dr NE – Work Within the Tribal Reservation Boundary Outside WSDOT Right-of-Way					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
A21	STORMWATER TREATMENT VAULT OPTION 1 - LARGE	EACH	1	$	$
A22	STORMWATER TREATMENT VAULT OPTION 2 - STANDARD	EACH	1	$	$
SECTION 6: SANITARY SEWER					
A23	ADJUST MANHOLE	EACH	2	$	$
SECTION 8: STRUCTURES					
A24	STRUCTURAL EARTH WALL	S.F.	480	$	$
A25	STRUCTURE EXCAVATION CLASS A INCL. HAUL	C.Y.	75	$	$
A26	GRAVEL BORROW FOR STRUCTURAL EARTH WALL	C.Y.	174	$	$
A27	TEXTURED CEMENT CONC. PAVEMENT CLASS 4000 FOR TRUCK APRON	S.Y.	265	$	$
SECTION 9: SURFACING					
A28	CRUSHED SURFACING BASE COURSE	TON	5,256	$	$
SECTION 13: CEMENT CONCRETE PAVEMENT					
A29	TEXTURED COMMERCIAL CONC. FOR BUFFER	S.Y.	163	$	$
A30	TEXTURED COMMERCIAL CONC. FOR SPLITTER ISLAND	S.Y.	663	$	$
SECTION 14: HOT MIX ASPHALT					
A31	PLANING BITUMINOUS PAVEMENT	S.Y.	390	$	$
A32	HMA CL. 1/2 IN. PG 58H-22	TON	5,389	$	$
A33	JOB MIX COMPLIANCE PRICE ADJUSTMENT	CALC	1	$ 19,410	$ 19,410
A34	COMPACTION PRICE ADJUSTMENT	CALC	1	$ 12,940	$ 12,940
A35	ASPHALT COST PRICE ADJUSTMENT	CALC	1	$ 27,300	$ 27,300
SECTION 16: IRRIGATION AND WATER DISTRIBUTION					
A36	PERMANENT IRRIGATION SYSTEM	L.S.	1	$	$
SECTION 17: EROSION CONTROL AND ROADSIDE RESTORATION					
A37	SILT FENCE	L.F.	2,165	$	$
A38	ESC LEAD	DAY	180	$	$
A39	TOPSOIL TYPE A	C.Y.	883	$	$
A40	CHECK DAM	L.F.	30	$	$
A41	STREET CLEANING	HR	450	$	$
A42	INLET PROTECTION	EACH	71	$	$
A43	EROSION/WATER POLLUTION CONTROL	EST.	1	$ 24,000	$ 24,000
A44	SOIL AMENDMENT	ACRE	1.02	$	$
A45	PSIPE, MAHONIA REPENS, #1 CONT.	EACH	156	$	$

Schedule A – Marine Dr NE – Work Within the Tribal Reservation Boundary Outside WSDOT Right-of-Way					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
A46	PSIPE, BLUE OAT GRASS, #2 CONT.	EACH	114	$	$
A47	SEEDED LAWN INSTALLATION	S.Y.	4,612	$	$
A48	BARK OR WOOD CHIP MULCH	C.Y.	28	$	$
A49	ENVIRONMENTAL COMPLIANCE LEAD	L.S.	1	$	$
A50	PLANT ESTABLISHMENT - SECOND YEAR	EST.	1	$ 79,000	$ 79,000
A51	PLANT ESTABLISHMENT - THIRD YEAR	EST.	1	$ 53,000	$ 53,000
SECTION 18: TRAFFIC					
A52	ROUNDABOUT CEMENT CONCRETE CURB AND GUTTER	L.F.	502	$	$
A53	CEMENT CONC. TRAFFIC CURB AND GUTTER	L.F.	1,957	$	$
A54	CEMENT CONC. TRAFFIC CURB	L.F.	1,177	$	$
A55	ROUNDABOUT CENTRAL ISLAND CEMENT CONCRETE CURB	L.F.	190	$	$
A56	ROUNDABOUT TRUCK APRON CEM. CONC. CURB AND GUTTER	L.F.	271	$	$
A57	CEMENT CONC. PEDESTRIAN CURB	L.F.	380	$	$
A58	PRECAST DUAL FACED SLOPED MOUNTABLE CURB	L.F.	125	$	$
A59	TEMPORARY BARRIER	L.F.	1,650	$	$
A60	TEMPORARY IMPACT ATTENUATOR	EACH	2	$	$
A61	RESETTING IMPACT ATTENUATOR	EACH	1	$	$
A62	TEMPORARY PAVEMENT MARKING - SHORT DURATION	L.F.	15,789	$	$
A63	TEMPORARY MISC. PAVEMENT MARKING - SHORT DURATION	EACH	2	$	$
A64	PROFILED PLASTIC LINE	L.F.	3,470	$	$
A65	PROFILED PLASTIC WIDE LINE	L.F.	1,740	$	$
A66	PLASTIC CROSSWALK LINE	S.F.	760	$	$
A67	PLASTIC TRAFFIC ARROW	EACH	22	$	$
A68	PLASTIC YIELD LINE SYMBOL	EACH	40	$	$
A69	PERMANENT SIGNING	L.S.	1	$	$
A70	TEMPORARY ILLUMINATION SYSTEM , COMPLETE - TULALIP	L.S.	1	$	$
A71	TEMPORARY TRAFFIC SIGNAL SYSTEM, COMPLETE - TULALIP	L.S.	1	$	$
A72	ILLUMINATION SYSTEM, COMPLETE - TULALIP	L.S.	1	$	$
A73	TRAFFIC SIGNAL SYSTEM RRFBS, COMPLETE - TULALIP	L.S.	1	$	$

Schedule A – Marine Dr NE – Work Within the Tribal Reservation Boundary Outside WSDOT Right-of-Way					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
A74	PROJECT TEMPORARY TRAFFIC CONTROL	L.S.	1	$	$
SECTION 19: OTHER ITEMS					
A75	ADJUST CATCH BASIN	EACH	5	$	$
A76	ADJUST MANHOLE	EACH	2	$	$
A77	LOCKING SOLID METAL COVER AND FRAME FOR CATCH BASIN	EACH	6	$	$
A78	TYPE C PROGRESS SCHEDULE	L.S.	1	$	$
A79	STRUCTURE EXCAVATION CLASS B INCL. HAUL	C.Y.	5,613	$	$
A80	SHORING OR EXTRA EXCAVATION CLASS B	S.F.	10,601	$	$
A81	GRAVEL BACKFILL FOR DRAIN	C.Y.	115	$	$
A82	STRUCTURE SURVEYING	L.S.	1	$	$
A83	ROADWAY SURVEYING	L.S.	1	$	$
A84	LICENSED SURVEYING	EST.	1	$ 1,500	$ 1,500
A85	CEMENT CONC. SIDEWALK	S.Y.	1,635	$	$
A86	CEMENT CONC. DRIVEWAY ENTRANCE TYPE 3	S.Y.	95	$	$
A87	CEMENT CONC. CURB RAMP TYPE PERPENDICULAR A	EACH	1	$	$
A88	CEMENT CONC. CURB RAMP TYPE PERPENDICULAR B	EACH	4	$	$
A89	CEMENT CONC. CURB RAMP TYPE PARALLEL A	EACH	2	$	$
A90	CEMENT CONC. CURB RAMP TYPE PARALLEL B	EACH	1	$	$
A91	CEMENT CONC. CURB RAMP TYPE SINGLE DIRECTION A	EACH	2	$	$
A92	CEMENT CONC. CURB RAMP TYPE COMBINATION	EACH	1	$	$
A93	DETECTABLE WARNING SURFACE	S.F.	204	$	$
A94	CONNECTION TO DRAINAGE STRUCTURE	EACH	6	$	$
A95	ROADSIDE CLEANUP	EST.	1	$ 6,000	$ 6,000
A96	CONSTRUCTION GEOTEXTILE FOR UNDERGROUND DRAINAGE	S.Y.	280	$	$
A97	CONSTRUCTION GEOTEXTILE FOR SOIL STABILIZATION	S.Y.	7,665	$	$
A98	REIMBURSEMENT FOR THIRD PARTY DAMAGE	EST.	1	$ 7,500	$ 7,500
A99	MINOR CHANGE	EST.	1	$ 160,000	$ 160,000
A100	RECORD DRAWINGS	L.S.	1	$	$
A101	SPCC PLAN	L.S.	1	$	$
A102	PEDESTRIAN HANDRAIL	L.F.	86	$	$

Schedule A – Marine Dr NE – Work Within the Tribal Reservation Boundary Outside WSDOT Right-of-Way					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
A103	RESOLUTION OF UTILITY CONFLICTS	EST.	1	$ 75,000	$ 75,000
A104	OBSERVATION WELL	EACH	2	$	$
A105	DEBRIS BARRIER	EACH	2	$	$
			Subtotal:	**$**	
			TERO (1.75%):	**$**	
			TOTAL SCHEDULE A (Including TERO):	**$**	

Schedule B – 4th Street / SR 528 – Work Within the Tribal Reservation Boundary Inside WSDOT Right-of-Way					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
SECTION 1: PREPARATION					
B1	MOBILIZATION	L.S.	1	$	$
B2	CLEARING AND GRUBBING	ACRE	1.34	$	$
B3	REMOVING DRAINAGE STRUCTURE	EACH	6	$	$
B4	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	L.S.	1	$	$
B5	REMOVING ASPHALT CONC. PAVEMENT	S.Y.	92	$	$
SECTION 2: GRADING					
B6	ROADWAY EXCAVATION INCL. HAUL	C.Y.	7,951	$	$
B7	GRAVEL BORROW INCL. HAUL	TON	1,330	$	$
B8	EMBANKMENT COMPACTION	C.Y.	716	$	$
B9	DEWATERING	L.S.	1	$	$
SECTION 4: DRAINAGE					
B10	CEMENT CONC. GUTTER	L.F.	393	$	$
B11	UNDERDRAIN PIPE 6 IN. DIAM.	L.F.	390	$	$
B12	DRAIN PIPE 6 IN. DIAM.	L.F.	63	$	$
B13	HIGH-DENSITY POLYETHYLENE (HDPE) PIPE 12 IN. DIAM.	L.F.	1,306	$	$
B14	HIGH-DENSITY POLYETHYLENE (HDPE) PIPE 18 IN. DIAM.	L.F.	77	$	$
B15	SEWER CLEANOUT	EACH	4	$	$
SECTION 5: STORM SEWER					
B16	CATCH BASIN TYPE 1	EACH	35	$	$
B17	CATCH BASIN TYPE 2 48 IN. DIAM.	EACH	11	$	$
B18	TESTING STORM SEWER PIPE	L.F.	1,681	$	$
B19	SCHEDULE A STORM SEWER PIPE 12 IN. DIAM.	L.F.	201	$	$
B20	SCHEDULE A STORM SEWER PIPE 18 IN. DIAM.	L.F.	97	$	$
B21	MANHOLE 120 IN. DIAM. TYPE I	EACH	1	$	$
B22	STORMWATER TREATMENT VAULT OPTION 1 - STANDARD	EACH	1	$	$
B23	STORMWATER TREATMENT VAULT OPTION 1 - LARGE	EACH	1	$	$
B24	STORMWATER TREATMENT VAULT OPTION 2 - STANDARD	EACH	3	$	$
B25	STORMWATER TREATMENT VAULT OPTION 2 - LARGE	EACH	1	$	$

Schedule B – 4th Street / SR 528 – Work Within the Tribal Reservation Boundary Inside WSDOT Right-of-Way					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
SECTION 8: STRUCTURES					
B26	TEXTURED CEMENT CONC. PAVEMENT CLASS 4000 FOR TRUCK APRON	S.Y.	370	$	$
B27	SHAFT - 30 IN. DIAMETER	L.F.	3,129	$	$
B28	FURNISHING SOLDIER PILE HP14X117	L.F.	1,559	$	$
B29	FURNISHING SOLDIER PILE W18X211	L.F.	1,568	$	$
B30	LAGGING	S.F.	2,913	$	$
B31	CONCRETE FASCIA PANEL	S.F.	3,795	$	$
B32	PREFABRICATED DRAINAGE MAT	S.Y.	235	$	$
B33	REMOVING SOLDIER PILE SHAFT OBSTRUCTION	L.S.	1	$	$
B34	STRUCTURAL CARBON STEEL	L.S.	1	$	$
B35	BRIDGE RAILING TYPE CHAIN LINK PIPE RAIL	L.F.	391	$	$
SECTION 9: SURFACING					
B36	CRUSHED SURFACING BASE COURSE	TON	4,819	$	$
SECTION 13: CEMENT CONCRETE PAVEMENT					
B37	TEXTURED COMMERCIAL CONC. FOR BUFFER	S.Y.	234	$	$
B38	TEXTURED COMMERCIAL CONC. FOR SPLITTER ISLAND	S.Y.	514	$	$
SECTION 14: HOT MIX ASPHALT					
B39	PLANING BITUMINOUS PAVEMENT	S.Y.	230	$	$
B40	HMA CL. 1/2 IN. PG 58H-22	TON	4,681	$	$
B41	JOB MIX COMPLIANCE PRICE ADJUSTMENT	CALC	1	$ 16,860	$ 16,860
B42	COMPACTION PRICE ADJUSTMENT	CALC	1	$ 11,240	$ 11,240
B43	ASPHALT COST PRICE ADJUSTMENT	CALC	1	$ 13,050	$ 13,050
SECTION 16: IRRIGATION AND WATER DISTRIBUTION					
B44	PERMANENT IRRIGATION SYSTEM	L.S.	1	$	$
B45	TEMPORARY IRRIGATION SYSTEM	L.S.	1	$	$
SECTION 17: EROSION CONTROL AND ROADSIDE RESTORATION					
B46	SILT FENCE	L.F.	584	$	$
B47	ESC LEAD	DAY	180	$	$
B48	TOPSOIL TYPE A	C.Y.	89	$	$
B49	SEEDING FERTILIZING AND MULCHING	ACRE	0.46	$	$
B50	WATTLE	L.F.	418	$	$
B51	CHECK DAM	L.F.	105	$	$
B52	STREET CLEANING	HR	150	$	$

Schedule B – 4th Street / SR 528 – Work Within the Tribal Reservation Boundary Inside WSDOT Right-of-Way					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
B53	INLET PROTECTION	EACH	90	$	$
B54	EROSION/WATER POLLUTION CONTROL	EST.	1	$ 48,000	$ 48,000
B55	SOIL AMENDMENT	ACRE	1.40	$	$
B56	PSIPE, VINE MAPLE, #2 CONT.	EACH	25	$	$
B57	PSIPE, DOUGLAS FIR, #2 CONT.	EACH	102	$	$
B58	PSIPE, WESTERN SERVICEBERRY, #1 CONT.	EACH	297	$	$
B59	PSIPE, TALL OREGON GRAPE, #1 CONT.	EACH	297	$	$
B60	PSIPE, PACIFIC NINEBARK, #1 CONT.	EACH	99	$	$
B61	PSIPE, RED FLOWERING CURRANT, #1 CONT.	EACH	297	$	$
B62	PSIPE, NOOTKA ROSE, #1 CONT.	EACH	495	$	$
B63	PSIPE, SNOWBERRY, #1 CONT.	EACH	495	$	$
B64	PSIPE, SWORD FERN, #1 CONT.	EACH	1,349	$	$
B65	SEEDED LAWN INSTALLATION	S.Y.	536	$	$
B66	BARK OR WOOD CHIP MULCH	C.Y.	446	$	$
B67	ENVIRONMENTAL COMPLIANCE LEAD	L.S.	1	$	$
B67	PLANT ESTABLISHMENT - SECOND YEAR	EST.	1	$ 61,000	$ 61,000
B68	PLANT ESTABLISHMENT - THIRD YEAR	EST.	1	$ 41,000	$ 41,000
SECTION 18: TRAFFIC					
B69	ROUNDABOUT SPLITTER ISLAND NOSING CURB	EACH	1	$	$
B70	ROUNDABOUT CEMENT CONCRETE CURB AND GUTTER	L.F.	1,144	$	$
B71	CEMENT CONC. TRAFFIC CURB AND GUTTER	L.F.	2,120	$	$
B72	CEMENT CONC. TRAFFIC CURB	L.F.	50	$	$
B73	ROUNDABOUT CENTRAL ISLAND CEMENT CONCRETE CURB	L.F.	402	$	$
B74	ROUNDABOUT TRUCK APRON CEM. CONC. CURB AND GUTTER	L.F.	692	$	$
B75	CEMENT CONC. PEDESTRIAN CURB	L.F.	245	$	$
B76	TEMPORARY BARRIER	L.F.	2,110	$	$
B77	TEMPORARY IMPACT ATTENUATOR	EACH	5	$	$
B78	TEMPORARY PAVEMENT MARKING - SHORT DURATION	L.F.	34,324	$	$
B79	TEMPORARY MISC. PAVEMENT MARKING - SHORT DURATION	EACH	13	$	$

Schedule B – 4th Street / SR 528 – Work Within the Tribal Reservation Boundary Inside WSDOT Right-of-Way					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
B80	TEMPORARY CROSSWALK LINE - SHORT DURATION	S.F.	1,155	$	$
B81	FLEXIBLE GUIDE POST	EACH	33	$	$
B82	PROFILED PLASTIC LINE	L.F.	2,740	$	$
B83	PROFILED PLASTIC WIDE LINE	L.F.	3,490	$	$
B84	PLASTIC CROSSWALK LINE	S.F.	660	$	$
B85	PLASTIC TRAFFIC ARROW	EACH	26	$	$
B86	PLASTIC TRAFFIC LETTER	EACH	14	$	$
B87	PERMANENT SIGNING	L.S.	1	$	$
B88	TEMPORARY ILLUMINATION SYSTEM , COMPLETE - WSDOT	L.S.	1	$	$
B89	TEMPORARY TRAFFIC SIGNAL SYSTEM, COMPLETE - WSDOT	L.S.	1	$	$
B90	ILLUMINATION SYSTEM, COMPLETE - TULALIP	L.S.	1	$	$
B91	ILLUMINATION SYSTEM, COMPLETE - WSDOT	L.S.	1	$	$
B92	TRAFFIC SIGNAL SYSTEM RRFBS, COMPLETE - WSDOT	L.S.	1	$	$
B93	ITS SYSTEM COMPLETE	L.S.	1	$	$
B94	PROJECT TEMPORARY TRAFFIC CONTROL	L.S.	1	$	$
SECTION 19: OTHER ITEMS					
B95	ADJUST CATCH BASIN	EACH	8	$	$
B96	LOCKING SOLID METAL COVER AND FRAME FOR CATCH BASIN	EACH	5	$	$
B97	TYPE C PROGRESS SCHEDULE	L.S.	1	$	$
B98	STRUCTURE EXCAVATION CLASS B INCL. HAUL	C.Y.	2,094	$	$
B99	SHORING OR EXTRA EXCAVATION CLASS B	S.F.	4,880	$	$
B100	STRUCTURE SURVEYING	L.S.	1	$	$
B101	ROADWAY SURVEYING	L.S.	1	$	$
B102	LICENSED SURVEYING	EST.	1	$ 3,000	$ 3,000
B103	CEMENT CONC. SIDEWALK	S.Y.	1,846	$	$
B104	CEMENT CONC. CURB RAMP TYPE PERPENDICULAR B	EACH	8	$	$
B105	CEMENT CONC. CURB RAMP TYPE PARALLEL A	EACH	3	$	$
B106	DETECTABLE WARNING SURFACE	S.F.	240	$	$
B107	CONNECTION TO DRAINAGE STRUCTURE	EACH	6	$	$
B108	ROADSIDE CLEANUP	EST.	1	$ 13,000	$ 13,000
B109	CONSTRUCTION GEOTEXTILE FOR SOIL STABILIZATION	S.Y.	5,675	$	$

Schedule B – 4th Street / SR 528 – Work Within the Tribal Reservation Boundary Inside WSDOT Right-of-Way					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
B110	REIMBURSEMENT FOR THIRD PARTY DAMAGE	EST.	1	$ 16,250	$ 16,250
B111	MINOR CHANGE	EST.	1	$ 285,000	$ 285,000
B112	RECORD DRAWINGS	L.S.	1	$	$
B113	SPCC PLAN	L.S.	1	$	$
B114	RESOLUTION OF UTILITY CONFLICTS	EST.	1	$ 105,000	$ 105,000
B115	DEBRIS BARRIER	EACH	1	$	$
			Subtotal:	**$**	
			TERO (1.75%):	**$**	
			TOTAL SCHEDULE B (Including TERO):	**$**	

Schedule C – 4th Street / SR 528 – Work Within WSDOT Right-of-Way Outside the Tribal Reservation Boundary					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
SECTION 1: PREPARATION					
C1	MOBILIZATION	L.S.	1	$	$
C2	CLEARING AND GRUBBING	ACRE	0.47	$	$
C3	REMOVING DRAINAGE STRUCTURE	EACH	3.00	$	$
C4	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	L.S.	1	$	$
SECTION 2: GRADING					
C5	ROADWAY EXCAVATION INCL. HAUL	C.Y.	2,836	$	$
C6	GRAVEL BORROW INCL. HAUL	TON	1,120	$	$
C7	EMBANKMENT COMPACTION	C.Y.	603	$	$
C8	DEWATERING	L.S.	1	$	$
SECTION 4: DRAINAGE					
C9	HIGH-DENSITY POLYETHYLENE (HDPE) PIPE 12 IN. DIAM.	L.F.	302	$	$
SECTION 5: STORM SEWER					
C10	CATCH BASIN TYPE 1	EACH	27	$	$
C11	CATCH BASIN TYPE 2 48 IN. DIAM.	EACH	3	$	$
C12	TESTING STORM SEWER PIPE	L.F.	777	$	$
C13	SCHEDULE A STORM SEWER PIPE 12 IN. DIAM.	L.F.	475	$	$
SECTION 8: STRUCTURES					
C14	TEXTURED CEMENT CONC. PAVEMENT CLASS 4000 FOR TRUCK APRON	S.Y.	122	$	$
SECTION 9: SURFACING					
C15	CRUSHED SURFACING BASE COURSE	TON	2,875	$	$
SECTION 13: CEMENT CONCRETE PAVEMENT					
C16	TEXTURED COMMERCIAL CONC. FOR BUFFER	S.Y.	42	$	$
C17	TEXTURED COMMERCIAL CONC. FOR SPLITTER ISLAND	S.Y.	249	$	$
SECTION 14: HOT MIX ASPHALT					
C18	PLANING BITUMINOUS PAVEMENT	S.Y.	300	$	$
C19	HMA CL. 1/2 IN. PG 58H-22	TON	2,576	$	$
C20	JOB MIX COMPLIANCE PRICE ADJUSTMENT	CALC	1	$ 9.280	$ 9,280
C21	COMPACTION PRICE ADJUSTMENT	CALC	1	$ 6,190	$ 6,190
C22	ASPHALT COST PRICE ADJUSTMENT	CALC	1	$ 13,050	$ 13,050

Schedule C – 4th Street / SR 528 – Work Within WSDOT Right-of-Way Outside the Tribal Reservation Boundary					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
SECTION 16: IRRIGATION AND WATER DISTRIBUTION					
C23	PERMANENT IRRIGATION SYSTEM	L.S.	1	$	$
C24	TEMPORARY IRRIGATION SYSTEM	L.S.	1	$	$
SECTION 17: EROSION CONTROL AND ROADSIDE RESTORATION					
C25	SILT FENCE	L.F.	621	$	$
C26	ESC LEAD	DAY	40	$	$
C27	TOPSOIL TYPE A	C.Y.	145	$	$
C28	SEEDING FERTILIZING AND MULCHING	ACRE	0.40	$	$
C29	CHECK DAM	L.F.	135	$	$
C30	STREET CLEANING	HR	75	$	$
C31	INLET PROTECTION	EACH	6	$	$
C32	EROSION/WATER POLLUTION CONTROL	EST.	1	$ 4,000	$ 4,000
C33	SOIL AMENDMENT	ACRE	0.87	$	$
C34	PSIPE, VINE MAPLE, #2 CONT.	EACH	10	$	$
C35	PSIPE, DOUGLAS FIR, #2 CONT.	EACH	41	$	$
C36	PSIPE, WESTERN SERVICEBERRY, #1 CONT.	EACH	121	$	$
C37	PSIPE,ARCTIC-FIRE RED-TWIG DOGWOOD, #2 CONT.	EACH	10	$	$
C38	PSIPE, TALL OREGON GRAPE, #1 CONT.	EACH	121	$	$
C39	PSIPE,BLIZZARD MOCK ORANGE, #2 CONT.	EACH	3	$	$
C40	PSIPE, PACIFIC NINEBARK, #1 CONT.	EACH	40	$	$
C41	PSIPE, RED FLOWERING CURRANT, #1 CONT.	EACH	121	$	$
C42	PSIPE, NOOTKA ROSE, #1 CONT.	EACH	201	$	$
C43	PSIPE, SNOWBERRY, #1 CONT.	EACH	201	$	$
C44	PSIPE,COMPACT OREGON GRAPE, #1 CONT.	EACH	10	$	$
C45	PSIPE,MAHONIA REPENS, #1 CONT.	EACH	54	$	$
C46	PSIPE, SWORD FERN, #1 CONT.	EACH	548	$	$
C47	PSIPE,MOUNT VERNON ENGLISH LAUREL,#2CONT.	EACH	24	$	$
C48	PSIPE, RUGOSA ROSE, #1 CONT.	EACH	6	$	$
C49	PSIPE, BLUE OAT GRASS, #2 CONT.	EACH	42	$	$
C50	SEEDED LAWN INSTALLATION	S.Y.	345	$	$
C51	BARK OR WOOD CHIP MULCH	C.Y.	209	$	$
C52	ENVIRONMENTAL COMPLIANCE LEAD	L.S.	1	$	$

Schedule C – 4th Street / SR 528 – Work Within WSDOT Right-of-Way Outside the Tribal Reservation Boundary					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
C53	PLANT ESTABLISHMENT - SECOND YEAR	EST.	1	$ 35,000	$ 35,000
C54	PLANT ESTABLISHMENT - THIRD YEAR	EST.	1	$ 23,000	$ 23,000
SECTION 18: TRAFFIC					
C55	ROUNDABOUT CEMENT CONCRETE CURB AND GUTTER	L.F.	690	$	$
C56	CEMENT CONC. TRAFFIC CURB AND GUTTER	L.F.	837	$	$
C57	CEMENT CONC. TRAFFIC CURB	L.F.	8	$	$
C58	ROUNDABOUT CENTRAL ISLAND CEMENT CONCRETE CURB	L.F.	131	$	$
C59	ROUNDABOUT TRUCK APRON CEM. CONC. CURB AND GUTTER	L.F.	217	$	$
C60	CEMENT CONC. PEDESTRIAN CURB	L.F.	283	$	$
C61	TEMPORARY BARRIER	L.F.	500	$	$
C62	TEMPORARY IMPACT ATTENUATOR	EACH	2	$	$
C63	PROFILED PLASTIC LINE	L.F.	1,170	$	$
C64	PROFILED PLASTIC WIDE LINE	L.F.	470	$	$
C65	PLASTIC CROSSWALK LINE	S.F.	200	$	$
C66	PLASTIC TRAFFIC ARROW	EACH	5	$	$
C67	PERMANENT SIGNING	L.S.	1	$	$
C68	PROJECT TEMPORARY TRAFFIC CONTROL	L.S.	1	$	$
SECTION 19: OTHER ITEMS					
C69	STRUCTURE EXCAVATION CLASS B INCL. HAUL	C.Y.	1,333	$	$
C70	SHORING OR EXTRA EXCAVATION CLASS B	S.F.	2,926	$	$
C71	STRUCTURE SURVEYING	L.S.	1	$	$
C72	ROADWAY SURVEYING	L.S.	1	$	$
C73	LICENSED SURVEYING	EST.	1	$ 250	$ 250
C74	CONSTRUCTION GEOTEXTILE FOR SOIL STABILIZATION	S.Y.	2,631		
C75	RECORD DRAWINGS	L.S.	1		
C76	SPCC PLAN	L.S.	1	$	$
C77	RESOLUTION OF UTILITY CONFLICTS	EST.	1	$ 22,500	$ 22,500
	Subtotal:			**$**	
	TERO (1.75%):			**$**	
	TOTAL SCHEDULE C (Including TERO):			**$**	

Schedule D – 4th Street / SR 528 – Work Within the City of Marysville Outside WSDOT Right-of-Way					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
SECTION 1: PREPARATION					
D1	MOBILIZATION	L.S.	1	$	$
D2	CLEARING AND GRUBBING	ACRE	0.04	$	$
D3	REMOVING DRAINAGE STRUCTURE	EACH	4	$	$
D4	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	L.S.	1	$	$
SECTION 2: GRADING					
D5	ROADWAY EXCAVATION INCL. HAUL	C.Y.	1,257	$	$
D6	GRAVEL BORROW INCL. HAUL	TON	30	$	$
D7	EMBANKMENT COMPACTION	C.Y.	15	$	$
D8	DEWATERING	L.S.	1	$	$
SECTION 4: DRAINAGE					
D9	HIGH-DENSITY POLYETHYLENE (HDPE) PIPE 12 IN. DIAM.	L.F.	53	$	$
SECTION 5: STORM SEWER					
D10	CATCH BASIN TYPE 1	EACH	2	$	$
D11	TESTING STORM SEWER PIPE	L.F.	53	$	$
SECTION 6: SANITARY SEWER					
D12	ADJUST MANHOLE	EACH	4	$	$
SECTION 9: SURFACING					
D13	CRUSHED SURFACING BASE COURSE	TON	736	$	$
SECTION 13: CEMENT CONCRETE PAVEMENT					
D14	TEXTURED COMMERCIAL CONC. FOR BUFFER	S.Y.	25	$	$
SECTION 14: HOT MIX ASPHALT					
D15	PLANING BITUMINOUS PAVEMENT	S.Y.	460	$	$
D16	HMA CL. 1/2 IN. PG 58H-22	TON	1,058	$	$
D17	JOB MIX COMPLIANCE PRICE ADJUSTMENT	CALC	1	$ 3,820	$ 3,820
D18	COMPACTION PRICE ADJUSTMENT	CALC	1	$ 2,540	$ 2,540
D19	ASPHALT COST PRICE ADJUSTMENT	CALC	1	$ 5,360	$ 5,360
SECTION 16: IRRIGATION AND WATER DISTRIBUTION					
D20	PERMANENT IRRIGATION SYSTEM	L.S.	1	$	$
SECTION 17: EROSION CONTROL AND ROADSIDE RESTORATION					
D21	SILT FENCE	L.F.	80	$	$
D22	ESC LEAD	DAY	20	$	$
D23	TOPSOIL TYPE A	C.Y.	35	$	$
D24	STREET CLEANING	HR	75	$	$
D25	INLET PROTECTION	EACH	20	$	$

Schedule D – 4th Street / SR 528 – Work Within the City of Marysville Outside WSDOT Right-of-Way					
ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QTY.	UNIT PRICE DOLLAR CENTS	AMOUNT DOLLAR CENTS
D26	EROSION/WATER POLLUTION CONTROL	EST.	1	$ 4,000	$ 4,000
D27	SOIL AMENDMENT	ACRE	0.03	$	$
D28	PSIPE, CREEPING JUNIPER, #2 CONT.	EACH	30	$	$
D29	SEEDED LAWN INSTALLATION	S.Y.	68	$	$
D30	BARK OR WOOD CHIP MULCH	C.Y.	6	$	$
D31	ENVIRONMENTAL COMPLIANCE LEAD	L.S.	1	$	$
D32	PLANT ESTABLISHMENT - SECOND YEAR	EST.	1	$ 3,000	$ 3,000
D33	PLANT ESTABLISHMENT - THIRD YEAR	EST.	1	$ 2,000	$ 2,000
SECTION 18: TRAFFIC					
D34	CEMENT CONC. TRAFFIC CURB AND GUTTER	L.F.	241	$	$
D35	CEMENT CONC. PEDESTRIAN CURB	L.F.	346	$	$
D36	PRECAST DUAL FACED SLOPED MOUNTABLE CURB	L.F.	227	$	$
D37	TEMPORARY BARRIER	L.F.	228	$	$
D38	TEMPORARY PAVEMENT MARKING - SHORT DURATION	L.F.	4,550	$	$
D39	PROFILED PLASTIC LINE	L.F.	330	$	$
D40	PROFILED PLASTIC WIDE LINE	L.F.	140	$	$
D41	PLASTIC CROSSWALK LINE	S.F.	360	$	$
D42	PLASTIC STOP LINE	L.F.	36	$	$
D43	PERMANENT SIGNING	L.S.	1	$	$
D44	ILLUMINATION SYSTEM, COMPLETE - MARYSVILLE	L.S.	1	$	$
D45	PROJECT TEMPORARY TRAFFIC CONTROL	L.S.	1	$	$
SECTION 19: OTHER ITEMS					
D46	ADJUST CATCH BASIN	EACH	2	$	$
D47	ADJUST MANHOLE	EACH	1	$	$
D48	TYPE C PROGRESS SCHEDULE	L.S.	1	$	$
D49	STRUCTURE EXCAVATION CLASS B INCL. HAUL	C.Y.	758	$	$
D50	SHORING OR EXTRA EXCAVATION CLASS B	S.F.	1,759	$	$
D51	STRUCTURE SURVEYING	L.S.	1	$	$
D52	ROADWAY SURVEYING	L.S.	1	$	$
D53	LICENSED SURVEYING	EST.	1	$ 250	$ 250
D54	CEMENT CONC. SIDEWALK	S.Y.	141	$	$
D55	CEMENT CONC. DRIVEWAY ENTRANCE TYPE 1	S.Y.	165	$	$

Schedule D – 4th Street / SR 528 – Work Within the City of Marysville Outside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
D56	CEMENT CONC. CURB RAMP TYPE SINGLE DIRECTION B	EACH	4	$	$
D57	CONNECTION TO DRAINAGE STRUCTURE	EACH	1	$	$
D58	ROADSIDE CLEANUP	EST.	1	$ 1,000	$ 1,000
D59	CONSTRUCTION GEOTEXTILE FOR SOIL STABILIZATION	S.Y.	1,682		
D60	REIMBURSEMENT FOR THIRD PARTY DAMAGE	EST.	1	$ 1,250	$ 1,250
D61	MINOR CHANGE	EST.	1	$ 35,000	$ 35,000
D62	RECORD DRAWINGS	L.S.	1		
D63	SPCC PLAN	L.S.	1	$	$
D64	RESOLUTION OF UTILITY CONFLICTS	EST.	1	$ 27,500	$ 27,500
	Subtotal:			**$**	
	TERO (1.75%):			**$**	
	TOTAL SCHEDULE D (Including TERO):			**$**	

Schedule G – 88th Street NE – Work Within the Tribal Reservation Boundary Outside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
SECTION 1: PREPARATION					
G1	MOBILIZATION	L.S.	1	$	$
G2	CLEARING AND GRUBBING	ACRE	1.19	$	$
G3	REMOVING DRAINAGE STRUCTURE	EACH	6	$	$
G4	REMOVING ASPHALT CONC. PAVEMENT	S.Y.	65	$	$
G5	REMOVING GUARDRAIL	L.F.	225	$	$
G6	REMOVING GUARDRAIL ANCHOR	EACH	3	$	$
G7	REMOVING CHAIN LINK FENCE	L.F.	50	$	$
G8	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	L.S.	1	$	$
SECTION 2: GRADING					
G9	ROADWAY EXCAVATION INCL. HAUL	C.Y.	2,530	$	$
G10	GRAVEL BORROW INCL. HAUL	TON	7,130	$	$
G11	EMBANKMENT COMPACTION	C.Y.	3,750	$	$
G12	DEWATERING	L.S.	1	$	$
SECTION 4: DRAINAGE					
G13	CHANNEL EXCAVATION INCL. HAUL	C.Y.	5,300	$	$
G14	QUARRY SPALLS	C.Y.	12	$	$
G15	STREAMBED SAND	TON	267	$	$
G16	STREAMBED SEDIMENT	TON	690	$	$
G17	STREAMBED COBBLES 4 IN.	TON	80	$	$
G18	STREAMBED BOULDER TYPE THREE	EACH	6	$	$
G19	LARGE WOODY MATERIAL - LOG WITHOUT ROOTWAD DIA 0.75 FT (LOG D, PILE)	EACH	36	$	$
G20	LARGE WOODY MATERIAL - LOG WITH ROOTWAD DIA 1.5 FT (LOG C)	EACH	15	$	$
G21	LARGE WOODY MATERIAL - LOG WITH ROOTWAD DIA 2 FT (LOG B)	EACH	12	$	$
G22	LARGE WOODY MATERIAL - LOG WITH ROOTWAD DIA 2. FT (LOG A)	EACH	5	$	$
G23	SLASH	C.Y.	48	$	$
G24	UNDERDRAIN PIPE 6 IN. DIAM.	L.F.	543	$	$
G25	DRAIN PIPE 6 IN. DIAM.	L.F.	20	$	$
G26	HIGH-DENSITY POLYETHYLENE (HDPE) PIPE 12 IN. DIAM.	L.F.	335	$	$
G27	TEMPORARY STREAM DIVERSION	L.S.	1	$	$
G28	FISH EXCLUSION BLOCK NET MAINTENANCE	EST.	1	$ 10,000	$ 10,000

Schedule G – 88th Street NE – Work Within the Tribal Reservation Boundary Outside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
SECTION 5: STORM SEWER					
G29	CATCH BASIN TYPE 1	EACH	30	$	$
G30	CATCH BASIN TYPE 2 48 IN. DIAM.	EACH	2	$	$
G31	CATCH BASIN TYPE 2 48 IN. DIAM. - EXTRA DEPTH	EACH	1	$	$
G32	TESTING STORM SEWER PIPE	L.F.	1,513	$	$
G33	SCHEDULE A STORM SEWER PIPE 12 IN. DIAM.	L.F.	1,178	$	$
G34	INFILTRATION VAULT (A)	EACH	1	$	$
G35	STORMWATER TREATMENT VAULT OPTION 1 - LARGE	EACH	2	$	$
G36	STORMWATER TREATMENT VAULT OPTION 2 - LARGE	EACH	1	$	$
G37	MANHOLE 48 IN. DIAM. TYPE I	EACH	2	$	$
SECTION 6: SANITARY SEWER					
G38	ADJUST MANHOLE	EACH	6	$	$
SECTION 8: STRUCTURES					
G39	STRUCTURE EXCAVATION CLASS A INCL. HAUL	C.Y.	5,290	$	$
G40	SHORING OR EXTRA EXCAVATION CL. A	L.S.	1	$	$
G41	CONSTRUCTING 8 FT. DIAM SHAFT	L.F.	800	$	$
G42	SHAFT - 36 IN. DIAMETER	L.F.	567	$	$
G43	FURNISHING SOLDIER PILE HP14X117	L.F.	161	$	$
G44	FURNISHING SOLDIER PILE W18X211	L.F.	1,807	$	$
G45	FURNISHING SOLDIER PILE W24x192	L.F.	634	$	$
G46	EPOXY-COATED ST. REINF. BAR FOR SIDEWALK EXTENSION	LB.	6,778	$	$
G47	ST. REINF. BAR FOR BRIDGE	LB.	70,114	$	$
G48	QA SHAFT TEST	EACH	8	$	$
G49	CONC. CLASS 4000 FOR BRIDGE	C.Y.	427	$	$
G50	CONC. CLASS 4000 FOR SIDEWALK	C.Y.	136	$	$
G51	PRESTRESSED CONC. GIRDER WF58G	L.F.	1,177.50	$	$
G52	REMOVING SOLDIER PILE SHAFT OBSTRUCTION	L.S.	1	$	$
G53	REMOVING SHAFT OBSTRUCTIONS	EST.	1	$ 100,000	$ 100,000
G54	STRUCTURAL CARBON STEEL	L.S.	1	$	$
G55	LAGGING	S.F.	2,927	$	$
G56	TRAFFIC PEDESTRIAN BARRIER	L.F.	368	$	$
G57	PEDESTRIAN BARRIER	L.F.	353	$	$
G58	EXPANSION JOINT SYSTEM COMPRESSION SEAL - SUPERSTR.	L.F.	179	$	$
G59	CONCRETE FASCIA PANEL	S.F.	3,160	$	$

Schedule G – 88th Street NE – Work Within the Tribal Reservation Boundary Outside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
G60	PREFABRICATED DRAINAGE MAT	S.Y.	213	$	$
G61	STRUCTURAL EARTH WALL	S.F.	857	$	$
G62	TEXTURED CEMENT CONC. CLASS 4000 FOR TRUCK APRON	S.Y.	205	$	$
G63	CONC. CLASS 4000 FOR SIDEWALK EXTENSION	C.Y.	136	$	$
G64	BRIDGE APPROACH SLAB	S.Y.	604	$	$
G65	BRIDGE RAILING TYPE DECORATIVE RAILING	L.F.	1,103	$	$
G66	88TH COHO BRIDGE SUPERSTRUCTURE	L.S.	1	$	$
G67	LOW-DENSITY CELLULAR CONCRETE	C.Y.	2,802	$	$
G68	MOMENT SLAB PEDESTRIAN BARRIER	L.F.	157	$	$
G69	SHEET PILE WALL	L.S.	1	$	$
G70	WORK ACCESS	L.S.	1	$	$
SECTION 9: SURFACING					
G71	CRUSHED SURFACING BASE COURSE	TON	2,956	$	$
SECTION 13: CEMENT CONCRETE PAVEMENT					
G72	TEXTURED COMMERCIAL CONC. FOR BUFFER	S.Y.	54	$	$
G73	TEXTURED COMMERCIAL CONC. FOR SPLITTER ISLAND	S.Y.	244	$	$
SECTION 14: HOT MIX ASPHALT					
G74	PLANING BITUMINOUS PAVEMENT	S.Y.	300	$	$
G75	HMA CL. 1/2 IN. PG 58H-22	TON	2,832	$	$
G76	JOB MIX COMPLIANCE PRICE ADJUSTMENT	CALC	1	$ 10,196	$ 10,196
G77	COMPACTION PRICE ADJUSTMENT	CALC	1	$ 6,797	$ 6,797
G78	ASPHALT COST PRICE ADJUSTMENT	CALC	1	$ 12,914	$ 12,914
SECTION 16: IRRIGATION AND WATER DISTRIBUTION					
G79	PERMANENT IRRIGATION SYSTEM	L.S.	1	$	$
SECTION 17: EROSION CONTROL AND ROADSIDE RESTORATION					
G80	SILT FENCE	L.F.	616	$	$
G81	ESC LEAD	DAY	200	$	$
G82	TOPSOIL TYPE A	CY	355	$	$
G83	SEEDING, FERTILIZING, AND MULCHING	ACRE	0.4	$	$
G84	CHECK DAM	L.F.	60	$	$
G85	STABILIZED CONSTRUCTION ENTRANCE	S.Y.	104	$	$
G86	STREET CLEANING	HR	350	$	$
G87	INLET PROTECTION	EACH	50	$	$

Schedule G – 88th Street NE – Work Within the Tribal Reservation Boundary Outside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
G88	EROSION/WATER POLLUTION CONTROL	EST.	1	$ 75,000	$ 75,000
G89	COIR LOG	L.F.	180	$	$
G90	SOIL AMENDMENT	ACRE	1.25	$	$
G91	PSIPE, VINE MAPLE, #2 CONT.	EACH	15	$	$
G92	PSIPE, BIG LEAF MAPLE, #2 CONT.	EACH	18	$	$
G93	PSIPE, BITTER CHERRY, #2 CONT.	EACH	34	$	$
G94	PSIPE,DOUGLAS FIR, #2 CONT.	EACH	38	$	$
G95	PSIPE, WESTERN RED CEDAR, #2 CONT.	EACH	24	$	$
G96	PSIPE, WESTERN HEMLOCK, #2 CONT.	EACH	2	$	$
G97	PSIPE, WESTERN SERVICEBERRY, #1 CONT.	EACH	95	$	$
G98	PSIPE, RED-TWIG DOGWOOD, 1/2" x 36" LIVESTAKE CUTTING	EACH	563	$	$
G99	PSIPE, TALL OREGON GRAPE, #1 CONT.	EACH	154	$	$
G100	PSIPE, OSO BERRY, #1 CONT.	EACH	154	$	$
G101	PSIPE, DWARF MUGO PINE, #1 CONT.	EACH	13	$	$
G102	PSIPE, MOCK ORANGE, #1 CONT.	EACH	250	$	$
G103	PSIPE, PACIFIC NINEBARK, #1 CONT.	EACH	291	$	$
G104	PSIPE, NOOTKA ROSE, #1 CONT.	EACH	213	$	$
G105	PSIPE, SITKA WILLOW, 1/2" x 36" LIVESTAKE CUTTING	EACH	563	$	$
G106	PSIPE, SNOWBERRY, #1 CONT.	EACH	387	$	$
G107	PSIPE, KINNIKINNICK, #1 CONT.	EACH	55	$	$
G108	PSIPE, SWORD FERN, #1 CONT.	EACH	293	$	$
G109	PSIPE, MOUNT VERNON LAUREL, #2 CONT.	EACH	174	$	$
G110	PSIPE, PRIVET HONEYSUCKLE, #2 CONT.	EACH	34	$	$
G111	PSIPE, JAPANESE PIERIS, #2 CONT.	EACH	25	$	$
G112	PSIPE, LITTLE PRINCESS SPIREA, #2 CONT.	EACH	21	$	$
G113	BARK OR WOOD CHIP MULCH	C.Y.	615	$	$
G114	HIGH VISIBILITY SILT FENCE	L.F.	1,823	$	$
G115	ENVIRONMENTAL COMPLIANCE LEAD	L.S.	1	$	$
G116	PLANT ESTABLISHMENT - SECOND YEAR	EST.	1	$ 61,000	$ 61,000
G117	PLANT ESTABLISHMENT - THIRD YEAR	EST.	1	$ 41,000	$ 41,000
G118	TEMPORARY PIPE SLOPE DRAIN	L.F.	289	$	$
G119	COMPOST AMENDED STREAMBED MATERIAL	C.Y.	180	$	$

Schedule G – 88th Street NE – Work Within the Tribal Reservation Boundary Outside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
G120	COIR BLANKET	S.Y.	130	$	$
SECTION 18: TRAFFIC					
G121	ROUNDABOUT SPLITTER ISLAND NOSING CURB	EACH	2	$	$
G122	ROUNDABOUT CEMENT CONCRETE CURB AND GUTTER	L.F.	364	$	$
G123	CEMENT CONC. TRAFFIC CURB AND GUTTER	L.F.	1,565	$	$
G124	CEMENT CONC. TRAFFIC CURB	L.F.	719	$	$
G125	ROUNDABOUT CENTRAL ISLAND CEMENT CONCRETE CURB	L.F.	214	$	$
G126	ROUNDABOUT TRUCK APRON CEM. CONC. CURB AND GUTTER	L.F.	270	$	$
G127	CEMENT CONC. PEDESTRIAN CURB	L.F.	154	$	$
G128	TEMPORARY BARRIER	L.F.	3,628	$	$
G129	TEMPORARY IMPACT ATTENUATOR	EACH	1	$	$
G130	RESETTING IMPACT ATTENUATOR	EACH	5	$	$
G131	TEMPORARY PAVEMENT MARKING - SHORT DURATION	L.F.	22,400	$	$
G132	TEMPORARY MISC. PAVEMENT MARKING - SHORT DURATION	EACH	43	$	$
G133	TEMPORARY STOP LINE - SHORT DURATION	L.F.	171	$	$
G134	TEMPORARY CROSSWALK LINE - SHORT DURATION	S.F.	2,865	$	$
G135	PROFILED PLASTIC LINE	L.F.	2,314	$	$
G136	PROFILED PLASTIC WIDE LINE	L.F.	1,150	$	$
G137	PLASTIC CROSSWALK LINE	S.F.	368	$	$
G138	PLASTIC TRAFFIC ARROW	EACH	14	$	$
G139	PLASTIC TRAFFIC LETTER	EACH	4	$	$
G140	PLASTIC YIELD LINE SYMBOL	EACH	25	$	$
G141	PERMANENT SIGNING	L.S.	1	$	$
G142	TEMPORARY ILLUMINATION SYSTEM , COMPLETE - TULALIP	L.S.	1	$	$
G143	TEMPORARY TRAFFIC SIGNAL SYSTEM, COMPLETE - TULALIP	L.S.	1	$	$
G144	ILLUMINATION SYSTEM, COMPLETE - TULALIP	L.S.	1	$	$
G145	TRAFFIC SIGNAL SYSTEM RRFBS, COMPLETE - TULALIP	L.S.	1	$	$
G146	PROJECT TEMPORARY TRAFFIC CONTROL	L.S.	1	$	$
SECTION 19: OTHER ITEMS					
G147	ADJUST CATCH BASIN	EACH	2	$	$
G148	TYPE C PROGRESS SCHEDULE	L.S.	1	$	$
G149	STRUCTURE EXCAVATION CLASS B INCL. HAUL	C.Y.	640	$	$

Schedule G – 88th Street NE – Work Within the Tribal Reservation Boundary Outside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
G150	SHORING OR EXTRA EXCAVATION CLASS B	S.F.	2,147	$	$
G151	STRUCTURE SURVEYING	L.S.	1	$	$
G152	ROADWAY SURVEYING	L.S.	1	$	$
G153	LICENSED SURVEYING	EST.	1	$ 5,000	$ 5,000
G154	CEMENT CONC. SIDEWALK	S.Y.	1,011	$	$
G155	CEMENT CONC. DRIVEWAY ENTRANCE TYPE 1	S.Y.	45	$	$
G156	CEMENT CONC. CURB RAMP PARALLEL TYPE A	EACH	4	$	$
G157	DETECTABLE WARNING SURFACE	S.F.	80	$	$
G158	CONNECTION TO DRAINAGE STRUCTURE	EACH	3	$	$
G159	ROADSIDE CLEANUP	EST.	1	$ 7,000	$ 7,000
G160	REIMBURSEMENT FOR THIRD PARTY DAMAGE	EST.	1	$ 8,750	$ 8,750
G161	MINOR CHANGE	EST.	1	$ 200,000	$ 200,000
G162	RECORD DRAWINGS	L.S.	1	$	$
G163	SPCC PLAN	L.S.	1	$	$
G164	RESOLUTION OF UTILITY CONFLICTS	EST.	1	$ 72,500	$ 72,500
G165	GRAVEL BORROW FOR STRUCTURAL EARTH WALL INCL. HAUL	C.Y.	241	$	$
G166	CONSTRUCTION GEOTEXTILE FOR SOIL STABILIZATION	S.Y.	4,680	$	$
			Subtotal:	**$**	
			TERO (1.75%):	**$**	
			TOTAL SCHEDULE G (Including TERO):	**$**	

Schedule H – 88th Street NE – Work Within the Tribal Reservation Boundary Inside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
SECTION 1: PREPARATION					
H1	MOBILIZATION	L.S.	1	$	$
H2	CLEARING AND GRUBBING	ACRE	3.70	$	$
H3	REMOVING DRAINAGE STRUCTURE	EACH	5	$	$
H4	REMOVING ASPHALT CONC. PAVEMENT	S.Y.	1,219	$	$
H5	REMOVING CHAIN LINK FENCE	L.F.	190	$	$
H6	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	L.S.	1	$	$
SECTION 2: GRADING					
H7	ROADWAY EXCAVATION INCL. HAUL	C.Y.	12,260	$	$
H8	POND EXCAVATION INCL. HAUL	C.Y.	1,537	$	$
H9	DEWATERING	L.S.	1	$	$
SECTION 4: DRAINAGE					
H10	CHANNEL EXCAVATION INCL. HAUL	C.Y.	410	$	$
H11	DROP INLET TYPE 2	EACH	1	$	$
H12	QUARRY SPALLS	C.Y.	55	$	$
H13	UNDERDRAIN PIPE 6 IN. DIAM.	L.F.	348	$	$
H14	DRAIN PIPE 6 IN. DIAM.	L.F.	15	$	$
H15	HIGH-DENSITY POLYETHYLENE (HDPE) PIPE 12 IN. DIAM.	L.F.	474	$	$
SECTION 5: STORM SEWER					
H16	CATCH BASIN TYPE 1	EACH	30	$	$
H17	CATCH BASIN TYPE 2 48 IN. DIAM.	EACH	11	$	$
H18	CATCH BASIN TYPE 2 48 IN. DIAM. - EXTRA DEPTH	EACH	1	$	$
H19	TESTING STORM SEWER PIPE	L.F.	3,412	$	$
H20	SCHEDULE A STORM SEWER PIPE 12 IN. DIAM.	L.F.	2,805	$	$
H21	SCHEDULE B STORM SEWER PIPE 12 IN. DIAM.	L.F.	133	$	$
H22	STORMWATER TREATMENT VAULT OPTION 1 - STANDARD	EACH	1	$	$
H23	STORMWATER TREATMENT VAULT OPTION 1 - LARGE	EACH	2	$	$
H24	STORMWATER TREATMENT VAULT OPTION 2 - STANDARD	EACH	2	$	$
H25	STORMWATER TREATMENT VAULT OPTION 2 - LARGE	EACH	1	$	$
H26	MANHOLE 48 IN. DIAM. TYPE I	EACH	4	$	$
H27	MANHOLE ADDITIONAL HEIGHT 48 IN. DIAM. TYPE I	L.F.	11	$	$

Schedule H – 88th Street NE – Work Within the Tribal Reservation Boundary Inside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
SECTION 8: STRUCTURES					
H28	STRUCTURE EXCAVATION CLASS A INCL. HAUL	C.Y.	480.40	$	$
H29	SHORING OR EXTRA EXCAVATION CL. A	L.S.	1	$	$
H30	SHAFT - 30 IN. DIAMETER	L.F.	190	$	$
H31	FURNISHING SOLDIER PILE HP14X117	L.F.	184	$	$
H32	EPOXY-COATED ST. REINF. BAR FOR SIDEWALK EXTENSION	LB.	8,208	$	$
H33	REMOVING SOLDIER PILE SHAFT OBSTRUCTION	L.S.	1	$	$
H34	STRUCTURAL CARBON STEEL	L.S.	1	$	$
H35	LAGGING	S.F.	226	$	$
H36	SEW TRAFFIC BARRIER	L.F.	116	$	$
H37	PEDESTRIAN BARRIER	L.F.	308	$	$
H38	CONCRETE FASCIA PANEL	S.F.	289	$	$
H39	PREFABRICATED DRAINAGE MAT	S.Y.	13	$	$
H40	STRUCTURAL EARTH WALL	S.F.	959	$	$
H41	TEXTURED CEMENT CONC. CLASS 4000 FOR TRUCK APRON	S.Y.	123	$	$
H42	CONC. CLASS 4000 FOR SIDEWALK EXTENSION	C.Y.	127	$	$
H43	BRIDGE RAILING TYPE DECORATIVE RAILING	L.F.	784	$	$
H44	MOMENT SLAB PEDESTRIAN BARRIER	L.F.	63	$	$
SECTION 9: SURFACING					
H45	CRUSHED SURFACING BASE COURSE	TON	5,957	$	$
SECTION 13: CEMENT CONCRETE PAVEMENT					
H46	TEXTURED COMMERCIAL CONC. FOR BUFFER	S.Y.	668	$	$
H47	TEXTURED COMMERCIAL CONC. FOR SPLITTER ISLAND	S.Y.	381	$	$
SECTION 14: HOT MIX ASPHALT					
H48	PLANING BITUMINOUS PAVEMENT	S.Y.	310	$	$
H49	HMA CL. 1/2 IN. PG 58H-22	TON	6,890	$	$
H50	JOB MIX COMPLIANCE PRICE ADJUSTMENT	CALC	1	$ 24,807	$ 24,807
H51	COMPACTION PRICE ADJUSTMENT	CALC	1	$ 16,538	$ 16,538
H52	ASPHALT COST PRICE ADJUSTMENT	CALC	1	$ 31,418	$ 31,418
SECTION 16: IRRIGATION AND WATER DISTRIBUTION					
H53	PERMANENT IRRIGATION SYSTEM	L.S.	1	$	$
H54	TEMPORARY IRRIGATION SYSTEM	L.S.	1	$	$

Schedule H – 88th Street NE – Work Within the Tribal Reservation Boundary Inside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
SECTION 17: EROSION CONTROL AND ROADSIDE RESTORATION					
H55	SILT FENCE	L.F.	5,429	$	$
H56	ESC LEAD	DAY	250	$	$
H57	TOPSOIL TYPE A	CY	898	$	$
H58	SEEDING, FERTILIZING, AND MULCHING	ACRE	2.62	$	$
H59	CHECK DAM	L.F.	315	$	$
H60	STABILIZED CONSTRUCTION ENTRANCE	S.Y.	156	$	$
H61	STREET CLEANING	HR	100	$	$
H62	INLET PROTECTION	EACH	52	$	$
H63	EROSION/WATER POLLUTION CONTROL	EST.	1	$ 30,000	$ 30,000
H64	SOIL AMENDMENT	ACRE	4.26	$	$
H65	PSIPE, VINE MAPLE, #2 CONT.	EACH	62	$	$
H66	PSIPE, SPIRE CHERRY, 2" CAL.	EACH	6	$	$
H67	PSIPE, DOUGLAS FIR, #2 CONT.	EACH	251	$	$
H68	PSIPE, EXCELSA CEDAR, 6' TALL	EACH	2	$	$
H69	PSIPE, WESTERN SERVICEBERRY, #1 CONT.	EACH	649	$	$
H70	PSIPE, TALL OREGON GRAPE, #1 CONT.	EACH	649	$	$
H71	PSIPE, PACIFIC NINEBARK, #1 CONT.	EACH	216	$	$
H72	PSIPE, NOOTKA ROSE, #1 CONT.	EACH	1,081	$	$
H73	PSIPE, SNOWBERRY, #1 CONT.	EACH	1,081	$	$
H74	PSIPE, SWORD FERN, #1 CONT.	EACH	1,319	$	$
H75	PSIPE, MOUNT VERNON LAUREL, #2 CONT.	EACH	166	$	$
H76	PSIPE, LITTLE PRINCESS SPIREA, #2 CONT.	EACH	21	$	$
H77	PSIPE, DAVIDS VIBURNUM, #2 CONT.	EACH	99	$	$
H78	PSIPE, ADAGIO MAIDEN GRASS, #2 CONT.	EACH	26	$	$
H79	BARK OR WOOD CHIP MULCH	C.Y.	926	$	$
H80	ENVIRONMENTAL COMPLIANCE LEAD	L.S.	1	$	$
H81	PLANT ESTABLISHMENT - SECOND YEAR	EST.	1	$ 111,000	$ 111,000
H82	PLANT ESTABLISHMENT - THIRD YEAR	EST.	1	$ 74,000	$ 74,000
H83	ROUNDABOUT COBBLE	TON	44	$	$
H84	TEMPORARY PIPE SLOPE DRAIN	L.F.	28	$	$

Schedule H – 88th Street NE – Work Within the Tribal Reservation Boundary Inside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
SECTION 18: TRAFFIC					
H85	ROUNDABOUT SPLITTER ISLAND NOSING CURB	EACH	2	$	$
H86	ROUNDABOUT CEMENT CONCRETE CURB AND GUTTER	L.F.	838	$	$
H87	CEMENT CONC. TRAFFIC CURB AND GUTTER	L.F.	1,110	$	$
H88	CEMENT CONC. TRAFFIC CURB	L.F.	140	$	$
H89	ROUNDABOUT CENTRAL ISLAND CEMENT CONCRETE CURB	L.F.	487	$	$
H90	ROUNDABOUT TRUCK APRON CEM. CONC. CURB AND GUTTER	L.F.	792	$	$
H91	CEMENT CONC. PEDESTRIAN CURB	L.F.	168	$	$
H92	EXTRUDED CURB	L.F.	1,601	$	$
H93	TEMPORARY BARRIER	L.F.	4,614	$	$
H94	TEMPORARY IMPACT ATTENUATOR	EACH	4	$	$
H95	RESETTING IMPACT ATTENUATOR	EACH	4	$	$
H96	TEMPORARY PAVEMENT MARKING - SHORT DURATION	L.F.	36,030	$	$
H97	TEMPORARY MISC. PAVEMENT MARKING - SHORT DURATION	EACH	32	$	$
H98	TEMPORARY STOP LINE - SHORT DURATION	L.F.	374	$	$
H99	TEMPORARY CROSSWALK LINE - SHORT DURATION	S.F.	3,710	$	$
H100	BEAM GUARDRAIL TYPE 31	L.F.	260	$	$
H101	BEAM GUARDRAIL TRANSITION SECTION TYPE D	EACH	1	$	$
H102	BEAM GUARDRAIL TYPE 31 NON-FLARED TERMINAL	EACH	2	$	$
H103	BEAM GUARDRAIL ANCHOR TYPE 11	EACH	1	$	$
H104	FLEXIBLE GUIDE POST	EACH	75	$	$
H105	BARRIER DELINEATOR	EACH	2	$	$
H106	PROFILED PLASTIC LINE	L.F.	5,420	$	$
H107	PROFILED PLASTIC WIDE LINE	L.F.	2,660	$	$
H108	PLASTIC CROSSWALK LINE	S.F.	272	$	$
H109	PLASTIC TRAFFIC ARROW	EACH	25	$	$
H110	PLASTIC DRAINAGE MARKING	EACH	19	$	$
H111	PERMANENT SIGNING	L.S.	1	$	$
H112	TEMPORARY ILLUMINATION SYSTEM , COMPLETE - WSDOT	L.S.	1	$	$
H113	TEMPORARY TRAFFIC SIGNAL SYSTEM, COMPLETE - WSDOT	L.S.	1	$	$
H114	ILLUMINATION SYSTEM, COMPLETE - TULALIP	L.S.	1	$	$
H115	ILLUMINATION SYSTEM, COMPLETE - WSDOT	L.S.	1	$	$

Schedule H – 88th Street NE – Work Within the Tribal Reservation Boundary Inside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
H116	TRAFFIC SIGNAL SYSTEM RRFBS, COMPLETE - WSDOT	L.S.	1	$	$
H117	ITS SYSTEM COMPLETE	L.S.	1	$	$
H118	PROJECT TEMPORARY TRAFFIC CONTROL	L.S.	1	$	$
SECTION 19: OTHER ITEMS					
H119	TYPE C PROGRESS SCHEDULE	L.S.	1	$	$
H120	STRUCTURE EXCAVATION CLASS B INCL. HAUL	C.Y.	1,836	$	$
H121	SHORING OR EXTRA EXCAVATION CLASS B	S.F.	7,895	$	$
H122	STRUCTURE SURVEYING	L.S.	1	$	$
H123	ROADWAY SURVEYING	L.S.	1	$	$
H124	LICENSED SURVEYING	EST.	1	$ 5,000	$ 5,000
H125	CEMENT CONC. SIDEWALK	S.Y.	800	$	$
H126	CEMENT CONC. CURB RAMP PARALLEL TYPE B	EACH	2	$	$
H127	CEMENT CONC. CURB RAMP PERPENDICULAR TYPE A	EACH	5	$	$
H128	DETECTABLE WARNING SURFACE	S.F.	20	$	$
H129	ROADSIDE CLEANUP	EST.	1	$ 5,000	$ 5,000
H130	REIMBURSEMENT FOR THIRD PARTY DAMAGE	EST.	1	$ 6,250	$ 6,250
H131	MINOR CHANGE	EST.	1	$ 100,000	$ 100,000
H132	RECORD DRAWINGS	L.S.	1	$	$
H133	SPCC PLAN	L.S.	1	$	$
H134	RESOLUTION OF UTILITY CONFLICTS	EST.	1	$ 87,500	$ 87,500
H135	GRAVEL BORROW FOR STRUCTURAL EARTH WALL INCL. HAUL	C.Y.	580	$	$
H136	CONSTRUCTION GEOTEXTILE FOR SOIL STABILIZATION	S.Y.	5,590	$	$
H137	CONSTRUCTION GEOTEXTILE FOR PERMANENT EROSION CONTROL	S.Y.	27	$	$
H138	INTERNAL ENERGY DISSIPATION DEVICE	EACH	1	$	$
H139	POND MARKER	EACH	3	$	$
			Subtotal:	**$**	
			TERO (1.75%):	**$**	
			TOTAL SCHEDULE H (Including TERO):	**$**	

Schedule I – 88th Street NE – Work Within WSDOT Right-of-Way Outside the Tribal Reservation Boundary					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
SECTION 1: PREPARATION					
I1	MOBILIZATION	L.S.	1	$	$
I2	CLEARING AND GRUBBING	ACRE	0.58	$	$
I3	REMOVING DRAINAGE STRUCTURE	EACH	1	$	$
I4	REMOVING GUARDRAIL	L.F.	1,076	$	$
I5	REMOVING GUARDRAIL ANCHOR	EACH	2	$	$
I6	REMOVING CHAIN LINK FENCE	L.F.	599	$	$
I7	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	L.S.	1	$	$
SECTION 2: GRADING					
I8	ROADWAY EXCAVATION INCL. HAUL	C.Y.	2,070	$	$
I9	GRAVEL BORROW INCL. HAUL	TON	4,780	$	$
I10	EMBANKMENT COMPACTION	C.Y.	2,580	$	$
I11	DEWATERING	L.S.	1	$	$
SECTION 4: DRAINAGE					
I12	UNDERDRAIN PIPE 6 IN. DIAM.	L.F.	591	$	$
I13	DRAIN PIPE 6 IN. DIAM.	L.F.	12	$	$
I14	HIGH-DENSITY POLYETHYLENE (HDPE) PIPE 12 IN. DIAM.	L.F.	251	$	$
SECTION 5: STORM SEWER					
I15	CATCH BASIN TYPE 1	EACH	8	$	$
I16	CATCH BASIN TYPE 2 48 IN. DIAM.	EACH	3	$	$
I17	CATCH BASIN TYPE 2 48 IN. DIAM. - EXTRA DEPTH	EACH	2	$	$
I18	TESTING STORM SEWER PIPE	L.F.	738	$	$
I19	SCHEDULE A STORM SEWER PIPE 12 IN. DIAM.	L.F.	368	$	$
I20	SCHEDULE B STORM SEWER PIPE 12 IN. DIAM.	L.F.	119	$	$
SECTION 8: STRUCTURES					
I21	STRUCTURE EXCAVATION CLASS A INCL. HAUL	C.Y.	1420	$	$
I22	SHORING OR EXTRA EXCAVATION CL. A	L.S.	1	$	$
I23	BRIDGE RAILING TYPE BP-22	L.F.	271	$	$
I24	SEW TRAFFIC BARRIER	L.F.	100	$	$
I25	PEDESTRIAN BARRIER	L.F.	757	$	$
I26	STRUCTURAL EARTH WALL	S.F.	2,133	$	$
SECTION 9: SURFACING					
I27	CRUSHED SURFACING BASE COURSE	TON	1,507	$	$
SECTION 13: CEMENT CONCRETE PAVEMENT					
I28	TEXTURED COMMERCIAL CONC. FOR BUFFER	S.Y.	262	$	$

Schedule I – 88th Street NE – Work Within WSDOT Right-of-Way Outside the Tribal Reservation Boundary					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
I29	TEXTURED COMMERCIAL CONC. FOR SPLITTER ISLAND	S.Y.	348	$	$
SECTION 14: HOT MIX ASPHALT					
I30	HMA CL. 1/2 IN. PG 58H-22	TON	1,400	$	$
I31	JOB MIX COMPLIANCE PRICE ADJUSTMENT	CALC	1	$ 5,040.50	$ 5,040.50
I32	COMPACTION PRICE ADJUSTMENT	CALC	1	$ 3,360.33	$ 3,360.33
I33	ASPHALT COST PRICE ADJUSTMENT	CALC	1	$ 6,383.80	$ 6,383.80
SECTION 16: IRRIGATION AND WATER DISTRIBUTION					
I34	PERMANENT IRRIGATION SYSTEM	L.S.	1	$	$
SECTION 17: EROSION CONTROL AND ROADSIDE RESTORATION					
I35	ESC LEAD	DAY	50	$	$
I36	TOPSOIL TYPE A	CY	94	$	$
I37	SEEDING, FERTILIZING, AND MULCHING	ACRE	0.21	$	$
I38	STREET CLEANING	HR	50	$	$
I39	INLET PROTECTION	EACH	11	$	$
I40	EROSION/WATER POLLUTION CONTROL	EST.	1	$ 22,500	$ 22,500
I41	SOIL AMENDMENT	ACRE	0.21	$	$
I42	PSIPE, SPIRE CHERRY, 2" CAL.	EACH	3	$	$
I43	PSIPE, DOUGLAS FIR, 6' TALL	EACH	3	$	$
I44	PSIPE, STARLIGHT DOGWOOD, 2" CAL.	EACH	3	$	$
I45	PSIPE, KINNIKINNICK, #1 CONT.	EACH	42	$	$
I46	PSIPE, SWORD FERN, #1 CONT.	EACH	24	$	$
I47	PSIPE, RUGOSA ROSE, #2 CONT.	EACH	43	$	$
I48	PSIPE, JAPANESE PIERIS, #2 CONT.	EACH	45	$	$
I49	PSIPE, BOSTON IVY, #1 CONT.	EACH	31	$	$
I50	BARK OR WOOD CHIP MULCH	C.Y.	24	$	$
I51	ENVIRONMENTAL COMPLIANCE LEAD	L.S.	1	$	$
I52	PLANT ESTABLISHMENT - SECOND YEAR	EST.	1	$ 4,000	$ 4,000
I53	PLANT ESTABLISHMENT - THIRD YEAR	EST.	1	$ 3,000	$ 3,000
SECTION 18: TRAFFIC					
I54	ROUNDABOUT SPLITTER ISLAND NOSING CURB	EACH	1	$	$
I55	ROUNDABOUT CEMENT CONCRETE CURB AND GUTTER	L.F.	780	$	$
I56	CEMENT CONC. TRAFFIC CURB AND GUTTER	L.F.	532	$	$
I57	CEMENT CONC. TRAFFIC CURB	L.F.	19	$	$

Schedule I – 88th Street NE – Work Within WSDOT Right-of-Way Outside the Tribal Reservation Boundary					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
I58	ROUNDABOUT TRUCK APRON CEM. CONC. CURB AND GUTTER	L.F.	70	$	$
I59	CEMENT CONC. PEDESTRIAN CURB	L.F.	121	$	$
I60	TEMPORARY BARRIER	L.F.	200	$	$
I61	TEMPORARY IMPACT ATTENUATOR	EACH	1	$	$
I62	RESETTING IMPACT ATTENUATOR	EACH	1	$	$
I63	TEMPORARY PAVEMENT MARKING - SHORT DURATION	L.F.	1,450	$	$
I64	TEMPORARY MISC. PAVEMENT MARKING - SHORT DURATION	EACH	2	$	$
I65	TEMPORARY STOP LINE - SHORT DURATION	L.F.	25	$	$
I66	BARRIER DELINEATOR	EACH	4	$	$
I67	PROFILED PLASTIC LINE	L.F.	940	$	$
I68	PROFILED PLASTIC WIDE LINE	L.F.	871	$	$
I69	PLASTIC CROSSWALK LINE	S.F.	224	$	$
I70	PLASTIC TRAFFIC ARROW	EACH	9	$	$
I71	PERMANENT SIGNING	L.S.	1	$	$
I72	TEMPORARY ILLUMINATION SYSTEM , COMPLETE - WSDOT	L.S.	1	$	$
I73	TEMPORARY TRAFFIC SIGNAL SYSTEM, COMPLETE - WSDOT	L.S.	1	$	$
I74	ILLUMINATION SYSTEM, COMPLETE - TULALIP	L.S.	1	$	$
I75	ILLUMINATION SYSTEM, COMPLETE - WSDOT	L.S.	1	$	$
I76	TRAFFIC SIGNAL SYSTEM RRFBS, COMPLETE - WSDOT	L.S.	1	$	$
I77	ITS SYSTEM COMPLETE	L.S.	1	$	$
I78	PROJECT TEMPORARY TRAFFIC CONTROL	L.S.	1	$	$
SECTION 19: OTHER ITEMS					
I79	TYPE C PROGRESS SCHEDULE	L.S.	1	$	$
I80	STRUCTURE EXCAVATION CLASS B INCL. HAUL	C.Y.	500	$	$
I81	SHORING OR EXTRA EXCAVATION CLASS B	S.F.	2,822	$	$
I82	STRUCTURE SURVEYING	L.S.	1	$	$
I83	ROADWAY SURVEYING	L.S.	1	$	$
I84	LICENSED SURVEYING	EST.	1	$ 5,000	$ 5,000
I85	CEMENT CONC. SIDEWALK	S.Y.	323	$	$
I86	CEMENT CONC. CURB RAMP PARALLEL TYPE A	EACH	2	$	$
I87	CEMENT CONC. CURB RAMP PERPENDICULAR TYPE A	EACH	1	$	$

Schedule I – 88th Street NE – Work Within WSDOT Right-of-Way Outside the Tribal Reservation Boundary					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
I88	DETECTABLE WARNING SURFACE	S.F.	40	$	$
I89	CONNECTION TO DRAINAGE STRUCTURE	EACH	1	$	$
I90	ROADSIDE CLEANUP	EST.	1	$ 5,000	$ 5,000
I91	REIMBURSEMENT FOR THIRD PARTY DAMAGE	EST.	1	$ 6,250	$ 6,250
I92	MINOR CHANGE	EST.	1	$ 100,000	$ 100,000
I93	RECORD DRAWINGS	L.S.	1	$	$
I94	SPCC PLAN	L.S.	1	$	$
I95	RESOLUTION OF UTILITY CONFLICTS	EST.	1	$ 35,000	$ 35,000
I96	GRAVEL BORROW FOR STRUCTURAL EARTH WALL INCL. HAUL	C.Y.	2,899	$	$
I97	CONSTRUCTION GEOTEXTILE FOR SOIL STABILIZATION	S.Y.	2,710	$	$
			Subtotal:	**$**	
			TERO (1.75%):	**$**	
			TOTAL SCHEDULE I (Including TERO):	**$**	

Schedule J – 88th Street NE – Work Within the City of Marysville Outside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
SECTION 1: PREPARATION					
J1	MOBILIZATION	L.S.	1	$	$
J2	CLEARING AND GRUBBING	ACRE	0.38	$	$
J3	REMOVING DRAINAGE STRUCTURE	EACH	14	$	$
J4	REMOVING ASPHALT CONC. PAVEMENT	S.Y.	177	$	$
J5	REMOVING GUARDRAIL ANCHOR	EACH	1	$	$
J6	REMOVING CHAIN LINK FENCE	L.F.	57	$	$
J7	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	L.S.	1	$	$
SECTION 2: GRADING					
J8	ROADWAY EXCAVATION INCL. HAUL	C.Y.	2,000	$	$
J9	DEWATERING	L.S.	1	$	$
SECTION 4: DRAINAGE					
J10	CEMENT CONC. GUTTER	L.F.	84	$	$
J11	UNDERDRAIN PIPE 6 IN. DIAM.	L.F.	570	$	$
J12	DRAIN PIPE 6 IN. DIAM.	L.F.	49	$	$
J13	HIGH-DENSITY POLYETHYLENE (HDPE) PIPE 12 IN. DIAM.	L.F.	735	$	$
SECTION 5: STORM SEWER					
J14	CATCH BASIN TYPE 1	EACH	17	$	$
J15	CATCH BASIN TYPE 2 48 IN. DIAM.	EACH	3	$	$
J16	TESTING STORM SEWER PIPE	L.F.	1,274	$	$
J17	SCHEDULE A STORM SEWER PIPE 12 IN. DIAM.	L.F.	514	$	$
J18	SCHEDULE A STORM SEWER PIPE 18 IN. DIAM.	L.F.	25	$	$
J19	INFILTRATION VAULT (B)	EACH	1	$	$
J20	STORMWATER TREATMENT VAULT OPTION 1 - LARGE	EACH	1	$	$
J21	STORMWATER TREATMENT VAULT OPTION 2 - STANDARD	EACH	1	$	$
J22	MANHOLE 48 IN. DIAM. TYPE I	EACH	1	$	$
SECTION 6: SANITARY SEWER					
J23	ADJUST MANHOLE	EACH	8	$	$
SECTION 8: STRUCTURES					
J24	STRUCTURE EXCAVATION CLASS A INCL. HAUL	C.Y.	833	$	$
J25	SHAFT - 30 IN. DIAMETER	L.F.	740	$	$
J26	SHAFT - 36 IN. DIAMETER	L.F.	1,612	$	$
J27	FURNISHING SOLDIER PILE HP14X117	L.F.	809	$	$
J28	FURNISHING SOLDIER PILE W24x192	L.F.	2,161	$	$

Schedule J – 88th Street NE – Work Within the City of Marysville Outside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
J29	FURNISHING SOLDIER PILE W24x335	L.F.	55	$	$
J30	REMOVING SOLDIER PILE SHAFT OBSTRUCTION	L.S.	1	$	$
J31	STRUCTURAL CARBON STEEL	L.S.	1	$	$
J32	LAGGING	S.F.	4,088	$	$
J33	BRIDGE RAILING TYPE BP-22	L.F.	378	$	$
J34	BRIDGE RAILING TYPE CHAIN LINK PIPE RAIL	L.F.	84	$	$
J35	PEDESTRIAN BARRIER	L.F.	143	$	$
J36	CONCRETE FASCIA PANEL	S.F.	4,490	$	$
J37	PREFABRICATED DRAINAGE MAT	S.Y.	271	$	$
J38	STRUCTURAL EARTH WALL	S.F.	610	$	$
J39	TEXTURED CEMENT CONC. CLASS 4000 FOR TRUCK APRON	S.Y.	47	$	$
J40	MOMENT SLAB PEDESTRIAN BARRIER	L.F.	318	$	$
SECTION 9: SURFACING					
J41	CRUSHED SURFACING BASE COURSE	TON	2,634	$	$
SECTION 13: CEMENT CONCRETE PAVEMENT					
J42	TEXTURED COMMERCIAL CONC. FOR BUFFER	S.Y.	37	$	$
J43	TEXTURED COMMERCIAL CONC. FOR SPLITTER ISLAND	S.Y.	274	$	$
SECTION 14: HOT MIX ASPHALT					
J44	PLANING BITUMINOUS PAVEMENT	S.Y.	380	$	$
J45	HMA CL. 1/2 IN. PG 58H-22	TON	2,410	$	$
J46	JOB MIX COMPLIANCE PRICE ADJUSTMENT	CALC	1	$ 8,677	$ 8,677
J47	COMPACTION PRICE ADJUSTMENT	CALC	1	$ 5,785	$ 5,785
J48	ASPHALT COST PRICE ADJUSTMENT	CALC	1	$ 10,990	$ 10,990
SECTION 16: IRRIGATION AND WATER DISTRIBUTION					
J49	PERMANENT IRRIGATION SYSTEM	L.S.	1	$	$
SECTION 17: EROSION CONTROL AND ROADSIDE RESTORATION					
J50	SILT FENCE	L.F.	961	$	$
J51	ESC LEAD	DAY	20	$	$
J52	TOPSOIL TYPE A	CY	228	$	$
J53	STREET CLEANING	HR	100	$	$
J54	INLET PROTECTION	EACH	47	$	$
J55	EROSION/WATER POLLUTION CONTROL	EST.	1	$ 22,500	$ 22,500
J56	PSIPE, MOUNT VERNON LAUREL, #2 CONT.	EACH	204	$	$
J57	PSIPE, JAPANESE PIERIS, #2 CONT.	EACH	109	$	$

Schedule J – 88th Street NE – Work Within the City of Marysville Outside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
J58	PSIPE, LITTLE PRINCESS SPIREA, #2 CONT.	EACH	12	$	$
J59	SEEDED LAWN INSTALLATION	S.Y.	525	$	$
J60	BARK OR WOOD CHIP MULCH	C.Y.	35	$	$
J61	ENVIRONMENTAL COMPLIANCE LEAD	L.S.	1	$	$
J62	PLANT ESTABLISHMENT - SECOND YEAR	EST.	1	$ 13,000	$ 13,000
J63	PLANT ESTABLISHMENT - THIRD YEAR	EST.	1	$ 9,000	$ 9,000
SECTION 18: TRAFFIC					
J64	ROUNDABOUT SPLITTER ISLAND NOSING CURB	EACH	3	$	$
J65	ROUNDABOUT CEMENT CONCRETE CURB AND GUTTER	L.F.	52	$	$
J66	CEMENT CONC. TRAFFIC CURB AND GUTTER	L.F.	1,211	$	$
J67	CEMENT CONC. TRAFFIC CURB	L.F.	727	$	$
J68	ROUNDABOUT CENTRAL ISLAND CEMENT CONCRETE CURB	L.F.	198	$	$
J69	ROUNDABOUT TRUCK APRON CEM. CONC. CURB AND GUTTER	L.F.	251	$	$
J70	CEMENT CONC. PEDESTRIAN CURB	L.F.	258	$	$
J71	EXTRUDED CURB	L.F.	221	$	$
J72	PRECAST DUAL FACED SLOPED MOUNTABLE CURB	L.F.	166	$	$
J73	TEMPORARY PAVEMENT MARKING - SHORT DURATION	L.F.	8,530	$	$
J74	TEMPORARY MISC. PAVEMENT MARKING - SHORT DURATION	EACH	13	$	$
J75	TEMPORARY STOP LINE - SHORT DURATION	L.F.	71	$	$
J76	TEMPORARY CROSSWALK LINE - SHORT DURATION	S.F.	1,520	$	$
J77	PROFILED PLASTIC LINE	L.F.	2,180	$	$
J78	PROFILED PLASTIC WIDE LINE	L.F.	1,250	$	$
J79	PLASTIC CROSSWALK LINE	S.F.	352	$	$
J80	PLASTIC TRAFFIC ARROW	EACH	9	$	$
J81	PLASTIC YIELD LINE SYMBOL	EACH	30	$	$
J82	PERMANENT SIGNING	L.S.	1	$	$
J83	TEMPORARY ILLUMINATION SYSTEM , COMPLETE - MARYSVILLE	L.S.	1	$	$
J84	TEMPORARY TRAFFIC SIGNAL SYSTEM, COMPLETE - MARYSVILLE	L.S.	1	$	$

Schedule J – 88th Street NE – Work Within the City of Marysville Outside WSDOT Right-of-Way					
ITEM NO.	**ITEM DESCRIPTION**	**UNIT**	**APPROX. QTY.**	**UNIT PRICE DOLLAR CENTS**	**AMOUNT DOLLAR CENTS**
J85	ILLUMINATION SYSTEM, COMPLETE - MARYSVILLE	L.S.	1	$	$
J86	TRAFFIC SIGNAL SYSTEM RRFBS, COMPLETE - MARYSVILLE	L.S.	1	$	$
J87	PROJECT TEMPORARY TRAFFIC CONTROL	L.S.	1	$	$
SECTION 19: OTHER ITEMS					
J88	ADJUST CATCH BASIN	EACH	2	$	$
J89	TYPE C PROGRESS SCHEDULE	L.S.	1	$	$
J90	STRUCTURE EXCAVATION CLASS B INCL. HAUL	C.Y.	451	$	$
J91	SHORING OR EXTRA EXCAVATION CLASS B	S.F.	728	$	$
J92	PLUGGING EXISTING PIPE	EACH	1	$	$
J93	STRUCTURE SURVEYING	L.S.	1	$	$
J94	ROADWAY SURVEYING	L.S.	1	$	$
J95	CEMENT CONC. SIDEWALK	S.Y.	632	$	$
J96	CEMENT CONC. DRIVEWAY ENTRANCE TYPE 1	S.Y.	84	$	$
J97	CEMENT CONC. DRIVEWAY ENTRANCE TYPE 2	S.Y.	34	$	$
J98	CEMENT CONC. CURB RAMP PARALLEL TYPE A	EACH	7	$	$
J99	DETECTABLE WARNING SURFACE	S.F.	140	$	$
J100	CONNECTION TO DRAINAGE STRUCTURE	EACH	8	$	$
J101	ROADSIDE CLEANUP	EST.	1	$ 3,000	$ 3,000
J102	REIMBURSEMENT FOR THIRD PARTY DAMAGE	EST.	1	$ 3,750	$ 3,750
J103	MINOR CHANGE	EST.	1	$ 80,000	$ 80,000
J104	RECORD DRAWINGS	L.S.	1	$	$
J105	SPCC PLAN	L.S.	1	$	$
J106	RESOLUTION OF UTILITY CONFLICTS	EST.	1	$ 35,000	$ 35,000
J107	GRAVEL BORROW FOR STRUCTURAL EARTH WALL INCL. HAUL	C.Y.	285	$	$
J108	PEDESTRIAN HANDRAIL	L.F.	214	$	$
J109	CONSTRUCTION GEOTEXTILE FOR SOIL STABILIZATION	S.Y.	4,010	$	$
	Subtotal:			**$**	
	TERO (1.75%):			**$**	
	TOTAL SCHEDULE J (Including TERO):			**$**	

Katheryn Seckel

From: no-reply@epacdx.net
Sent: Monday, April 27, 2026 3:00 PM
Subject: EPA NeT CGP Coverage Status: Active: I-5/4th Street and 88th Street NE Corridor Improvements Project, NPDES ID: WAR10I045

Follow Up Flag: Follow up
Flag Status: Flagged

External email

2026-04-27

Dear NeT User,

Coverage status has changed for a project / site under the CGP.

NPDES ID	Form Type	Coverage Status	Operator	Project/Site Name	EPA Comment
WAR10I045	NOI	Active	Tulalip Tribes of Washington	I-5/4th Street and 88th Street NE Corridor Improvements Project	

Your Notice of Intent (NOI) requesting coverage under EPA's Construction General Permit (CGP) has been accepted and authorization to discharge under the CGP became effective on 04/27/2026 and will expire on 02/16/2027 .

Please note that this email does not represent a determination by EPA regarding the validity of the information you provided in your NOI or LEW. Your eligibility for coverage under this permit is based on the validity of the certification you provided. Your electronic signature on the NOI or LEW form certifies that you have read, understood, and are implementing all of the applicable requirements. An important aspect of this certification requires that you have correctly determined whether you are eligible for coverage under this permit.

The CGP requires you to have developed a Stormwater Pollution Prevention Plan (SWPPP) prior to submitting your NOI. The CGP also includes specific requirements for erosion and sediment controls, pollution prevention controls, conducting self-inspections, taking corrective actions, and conducting staff training. You must comply with any state, tribal, or territory-specific requirements in Part 9 (see https://www.epa.gov/npdes/stormwater-discharges-construction-activities#cgp).

A copy of the submission can be found here.

If you have questions about this email or about NeT CGP, please refer to NeT Support or e-mail NPDESereporting@epa.gov for assistance.

DRAFT

Stormwater Pollution Prevention Plan (SWPPP)

For Construction Activities At:

I-5 4th Street NE Corridor Improvements
I-5 and 4th ST NE Interchange
Marysville, WA, 98210-98271
Insert Project/Site Telephone Number

SWPPP Prepared For:

The Tulalip Tribes of Washington
6046 Marine Drive
Tulalip, Washington, 98271
Insert Telephone Number
Insert Fax/Email

SWPPP Prepared By:

Parametrix
719 2nd Ave., Suite 200 Seattle, WA
206-394-3700

SWPPP Modified By:

Contractor to be determined

SWPPP Preparation Date:

06/05/2026

Estimated Project Dates:

Project Start Date: 08/01/2026

Project Completion Date: 10/30/2028

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SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

1.1 Operator(s) / Subcontractor(s)

Operator(s):

The Tulalip Tribes of Washington

6046 Marine Drive
Tulalip, Washington 98271
Insert Telephone Number
Insert Fax/Email

Highlighted fields in this section are to be completed by the Contractor prior to construction and updated as required during construction.

Contractor to be determined
Insert Name
Insert Address
Insert City, State, Zip Code
Insert Telephone Number
Insert Fax/Email
Insert area of control (if more than one operator at site)

Subcontractor(s):

Insert Company or Organization Name
Insert Name
Insert Address
Insert City, State, Zip Code
Insert Telephone Number
Insert Fax/Email
Insert area of control (if more than one operator at site)

[Repeat as necessary.]

Emergency 24-Hour Contact:

Insert Company or Organization Name
Insert Name
Insert Telephone Number

1.2 Stormwater Team

Stormwater Team

Name and/or Position, and Contact	Responsibilities	I Have Completed Training Required by CGP Part 6.2	I Have Read the CGP and Understand the Applicable Requirements
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Insert Responsibility	☐ Yes ☐ No	☐ Yes Date: Click here to enter a date.
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Insert Responsibility	☐ Yes ☐ No	☐ Yes Date: Click here to enter a date.
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Insert Responsibility	☐ Yes ☐ No	☐ Yes Date: Click here to enter a date.

[Insert or delete rows as necessary.]

Stormwater Team Members Who Conduct Inspections Pursuant to CGP Part 4

Name and/or Position and Contact	Training(s) Received	Date Training(s) Completed	If Training is a Non-EPA Training, Confirm that it Satisfies the Minimum Elements of CGP Part 6.3.b
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Insert Responsibility	Date: Click here to enter a date.	☐ Principles and practices of erosion and sediment control and pollution prevention practices at construction sites ☐ Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites ☐ Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Insert Responsibility	Date: Click here to enter a date.	☐ Principles and practices of erosion and sediment control and pollution prevention practices at construction sites ☐ Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites ☐ Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Insert Responsibility	Date: Click here to enter a date.	☐ Principles and practices of erosion and sediment control and pollution prevention practices at construction sites ☐ Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites ☐ Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4

[Insert or delete rows as necessary.]

SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING

2.1 Project/Site Information

Project Name and Address

Project/Site Name: I-5 and 4th Street NE Corridor Improvements
Street/Location: I-5 and 4th St NE Interchange
City: Marysville
State: Washington
ZIP Code: 98270
County or Similar Government Division: Snohomish County

Project Latitude/Longitude

Latitude: 48.052º N (decimal degrees)

Longitude: 122.184 º W (decimal degrees)

Latitude/longitude data source: ☒ Map ☐ GPS ☐ Other (please specify): _____

Horizontal Reference Datum: ☐ NAD 27 ☒ NAD 83 ☐ WGS 84

Additional Site Information

Is your site located on Indian country lands, or on a property of religious or cultural significance to an Indian Tribe? ☒ Yes ☐ No

If yes, provide the name of the Indian Tribe associated with the area of Indian country (including the name of Indian reservation if applicable), or if not in Indian country, provide the name of the Indian Tribe associated with the property: The Tulalip Tribes of Washington

2.2 Discharge Information

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☒ Yes ☐ No

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? ☒ Yes ☐ No

For each point of discharge, provide a point of discharge ID (a unique 3-digit ID, e.g., 001, 002), the name of the first receiving water that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to, and the following receiving water information, if applicable:

Point of Discharge ID	Name of receiving water that receives stormwater discharge:	Is the receiving water impaired (on the CWA 303(d) list)?	If yes, list the pollutants that are causing the impairment:	Has a TMDL been completed for this receiving waterbody?	If yes, list TMDL Name and ID:	Pollutant(s) for which there is a TMDL:	Is this receiving water designated as a Tier 2, Tier 2.5, or Tier 3 water?	If yes, specify which Tier (2, 2.5, or 3)?
S001	Quilceda Creek	☒ Yes ☐ No	Dissolved Oxygen; Bacteria/Fecal Coliform	☒ Yes ☐ No	Fecal Coliform TMDL / Listing ID 7306; DO Listing ID 7302 has no TMDL	Fecal Coliform	☐ Yes ☒ No	N/A
S002	Ebey Slough	☒ Yes ☐ No	Dissolved Oxygen (Category 4A)	☒ Yes ☐ No	Snohomish River Basin DO TMDL (ID 40626)	Dissolved Oxygen	☐ Yes ☒ No	

Stormwater runoff from the project area discharges through multiple drainage paths. Runoff from portions of the Tulalip-side project area is conveyed to Quilceda Creek, a wetland complex that ultimately drains to Ebey Slough, or directly to Ebey Slough through existing and proposed drainage systems. Runoff from the 4th Street area east of I-5 is conveyed through the Marysville stormwater system and the Marysville Regional Stormwater Treatment Facility before discharging to Ebey Slough.

The project is not expected to contribute to the existing dissolved-oxygen or bacteria/fecal coliform impairments because construction-phase sediment and pollution-prevention BMPs will be implemented to minimize discharges of sediment, turbidity, high-pH water, petroleum products, nutrients, sanitary waste, and other pollutants. Permanent stormwater improvements include proprietary treatment vaults, infiltration facilities, and other stormwater BMPs designed to meet applicable WSDOT HRM treatment requirements. Sediment-control BMPs, including BMP C233 Silt Fence, BMP C235 Wattles/Compost Socks, BMP C207 Check Dams, BMP C220 Storm Drain Inlet Protection, BMP C209 Outlet Protection, BMP C240 Temporary Sediment Trap if shown on the TESC plans or required by field conditions, and WSDOT 8-01 TESC standards, will be used to minimize turbidity and sediment in stormwater discharges.

2.3 Nature of the Construction Activities

General Description of Project

The project will include corridor improvements along 4th Street NE as well as interchange, roadway, and drainage improvements at the 4th Street NE crossing of I-5. Work for this project replaces the existing intersections with roundabouts and sidewalk systems; realigns connecting roads, on-ramps, and off-ramps; replaces and upgrades storm drainage infrastructure; and improves associated stormwater treatment systems.

Business days and hours for the project: Insert Text Here

Size of Construction Site

Size of Property	15.96 Acres (does not include staging areas)
Total Area Expected to be Disturbed by Construction Activities	8.22 acres EPA CGP-covered disturbed area on Tulalip Tribal lands. 10.8 acres total project disturbed area.
Maximum Area Expected to be Disturbed at Any One Time, Including On-site and Off-site Construction Support Areas	To be completed by Contractor prior to construction based on construction sequencing and proposed construction support areas.

Type of Construction Site *(check all that apply):*

☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial

☐ Institutional ☒ Highway or Road ☐ Utility ☐ Other _____

Will you be discharging dewatering water from your site? ☒ Yes ☐ No

If yes, will you be discharging dewatering water from a current or former Federal or State remediation site? ☐ Yes ☒ No

Pollutant-Generating Activities

List and describe all pollutant-generating activities and indicate for each activity the associated pollutants or pollutant constituents that could be discharged in stormwater from your construction site. Take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed during construction.

Pollutant-Generating Activity (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations)	**Pollutants or Pollutant Constituents** (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels)
Access road construction	Sediment
Grading	Sediment
Equipment/Vehicle operation	Fuel leaks
Equipment/Vehicle refueling operations	Fuel leaks and spills
Sawcutting and Surface Operations	Concrete washwater, high pH, sediment/slurry
Storm drain, utility, and conveyance installation	Sediment, turbidity
Wall, drainage structure, vault, and concrete work.	Concrete washwater, high pH, sediment
Material storage and stockpiles	Sediment, dust, fuels/oils/chemicals if exposed
Asphalt paving and tack coat application	Asphalt emulsions, oils, petroleum products
Landscaping and final stabilization	Fertilizer, mulch fines, sediment

Construction Support Activities *(only provide if applicable)*

Describe any construction support activities for the project (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas):

Construction support activities and locations shall be completed by the Contractor prior to use, if applicable.

Contact information for construction support activity:
Insert Name
Insert Telephone No.
Insert Email
Insert Address And/Or Latitude/Longitude

[Repeat as necessary.]

2.4 Sequence and Estimated Dates of Construction Activities

Phase I

Site Preparation and Initial TESC Controls	
Estimated Start Date of Construction Activities for this Phase	8/1/2026
Estimated End Date of Construction Activities for this Phase	12/31/2026
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	*Provided by Contractor*
Estimated Date(s) when Stormwater Controls will be Removed	N/A for this phase (controls remain in place

Phase II

Roadway, Drainage, and Utility Construction	
Estimated Start Date of Construction Activities for this Phase	01/01/2027
Estimated End Date of Construction Activities for this Phase	12/31/2027
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	*Provided by Contractor*
Estimated Date(s) when Stormwater Controls will be Removed	*Provided by Contractor*

Phase III

Roundabout, Retaining Wall, Stormwater BMP, and Paving Work	
Estimated Start Date of Construction Activities for this Phase	01/01/2028
Estimated End Date of Construction Activities for this Phase	08/31/2028
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	*Provided by Contractor*
Estimated Date(s) when Stormwater Controls will be Removed	*Provided by Contractor*

Phase IV

Final Paving, Restoration, Stabilization, and BMP Removal	
Estimated Start Date of Construction Activities for this Phase	09/1/2028
Estimated End Date of Construction Activities for this Phase	10/31/2028
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	*Provided by Contractor*
Estimated Date(s) when Stormwater Controls will be Removed	*Provided by Contractor*

- Dates are estimated and will be updated by the Contractor within 10 days of NTP and ≥14 days before NOI submission.
- Stabilization timing follows EPA CGP Part 2.2.14 (7-day near waters; 14-day inactivity; 7-day after final grade).

The sequencing of work activities, including installation, relocation, and removal of temporary erosion and sediment control BMPs, is shown on the 4th Street TESC staging sheets. The TESC staging sheets are the controlling schedule for construction sequencing. Dates shown in this SWPPP are approximate and shall be updated by the Contractor after notice to proceed and as construction sequencing changes.

2.5 Authorized Non-Stormwater Discharges

List of Authorized Non-Stormwater Discharges Present at the Site

Authorized Non-Stormwater Discharge	Will or May Occur at Your Site?
Discharges from emergency fire-fighting activities	☐ Yes ☒ No
Fire hydrant flushings	☐ Yes ☒ No
Landscape irrigation	☒ Yes ☐ No
Water used to wash vehicles and equipment	☐ Yes ☒ No
Water used to control dust	☒ Yes ☐ No
Potable water including uncontaminated water line flushings	☒ Yes ☐ No
External building washdown (soaps/solvents are not used and external surfaces do not contain hazardous substances)	☐ Yes ☒ No
Pavement wash waters	☒ Yes ☐ No
Uncontaminated air conditioning or compressor condensate	☐ Yes ☒ No
Uncontaminated, non-turbid discharges of ground water or spring water	☒ Yes ☐ No
Foundation or footing drains	☒ Yes ☐ No
Uncontaminated construction dewatering water	☒ Yes ☐ No

(Note: You are required to identify the likely locations of these authorized non-stormwater discharges on your site map. See Section 2.6, below, of this SWPPP Template.)

Authorized non-stormwater discharges may occur only where allowed by the EPA CGP and only if managed to prevent pollutants from reaching storm drains, drainage ditches, surface waters, or receiving waters. If construction dewatering is required, the Contractor shall update the SWPPP before dewatering begins, identify dewatering discharge or disposal locations on the site map, implement appropriate treatment and erosion controls, and comply with CGP dewatering inspection and turbidity monitoring requirements.

2.6 Site Maps

A project vicinity map and applicable site figures from the Ecology SWPPP are included in Appendix A for project-wide context and SWPPP documentation. The site figures included in Appendix A show the general project limits, drainage areas, discharge locations, sampling points, and temporary erosion and sediment control measures.

Final BMP locations, construction sequencing, and implementation details shall be governed by the approved contract plans, including the final TESC plan sheets and applicable standard details, which will be maintained with the SWPPP during construction.

The Contractor shall update the SWPPP site map as needed before use to show contractor-selected locations, including staging areas, stockpiles, material storage areas, waste storage areas, borrow/disposal areas, fueling and maintenance areas, concrete washout areas, sanitary facilities, vehicle/equipment storage areas, wheel wash areas, and dewatering discharge or disposal locations.

SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS

3.1 Endangered Species Protection

Instructions (see CGP Parts 1.1.5, 7.2.9.a, Appendix D, and the "Endangered Species Protection" section of the Appendix H – NOI Form and Instructions as well as resources available at www.epa.gov/npdes/construction-general-permit-cgp-threatened-and-endangered-species-eligibility):

Using the instructions in Appendix D of the permit, determine which criterion listed below (A-F) applies with respect to the protection of endangered species. To make this determination, you must use information from **BOTH** the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). Both the NMFS and USFWS maintain lists of Endangered Species Act-listed (ESA-listed) species and designated critical habitat. Operators must consult both when determining their eligibility.

- Check only 1 box, include the required information, and provide a sound basis for supporting the criterion selected. Select the most conservative criterion that applies.
- Include documentation supporting your determination of eligibility required in the Endangered Species Protection section of the NOI in NeT or the ESA worksheet in CGP Appendix D.

Eligibility Criterion

Following the process outlined in Appendix D, under which criterion are you eligible for coverage under this permit?

☐ **Criterion A**: No ESA-listed species and/or designated critical habitat present in action area. Using the process outlined in Appendix D of the CGP, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of the CGP. *Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.*

☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D (Note: reliance on State resources is not acceptable; see CGP Appendix D).

Documentation: Insert Text Here

☐ **Criterion B:** Eligibility requirements met by another operator under the 2022 CGP. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2022 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include in your NOI the NPDES ID from the other 2022 CGP operator's notification of authorization under this permit and list any measures that you must comply with. If your certification is based on another 2022 CGP operator's certification under criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C.

☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation: Insert Text Here

☐ **Criterion C:** Discharges not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat. ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, indicate 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in Appendix D of this permit; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how short- or long-term adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. (Note: You must include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with your NOI.)

☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation: Insert Text Here

☐ **Criterion D**: Coordination with USFWS and/or NMFS has successfully concluded.

Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written confirmation from USFWS and/or NMFS that the effects of your site's discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects. By certifying eligibility under this criterion, you agree to comply with any conditions you must meet for your site's discharges and discharge-related activities to not likely result in any short- or long-term adverse effects. You must include copies of the correspondence with the participating agencies in your SWPPP and this NOI.

☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation: Insert Text Here

☒ **Criterion E:** ESA Section 7 consultation has successfully concluded. Consultation between a Federal agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. Consultations can be either formal or informal, and would have occurred only as a result of a separate Federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and the consultation must have addressed the effects of your construction activity's discharges and discharge-related activities on all ESA-listed threatened or endangered species and all designated critical habitat under the jurisdiction of each Service, as appropriate, in your action area. The result of this consultation must be either:

i. A biological opinion currently in effect that determined that the action in question (taking into account the effects of your facility's discharges and discharge-related activities) is likely to adversely affect, but is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The biological opinion must have included the effects of your facility's discharges and discharge-related activities on all the listed species and designated critical habitat in your action area under the jurisdiction of each Service, as appropriate. To be eligible under (i), any reasonable and prudent measures specified in the incidental take statement must be implemented;

ii. Written concurrence (e.g., letter of concurrence) from the applicable Service(s) with a determination that your facility's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. The concurrence letter must have included the effects of your facility's discharges and discharge-related activities on all the ESA-listed species and/or designated critical habitat on your species list(s) acquired from USFWS and/or NMFS as part of this worksheet.

The consultation does not warrant reinitiation under 50 CFR §402.16; or, if reinitiation of consultation is required (e.g., due to a new species listing, critical habitat designation, or new information), the Federal action agency has reinitiated the consultation and the result of the consultation is consistent with the statements above. (Note: you must include any reinitiation documentation from the Services or consulting Federal agency with your NOI.) -

☒ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation:

ESA Section 7 consultation has successfully concluded. Federal action: BIA ROW approvals on tribal land.

- USFWS: Letter of Concurrence, May 8, 2023, Ref. FWS/R1/2022-0053650.
- NMFS: Biological Opinion, March 21, 2025, WCRO-2022-02360, including effects of construction discharges and discharge-related activities; see SWPPP Appendix K.
- The Biological Opinion requires specific stormwater treatment measures, including GULD-certified enhanced treatment, oil control where practicable, and minimizing open conveyance, which are incorporated into the project design and this SWPPP.
- Documentation attached: NMFS Biological Opinion and USFWS Letter of Concurrence.

☐ **Criterion F:** Issuance of section 10 permit. Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI.

☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation: Insert Text Here

3.2 Historic Property Screening Process

Instructions (see CGP Part 1.1.6, 7.2.9.b, Appendix E, and the "Historic Preservation" section of the Appendix H – NOI Form and Instructions):

Follow the screening process in Appendix E of the permit to determine whether your installation of subsurface earth-disturbing stormwater controls will have an effect on historic properties.

- Include documentation supporting your determination of eligibility.
- To contact your applicable State historic preservation office, information is available at *https://ncshpo.org/directory/*
- To contact your applicable Tribal historic preservation office, information is available at *https://grantsdev.cr.nps.gov/THPO_Review/index.cfm*

Appendix E, Step 1

Do you plan on installing any stormwater controls that require subsurface earth disturbance, including, but not limited to, any of the following stormwater controls at your site? Check all that apply below, and proceed to Appendix E, Step 2.

☒ Dike

☒ Berm

☒ Catch Basin

☒ Pond

☒ Constructed Site Drainage Feature (e.g., ditch, trench, perimeter drain, swale, etc.)

☒ Culvert

☒ Channel

☒ Other type of ground-disturbing stormwater control: Proprietary stormwater treatment vaults and infiltration vaults

Appendix E, Step 2

If you answered yes in Step 1, have prior professional cultural resource surveys or other evaluations determined that historic properties do not exist, or have prior disturbances at the site have precluded the existence of historic properties? ☐ YES ☒ NO

- If yes, no further documentation is required for Section 3.2 of the Template and you may provide the prior documentation in your SWPPP.
- If no, proceed to Appendix E, Step 3.

Appendix E, Step 3

If you answered no in Step 2, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? ☒ YES ☐ NO

- If yes, provide documentation of the basis for your determination.
  - The Bureau of Indian Affairs (BIA) Northwest Regional Office conducted National Historic Preservation Act Section 106 consultation and a Cultural Resources Assessment for the project. The Cultural Resources Assessment identified no known or identified archaeological or historic resources within the Area of Potential Effect. Therefore, BIA determined that implementation of the project will result in No Adverse Effect to historic properties. Documentation is provided in Appendix L.
  - Therefore, the BIA, as per §36 CFR 800.5(b), determined that implementation of the project will result in a 'No Adverse Effect' to historic properties.
  - Documentation is provided in Appendix L.
- If no, proceed to Appendix E, Step 4.

Appendix E, Steps 4 and 5

If you answered no in Step 3, did the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Office (THPO), or other Tribal representative (whichever applies) respond to you within 15 calendar days to indicate their views as to the likelihood that historic properties are potentially present on your site and may be impacted by the installation of stormwater controls that require subsurface earth disturbance? ☐ YES ☐ NO

- If yes, describe the nature of their response:
  - ☐ Written indication that no historic properties will be affected by the installation of stormwater controls.
  - ☐ Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions.
  - ☐ No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls.
  - ☐ Other:
- If no, no further documentation is required for Section 3.2 of the Template.

3.3 Safe Drinking Water Act Underground Injection Control Requirements

Instructions (see CGP Part 7.2.9.c):

- If you will use any of the identified controls in this section, document any contact you have had with the applicable State agency or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR Parts 144-147.
- For State UIC program contacts, refer to the following EPA website: https://www.epa.gov/uic.

Do you plan to install any of the following controls? Check all that apply below.

☒ Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

☒ Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow

☐ Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

There have been no communications with EPA Region 10 UIC program to date. The project includes stormwater infiltration facilities on Tulalip Tribal land, including proprietary treatment units and infiltration facilities. Based on current design information, no drywells, seepage pits, or improved sinkholes are anticipated. If EPA Region 10 determines that any proposed stormwater infiltration facility is a Class V injection well, or if the Contractor proposes a facility that meets the definition of a Class V injection well, UIC inventory information shall be submitted to EPA Region 10 and documentation shall be added to this SWPPP.

SECTION 4: EROSION AND SEDIMENT CONTROLS AND DEWATERING PRACTICES

4.1 Natural Buffers or Equivalent Sediment Controls

Buffer Compliance Alternatives

Are there any receiving waters within 50 feet of your project's earth disturbances? ☒ YES ☐ NO

Check the compliance alternative that you have chosen:

☐ (i) I will provide and maintain a 50-foot undisturbed natural buffer.

☐ (ii) I will provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by additional erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

☐ (iii) It is infeasible to provide and maintain an undisturbed natural buffer of any size, therefore I will implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

☒ I qualify for one of the exceptions in Part 2.2.1.b. (If you have checked this box, provide information on the applicable buffer exception that applies, below.)

Buffer Exceptions

Which of the following exceptions to the buffer requirements applies to your site?

☐ There is no discharge of stormwater to waters of the U.S. through the area between the disturbed portions of the site and any waters of the U.S. located within 50 feet of your site.

☐ No natural buffer exists due to preexisting development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for this project.

☒ For "linear construction sites" (defined in Appendix A), site constraints (e.g., limited right-of-way) make it infeasible to meet any of the CGP Part 2.2.1.a compliance alternatives, provided that, to the extent feasible, you limit disturbances within 50 feet of the receiving water.

This project is a linear roadway and interchange improvement project within constrained existing right-of-way on and near Tulalip Tribal land. Work is required adjacent to existing pavement, ramps, utilities, drainage infrastructure, stormwater facilities, retaining wall areas, and developed transportation facilities. Maintaining a 50-foot undisturbed natural buffer is infeasible where construction activities are required for roadway reconstruction, ramp tie-ins, roundabout construction, retaining walls, storm drainage improvements, utility work, access, and traffic control.

To the extent feasible, existing vegetation and undisturbed areas within 50 feet of receiving waters will be preserved. Where disturbance within 50 feet of receiving waters is unavoidable, the Contractor shall limit disturbance to the minimum area necessary to complete the work and shall install and maintain erosion and sediment controls before earth-disturbing activities begin.

Erosion and sediment controls will be implemented in accordance with the TESC plans and this SWPPP. Controls may include silt fence, wattles or compost socks, inlet protection, check dams, outlet protection, temporary cover, temporary seeding and mulch, stabilized construction entrances, wheel wash if needed, temporary sediment traps if shown on the TESC plans or required by field conditions, and other BMPs shown on the TESC plans or added by the Contractor as field conditions require.

☐ The project qualifies as "small residential lot" construction (defined in Appendix A as "a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre") (see Appendix F, Part F.3.2).

☐ Buffer disturbances are authorized under a CWA Section 404 permit.

☐ Buffer disturbances will occur for the construction of a water-dependent structure or water access area (e.g., pier, boat ramp, and trail).

4.2 Perimeter Controls

General

High-visibility construction fencing will be placed at or near the limits of disturbance where earth disturbance will occur to prevent encroachment beyond the approved work area. Silt fencing will be installed on the construction side of the construction fencing in areas where the slope is very gentle; wattles will be installed instead of silt fencing where appropriate. Perimeter control descriptions are provided below, and perimeter control locations are shown on the TESC plan sheets included in Appendix A.

Specific Perimeter Controls

Silt Fence (BMP C233)	
Description	Install perimeter silt fence along downslope limits of grading and along flow paths toward storm drains, drainage ditches, surface waters, or receiving waters. Use additional or redundant silt fence where shown on the TESC plans or where field conditions require additional sediment control. Make operational before earth-disturbing activities begin.
Installation	Install before earth-disturbing activities begin in areas where silt fence is shown on the TESC plans or where needed along downslope limits of disturbance and flow paths toward storm drains, drainage ditches, surface waters, or receiving waters. Adjust, extend, repair, or remove as work progresses and as field conditions change.
Maintenance Requirements	Inspect regularly and after storm events requiring inspection under the EPA CGP. Remove sediment at ½ the above-ground height (CGP 2.2.3.c.i). After storms, extend controls or repair undercut areas if there's evidence of bypass/undercutting (CGP 2.2.3.c.ii). Replace damaged fabric/posts same day.
Design Specifications	SWMMWW BMP C233; WSDOT Std. Specs 8-01; approved contract plans/details.

High-Visibility Silt Fence (BMP C231)	
Description	Perimeter control that doubles as a high-visibility limit (driveways/access tie-ins).
Installation	Install before earth-disturbing activities begin where needed to identify clearing limits, protect sensitive areas, and prevent encroachment outside approved work areas. Maintain, relocate, or remove as work progresses and as shown on the TESC plans.
Maintenance Requirements	Same as C233; keep fence taut/visible; repair flagging/stakes.
Design Specifications	SWMMWW BMP C231; WSDOT 8-01; approved contract plans/details.

Wattles / Compost Socks (BMP C235)	
Description	Install across slope breaks, at toe of fills, margins of temporary swales, and as supplemental inlet perimeter. Maintain continuous soil contact.
Installation	Install before or concurrent with grading where shown on the TESC plans or where needed across slope breaks, at toe of fills, along temporary swales, near inlets, or as supplemental perimeter control. Maintain continuous soil contact and adjust as work progresses.
Maintenance Requirements	Re-stake/replace after storms; repair gaps/undercut; remove accumulated sediment at ½ height.
Design Specifications	SWMMWW BMP C235; WSDOT 8-01; approved contract plans/details.

Inlet Protection (BMP C220)	
Description	Protect all active storm drain inlets within/adjacent to disturbed areas (temporary and newly activated). Use devices per detail; ensure safe bypass during large storms.
Installation	Install before runoff from disturbed areas is directed to active storm drain inlets. Maintain protection on existing and newly activated inlets within or adjacent to disturbed areas until contributing areas are stabilized or the Engineer approves removal.
Maintenance Requirements	Inspect after storms; remove sediment/debris; reset devices; prevent bypass/ponding hazards; replace damaged units.
Design Specifications	SWMMWW BMP C220; WSDOT 8-01; approved contract plans/details.

Check Dams (BMP C207)	
Description	Install in temporary ditches/swales to slow velocities and reduce transport to perimeter controls/outlets. Size/spacing per detail.
Installation	Install in temporary ditches, swales, or concentrated-flow paths where shown on the TESC plans or where needed to reduce flow velocity and sediment transport. Adjust spacing and location as grades and temporary drainage patterns change.
Maintenance Requirements	Maintain crest height/spacing; repair displaced rock/ECM; remove sediment when storage is reduced.
Design Specifications	SWMMWW BMP C207; WSDOT 8-01; approved contract plans/details.

Outlet Protection (BMP C209)	
Description	Riprap/energy dissipation at temporary pipe/swale outlets to prevent scour.
Installation	Install when temporary or permanent pipe, culvert, ditch, or swale outlets are constructed or activated and where shown on the TESC plans. Maintain outlet protection until contributing areas are stabilized or permanent outlet protection is complete.
Maintenance Requirements	Replace displaced rock; fix undercutting; keep apron length/width per detail; clear accumulated sediment.
Design Specifications	SWMMWW BMP C209; WSDOT 8-01; approved contract plans/details.

Temporary Sediment Trap (C240)	
Description	Provide temporary storage at TESC low points where specified or if field conditions warrant added capacity.
Installation	Install where shown on the TESC plans or where field conditions warrant additional temporary sediment storage. Maintain through active earthwork and remove only after contributing disturbed areas are stabilized and removal is approved.
Maintenance Requirements	Maintain outlet protection; dredge when ⅓ full; keep access for cleanout; repair embankments.
Design Specifications	SWMMWW BMP C240/C241; WSDOT 8-01; approved contract plans/details.

4.3 Sediment Track-Out

Instructions (see CGP Parts 2.2.4 and 7.2.6.b.iii):

- Describe stormwater controls that will be used to minimize sediment track-out.
- Describe location(s) of vehicle exit(s), procedures to remove accumulated sediment off-site (e.g., vehicle tracking), and stabilization practices (e.g., stone pads or wash racks or both) to minimize off-site vehicle tracking of sediment. Also include the design, installation, and maintenance specifications for each control.

General

- Minimize vehicle tracking of sediment onto paved roads by: limiting egress points; using stabilized construction entrances and wheel wash where needed; stabilizing internal haul routes; and removing any track-out from public roads by the end of the same work day (or as soon as practicable for nighttime operations). Cover/secure loads; no washing into storm drains. Wheel-wash water is contained and managed per Section 5.4.

Specific Track-Out Controls

Stabilized Construction Entrance (BMP C105)	
Description	Rock pad and geotextile at each active site egress to paved roads; length/width and rock size per detail.
Installation	Install prior to use of active construction access points; adjust, relocate, or remove as access points change and as shown in the TESC plans.
Maintenance Requirements	Maintain thickness/cleanliness; add rock if mud pumps through; sweep any track-out on paved roads the same day; keep entrance free of ruts; repair geotextile as needed.
Design Specifications	SWMMWW BMP C105; WSDOT Std. Specs 8-01; approved contract plans/details.

Wheel Wash (BMP C106)	
Description	Fixed or portable wheel-wash at egress to remove soil from tires/undercarriages when C105 alone is insufficient.
Installation	Install with C105 where indicated on TESC or when Inspector/Engineer directs (typically wet season or heavy trucking).
Maintenance Requirements	Keep grates/pads clear; replace water as turbid; collect washwater in lined sump/portable unit and route to sediment trap or haul offsite—no discharge to storm drains/surface waters; inspect daily.
Design Specifications	SWMMWW BMP C106; WSDOT 8-01; see §5.4 for washwater handling.

Construction Road/Parking Stabilization (BMP C107)	
Description	Crushed rock or equivalent surfacing on internal haul routes and staging to reduce mud tracking to egress points.
Installation	Install with initial site access; extend, maintain, or remove as work progresses and as shown in the TESC plans.
Maintenance Requirements	Maintain surfacing thickness; regrade ruts; add rock as needed; control dust.
Design Specifications	SWMMWW BMP C107; WSDOT 8-01; approved contract plans/details.

Street Cleaning (WSDOT 8-01.3(8))	
Description	Mechanical sweeping or vacuuming of paved public roads where any track-out occurs. No flushing to drains.
Installation	As soon as track-out is observed; keep equipment onsite during mass haul/earthwork.
Maintenance Requirements	Sweep by end of same work day (or as soon as practicable for nighttime shifts); dispose of collected material properly.
Design Specifications	WSDOT Std. Specs 8-01.3(8); approved contract plans/details.

4.4 Stockpiles or Land Clearing Debris Piles Comprised of Sediment or Soil

General

- Stabilize all exposed and unworked soils (including equipment staging area solids, material storage areas, and borrow areas) by applying effective BMPs that protect the soil from wind, raindrops, and flowing water. Selected soil stabilization measures must be appropriate for the time of year, site conditions, estimated duration of use, and the water quality impacts that stabilization agents may have on downstream waters or groundwater.

- In western Washington, cover exposed soil that is not being worked— whether at final grade or not—within the following time limits, using approved soil cover practices:
  October 1 through April 30, 2 days maximum
  May 1 through September 30, 7 days maximum

- Expose no more soil than can be covered within the above time limits. Construction activities shall not expose more erodible soil than can be stabilized within the required timeframes unless approved by the Engineer.

Specific Stockpile Controls

Plastic Covering (BMP C123)	
Description	Securely cover soil/sediment stockpiles with plastic sheeting to prevent erosion and windblown loss; weight/tie down all edges.
Installation	Before forecast rainfall and whenever piles will be inactive ≥24 hours.
Maintenance Requirements	Inspect daily in wet season and after ≥0.25" storms; repair tears, re-secure edges, remove ponded water; replace damaged sheets.
Design Specifications	SWMMWW BMP C123; WSDOT Std. Specs 8-01; approved contract plans/details.

Temporary Seeding & Mulch (BMP C120/C121)	
Description	Apply temporary seed and mulch to long-duration soil piles to provide stabilization when plastic cover is removed or impractical.
Installation	Within 14 days of inactivity (7 days if within 50 ft of waters) per §4.15.
Maintenance Requirements	Water/repair as needed; re-mulch bare areas; re-seed if germination fails.
Design Specifications	SWMMWW BMP C120/C121; WSDOT Std. Specs 8-01; approved contract plans/details.

Silt Fence – Stockpile Perimeter (BMP C233)	
Description	Place downslope of piles (ring or linear) to intercept sheet flow and capture sediment.
Installation	Before creating piles; extend/adjust as piles move/expand.
Maintenance Requirements	Inspect weekly and after storms; remove sediment at ½ fence height; repair tears/undercutting the same day (CGP 2.2.3.c).
Design Specifications	SWMMWW BMP C233; WSDOT Std. Specs 8-01; approved contract plans/details.

Wattles / Compost Socks – Stockpile Perimeter (BMP C235)	
Description	Install around piles or along flow paths; maintain continuous soil contact.
Installation	Before creating piles and as configurations change.
Maintenance Requirements	Re-stake/replace after storms; fix gaps/undercut; remove sediment at ½ device height.
Design Specifications	SWMMWW BMP C235; WSDOT Std. Specs 8-01; approved contract plans/details.

Storm Drain Inlet Protection – Near Piles (BMP C220)	
Description	Protect any active inlets within/adjacent to stockpile areas; ensure safe bypass for larger storms.
Installation	Before directing flow toward an inlet or when pile is within ~100 ft of a drain.
Maintenance Requirements	Clean/reshape after storms; remove accumulated sediment/debris; prevent bypass/ponding hazards.
Design Specifications	SWMMWW BMP C220; WSDOT Std. Specs 8-01; approved contract plans/details.

Run-On Diversion / Check Dams – Upslope of Piles (BMP C207)	
Description	Use temporary berms/swales with check dams to divert run-on away from piles and reduce velocities.
Installation	With pile setup or when upslope flow is identified.
Maintenance Requirements	Maintain crest height/spacing; repair displaced rock/ECM; remove accumulated sediment to restore storage.
Design Specifications	SWMMWW BMP C207; WSDOT Std. Specs 8-01; approved contract plans/details.

4.5 Minimize Dust

General

Implement dust control to prevent visible emissions leaving the site and to keep sediment from depositing on roads or entering drains. Limit exposed/disturbed areas, schedule earthwork to avoid high-wind periods when feasible, and use the following minimum practices: (1) maintain stabilized haul routes and construction entrances; (2) apply water to disturbed surfaces as needed without causing runoff; (3) cover/tarp loads and cover stockpiles; (4) enforce a site speed limit of ≤10 mph on unpaved routes; and (5) sweep/vacuum any deposited fines from paved roads the same day (no flushing to drains). Suspend or modify operations if dust cannot be controlled (e.g., sustained high winds) and document actions in the inspection log.

Specific Dust Controls

Dust Control – Water Application (BMP C140)	
Description	Apply water with trucks or fixed spray to exposed soils, haul roads, and staging areas to suppress dust; avoid runoff.
Installation	Establish water source and trucks before mass earthwork; use during dry/windy periods.
Maintenance Requirements	Re-apply as needed to keep surfaces visibly damp without runoff; adjust frequency based on weather/traffic.
Design Specifications	SWMMWW BMP C140; WSDOT Std. Specs 8-01; approved contract plans/details.

Construction Road/Parking Stabilization (BMP C107)	
Description	Crushed rock or equivalent surfacing on internal haul routes and staging to reduce dust generation.
Installation	With initial site access (Phase I); extend/maintain through Stages 4–5.
Maintenance Requirements	Maintain surfacing thickness; regrade ruts; add rock as needed; control dust at egress points.
Design Specifications	SWMMWW BMP C107; WSDOT 8-01; approved contract plans/details.

Cover and Secure Loads (per C140)	
Description	Cover/tarp trucks hauling fine materials; prevent windblown loss during transport; no material tracking.
Installation	At time of loading; required for all outbound loads of soil/fines.
Maintenance Requirements	Inspect/tighten covers; clean sideboards and tailgates before leaving site.
Design Specifications	SWMMWW BMP C140; WSDOT 8-01; approved contract plans/details.

4.6 Minimize Steep Slope Disturbances

General

- Limit disturbance on steep slopes and long slope lengths; phase cuts/fills so slopes are exposed the shortest practicable time. Install slope BMPs **before** upslope grading (e.g., wattles, check dams, RECPs), break up slope lengths with benches/controls, and stabilize exposed soils per the 7-/14-day rules in §4.15. Repair any rills/gullies immediately and add redundant controls if runoff concentrates.

Specific Steep Slope Controls

Temporary and Permanent Seeding (BMP C120)	
Description	Apply seed to disturbed slopes as soon as practicable after grading to establish vegetation and prevent erosion. Use native seed mixes or approved temporary seed where permanent seeding is delayed.
Installation	nstall after grading is complete or when disturbed areas become inactive; maintain until permanent stabilization is established.
Maintenance Requirements	Inspect weekly and within 24 hours of ≥ 0.25 in rain. Reseed areas where germination < 70 percent cover. Maintain irrigation or mulching until establishment.
Design Specifications	SWMMWW BMP C120; WSDOT Std. Specs 8-01; approved contract plans/details.

Mulching (BMP C121)	
Description	Apply straw, compost, or hydraulic mulch to temporarily exposed slopes and inactive disturbed areas to protect soil from raindrop impact and runoff.
Installation	Apply after seeding or whenever exposed soils require temporary cover.
Maintenance Requirements	Maintain 100 % ground coverage; re-apply mulch where bare soil or wash-off is observed. Remove and replace displaced material.
Design Specifications	SWMMWW BMP C121; WSDOT Std. Specs 8-01; approved contract plans/details.

Nets and Blankets (BMP C122)	
Description	Install biodegradable erosion-control blankets or jute netting on steep or highly erodible slopes to reinforce soil and protect seeded areas until vegetation is established.
Installation	Install on steep or highly erodible slopes where shown on the TESC plans or where field conditions require.
Maintenance Requirements	Inspect weekly and after storms. Re-anchor loose edges and repair torn areas immediately. Replace damaged sections within 24 hours.
Design Specifications	SWMMWW BMP C122; WSDOT Std. Specs 8-01; approved contract plans/details.

Plastic Covering (BMP C123)	
Description	Use plastic sheeting to cover slopes temporarily during wet weather or work shutdowns to prevent erosion. Avoid long-term use to prevent soil sterilization.
Installation	Install before forecast rainfall or during temporary shutdowns where exposed slopes require immediate cover.
Maintenance Requirements	Inspect before and after storms; repair tears and ensure overlaps are intact. Remove covering once permanent stabilization is established.
Design Specifications	SWMMWW BMP C123; WSDOT Std. Specs 8-01; approved contract plans/details.

Check Dams (BMP C207)	
Description	Place rock, wattles, or sandbag check dams in temporary swales or ditches along slopes to slow runoff velocity and promote sediment deposition.
Installation	Install where shown on TESC plans or where field conditions require.
Maintenance Requirements	Remove sediment when buildup reaches ½ height; replace displaced material.
Design Specifications	SWMMWW BMP C207; WSDOT Std. Specs 8-01 & 8-15; approved contract plans/details.

Wattles / Compost Sock (BMP C235)	
Description	Install straw wattles or compost socks along slope contours and toes to intercept sheet flow and reduce velocity.
Installation	Install where shown on TESC plans or where field conditions require.
Maintenance Requirements	Inspect weekly and after storms; replace collapsed or undercut sections; remove sediment at ⅓ height.
Design Specifications	SWMMWW BMP C235; WSDOT Std. Specs 8-01; approved contract plans/details.

Compost Filter Berm (BMP C239)	
Description	Use compost filter berms at slope toes or discharge points to dissipate flow energy, filter sediment, and protect adjacent areas.
Installation	Install with Stage 2–3 grading before rainfall along slope toes and drainage perimeters; maintain through Stage 4 until vegetation is established; remove during Stage 5 final stabilization per TESC.
Maintenance Requirements	Remove and replace berms if eroded, undercut, or saturated. Remove accumulated sediment when ⅓ height is reached.
Design Specifications	SWMMWW BMP C239; WSDOT Std. Specs 8-01 & 8-15; approved contract plans/details.

4.7 Topsoil

General

- Prior to commencing work, clearing limit boundaries will be clearly flagged to preserve as much native topsoil as feasible. Stockpile reusable topsoil and cover/protect per §4.4 until reuse. Re-spread topsoil in areas to be vegetated at the thickness shown on plans; amend as specified to support revegetation, then stabilize per §4.15.

Specific Topsoil Controls

Topsoil (BMP C125)	
Description	Strip reusable topsoil from grading areas and stockpile for reuse in permanent stabilization and revegetation. Protect topsoil stockpiles from erosion, compaction, and contamination.
Installation	Strip and stockpile reusable topsoil before earthwork begins in areas where topsoil will be reused. Locate stockpiles in stable areas away from drainage paths and surface waters where feasible. Install perimeter controls around stockpiles and cover, seed, mulch, or otherwise stabilize stockpiles as needed.
Maintenance Requirements	Inspect topsoil stockpiles weekly and after storms requiring inspection under the EPA CGP. Repair eroded areas, maintain perimeter controls, and replace covers or stabilization measures as needed. Remove accumulated sediment at stockpile toes and reapply stabilization if stockpiles become inactive or exposed.
Design Specifications	SWMMWW BMP C125; WSDOT Std. Specs 8-01.3(3); see Hydraulic Report § 2.4 (Soils) for reuse criteria; approved contract plans/details.

4.8 Soil Compaction

General

- Minimize compaction outside structural areas by restricting equipment to designated routes and staging. Where soils in landscaped/vegetated areas become compacted, loosen/rip to the specified depth prior to topsoil placement, then seed/mulch per §4.15. Avoid re-compaction of prepared seedbeds and infiltration areas.

Construction Road / Parking Area Stabilization (BMP C107)	
Description	Provide crushed-rock or equivalent surfacing on interior haul routes, staging, and parking areas to confine traffic and reduce off-route compaction and rutting.
Installation	Install stabilized construction roads, access routes, staging areas, and parking areas where shown on the TESC plans or where needed to confine construction traffic and reduce off-route compaction, rutting, dust, and sediment tracking. Adjust, relocate, maintain, or remove stabilized areas as work progresses and after they are no longer needed.
Maintenance Requirements	Regrade ruts, add rock as needed, and sweep paved tie-ins to prevent fines migration. Inspect weekly and after storms; repair immediately if sediment tracking occurs.
Design Specifications	SWMMWW BMP C107; WSDOT Std. Specs 8-01; align with stabilized entrance (BMP C105) ; approved contract plans/details.

4.9 Storm Drain Inlets

General

- Protect all active inlets within or adjacent to disturbed areas **before** directing flow to them. Maintain inlet protection so it functions without creating flooding hazards; clean/reshape after storms and remove devices when contributing areas are stabilized. Device types and locations are shown in §4.2 and on the TESC plans in Appendix A.

Specific Storm Drain Inlet Controls

Storm Drain Inlet Protection (BMP C220)	
Description	Install inlet protection devices on or around catch basins and inlets receiving runoff from disturbed areas to capture sediment before it enters the storm system.
Installation	Install before directing runoff from disturbed areas to active inlets. Adjust, relocate, or remove inlet protection as work progresses and as shown in the TESC plans.
Maintenance Requirements	Inspect weekly and after storm events requiring inspection under the EPA CGP. Remove accumulated sediment and debris, reset displaced devices, and replace damaged materials as needed. Maintain bypass capacity to avoid flooding or traffic hazards.
Design Specifications	SWMMWW BMP C220; WSDOT Standard Specifications 8-01 and 8-15; approved contract plans/details.

Additional inlet protection or supplemental sediment controls, such as gravel-filled berms, wattles, compost socks, temporary sediment traps, or temporary sediment ponds, may be used where shown on the TESC plans or where required by field conditions.

4.10 Constructed Site Drainage Feature

General

- Stabilize newly constructed channels, swales, and temporary diversions prior to use with specified linings (e.g., RECPs, grass lining, riprap) and install outlet protection at discharges. Use check dams where needed to control velocity and sediment transport. Remove temporary conveyances at closeout and restore disturbed areas. See TESC Plans (Appendix A) for details.

Specific Constructed Site Drainage Features

Check Dams (BMP C207)	
Description	Rock or bagged-gravel check dams placed perpendicular to flow in temporary swales/ditches to reduce velocities and promote sediment deposition before discharge to outfalls/inlets.
Installation	Install in temporary swales, ditches, or other constructed drainage features before they receive runoff from disturbed areas. Space and configure check dams as shown in the TESC plans and details. Adjust, repair, relocate, or remove check dams as drainage patterns change and as work progresses.
Maintenance Requirements	Inspect during/after each runoff event; remove sediment at ½ sump depth; repair bypass/undercutting and add armoring between dams if erosion occurs.
Design Specifications	SWMMWW BMP C207**;** WSDOT Std. Specs 8-01 & 8-15**;** see drainage plan/profiles for locations; approved contract plans/details.

Riprap Channel Lining (BMP C202)	
Description	Rock lining in channels/ditches to protect against erosion where concentrated flow/steeper slopes occur and at conveyance transitions.
Installation	Install riprap channel lining immediately after channel or ditch shaping and before concentrated flow is directed through the drainage feature. Place rock, filter material, and transitions as shown in the TESC plans, drainage plans, and applicable details. Maintain or adjust lining as needed until permanent stabilization is achieved.
Maintenance Requirements	Inspect weekly and after storms; replace displaced rock; restore underlayment where exposed.
Design Specifications	SWMMWW BMP C202**;** WSDOT Std. Specs 8-15**;** see Hydraulics plans/profiles; approved contract plans/details.

Outlet Protection (BMP C209 / WSDOT 8-01.3(11))	
Description	Energy dissipation/armoring at pipe and culvert discharges (rock pads, riprap basins, or manufactured dissipators) to prevent scour at outlets.
Installation	Install outlet protection before flow is directed to a pipe, culvert, ditch, swale, or temporary outlet. Provide energy dissipation and scour protection as shown in the TESC plans, drainage plans, and applicable details. Maintain outlet protection until the outlet and contributing areas are stabilized or until the permanent outlet condition is complete.
Maintenance Requirements	Inspect after runoff events; repair displacement/settlement; clear accumulated sediment that reduces function.
Design Specifications	SWMMWW BMP C209**;** WSDOT Std. Specs 8-01 & 8-15; see outfall details on drainage sheets; approved contract plans/details.

4.11 Sediment Basins or Similar Impoundments

Sediment basins are not proposed for this linear roadway project. If field conditions warrant additional sediment storage, temporary sediment traps, such as BMP C240, may be used where shown on the TESC plans or where approved by the Engineer. Temporary sediment traps shall be sized, maintained, cleaned out, and removed in accordance with the TESC plans, applicable details, and permit requirements.

4.12 Chemical Treatment

No chemical stormwater treatment is proposed. Physical BMPs, including perimeter controls, inlet protection, sediment traps, temporary stabilization, and other controls shown on the TESC plans, will be used. If chemical treatment becomes necessary due to unforeseen conditions, the Contractor shall submit a written treatment plan for approval before use. The plan shall identify the proposed chemical, dosage, application area, monitoring procedures, discharge controls, and documentation requirements.

4.13 Dewatering Practices

Localized construction dewatering may be required where excavations encounter groundwater, accumulated stormwater, or saturated conditions. If dewatering is required, the Contractor shall update this SWPPP before dewatering begins, identify dewatering locations and discharge or disposal points on the site map, and implement appropriate sediment removal, treatment, containment, and erosion-control BMPs.

Dewatering water shall be managed to prevent sediment, turbidity, oil, grease, concrete washwater, contaminated groundwater, or other pollutants from discharging to storm drains, drainage ditches, surface waters, or receiving waters. Dewatering water shall be routed through appropriate controls, such as a lined sump, dewatering bag, portable treatment unit, sediment trap, tank, infiltration area, or approved off-site disposal method, before discharge or disposal.

Dewatering discharges shall not cause erosion, scour, flooding, or sediment transport. Dewatering activities, treatment controls, discharge locations, inspection requirements, and turbidity monitoring, if required, shall comply with the EPA CGP and be documented in SWPPP records.

4.14 Other Stormwater Controls

No additional stormwater controls beyond those described in Sections 4.2 through 4.13 are anticipated. If site conditions require additional or alternate controls, the Contractor shall provide controls with equal or better performance, add them to the site map, and update this SWPPP accordingly.

4.15 Site Stabilization

Implement temporary and permanent stabilization to prevent erosion from disturbed areas. Initiate stabilization immediately where construction activities have permanently or temporarily ceased and will not resume within the applicable EPA CGP timeframes. Stabilization timeframes include 14 days for general inactive areas, 7 days for areas within 50 feet of receiving waters, and 7 days after final grade is reached. Stabilization methods may include seeding, mulching, erosion control blankets/RECPs, surface cover, landscaping, pavement, or other measures shown in the TESC plans. Maintain stabilization measures until vegetation is established or the area is otherwise stabilized.

Total Amount of Land Disturbance Occurring at Any One Time

☒ *Five Acres or less*

☐ *More than Five Acres*

SECTION 5: POLLUTION PREVENTION CONTROLS

5.1 Potential Sources of Pollution

Construction Site Pollutants

Pollutant-Generating Activity	Pollutants or Pollutant Constituents That Could Be Discharged if Exposed to Stormwater	Location on Site
Earthwork, grading, trenching, excavation, and fill placement	Sediment, turbidity, soil fines	Corridor-wide disturbed areas; see Appendix A – TESC plans
Storm drain, utility, and conveyance installation	Sediment, turbidity, soil fines, concrete or grout residues if used	Utility trenches, drainage structures, and conveyance work areas; see Appendix A – TESC plans
Wall, and concrete work	Concrete washwater, high pH water, cementitious materials, sediment, slurry	Wall/concrete work areas; washout locations to be added to SWPPP site map by Contractor before use
Sawcutting, grinding, and surface preparation	Concrete/asphalt slurry, high pH water, sediment/fines	Pavement tie-ins, roadway approaches, and structure work areas
Asphalt paving, tack coat, and pavement repair	Asphalt emulsions, oils, petroleum products, PAHs	Paving limits and paving staging areas
Soil, aggregate, and material stockpiles	Sediment, turbidity, dust, soil fines	Contractor-selected stockpile and material storage areas; to be added to SWPPP site map before use
Vehicle and equipment operation	Fuel, oil, hydraulic fluid, grease, antifreeze, metals from wear	Active construction areas, haul routes, staging areas, and equipment access routes
Vehicle and equipment fueling or maintenance	Diesel, gasoline, oil, hydraulic fluid, grease, antifreeze, solvents, absorbents	Contractor-selected fueling/maintenance areas; to be added to SWPPP site map before use
Track-out and construction access	Sediment, soil fines, dust	Construction entrances/exits and paved roadway tie-ins; see Appendix A – TESC plans
Wheel wash, if used	Sediment-laden washwater, turbidity	Contractor-selected wheel wash locations; to be added to SWPPP site map before use
Building products, chemicals, paints, coatings, adhesives, sealants, curing compounds, and form-release oils	VOCs, solvents, resin residues, petroleum products, chemical residues	Covered/contained material storage areas; to be added to SWPPP site map before use
Portable toilets and sanitary facilities	Sanitary waste, bacteria, nutrients	Contractor-selected sanitary facility locations; to be added to SWPPP site map before use

Pollutant-Generating Activity	Pollutants or Pollutant Constituents That Could Be Discharged if Exposed to Stormwater	Location on Site
Construction and domestic waste	Solid waste, floatables, leachate, sediment	Contractor-selected waste and recycling areas; to be added to SWPPP site map before use
Landscaping, planting, and final stabilization	Fertilizer, mulch fines, sediment, nutrients	Landscape/restoration areas and final stabilization areas
Localized construction dewatering, if required by field conditions	Sediment, turbidity, suspended solids, oil/grease if encountered, or other pollutants depending on excavation conditions	Excavations, utility/drainage work areas, vaults, and other localized dewatering areas; locations to be added to SWPPP site map before dewatering begins

5.2 Spill Prevention and Response

If required by applicable regulations or contract requirements, the Contractor shall prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan or project-specific spill prevention plan. Spill prevention and response procedures shall be implemented for all construction activities involving fuels, oils, hydraulic fluids, concrete products, chemicals, paints, coatings, curing compounds, solvents, fertilizers, sanitary waste, or other materials that could contaminate stormwater.

Spill Prevention

The following practices will be implemented to prevent leaks and spills:

- Store fuel, oil, hydraulic fluids, chemicals, and other liquid materials in closed, sealed, and clearly labeled containers when not actively in use.
- Provide secondary containment for fuel, oil, chemical containers, and other liquid materials.
- Locate material storage, fueling, and maintenance areas away from storm drains, drainage ditches, and receiving waters to the extent feasible. Where 50-foot separation is not feasible, provide equivalent containment and protection.
- Maintain spill kits at fueling areas, maintenance areas, material storage areas, and other locations where spills could occur.
- Inspect vehicles, equipment, containers, and storage areas for leaks or damage.
- Clean up spills and leaks immediately using dry cleanup methods where feasible.
- Do not hose down or wash spills into storm drains, drainage ditches, surface waters, or receiving waters.
- Dispose of spill cleanup materials, contaminated soil, absorbents, and other waste in accordance with applicable federal, Tribal, state, local, and contract requirements.
- Train personnel who handle fuel, oil, chemicals, or other pollutant-generating materials in proper storage, handling, and spill response procedures.

Spill Response

In the event of a spill or release, the Contractor shall immediately implement the following response actions:

1. Stop the source of the spill if it can be done safely.
2. Contain the spill using absorbent pads, booms, berms, or other appropriate materials.
3. Protect storm drains, drainage ditches, surface waters, and receiving waters from the release.
4. Notify the Contractor's stormwater lead and appropriate project personnel.
5. Contact emergency services if the spill presents a threat to human health, safety, or the environment.
6. Report spills in accordance with applicable federal, Tribal, state, local, and contract notification requirements.
7. Remove and properly dispose of contaminated materials, absorbents, and cleanup waste.
8. Document the spill, response actions, notifications, and corrective actions in the SWPPP records.

Emergency and Spill Notification Contacts

- National Response Center, for reportable oil or hazardous material releases: (800) 424-8802
- EPA Region 10 Emergency Response: (206) 553-1263
- Tulalip Tribes Environmental Department: (360) 716-4000
- Contractor 24-hour emergency contact: To be completed by Contractor prior to construction

The Contractor shall update this section with project-specific spill response contacts, storage locations, fueling and maintenance areas, and spill kit locations prior to construction and as work progresses.

5.3 Fueling and Maintenance of Equipment or Vehicles

Fueling and maintenance areas shall be selected by the Contractor and located away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Fueling and maintenance areas shall include spill prevention and containment measures and shall be added to the SWPPP site map before use. The Contractor may document these locations by marking the field copy of the SWPPP site map or TESC plans and updating the SWPPP records.

Transfer Procedures:

- Check fuel container is on secondary containment and check the fill level or ensure the transport vehicle has capacity for the volume of material to be transferred.
- Access the fuel port.
- Place the nozzle into the fuel port.
- Turn on the pump.
- Slowly fill or empty the fuel container.
- Cease filling/ emptying when the container or transport vehicle is full.
- Turn off the pump.
- Remove nozzle from the fuel port.
- Close the fuel port.
- Observe tank and ground surface for any drips, leaks, or spills. If observed, use the spill kit to immediately clean up releases.

Fueling Procedures:

- Remove fuel cap from vehicle/equipment fuel port.
- Place fueling nozzle in fueling port, so nozzle is well seated.
- Stop fueling when vehicle/equipment tank is almost full.
- Remove fueling nozzle.
- Replace fuel cap on vehicle/equipment fuel port.
- Observe the ground surface for any drips, leaks, or spills. If observed, use the spill kit to immediately clean up releases.

Equipment and vehicle maintenance procedures shall be implemented to prevent discharge of spilled or leaked chemicals. Vehicle and equipment maintenance shall be performed off site where feasible. If maintenance must be performed on site, the work shall be conducted in a designated area with appropriate spill prevention, containment, and cleanup materials.

- Drips, pads, and/or absorbents shall be placed under or around leaking equipment and vehicles.
- Leaks or drips shall be cleaned up immediately using dry cleanup methods where feasible.
- Spill kits shall be maintained at fueling and maintenance areas and other locations where spills could occur. Spill kit locations shall be added to the SWPPP site map before use.
- Spill cleanup materials shall be disposed of in accordance with applicable federal, Tribal, state, local, and contract requirements.

5.4 Washing of Equipment and Vehicles

General

- Vehicle and equipment washing shall be conducted off site where feasible. If washing is performed on site, washing shall occur only in a designated area selected by the Contractor and added to the SWPPP site map before use.
- Wash water shall not be discharged directly to storm drains, drainage ditches, surface waters, or receiving waters. Wash areas shall be located away from storm drains, drainage ditches, and receiving waters to the extent feasible and shall include appropriate containment, sediment removal, and pollution prevention controls.
- Only non-detergent washing is allowed unless wash water is fully contained and disposed of properly. Wash water containing sediment, oil, grease, soap, solvents, or other pollutants shall be collected and disposed of in accordance with applicable federal, Tribal, state, local, and contract requirements.

Specific Pollution Prevention Practices

Wheel Wash (BMP C106)	
Description: Provide a stabilized wash facility to remove sediment from vehicle tires and undercarriages before vehicles exit the site, minimizing sediment track-out onto paved roads. Wheel-wash systems may include a wash rack, sump, or portable treatment unit that collects, settles, treats, or contains wash water prior to discharge or disposal.	
Implementation	Install where shown on the TESC plans or where needed at active construction entrances to control sediment track-out. Operate during earthwork or other activities with the potential to track sediment onto paved roads. Adjust, relocate, or remove wheel-wash facilities as access locations change and as work progresses. Wheel-wash locations shall be added to the SWPPP site map before use.
Maintenance Requirements	Maintain wheel-wash facilities in effective operating condition. Replace or manage wash water when it becomes sediment-laden. Inspect the sump, containment area, or treatment unit regularly and after storm events requiring inspection under the EPA CGP. Remove accumulated sediment and dispose of it in accordance with Section 5.5. Maintain racks, pumps, hoses, containment, and treatment components in good working order.
Design Specifications	SWMMWW BMP C106; WSDOT Standard Specification 8-01.3(1); approved contract plans/details.

5.5 Storage, Handling, and Disposal of Building Products, Materials, and Wastes

5.5.1 Building Materials and Building Products

General

- Stormwater or groundwater that contacts curing concrete or cementitious materials must be managed to prevent discharge of high-pH water, slurry, sediment, or other pollutants to storm drains, drainage ditches, surface waters, or receiving waters. Process water from concrete handling, concrete washout, sawcutting, grinding, surfacing, and similar activities shall be contained and shall not be discharged directly to storm drains, surface waters, or receiving waters. Concrete, grout, and surfacing work shall comply

with applicable WSDOT requirements and BMPs C151, C152, C153, and C154. Designated washout, containment, and storage locations shall be selected by the Contractor and added to the SWPPP site map before use.

Specific Pollution Prevention Practices

Concrete Handling (BMP C151)	
Description: Concrete work can generate process water and slurry with high pH and fine particulates that may violate water-quality standards. Prevent all concrete spillage or discharge to surface waters. Contain and collect all process water.	
Implementation	Install concrete handling and containment controls before concrete, grout, or cementitious work begins. Maintain controls during paving, sidewalk, curb, wall, drainage structure, vault, and other concrete-related work. Mark and sign washout or containment locations before use.
Maintenance Requirements	Inspect daily during pours. Repair holes/tears in liners same day. Remove hardened concrete and replace liners when washout areas reach 75 % capacity. Ensure no runoff or leaks from containment.
Design Specifications	SWMMWW BMP C151 (Concrete Handling); WSDOT Std. Spec 5-1.1.7 and 1-07.15(1) (Concrete Handling and SPCC Plan) ; approved contract plans/details.

Sawcutting and Surfacing Pollution Prevention (BMP C152)	
Description: Sawcutting and surfacing generate slurry and process water with high pH and fine particles. Vacuum slurry and cuttings during operations; do not allow materials to enter storm drains or surface waters.	
Installation	Implement sawcutting, grinding, and surfacing pollution prevention controls before sawcutting or surface preparation begins. Collect slurry, cuttings, and process water using vacuum equipment, berms, portable barriers, absorbents, or other appropriate containment methods. Do not allow slurry, cuttings, or process water to enter storm drains, drainage ditches, surface waters, or receiving waters.
Maintenance Requirements	Continuously monitor operations for potential discharge. If slurry or cuttings approach storm inlets or waters, stop work and deploy vacuum equipment immediately. Inspect catch-basin plugs and barriers daily during activity.
Design Specifications	SWMMWW BMP C152 (Sawcutting and Surfacing Pollution Prevention); WSDOT Std. Spec 5-1.1.6; approved contract plans/details.

Concrete Washout Area (BMP C154)	
Description: Temporary washout facilities to contain all liquid and concrete waste from washout operations. Lined with ≥ 10-mil plastic and constructed to hold the expected volume from truck and equipment washouts. Post signage to direct drivers.	
Installation	Install concrete washout areas before concrete washout activities occur. Locate washout areas away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Washout locations shall be selected by the Contractor, signed in the field, and added to the SWPPP site map before use.
Maintenance Requirements	Inspect daily to ensure proper use and integrity of liners. Repair tears immediately. Clean out when filled to 75 % capacity. Harden waste, remove for off-site disposal, and replace plastic liner if damaged during removal.
Design Specifications	SWMMWW BMP C154 (Concrete Washout Area); WSDOT Std. Spec 8-01.3(1) (Temporary Erosion and Sediment Control); approved contract plans/details.

5.5.2 Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials

- Application of fertilizers, herbicides, pesticides, or other landscape chemicals will occur only during final stabilization to establish permanent vegetation.
- Follow manufacturer label requirements for application rates, methods, and weather limitations.
- Do not apply within 24 hours of forecasted rainfall or during active precipitation events. Store fertilizers and other landscape materials in covered, contained areas located away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible.
- Mixing and loading of fertilizers or pesticides will occur over impervious surfaces within bermed or curbed containment areas to prevent spills or stormwater contact.
- Collect and properly dispose of any excess or spilled materials. Do not rinse or wash materials into soil, storm drains, drainage ditches, surface waters, or receiving waters.
- Maintain Safety Data Sheets (SDS) for applicable landscape products kept on site.
- Document product types, application rates, and application dates in the SWPPP inspection log as part of final stabilization activities.

5.5.3 Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals

General

- Fuel, oil, hydraulic fluid, petroleum products, and chemical handling shall comply with EPA CGP requirements, applicable contract requirements, and BMP C153. Petroleum products and chemicals shall be stored in covered or contained areas with appropriate secondary containment. Materials shall be kept in original, labeled containers with lids secured when not in use. Storage and handling areas shall be located away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Where separation is not feasible, equivalent containment and protection shall be provided. Drums and totes shall be located in contractor-selected storage areas and

added to the SWPPP site map before use. Spill kits shall be maintained at fueling, maintenance, and chemical storage areas. Personnel handling petroleum products or chemicals shall be trained in spill prevention and response procedures.

Material Delivery, Storage and Containment (BMP C153)	
Description	Applies to material and chemical storage areas, including fuels, oils, asphalt emulsions, curing compounds, paints, adhesives, and other products requiring secondary containment or cover to prevent leaks, spills, or stormwater contact.
Installation	Install material storage and containment controls before petroleum products, chemicals, or other regulated materials are brought on site. Maintain containment and cover during active construction. Locate storage areas away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Storage locations shall be selected by the Contractor and added to the SWPPP site map before use. Remove containers and containment measures when materials are no longer needed.
Maintenance Requirements	Inspect containers and containment weekly and after storms. Repair cracks, replace liners, and remove accumulated liquids immediately. Dispose of absorbents and contaminated materials per § 5.5.4.
Design Specifications	SWMMWW BMP C153 (Material Delivery, Storage and Containment); WSDOT Std. Spec 1-07.15(1) (Spill Prevention and Remediation); approved contract plans/details.

Supplemental Requirements

- Use environmentally acceptable hydraulic fluids where required by the contract documents or applicable permits.
- Follow Section 5.2 for spill cleanup, notification, and disposal.
- Dispose of used oil, filters, and absorbents through licensed recycling or disposal vendors; retain disposal records in project files.
- Maintain SDS for stored chemicals and keep copies available on site.

5.5.4 Hazardous or Toxic Waste

No hazardous or toxic waste is expected to be generated or stored on site. If hazardous or toxic waste is encountered or generated, including contaminated soil, contaminated groundwater, solvents, paints, adhesives, petroleum-contaminated materials, or other regulated waste, the Contractor shall manage the material in accordance with applicable federal, Tribal, state, local, and contract requirements.

If contaminated soil, contaminated groundwater, or other suspect materials are discovered during construction, the Contractor shall stop work in the affected area, notify the appropriate project personnel, and coordinate characterization, handling, storage, transport, and disposal requirements before disturbing or removing the material. Contaminated materials shall be stored in covered or contained areas and disposed of at approved facilities.

Contingency Controls

- Maintain spill kits, absorbents, and waste drums for emergency containment and cleanup in accordance with Section 5.2.
- Label regulated-waste containers with accumulation start date and waste type, as applicable.

- Store drums, totes, or other containers under cover or in impervious containment areas away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Where separation is not feasible, equivalent containment and protection shall be provided.
- Inspect storage areas regularly and after storm events requiring inspection under the EPA CGP. Correct leaks, staining, damaged containers, or containment deficiencies immediately.
- Do not mix incompatible wastes.
- Maintain disposal manifests and records in the project environmental file
- Maintain spill kits, absorbents, and waste drums for emergency containment and cleanup per § 5.2.

5.5.5 Construction and Domestic Waste

Construction and domestic wastes will be minimized, contained, and removed regularly to prevent contact with stormwater.

- No bulk construction debris will be stored on site beyond short-term accumulation in covered bins.
- All waste containers will be leak-proof, covered, and clearly labeled; maintain lids closed except when adding or removing waste.
- Waste and recycling containers shall be located in contractor-selected areas away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Where separation is not feasible, equivalent containment and protection shall be provided. Locations shall be added to the SWPPP site map before use.
- Inspect containers weekly and after storms for leaks or overflow; repair or replace as necessary.
- Domestic (crew) waste will be bagged daily and placed in covered roll-offs for removal to an approved off-site facility.
- Recyclable materials (metal, asphalt, concrete) will be segregated where feasible.
- No waste burning or on-site burial is allowed.
- Spilled or scattered waste will be cleaned up immediately.
- If no construction or domestic waste is generated during specific project phases, document this in the SWPPP inspection log.

5.5.6 Sanitary Waste

Portable toilets may be used on site and shall be secured and located away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Where separation is not feasible, equivalent containment and protection shall be provided.

Toilets shall be placed on stable surfaces and secured to prevent tipping or movement. Locations shall be selected by the Contractor and added to the SWPPP site map before use.

- Units shall be inspected regularly and after storm events requiring inspection under the EPA CGP for leaks, damage, or tipping.
- Units shall be relocated or serviced immediately if damage or leaks are found.
- Toilets shall be maintained and pumped by a licensed supplier as needed to prevent overflow.
- Toilet doors shall be kept closed when not in use, and units shall be anchored or otherwise secured to prevent overturning during high winds.
- Spills or leaks shall be contained and cleaned up using absorbent materials and disposed of in accordance with Section 5.2.
- Used absorbents or contaminated soil shall be collected in sealed containers for proper disposal.

5.6 Washing of Applicators and Containers used for Stucco, Paint, Concrete, Form Release Oils, Cutting Compounds, or Other Materials

Onsite washing of materials, tools, or equipment used for stucco, paint, concrete, form-release oils, cutting compounds, or similar substances is not allowed unless wash water is fully contained and properly managed.

If washing is required for structural, wall, sidewalk, curb, drainage structure, vault, or concrete finishing, it shall be performed off site where feasible or within a lined, contained facility approved by the Engineer and designated by the Contractor. Wash water, rinse water, slurry, or process water shall not be discharged to soil, storm drains, drainage ditches, surface waters, receiving waters, or drainage systems.

Containers and applicators shall be wiped or scraped clean before rinsing where feasible. Disposable materials, including brushes, rags, liners, and related waste, shall be placed in solid-waste containers for off-site disposal in accordance with Section 5.5.

5.7 Application of Fertilizers

Fertilizers will be used only during final stabilization and landscape establishment in accordance with manufacturer label requirements and applicable planting and fertilizer specifications.

- Apply fertilizers at rates and by methods that prevent loss to storm drains, drainage ditches, surface waters, or receiving waters.
- Do not apply within 24 hours of forecasted rainfall, during active precipitation, or during saturated-soil conditions.
- Use slow-release or organic formulations where feasible to minimize nutrient leaching.
- Keep fertilizer storage and mixing areas under cover and located away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Where separation is not feasible, equivalent containment and protection shall be provided.
- Sweep or vacuum fertilizer granules that spill onto pavement. Do not wash fertilizer to storm drains, drainage ditches, surface waters, or receiving waters.
- Record application dates, rates, and product types in the stabilization log or SWPPP records.

5.8 Other Pollution Prevention Practices

No additional pollution prevention practices beyond those already described are anticipated. If additional pollution prevention practices are implemented, the Contractor shall modify the SWPPP to include a description of the practice before implementation.

SECTION 6: INSPECTION, MAINTENANCE, AND CORRECTIVE ACTION

6.1 Inspection Personnel and Procedures

Site Inspection Schedule

Select the inspection frequency(ies) that applies, based on CGP Parts 4.2, 4.3, or 4.4

Standard Frequency:

☒ Every 7 calendar days

☐ Every 14 calendar days and within 24 hours of either:

- A storm event that produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), or
- A storm event that produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days (you conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event)), or
- A discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

Increased Frequency (if applicable): N/A

For areas of sites discharging to sediment or nutrient-impaired waters or to waters designated as Tier 2, Tier 2.5, or Tier 3

☐ Every 7 days and within 24 hours of either:

- A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
- A discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

Reduced Frequency (if applicable): N/A

For stabilized areas

☐ Twice during first month, no more than 14 calendar days apart; then once per month after first month until permit coverage is terminated consistent with Part 9 in any area of your site where the stabilization steps in 2.2.14.a have been completed.

- SPECIFY LOCATIONS WHERE STABILIZATION STEPS HAVE BEEN COMPLETED
- Insert date that they were completed

(Note: It is likely that you will not be able to include this in your initial SWPPP. If you qualify for this reduction (see CGP Part 4.4.1), you will need to modify your SWPPP to include this information. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable.)

For stabilized areas on "linear construction sites" (as defined in Appendix A)

☐ Twice during first month, no more than 14 calendar days apart; then once more within 24 hours of a storm event that produces 0.25 inches or more of rain within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period

- SPECIFY LOCATIONS WHERE STABILIZATION STEPS HAVE BEEN COMPLETED
- Insert date that they were completed

(Note: It is likely that you will not be able to include this in your initial SWPPP. If you qualify for this reduction (see CGP Part 4.4.1), you will need to modify your SWPPP to include this information.)

For arid, semi-arid, or drought-stricken areas during seasonally dry periods or during drought

☐ Once per month and within 24 hours of either:

- A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
- A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

Insert beginning and ending month identified as the seasonally dry period for your area or the valid period of drought:

- Beginning month of the seasonally dry period: Insert approximate date
- Ending month of the seasonally dry period: Insert approximate date

For frozen conditions where construction activities are being conducted

☐ Once per month

Insert beginning and ending dates of frozen conditions on your site:

- Beginning date of frozen conditions: Insert approximate date
- Ending date of frozen conditions: Insert approximate date

For frozen conditions where construction activities are suspended

☐ Inspections are temporarily suspended

Insert beginning and ending dates of frozen conditions on your site:

- Beginning date of frozen conditions: Insert approximate date
- Ending date of frozen conditions: Insert approximate date

Dewatering Inspection Schedule

Localized dewatering may be required if groundwater, accumulated stormwater, or saturated conditions are encountered during excavation or utility/drainage work. If dewatering occurs, the Contractor shall update the SWPPP before dewatering begins and shall conduct dewatering inspections in accordance with the EPA CGP, including once per day on which a dewatering discharge occurs.

Rain Gauge Location (if applicable)

There is a rain gauge located within 1 mile of the project site at 9519 35th Ave NE that should be used for inspection on this site. Data can be found at https://www.wunderground.com/dashboard/pws/KWAMARYS242
Data is also provided in Appendix M – Rainfall Gauge Recording.

Inspection Report Forms

A blank inspection form is included in Appendix D. A dewatering inspection form shall also be included or added if dewatering occurs.

6.2 Corrective Action

Personnel Responsible for Corrective Actions

The Stormwater Team, as identified in Section 1.2, is responsible for ensuring corrective actions are identified, completed, documented, and maintained in accordance with CGP Part 5. The Contractor shall identify the specific personnel responsible for implementing corrective actions before construction begins.

Corrective Action Logs

A corrective action log detailing the date and time the corrective action condition was identified, the required corrective action, the date the corrective action was completed, and the person responsible for completion is included in Appendix E. The corrective action log shall be kept on site, or in an easily accessible location, and retained for a minimum of 3 years after permit coverage ends.

6.3 Delegation of Authority

Duly Authorized Representative(s) or Position(s):

Insert Company or Organization Name
Insert Name
Insert Position
Insert Address
Insert City, State, Zip Code
Insert Telephone Number
Insert Fax/Email

A blank Delegation of Authority letter is provided in Appendix J.

SECTION 7: TURBIDITY BENCHMARK MONITORING FOR DEWATERING DISCHARGES

Turbidity benchmark monitoring is not required unless construction dewatering discharge occurs. If dewatering is required, the Contractor shall update this SWPPP before dewatering begins and shall conduct turbidity benchmark monitoring in accordance with EPA CGP Part 3.3 and applicable permit requirements.

Dewatering discharge locations, treatment controls, inspection requirements, turbidity monitoring procedures, and related documentation shall be added to the SWPPP records. If a turbidity meter is used, the applicable manufacturer's instructions or manual shall be included in Appendix N.

SECTION 8: CERTIFICATION AND NOTIFICATION

I certify under penalty of law that this document and all Appendices were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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.

Name: _____ Title: _____

Signature: _____ Date: _____

[Repeat as needed for multiple construction operators at the site.]

SWPPP APPENDICES

Attach the following documentation to the SWPPP:

Appendix A – Site Maps

Appendix B – Copy of 2022 CGP

Appendix C – NOI and EPA Authorization Email

Appendix D – Site Inspection Form and Dewatering Inspection Form (if applicable)

Appendix E – Corrective Action Log

Appendix F – SWPPP Amendment Log (Provided By Contractor)

Appendix G – Subcontractor Certifications/Agreements (Provided By Contractor)

Appendix H – Grading and Stabilization Activities Log (Provided By Contractor)

Appendix I – Training Documentation

Appendix J – Delegation of Authority (Provided By Contractor)

Appendix K – Endangered Species Documentation

Appendix L – Historic Preservation Documentation

Appendix M – Rainfall Gauge Recording (Provided By Contractor)

Appendix N – Turbidity Meter Manual and Manufacturer's Instructions (if needed)

Appendix A – Site Maps

Appendix B – Copy of 2022 CGP

Appendix C – Copy of NOI and EPA Authorization Email

Appendix D – Copy of Site Inspection Form

Appendix E – Copy of Corrective Action Log

Appendix F – SWPPP Amendment Log

Instructions (see CGP Part 7.4):

- Create a log here of changes and updates to the SWPPP. You may use the table below to track these modifications.
- SWPPP modifications are required pursuant to CGP Part 7.4.1 in the following circumstances:
  - ✓ Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP (this includes changes made in response to corrective actions triggered under CGP Part 5);
  - ✓ To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
  - ✓ If inspections or investigations determine that SWPPP modifications are necessary for compliance with this permit;
  - ✓ Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet requirements of the permit;
  - ✓ To reflect any revisions to applicable Federal, State, Tribal, or local requirements that affect the stormwater control measures implemented at the site; and
  - ✓ If applicable, if a change in chemical treatment systems or chemically-enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]
1	Prepared draft of SWPPP in accordance with CGP Part 7	6/23/2025	Parametrix
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	

Appendix G – Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN

Project Number: _____

Project Title: _____

Operator(s): _____

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the practices described in the SWPPP.

This certification is hereby signed in reference to the above named project:

Company: _____

Address: _____

Telephone Number: _____

Type of construction service to be provided: _____

_____

_____

Signature: _____

Title: _____

Date: _____

Appendix H – Grading and Stabilization Activities Log

Date Grading Activity Initiated	**Description of Grading Activity**	**Description of Stabilization Measure and Location**	**Date Grading Activity Ceased** (Indicate Temporary or Permanent)	**Date When Stabilization Measures Initiated**
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE

Appendix I – Training Documentation

Appendix J – Delegation of Authority Form

Delegation of Authority

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the EPA's Construction General Permit (CGP), at the _____ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

_____ (name of person or position)
_____ (company)
_____ (address)
_____ (city, State, zip)
_____ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix G of EPA's CGP, and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix G.

I certify under penalty of law that this document and all Appendices were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

Appendix K – Endangered Species Documentation

Appendix L – Historic Properties Documentation

Appendix M – Rainfall Gauge Recording

Use the table below to record the rainfall gauge readings at the beginning and end of each work day. An example table follows.

Month/Year			Month/Year			Month/Year		
Day	Start time	End time	Day	Start time	End time	Day	Start time	End time
1			1			1		
2			2			2		
3			3			3		
4			4			4		
5			5			5		
6			6			6		
7			7			7		
8			8			8		
9			9			9		
10			10			10		
11			11			11		
12			12			12		
13			13			13		
14			14			14		
15			15			15		
16			16			16		
17			17			17		
18			18			18		
19			19			19		
20			20			20		
21			21			21		
22			22			22		
23			23			23		
24			24			24		
25			25			25		
26			26			26		
27			27			27		
28			28			28		
29			29			29		
30			30			30		
31			31			31		

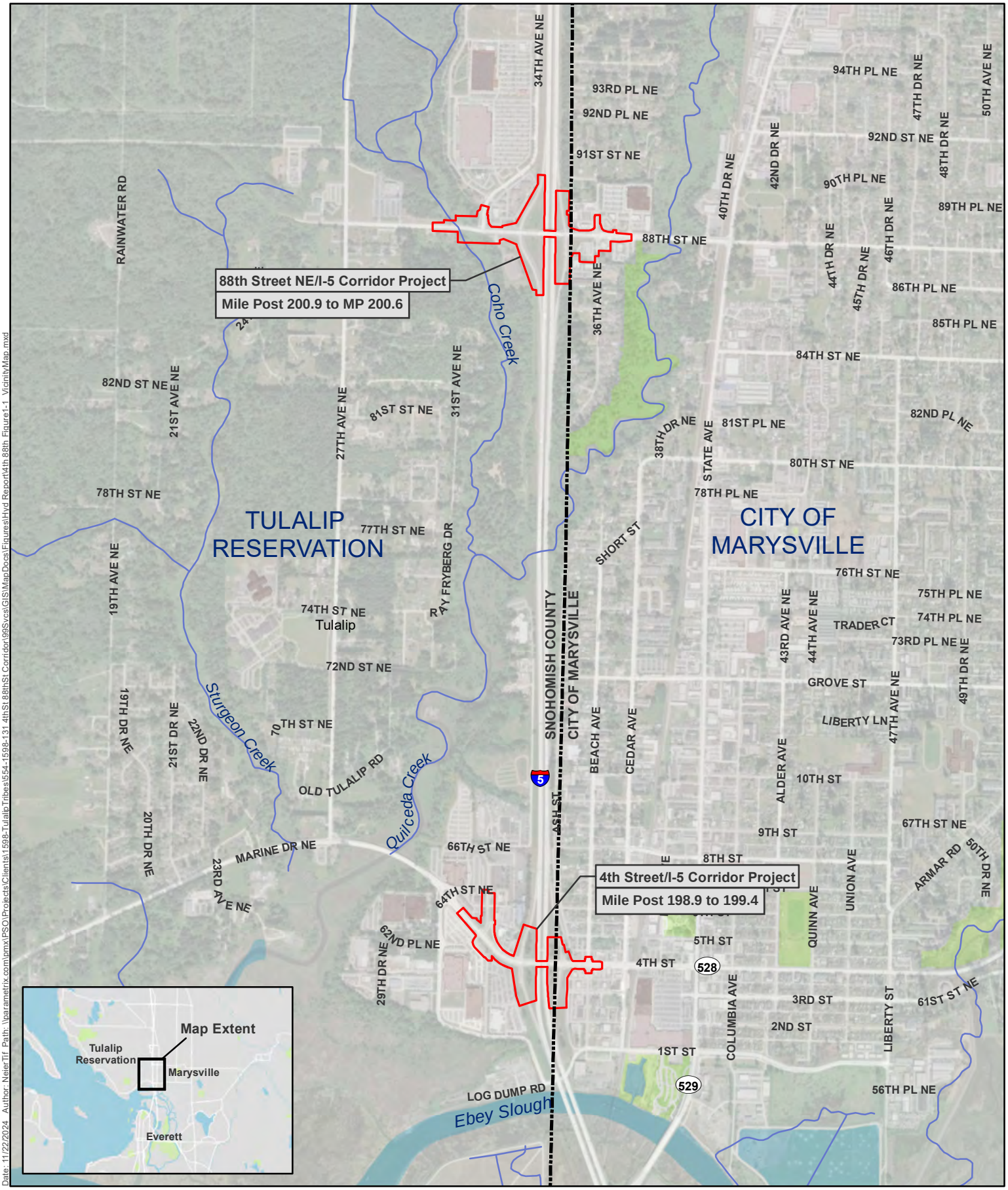
Example Rainfall Gauge Recording

April 201722			May 2017			June 2022		
Day	7:00 am	4:400 pm	Day	7:00 am	4:00 pm	Day	7:00 am	4:00 pm
1	--	--	1	0.2	0	1	0	0.4
2	--	--	2	0	0	2	0	0
3	0	0	3	0.1	0.3	3	--	--
4	0	0.3	4	0	0	4	--	--
5	0	0	5	0	0	5	0	0

In this example (for only partial months), 0.25-inch rainfall inspections would have been conducted on April 4 and June 1.

Appendix N – Turbidity Meter Manual and Manufacturer's Instructions (if needed)

Appendix A – Site Maps



Date: 11/22/2024 Author: NeierTif Path: \\parametrix.com\pmx\PSO\Projects\Clients\1598-TulalipTribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\GIS\MapDocs\Figures\Hyd Report\4th 88th Figure1-1 VicinityMap.mxd

Source: © Mapbox, © OpenStreetMap, ESRI, WDNR

Project Limits

Streams

0 500 1,000 2,000 Feet

Figure 1. Vicinity Map

I-5/4th Street and 88th Street NE Corridor Improvements

Snohomish County, WA

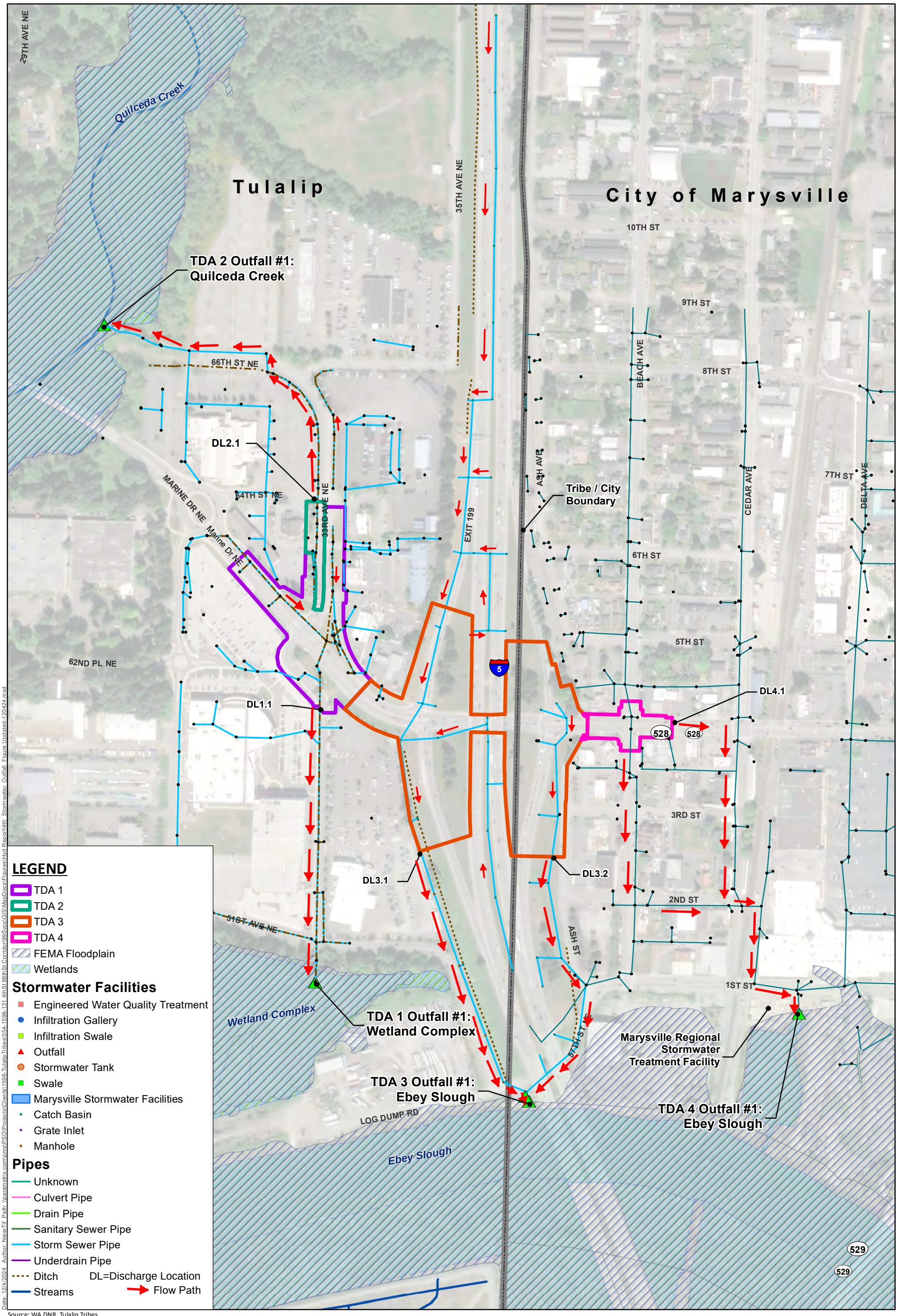


Figure 2
Surface Water Bodies and Discharge Locations
88th Street NE Corridor
Snohomish County, WA

Tribes/City Boundary

WSDOT ROW

City ROW

BEACH AVE

TDA 4 Outfalls to Marysville Regional Treatment Facility Then Ebey Slough

City ROW

TDA 4

I-5 NB ON-RAMP

17%

I-5 NB

I-5 BS

WSDOT ROW

CIty ROW

TDA 2 Outfalls to Quilceda Creek

33RD AVE NE

Snohomish County ROW

TDA 2

I-5 SB OFF-RAMP

3%

TDA 3

14%

Snohomish County ROW

ISR 528 (4TH ST)

TDA 3

3%

I-5 NB OFF-RAMP

16%

TDA 3 Outfalls to Ebey Slough

19%

WSDOT ROW

11%

I-5 NB

I-5 BS

MARINE DR NE

TDA 1

4TH ST

15%

TDA 3 Outfalls to Ebey Slough

I-5 SB ON-RAMP

3%

32%

Snohomish County ROW

WSDOT ROW

33RD AVE NE

TDA 1 Outfalls to Wetland

Snohomish County ROW

WSDOT ROW

9/3/2025 9:19:23 AM
U:\PSO\Projects\Clients\1598-TribalPlanning\Tribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\CADD\GIS\Figures\4th\Stormwater\PS1598131_4TH_F_TDA1_SWPPP.dgn

Parametrix

N

0 160

SCALE IN FEET

Legend:

- TDA Boundary
- Ditch Flow Line
- Soil Boring
- 10 Existing Major Contour
- Existing Minor Contour
- Existing Culvert
- ST Existing Storm Sewer
- Existing Catch Basin
- Existing Pervious
- Existing PGIS
- Existing NPGIS

Figure 3
Existing Conditions
4th Street Corridor

Tribes/City Boundary

TULALIP

CITY OF MARYSVILLE

TDA 2 Outfalls to Quilceda Creek

33RD AVE NE

TDA 2

Infiltration Area (A)

Stormwater Treatment Vault (A)

MARINE DR NE

TDA 1

Stormwater Treatment Vault (B)

Stormwater Treatment Vault (D)

33RD AVE NE TDA 2 Outfalls to Wetland

Stormwater Treatment Vault (G)

I-5 SB OFF-RAMP

I-5 SB

I-5 NB

I-5 NB ON-RAMP

TDA 3

Stormwater Treatment Vault (H)

4TH ST

4%

SR 528 (47TH ST)

Stormwater Treatment Vault (E)

Stormwater Treatment Vault (F)

I-5 SB ON-RAMP

TDA 3 Outfalls to Ebey Slough

Stormwater Treatment Vault (I)

TDA 4

BEACH AVE

TDA 4 Outfalls to Marysville Regional Treatment Facility Then Ebey Slough

Stormwater Treatment Vault (J)

TDA 3 Outfalls to Ebey Slough

LS NB OFF-RAMP

I-5 NB

I-5 SB

9/3/2025 9:21:17 AM
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Parametrix

N

0 160

SCALE IN FEET

Legend:

- TDA Boundary
- Ditch Flow Line
- Existing Culvert
- Existing Storm Sewer
- Proposed Storm Sewer
- Pervious
- Pollution Generating Impervious Surface
- Non-pollution Generating Impervious Surface

Figure 4
Proposed Development
4th Street Corridor

Tribes/City Boundary

TULALIP

CITY OF MARYSVILLE

TDA 2 Outfalls to Quilceda Creek

Sampling Point: S001

33RD AVE NE

TDA 2

MARINE DR NE

TDA 1

4TH ST

Sampling Point: S002

TDA 2 Outfalls to Wetland

33RD AVE NE

Sampling Point: S003

I-5 SB OFF-RAMP

TDA 3

I-5 SB

I-5 NB

I-5 NB ON-RAMP

SR 529 (4TH ST)

I-5 SB ON-RAMP

TDA 3 Outfalls to Ebey Slough

BEACH AVE

TDA 4

TDA 4 Outfalls to Marysville Regional Treatment Facility Then Ebey Slough

Sampling Point: S005

Sampling Point: S004

TDA 3 Outfalls to Ebey Slough

I-5 NB OFF-RAMP

I-5 NB

I-5 SB

9/3/2025 9:10:50 AM
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Parametrix

N

0 160

SCALE IN FEET

Legend:

	TDA Boundary	- HVF — HVF —	High Visibility Fence		Wattle
	Ditch Flow Line	- HVS — HVS —	High Visibility Silt Fence		Compost Sock
	Existing Culvert	- SF — SF —	Silt Fence		Covered under Ecology's Construction Stormwater General Permit
- ST — ST —	Existing Storm Sewer		Inlet Protection		
- ST — ST —	Proposed Storm Sewer		Check Dam		

Figure 5
Temporary Erosion and Sediment Control Measures
4th Street Corridor

Appendix B – Copy of 2022 CGP

National Pollutant Discharge Elimination System (NPDES)
Construction General Permit (CGP) for Stormwater Discharges from Construction Activities

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA), as amended by the Water Quality Act of 1987, P.L. 100-4, "operators" of construction activities (defined in Appendix A) that meet the requirements of Part 1.1 of this National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP), are authorized to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of construction activities" (see Appendix A) until one of the conditions for terminating CGP coverage has been met (see Part 8.2).

This permit becomes effective on 12:00 am, February 17, 2022.

This permit and the authorization to discharge expire at 11:59pm, February 16, 2027.

Signed and issued this 18 day of January 2022

DEBORAH SZARO
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Deborah Szaro,
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1 HOW TO OBTAIN COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT (CGP)

To be covered under this permit, you must meet the eligibility conditions and follow the requirements for obtaining permit coverage in this Part.

1.1 ELIGIBILITY CONDITIONS

1.1.1 You are an "operator" of a construction site for which discharges will be covered under this permit. For the purposes of this permit and in the context of stormwater discharges associated with construction activity, an "operator" is any party associated with a construction project that meets either of the following two criteria:

- **a.** The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- **b.** The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Where there are multiple operators associated with the same project, all operators must obtain permit coverage.[1] Subcontractors generally are not considered operators for the purposes of this permit.

1.1.2 Your site's construction activities:

- **a.** Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale (as defined in Appendix A) that will ultimately disturb one or more acres of land; or
- **b.** Have been designated by EPA as needing permit coverage under 40 CFR § 122.26(a)(1)(v) or 40 CFR § 122.26(b)(15)(ii);

1.1.3 Your site is located in an area where EPA is the permitting authority and where coverage under this permit is available (see Appendix B);

1.1.4 Discharges from your site are not:

- **a.** Already covered by a different NPDES permit for the same discharge; or
- **b.** In the process of having coverage under a different NPDES permit for the same discharge denied, terminated, or revoked.[2, 3]

1.1.5 You can demonstrate you meet one of the criteria in the Endangered Species Protection section of the Notice of Intent (NOI) that you submit for coverage under this permit, per Part 1.4, with respect to the protection of Federally listed endangered or threatened species and Federally designated critical habitat under the Endangered Species Act

[1] If the operator of a "construction support activity" (see Part 1.2.1c) is different than the operator of the main site, that operator must also obtain permit coverage. See Part 7.1 for clarification on the sharing of permit-related functions between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site.

[2] Parts 1.1.4a and 1.1.4b do not include sites currently covered under the 2017 CGP that are in the process of obtaining coverage under this permit, nor sites covered under this permit that are transferring coverage to a different operator.

[3] Notwithstanding a site being made ineligible for coverage under this permit because it falls under the description of Parts 1.1.4a or 1.1.4b, above, EPA may waive the applicable eligibility requirement after specific review if it determines that coverage under this permit is appropriate.

(ESA). If the EPA Regional Office grants you a waiver from electronic reporting per Part 1.4.2, you must complete the ESA worksheet in Appendix D to demonstrate you meet one of the criteria and submit it with your paper NOI (Appendix I).

1.1.6 You have completed the screening process in Appendix E relating to the protection of historic properties; and

1.1.7 You have complied with all requirements in Part 9 imposed by the applicable State, Indian Tribe, or Territory in which your construction activities and/or discharge will occur.

1.1.8 For "new sources" (as defined in Appendix A) only:

a. EPA has not, prior to authorization under this permit, determined that discharges from your site will not meet applicable water quality standards. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3, will result in discharges that meet applicable water quality standards.

b. Discharges from your site to a Tier 2, Tier 2.5, or Tier 3 water[4] will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not lower the water quality of such waters.

1.1.9 If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your NOI until you notify your applicable EPA Regional Office (see Appendix J) in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will result in discharges that meet applicable water quality standards.

[4] Note: Your site will be considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first receiving water to which you discharge is identified by a State, Tribe, or EPA as a Tier 2, Tier 2.5, or Tier 3 water. For discharges that enter a storm sewer system prior to discharge, the first receiving water to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. The current list of Tier 2, Tier 2.5, and Tier 3 waters located in the areas eligible for coverage under this permit can be found at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates. You can also use EPA's Discharge Mapping Tool (https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools) to assist you in identifying whether any receiving waters to which you discharge are listed as impaired (and the pollutant for which it is impaired) and whether an approved total maximum daily load (TMDL) exists for that waterbody.

1.2 TYPES OF DISCHARGES AUTHORIZED[5]

1.2.1 The following stormwater discharges are authorized under this permit provided that appropriate stormwater controls are designed, installed, and maintained (see Parts 2 and 3):

- **a.** Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity under 40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i);
- **b.** Stormwater discharges designated by EPA as needing a permit under 40 CFR §122.26(a)(1)(v) or § 122.26(b)(15)(ii);
- **c.** Stormwater discharges from on or off-site construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:
  - **i.** The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;
  - **ii.** The support activity is not a commercial operation, nor does it serve multiple unrelated construction sites;
  - **iii.** The support activity does not continue to operate beyond the completion of the construction activity at the site it supports; and
  - **iv.** Stormwater controls are implemented in accordance with Part 2 and Part 3 for discharges from the support activity areas; and
- **d.** Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining.

1.2.2 The following non-stormwater discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Parts 2 and 3:

- **a.** Discharges from emergency fire-fighting activities;
- **b.** Fire hydrant flushings;
- **c.** Landscape irrigation;
- **d.** Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
- **e.** Water used to control dust;
- **f.** Potable water including uncontaminated water line flushings;

[5] See "Discharge" as defined in Appendix A. Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA Section 402(k) by disclosure to EPA, State, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, or during an inspection.

g. External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) (e.g., paint or caulk containing polychlorinated biphenyls (PCBs));

h. Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly into any receiving water, storm drain inlet, or constructed or natural site drainage features, unless the feature is connected to a sediment basin, sediment trap, or similarly effective control;

i. Uncontaminated air conditioning or compressor condensate;

j. Uncontaminated, non-turbid discharges of ground water or spring water;

k. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and

l. Uncontaminated construction dewatering water[6] discharged in accordance with Part 2.4.

1.2.3 Also authorized under this permit are discharges of stormwater listed above in Part 1.2.1, or authorized non-stormwater discharges listed above in Part 1.2.2, commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

1.3 PROHIBITED DISCHARGES[7]

The discharges listed in this Part are prohibited outright or authorized only under the identified conditions. To prevent the discharges in Parts 1.3.1 through 1.3.5, operators must comply with the applicable pollution prevention requirements in Part 2.3 or ensure the discharge is authorized by another NPDES permit consistent with Part 1.2.3 for commingled discharges.

1.3.1 Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.3.4;

1.3.2 Wastewater from washout and/or cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

1.3.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

1.3.4 Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and

1.3.5 Toxic or hazardous substances from a spill or other release.

[6] EPA notes that operators may need to comply with additional procedures to verify that the dewatering discharge is uncontaminated. Operators should review Part 9 to determine if any of these requirements apply to their discharge and should ensure that they have complied with any State, Tribal, or local dewatering requirements that apply.

[7] EPA includes these prohibited non-stormwater discharges here as a reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2. Any unauthorized non-stormwater discharges must be covered under an individual permit or alternative general permit.

1.4 SUBMITTING YOUR NOTICE OF INTENT (NOI)

All "operators" (as defined in Appendix A) associated with your construction site who meet the Part 1.1 eligibility conditions, and who seek coverage under this permit, must submit to EPA a complete and accurate NOI in accordance with the deadlines in Table 1 prior to commencement of construction activities (as defined in Appendix A).

Exception: If you are conducting construction activities in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, you may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities (see Table 1) establishing that you are eligible for coverage under this permit. You must also provide documentation in your Stormwater Pollution Prevention Plan (SWPPP) to substantiate the occurrence of the public emergency pursuant to Part 7.2.3i.

1.4.1 Prerequisite for Submitting Your NOI

You must develop a SWPPP consistent with Part 7 before submitting your NOI for coverage under this permit.

1.4.2 How to Submit Your NOI

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit your NOI for coverage under the 2022 CGP unless you received a waiver from your applicable EPA Regional Office.

To access NeT, go to https://cdx.epa.gov/cdx.

Waivers from electronic reporting may be granted based on one of the following conditions:

a. If your operational headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or

b. If you have limitations regarding available computer access or computer capability.

If the EPA Regional Office grants you approval to use a paper NOI, and you elect to use it, you must complete the form in Appendix H.

1.4.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Table 1 provides the deadlines for submitting your NOI and the official start date of your permit coverage, which differ depending on when you commence construction activities.

Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.

Type of Operator	NOI Submittal Deadline[8]	Permit Authorization Date[9]
Operator of a new site (i.e., a site where construction activities commence on or after February 17, 2022)	At least 14 calendar days before commencing construction activities.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an existing site (i.e., a site with 2017 CGP coverage where construction activities commenced prior to February 17, 2022)	No later than May 18, 2022.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied. Provided you submit your NOI no later than May 18, 2022, your authorization under the 2017 CGP is automatically continued until you have been granted coverage under this permit or an alternative NPDES permit, or coverage is otherwise terminated.
New operator of a permitted site (i.e., an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site")	At least 14 calendar days before the date the transfer to the new operator will take place.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an "emergency-related project" (i.e., a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services)	No later than 30 calendar days after commencing construction activities.	You are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.

[8] If you miss the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

[9] Discharges are not authorized if your NOI is incomplete or inaccurate or if you are not eligible for permit coverage.

1.4.4 Modifying your NOI

If after submitting your NOI you need to correct or update any fields, you may do so by submitting a "Change NOI" form using NeT. Waivers from electronic reporting may be granted as specified in Part 1.4.2. If the EPA Regional Office has granted you approval to submit a paper NOI modification, you may indicate any NOI changes on the same NOI form in Appendix H.

When there is a change to the site's operator, the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT) form as specified in Part 8.3.

The following modifications to an NOI form will result in a 14-day review process:

- Changes to the name of the operator;
- Changes to the project or site name;
- Changes to the estimated area to be disturbed;
- Changes to the name of the receiving water[10], or additions to the applicable receiving waters;
- Changes to eligibility information related to endangered species protection or historic preservation;
- Changes to information provided related to the use of chemical treatment at your site; and
- Changes to answers provided regarding the demolition of structures over 10,000 square feet of floor space built or renovated before January 1, 1980.

During the 14-day review process, you may continue to operate based on the information provided in your original NOI, but you must wait until the review period has ended before you may commence or continue activities on any portion of your site that would be affected by any of the above modifications, unless EPA notifies you that the authorization is delayed or denied.

1.4.5 Your Official End Date of Permit Coverage

Once covered under this permit, your coverage will last until the date that:

a. You terminate permit coverage consistent with Part 8; or

b. You receive permit coverage under a different NPDES permit or a reissued or replacement version of this permit after expiring on February 16, 2027; or

c. You fail to submit an NOI for coverage under a reissued or replacement version of this permit before the deadline for existing construction sites where construction activities continue after this permit has expired.

1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so it is visible from the public road that is nearest to the active part of the construction

[10] As defined in Appendix A, a "receiving water" is "a "Water of the United States" as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

site, and it must use a font large enough to be readily viewed from a public right-of-way.[11] At a minimum, the notice must include:

a. The NPDES ID (i.e., permit tracking number assigned to your NOI and the EPA webpage where a copy of the NOI can be found (https://permitsearch.epa.gov/epermit-search/ui/search));

b. A contact name and phone number for obtaining additional construction site information;

c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: "If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [*include the appropriate CGP Regional Office contact information found at* https://www.epa.gov/npdes/contact-us-stormwater#regional];" and

d. The following statement "If you observe indicators of stormwater pollutants in the discharge or in the receiving water, contact the EPA through the following website: https://www.epa.gov/enforcement/report-environmental-violations."

2 TECHNOLOGY-BASED EFFLUENT LIMITATIONS

You must comply with the following technology-based effluent limitations in this Part for all authorized discharges.[12]

2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

You must design, install, and maintain stormwater controls required in Parts 2.2, 2.3, and 2.4 to minimize the discharge of pollutants in stormwater from construction activities.[13] To meet this requirement, you must:

2.1.1 Account for the following factors in designing your stormwater controls:

a. The expected amount, frequency, intensity, and duration of precipitation;[14]

b. The nature of stormwater runoff (i.e., flow) and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and

c. The soil type and range of soil particle sizes expected to be present on the site.

[11] If the active part of the construction site is not visible from a public road, then place the notice of permit coverage in a position that is visible from the nearest public road and as close as possible to the construction site.

[12] For each of the effluent limits in Part 2, as applicable to your site, you must include in your SWPPP (1) a description of the specific control(s) to be implemented to meet the effluent limit; (2) any applicable design specifications; (3) routine maintenance specifications; and (4) the projected schedule for installation/implementation. See Part 7.2.6.

[13] The permit does not recommend or endorse specific products or vendors.

[14] Stormwater controls must be designed using the most recent data available to account for recent precipitation patterns and trends.

If your site is exposed to or has previously experienced major storms, such as hurricanes, storm surge, extreme/heavy precipitation, and flood events, you should also include consideration of and contingencies for whether implementing structural improvements, enhanced/resilient stormwater controls, and other mitigation measures may help minimize impacts from stormwater discharges from such major storm events.

2.1.2 Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.[15]

2.1.3 Complete installation of stormwater controls by the time each phase of construction activities has begun.

a. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities.[16]

b. Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth-disturbing activities.

2.1.4 Ensure all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.[17]

b. If at any time you find that a stormwater control needs routine maintenance (i.e., minor repairs or other upkeep performed to ensure the site's stormwater controls remain in effective operating condition, not including significant repairs or the need to install a new or replacement control), you must immediately initiate the needed work, and complete such work by the close of the next business day. If it is infeasible to complete the routine maintenance by the close of the next business day, you must document why this is the case and why the repair or other upkeep to be performed should still be considered routine maintenance in your inspection report under Part 4.7.1c and complete such work no later than seven (7) calendar days from the time of discovery of the condition requiring maintenance.

c. If you must repeatedly (i.e., three (3) or more times) make the same routine maintenance fixes to the same control at the same location, even if the fix can be completed by the close of the next business day, you must either:

   i. Complete work to fix any subsequent repeat occurrences of this same problem under the corrective action procedures in Part 5, including keeping any records

[15] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practices and must be explained in your SWPPP. You must also comply with any additional design and installation requirements specified for the effluent limits in Parts 2.2, 2.3, and 2.4.

[16] Note that the requirement to install stormwater controls prior to each phase of construction activities for the site does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutants during the installation of stormwater controls.

[17] Any departures from such maintenance recommendations made by the manufacturer must reflect good engineering practices and must be explained in your SWPPP.

of the condition and how it was corrected under Part 5.4; or

ii. Document in your inspection report under Part 4.7.1c why the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under this Part.[18]

d. If at any time you find that a stormwater control needs a significant repair or that a new or replacement control is needed, you must comply with the corrective action deadlines for completing such work in in Part 5.2.1c.

2.2 EROSION AND SEDIMENT CONTROL REQUIREMENTS

You must implement erosion and sediment controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater from construction activities.

2.2.1 Provide and maintain natural buffers and/or equivalent erosion and sediment controls for discharges to any receiving waters that is located within 50 feet of the site's earth disturbances.

a. **Compliance Alternatives.** For any discharges to receiving waters located within 50 feet of your site's earth disturbances, you must comply with one of the following alternatives:

i. Provide and maintain a 50-foot undisturbed natural buffer; or

ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or

iii. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

See Appendix F, Part F.2 for additional conditions applicable to each compliance alternative.

b. **Exceptions.** See Appendix F, Part F.2 for exceptions to the compliance alternatives.

2.2.2 Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infiltration would be inadvisable due to the underlying geology (e.g., karst topography) and ground water contamination concerns, or infeasible due to site conditions.[19]

[18] Such documentation could include, for example, that minor repairs completed within the required timeframe are all that is necessary to ensure that the stormwater control continues to operate as designed and installed and that the stormwater control remains appropriate for the flow reaching it.

[19] Operators should consider whether factors such as specific contaminant concerns from the construction site, the underlying soils or geology, hydrology, depth to the ground water table, or proximity to source water or wellhead protection area(s) make the site unsuitable for infiltrating construction stormwater. Site conditions that may be of particular concern include proximity to: a current or future drinking water aquifer; a drinking water well or spring (including private/household wells); highly conductive geology such as karst; known pollutant hot spots, such as hazardous waste sites, landfills, gas stations, brownfields; an on-site sewage system or underground storage tank; or soils that do not allow for infiltration. Operators may find it helpful to consult EPA's Drinking Water Mapping Application to Protect Source Waters (DWMAPS). DWMAPS is an online mapping tool that can be used to locate drinking water providers, potential sources of contamination, polluted waterways, and information on protection initiatives in the site area.

2.2.3 Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas.[20]

a. The perimeter control must be installed upgradient of any natural buffers established under Part 2.2.1, unless the control is being implemented pursuant to Part 2.2.1a.ii-iii;

b. To prevent stormwater from circumventing the edge of the perimeter control, install the perimeter control on the contour of the slope and extend both ends of the control up slope (e.g., at 45 degrees) forming a crescent rather than a straight line;

c. After installation, to ensure that perimeter controls continue to work effectively:

   i. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control; and

   ii. After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem.

d. **Exception**. For areas at "linear construction sites" (as defined in Appendix A) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

2.2.4 Minimize sediment track-out.

a. Restrict vehicle use to properly designated exit points;

b. Use appropriate stabilization techniques[21] at all points that exit onto paved roads;

   i. **Exception**: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls[22] are implemented to minimize sediment track-out;

c. Implement additional track-out controls[23] as necessary to ensure that sediment removal occurs prior to vehicle exit; and

d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out

[20] Examples of perimeter controls include filter berms; different types of silt fence such as wire-backed silt fence, super silt fence, or multi-layer geotextile silt fence; compost filter socks; gravel barriers; and temporary diversion dikes.

[21] Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

[22] Examples of other exit point controls include preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas (e.g., *karst areas; steep slopes).*

[23] Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.

sediment into any constructed or natural site drainage feature, storm drain inlet, or receiving water.[24]

2.2.5 Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:[25]

a. Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any constructed or natural site drainage features, storm drain inlets, and areas where stormwater flow is concentrated;

b. Install a sediment barrier along all downgradient perimeter areas of stockpiled soil or land clearing debris piles;[26]

c. For piles that will be unused for 14 or more days, provide cover[27] or appropriate temporary stabilization (consistent with Part 2.2.14);

d. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any constructed or natural site drainage feature, storm drain inlet, or receiving water.

2.2.6 Minimize dust. On areas of exposed soil, minimize dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site.

2.2.7 Minimize steep slope disturbances. Minimize the disturbance of "steep slopes" (as defined in Appendix A).[28]

2.2.8 Preserve native topsoil, unless infeasible.[29]

2.2.9 Minimize soil compaction.[30] In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed:

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[24] Fine grains that remain visible (e.g., staining) on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of Part 2.2.4.

[25] The requirements in Part 2.2.5 do not apply to the storage of rock, such as rip rap, landscape rock, pipe bedding gravel, and boulders. Refer to Part 2.3.3a for the requirements that apply to these types of materials.

[26] Examples of sediment barriers include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale.

[27] Examples of cover include tarps, blown straw and hydroseeding.

[28] Where disturbance to steep slopes cannot be avoided, operators should consider implementing controls suitable for steep slope disturbances that are effective at minimizing erosion and sediment discharge (e.g., preservation of existing vegetation, hydraulic mulch, geotextiles and mats, compost blankets, earth dikes or drainage swales, terraces, velocity dissipation devices). To identify slopes and soil types that are of comparatively higher risk for sediment discharge in areas of the country where the CGP is in effect, operators can use the tables in Appendix F (see Tables F-2 thru F-6).

[29] Stockpiling topsoil at off-site locations, or transferring topsoil to other locations, is an example of a practice that is consistent with the requirements in Part 2.2.8. Preserving native topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. For example, some sites may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain, or may not have space to stockpile native topsoil on site for later use, in which case it may not be feasible to preserve topsoil.

[30] Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.

a. Restrict vehicle and equipment use in these locations to avoid soil compaction; and

b. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

2.2.10 Protect storm drain inlets.

a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater from your site to a receiving water, provided you have authority to access the storm drain inlet.[31] Inlet protection measures are not required for storm drain inlets that are conveyed to a sediment basin, sediment trap, or similarly effective control; and

b. Clean, or remove and replace, the inlet protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

2.2.11 Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.[32]

2.2.12 If you install a sediment basin or similar impoundment:

a. Situate the basin or impoundment outside of any receiving water. and any natural buffers established under Part 2.2.1;

b. Design the basin or impoundment to avoid collecting water from wetlands;

c. Design the basin or impoundment to provide storage for either:

i. The calculated volume of runoff from a 2-year, 24-hour storm;[33] or

ii. 3,600 cubic feet per acre drained.

d. Utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;[34]

e. Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and

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[31] Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

[32] Examples of stormwater controls that can be used to comply with this requirement include the use of erosion controls and/or velocity dissipation devices (e.g., check dams, sediment traps), within and along the length of a constructed site drainage feature and at the outfall to slow down stormwater.

[33] Operators may refer to https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates for guidance on determining the volume of precipitation associated with their site's local 2-year, 24-hour storm event.

[34] The circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include areas with extended cold weather, where using surface outlets may not be feasible during certain time periods (although they must be used during other periods). If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

f. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

2.2.13 If using treatment chemicals (e.g., *polymers, flocculants, coagulants*):

a. **Use conventional erosion and sediment controls before and after the application of treatment chemicals.** Chemicals may only be applied where treated stormwater is directed to a sediment control *(*e.g., *sediment basin, perimeter control)* before discharge.

b. **Select appropriate treatment chemicals***.* Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated *(*i.e., *the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area).*

c. **Minimize discharge risk from stored chemicals.** Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures *(*e.g., *spill berms, dikes, spill containment pallets),* or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means *(*e.g., *storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill)*.

d. **Comply with State/local requirements.** Comply with applicable State and local requirements regarding the use of treatment chemicals.

e. **Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier.** Use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice.

f. **Ensure proper training.** Ensure all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training prior to beginning application of treatment chemicals. Among other things, the training must cover proper dosing requirements.

g. **Perform additional measures specified by the EPA Regional Office for the authorized use of cationic chemicals.** If you have been authorized to use cationic chemicals at your site pursuant to Part 1.1.9, you must perform all additional measures as conditioned by your authorization to ensure the use of such chemicals will not result in discharges that do not meet water quality standards.

2.2.14 Stabilize exposed portions of the site. Implement and maintain stabilization measures (*e.g., seeding protected by erosion controls until vegetation is established,*[35] *sodding, mulching, erosion control blankets, hydromulch, gravel*) that minimize erosion from any areas of exposed soil on the site in accordance with Part.

[35] If you will be evaluating the use of some type of erosion control netting to the site as part of your site stabilization, EPA encourages you to consider employing products that have been shown to minimize

a. Stabilization Deadlines:[36]

Table 2 Deadlines for Initiating and Completing Site Stabilization.

Total Amount of Land Disturbance Occurring At Any One Time[37]	Deadline
i. Five acres or less (≤5.0) **Note: this includes sites disturbing more than five acres (>5.0) total over the course of a project, but that limit disturbance at any one time *(i.e., phase the disturbance)* to five acres or less (≤5.0)**	• Initiate the installation of stabilization measures immediately[38] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[39] and • Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days

impacts on wildlife. For instance, the U.S. Fish & Wildlife Service provides recommendations on the type of netting practices that are considered "wildlife friendly," including those that use natural fiber or 100 percent biodegradable materials and that use a loose weave with a non-welded, movable jointed netting, as well as those products that are not wildlife friendly including square plastic netting that are degradable (e.g., photodegradable, UV-degradable, oxo-degradable), netting made from polypropylene, nylon, polyethylene, or polyester. Other recommendations include removing the netting product when it is no longer needed. See https://www.fws.gov/midwest/eastlansing/library/pdf/WildlifeFriendlyErosionControlProducts_revised.pdf for further information. There also may be State, Tribal, or local requirements about using wildlife friendly erosion control products.

[36] EPA may determine, based on an inspection carried out under Part 4.8 and corrective actions required under Part 5.3, that the level of sediment discharge on the site makes it necessary to require a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing stormwater controls, EPA may require stabilization to correct this problem.

[37] Limiting disturbances to five (5) acres or less at any one time means that at no time during the project do the cumulative earth disturbances exceed five (5) acres. The following examples would qualify as limiting disturbances at any one time to five (5) acres or less:

1. The total area of disturbance for a project is five (5) acres or less.
2. The total area of disturbance for a project will exceed five (5) acres, but the operator ensures that no more than five (5) acres will be disturbed at any one time through implementation of stabilization measures. In this way, site stabilization can be used to "free up" land that can be disturbed without exceeding the five (5)-acre cap to qualify for the 14-day stabilization deadline. For instance, if an operator completes stabilization of two (2) acres of land on a five (5)-acre disturbance, then two (2) additional acres could be disturbed while still qualifying for the longer 14-day stabilization deadline.

[38] The following are examples of activities that would constitute the immediate initiation of stabilization:

1. Prepping the soil for vegetative or non-vegetative stabilization as long as seeding, planting, and/or installation of non-vegetative stabilization products takes place as soon as practicable, but no later than one (1) calendar day of completing soil preparation;
2. Applying mulch or other non-vegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the entire area that will be stabilized; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the deadlines for completing stabilization.

[39] The requirement to initiate stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for 14 or more days, or as soon as you know that construction work is permanently ceased. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.

Total Amount of Land Disturbance Occurring At Any One Time[37]	Deadline
	after stabilization has been initiated.[40]
ii. More than five acres (>5.0)	• Initiate the installation of stabilization measures immediately[41] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[42] and • Complete the installation of stabilization measures as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.[43]

b. Exceptions:

i. Arid, semi-arid, and drought-stricken areas (as defined in Appendix A)**.** If it is the seasonally dry period (as defined in Appendix A)[44] or a period in which drought is occurring, and vegetative stabilization measures are being used:

(a) Immediately initiate and, within 14 calendar days of temporary or permanent cessation of work in any portion of your site, complete the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion;

(b) As soon as practicable, given conditions or circumstances on the site, complete all activities necessary to seed or plant the area to be stabilized; and

(c) If construction is occurring during the seasonally dry period, indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions. Also include the schedule you will follow for initiating and completing vegetative stabilization.

ii. Unforeseen circumstances. Operators that are affected by unforeseen circumstances[45] that delay the initiation and/or completion of vegetative stabilization:

[40] If vegetative stabilization measures are being implemented, stabilization is considered "installed" when all activities necessary to seed or plant the area are completed, including the application of any non-vegetative protective cover (e.g., mulch, erosion control blanket), if applicable. If non-vegetative stabilization measures are being implemented, stabilization is considered "installed" when all such measures are implemented or applied.

[41] See footnote 38.

[42] See footnote 39.

[43] See footnote 40.

[44] The term "seasonally dry period" as defined in Appendix A refers to a month in which the long-term average total precipitation is less than or equal to 0.5 inches. Refer to EPA's Seasonally Dry Period Locator Tool at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates and supporting maps for assistance in determining whether a site is operating during a seasonally dry period for the area.

[45] Examples include problems with the supply of seed stock or with the availability of specialized equipment and unsuitability of soil conditions due to excessive precipitation and/or flooding.

(a) Immediately initiate and, within 14 calendar days, complete the installation of temporary non-vegetative stabilization measures to prevent erosion;

(b) Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and

(c) Document in the SWPPP the circumstances that prevent you from meeting the deadlines in Part 2.2.14a and the schedule you will follow for initiating and completing stabilization.

iii. Discharges to a sediment- or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes. Complete stabilization as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.

c. Final Stabilization Criteria (for any areas not covered by permanent structures)**:**

i. Establish uniform, perennial vegetation *(*i.e.*, evenly distributed, without large bare areas)* to provide 70 percent or more of the vegetative cover native to local undisturbed areas; and/or

ii. Implement permanent non-vegetative stabilization measures[46] to provide effective cover of any areas of exposed soil.

iii. Exceptions:

(a) **Arid, semi-arid, and drought-stricken areas** (as defined in Appendix A). Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the vegetative cover native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied to provide cover for at least three years without active maintenance.

(b) **Disturbed areas on agricultural land that are restored to their preconstruction agricultural use.** The Part 2.2.14c final stabilization criteria do not apply.

(c) **Areas that need to remain disturbed.** In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed *(*e.g., *dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials).*

2.3 POLLUTION PREVENTION REQUIREMENTS[47]

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

[46] Examples of permanent non-vegetative stabilization measures include riprap, gravel, gabions, and geotextiles.

[47] Under this permit, you are not required to minimize exposure for any products or materials where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

2.3.1 For equipment and vehicle fueling and maintenance:

a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;[48]

b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;

c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;

d. Use drip pans and absorbents under or around leaky vehicles;

e. Dispose of or recycle oil and oily wastes in accordance with other Federal, State, Tribal, or local requirements; and

f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

2.3.2 For equipment and vehicle washing:

a. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;[49]

b. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and

c. For storage of soaps, detergents, or solvents, provide either (1) cover *(*e.g., *plastic sheeting, temporary roofs)* to minimize the exposure of these detergents to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

2.3.3 For storage, handling, and disposal of building products, materials, and wastes:[50]

a. *For building materials and building products*,[51] provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these products to

[48] Examples of effective means include:

- Locating activities away from receiving waters, storm drain inlets, and constructed or natural site drainage feature so that stormwater coming into contact with these activities cannot reach waters of the U.S.;
- Providing secondary containment (e.g., *spill berms, dikes, spill containment pallets*) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

[49] Examples of effective means include locating activities away from receiving waters and storm drain inlets or constructed or natural site drainage features and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

[50] Compliance with the requirements of this permit does not relieve compliance requirements with respect to Federal, State, or local laws and regulations governing the storage, handling, and disposal of solid, hazardous, or toxic wastes and materials.

[51] Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

Exception: Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

b. *For pesticides, herbicides, insecticides, fertilizers, and landscape materials:*

i. In storage areas, provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these chemicals to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas; and

ii. Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part 2.3.5).

c. *For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:* The following requirements apply to the storage and handling of chemicals on your site. If you are already implementing controls as part of an SPCC or other spill prevention plan that meet or exceed the requirements of this Part, you may continue to do so and be considered in compliance with these provisions provided you reference the applicable parts of the SPCC or other plans in your SWPPP as required in Part 7.2.6b.viii.

i. If any chemical container has a storage capacity of less than 55 gallons:

(a) The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;

(b) If stored outside, use a spill containment pallet or similar device to capture small leaks or spills; and

(c) Have a spill kit available on site that is in good working condition (i.e., not damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill.

ii. If any chemical container has a storage capacity of 55 gallons or more:

(a) The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;

(b) Store containers a minimum of 50 feet from receiving waters, constructed or natural site drainage features, and storm drain inlets. If infeasible due to site constraints, store containers as far away from these features as the site permits. If site constraints prevent you from storing containers 50 feet away from receiving waters or the other features identified, you must document in your SWPPP the specific reasons why the 50-foot setback is infeasible, and how you will store containers as far away as the site permits;

(c) Provide either (1) cover (e.g., temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or (2) secondary containment (e.g., curbing, spill berms, dikes, spill containment pallets, double-wall, above-ground storage tank); and

(d) Have a spill kit available on site that is in good working condition (i.e., not

damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill. Additional secondary containment measures are listed at 40 CFR § 112.7(c)(1).

iii. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

d. *For hazardous or toxic wastes:*[52]

i. Separate hazardous or toxic waste from construction and domestic waste;

ii. Store waste in sealed containers, constructed of suitable materials to prevent leakage and corrosion, and labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable Federal, State, Tribal, or local requirements;

iii. Store all outside containers within appropriately-sized secondary containment (e.g., *spill berms, dikes, spill containment pallets*) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas *(*e.g., *storing chemicals in a covered area, having a spill kit available on site);*

iv. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with Federal, State, Tribal, and local requirements;

v. Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and

vi. Follow all other Federal, State, Tribal, and local requirements regarding hazardous or toxic waste.

e. *For construction and domestic wastes:*[53]

i. Provide waste containers *(*e.g., *dumpster, trash receptacle)* of sufficient size and number to contain construction and domestic wastes;

(a) For waste containers with lids, keep waste container lids closed when not in use, and close lids at the end of the business day and during storm events. For waste containers without lids, provide either (1) cover *(*e.g., *a tarp, plastic sheeting, temporary roof)* to minimize exposure of wastes to precipitation, or (2) a similarly effective means designed to minimize the discharge of pollutants *(*e.g., *secondary containment)*;

(b) On business days, clean up and dispose of waste in designated waste

[52] Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

[53] Examples of construction and domestic wastes include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris; and other trash or discarded materials.

containers; and

(c) Clean up immediately if containers overflow, and if there is litter elsewhere on the site from escaped trash.

ii. Waste containers are not required for the waste remnant or unused portions of construction materials or final products that are covered by the exception in Part 2.2.3a provided that:

(a) These wastes are stored separately from other construction or domestic wastes addressed by Part 2.3.3e.i (i.e., wastes not covered by the exception in Part 2.3.3a). If the wastes are mixed, they must be stored in waste containers as required in Part 2.3.3e.i; and

(b) These wastes are stored in designated areas of the site, the wastes are described in the SWPPP (see Part 7.2.6b.ix), and identified in the site plan (see Part 7.2.4i).

f. *For sanitary waste*, position portable toilets so they are secure and will not be tipped or knocked over, and are located away from receiving waters, storm drain inlets, and constructed or natural site drainage features.

2.3.4 For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:

a. Direct wash water into a leak-proof container or leak-proof and lined pit designed so no overflows can occur due to inadequate sizing or precipitation;

b. Handle washout or cleanout wastes as follows:

i. For liquid wastes:

(a) Do not dump liquid wastes or allow them to enter into constructed or natural site drainage features, storm inlets, or receiving waters;

(b) Do not allow liquid wastes to be disposed of through infiltration or to otherwise be disposed of on the ground;

(c) Comply with applicable State, Tribal, or local requirements for disposal

ii. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3e; and

c. Locate any washout or cleanout activities as far away as possible from receiving waters, constructed or natural site drainage features, and storm drain inlets, and, to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.

2.3.5 For the application of fertilizers:

a. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part 7.2.6b.x;

b. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;

c. Avoid applying before heavy rains that could cause excess nutrients to be discharged;

d. Never apply to frozen ground;

e. Never apply to constructed or natural site drainage features; and

f. Follow all other Federal, State, Tribal, and local requirements regarding fertilizer application.

2.3.6 Emergency Spill Notification Requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Part 1.3.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR part 110, 40 CFR part 117, and 40 CFR part 302 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, Tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

2.4 CONSTRUCTION DEWATERING REQUIREMENTS

Comply with the following requirements to minimize the discharge of pollutants from dewatering[54] operations.

2.4.1 Route dewatering water through a sediment control (e.g., sediment trap or basin, pumped water filter bag) designed to prevent discharges with visual turbidity; [55]

2.4.2 Do not discharge visible floating solids or foam;

2.4.3 The discharge must not cause the formation of a visible sheen on the water surface, or visible oily deposits on the bottom or shoreline of the receiving water. Use an oil-water separator or suitable filtration device (such as a cartridge filter) designed to remove oil, grease, or other products if dewatering water is found to or expected to contain these materials;

2.4.4 To the extent feasible, use well-vegetated (e.g., grassy or wooded), upland areas of the site to infiltrate dewatering water before discharge.[56] You are prohibited from using receiving waters as part of the treatment area;

2.4.5 To prevent dewatering-related erosion and related sediment discharges:

a. Use stable, erosion-resistant surfaces (e.g., well-vegetated grassy areas, clean filter stone, geotextile underlayment) to discharge from dewatering controls;

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[54] "Dewatering" is defined in Appendix A as "the act of draining accumulated stormwater and/or ground water from building foundations, vaults, and trenches, or other similar points of accumulation."

[55] For the purposes of this permit, visual turbidity is present where there is a sediment plume in the discharge or the discharge appears cloudy, or opaque, or has a visible contrast that can be identified by an observer.

[56] See footnote 19.

b. Do not place dewatering controls, such as pumped water filter bags, on steep slopes (as defined in Appendix A); and

c. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11.

2.4.6 For backwash water, either haul it away for disposal or return it to the beginning of the treatment process;

2.4.7 Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications; and

2.4.8 Comply with dewatering-specific inspection requirements in Part 4.

3 WATER QUALITY-BASED EFFLUENT LIMITATIONS

3.1 GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS

Discharges must be controlled as necessary to meet applicable water quality standards. Discharges must also comply with any additional State or Tribal requirements that are in Part 9.

In the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4.

EPA may insist that you install additional controls (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA-established or approved TMDL.

If during your coverage under a previous permit, you were required to install and maintain stormwater controls specifically to meet the assumptions and requirements of an EPA-approved or established TMDL (for any parameter) or to otherwise control your discharge to meet water quality standards, you must continue to implement such controls as part of your coverage under this permit.

3.2 WATER QUALITY-BASED CONDITIONS FOR SITES DISCHARGING TO CERTAIN IMPAIRED AND HIGH QUALITY RECEIVING WATERS

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes,[57] you must comply with the inspection frequency specified in Part 4.3 and you must comply with the stabilization deadline specified in Part 2.2.14b.iii.[58]

[57] Refer to Appendix A for definitions of "impaired water" and "Tier 2," "Tier 2.5," and "Tier 3" waters. For assistance in determining whether your site discharges to impaired waters, EPA has developed a tool that is available at https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools. For assistance in determining whether your site discharges to a Tier 2, 2.5, or 3 water, refer to the list of such waters at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates.

[58] If you qualify for any of the reduced inspection frequencies in Part 4.4, you may conduct inspections in

If you discharge to a water that is impaired for a parameter other than a sediment-related parameter or nutrients, EPA will inform you if any additional controls are necessary for your discharge to be controlled as necessary to meet water quality standards. These controls might include those necessary for your discharge to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL. In addition, EPA may require you to apply for and obtain coverage under an individual NPDES permit.

In addition, on a case-by-case basis, EPA may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, stormwater controls, and/or other measures are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

a. Implement controls[59] to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater; and

b. Ensure that disposal of such materials is performed in compliance with applicable State, Federal, and local laws.

3.3 TURBIDITY BENCHMARK MONITORING FOR SITES DISCHARGING DEWATERING WATER TO PROTECT THE WATER QUALITY OF SENSITIVE WATERS

For sites discharging dewatering water to "sensitive waters" (i.e., receiving waters listed as impaired for sediment or a sediment-related parameter (as defined in Appendix A), or receiving waters designated as a Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes) you are required to comply with the benchmark monitoring requirements in this Part and document the procedures you will use at your site in your SWPPP pursuant to Part 7.2.8. A summary of these requirements is included in Table 1.

EPA notes that the benchmark threshold is not an effluent limitation, rather it is an indicator that the dewatering controls may not be working to protect water quality, which the operator must investigate and correct as appropriate. A benchmark exceedance is not a permit violation. However, if a benchmark exceedance triggers corrective action in Part 5.1.5a, failure to conduct any required action is a permit violation.

Where there are multiple operators associated with the same site, the operators may coordinate with one another to carry out the monitoring requirements of this Part in order to avoid duplicating efforts. Such coordinating arrangements must be described in the SWPPP consistent with Part 7.2.8. Regardless of how the operators divide the

accordance with Part 4.4 for any portion of your site that discharges to a sensitive water.

[59] Examples of controls to minimize exposure of PCBs to precipitation and stormwater include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, constructing a containment area so that all dust or debris generated by the work remains within the protected area, and using tools that minimize dust and heat (<212°F). For additional information, refer to Part 2.3.3 of the CGP Fact Sheet.

responsibilities for monitoring and reporting, each operator remains responsible for compliance with these requirements.[60]

3.3.1 Turbidity monitoring requirements[61]

a. **Sampling frequency.** You must collect at least one turbidity sample from your dewatering discharge each day a discharge occurs.

b. **Sampling location.** Samples must be taken at all points where dewatering water is discharged. Samples must be taken after the dewatering water has been treated by installed treatment devices pursuant to Parts 2.4.1 and 2.4.3 and prior to its discharge off site into a receiving water, constructed or natural site drainage feature, or storm drain inlet.

c. **Representative samples.** Samples taken must be representative of the dewatering discharge for any given day as required in Appendix G (standard permit conditions), Part G.10.2.

d. **Test methods.** Samples must be measured using a turbidity meter that reports results in nephelometric turbidity units (NTUs) and conforms with a Part 136-approved method (e.g., methods 180.1 and 2130). You are required to use the meter, and conduct a calibration verification prior to each day's use, consistent with the manufacturer's instructions.

3.3.2 Turbidity benchmark

a. The benchmark threshold for turbidity for this permit is 50 NTUs (referred to elsewhere in this permit as the "standard 50 NTU benchmark") unless EPA has authorized the use of an alternate benchmark in accordance with Part 3.3.2b.

b. **Request for alternate benchmark threshold.**

i. At any time prior to or during your coverage under this permit, you may request that EPA approve a benchmark for your site that is higher than 50 NTUs if you have information demonstrating the higher number is the same as your receiving water's water quality standard for turbidity. Unless EPA approves an alternate benchmark, you will be required to use the standard 50 NTU benchmark. To request approval of an alternate benchmark, you must submit the following information to your applicable EPA Regional Office (see Appendix K):
(a) The current turbidity water quality standard that applies to your receiving

[60] For instance, if Operator A relies on Operator B to meet the Part 3.3.1 turbidity monitoring requirements, the Part 3.3.4 reporting and recordkeeping requirements, and the Part 5.2.2 corrective action provisions when applicable, Operator A does not have to duplicate these same functions if Operator B is implementing them for both operators to be in compliance with the permit. However, Operator A remains responsible for complying with these permit requirements if Operator B fails to take actions that were necessary for Operator A to comply with the permit. See also footnote 83. EPA notes that both Operator A and B are required to submit turbidity monitoring reports as required under Part 3.3.4, however, Operator A's report does not need to include the data collected by Operator B as long as Operator B submits the required data and Operator A's report indicates that it is relying on Operator B to report the data. See Part 3.3.4a.

[61] Operators may find it useful to consult EPA's *Monitoring and Inspection Guide for Construction Dewatering*, available at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates, which provides guidelines on how to correctly monitor for turbidity, determine if the weekly average exceeds the benchmark, and, if so, how to proceed with corrective action.

water and the source/citation.[62]

(b) If the applicable turbidity water quality standard requires information on natural or background turbidity levels (e.g., "no more than 10 NTU above natural turbidity levels") to determine the specific standard for the receiving water, include available data that can be used to establish the natural turbidity levels of your receiving water (including literature studies or Federal, State, Tribal, or local government data). Data must be representative of the natural turbidity levels of your specific receiving water. Identify the source(s) of all data provided, including if the data are from samples you collected of the receiving water.

ii. EPA will inform you of its decision on whether to approve the requested alternate benchmark within 30 days. EPA may approve your request, request additional time (e.g., if additional information is needed to substantiate the data you provided), or deny your request. Unless and until EPA approves your request to use an alternate benchmark, you are required to use the standard benchmark of 50 NTUs and take any required corrective actions if an exceedance occurs.

3.3.3 Comparison of turbidity samples to benchmark. Compare the weekly average[63] of your turbidity monitoring results to the standard 50 NTU benchmark, or alternate benchmark if approved by EPA.

a. If the weekly average of your turbidity monitoring results exceeds the standard benchmark (or your approved alternate benchmark), you are required to conduct follow-up corrective action in accordance with Part 5.2.2 and document any corrective action taken in your corrective action log in accordance with Part 5.4**.**

b. For averaging purposes, a "monitoring week" starts with a Monday and ends on Sunday. Once a new monitoring week starts, you will need to calculate a new average for that week of turbidity monitoring results.[64] A weekly average may consist of one or more turbidity monitoring results.

c. Although you are not required to collect and analyze more than one turbidity sample per day from your dewatering discharge, if you do collect and analyze more than one sample on any given day, you must include any additional results in the

[62] For instance, if your site is located in Washington, DC, and you are discharging to a Class B water, for which the water quality standard is that turbidity may not increase above ambient levels by more than 20 percent, you would reference "Water Quality Standards for the District of Columbia, Chapter 11, Section 1104.8."

[63] A "weekly average" is defined as the sum of all of the turbidity samples taken during a "monitoring week" divided by the number of samples measured during that week. Average values should be calculated to the nearest whole number.

[64] For example, if turbidity samples from your dewatering discharge in week 1 result in values of 30 NTU on Tuesday, 40 NTU on Wednesday, and 45 NTU on Thursday, your weekly average turbidity value would be 38.33 NTU ((30+40+45) ÷ 3 = 38 NTU). If in week 2, your turbidity samples resulted in values of 45 NTU on Monday, 30 NTU on Tuesday, 25 NTU on Wednesday, and 15 NTU on Thursday, you would calculate a new average for that week, which would yield an average turbidity value of 28.75 NTU ((45+30+25+15) ÷ 4 = 29 NTU). By comparison, if your samples on consecutive days from Friday to Monday were 60 NTU, 45 NTU, 40 NTU, and 43 NTU, respectively, and there are no other dewatering discharges for the remainder of the week, you would calculate one weekly average for the Friday to Sunday to be 48 NTU ((60+45+40) ÷ 3 = 48 NTU), and a separate weekly average for the one Monday to be 43 NTU (43 ÷ 1 = 43 NTU).

calculation of your weekly average (i.e., add all individual results for that monitoring week and divide by the total number of samples).[65]

d. If you are conducting turbidity monitoring for more than one dewatering discharge point, you must calculate a weekly average turbidity value for each discharge point and compare each to the turbidity benchmark.

3.3.4 Reporting and recordkeeping.

a. You must submit reports of your weekly average turbidity data to EPA no later than 30 days following the end of each monitoring quarter. If there are monitoring weeks in which there was no dewatering discharge, or if there is a monitoring quarter with no dewatering discharge, indicate this in your turbidity monitoring report. If another operator associated with your same site is conducting turbidity monitoring on your behalf pursuant to Part 3.3, indicate this in your turbidity monitoring report.

b. For the purposes of this permit, the following monitoring quarters and reporting deadlines apply:

Table 3. Monitoring Quarters and Deadlines for Reporting Turbidity Benchmark Monitoring Data.

Monitoring Quarter #	**Months**	**Reporting Deadline** (no later than 30 days after end of the monitoring quarter)
1	January 1 – March 31	April 30
2	April 1 – June 30	July 30
3	July 1 – September 30	October 30
4	October 1 – December 31	January 30

c. You must use EPA's NPDES eReporting Tool (NeT) to electronically submit your quarterly turbidity data, unless, consistent with Part 1.4.2, you received a waiver from your applicable EPA Regional Office. If the EPA Regional Office grants you approval to use a paper turbidity monitoring report form, and you elect to use it, you must complete the form in Appendix K. If EPA approves of your request to use an alternate turbidity benchmark pursuant to Part 3.3.2b, EPA will substitute the alternate benchmark in your NeT account.

d. For each day in which you are required to monitor, you must record the monitoring information required by Appendix G, Parts G.10.2 and G.10.3 and retain all such information for a period of at least three years from the date this permit expires or from the date your authorization is terminated.

[65] For example, if during a monitoring week you take two turbidity samples on Tuesday with a value of 30 NTU and 35 NTU, three samples on Wednesday with a value of 40 NTU, 45 NTU, and 48 NTU, and one sample on Thursday with a value of 45 NTU, your weekly average turbidity value for this week would be 41 NTU ((30+35+40+45+48+45) ÷ 6 = 41 NTU).

Table 4. Summary of Turbidity Benchmark Monitoring Requirements.

Applicability	Sampling Requirement	Turbidity Benchmark	Corrective Action	Reporting
Sites discharging dewatering water to a sediment-impaired water or to a water designated as a Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.	Collect at least one turbidity sample per day, from each discharge point, on any day there is a dewatering discharge. Use turbidity sampling procedures specified in Part 3.3.1.	Compare the weekly average of your turbidity monitoring results to the 50 NTU benchmark (or alternate benchmark if approved by EPA).	If the weekly average of turbidity monitoring results exceeds the 50 NTU turbidity benchmark (or alternate benchmark if approved by EPA), you are required to take follow-up corrective action in accordance with Part 5.2.2.	Report all weekly average turbidity monitoring results on a quarterly basis via NeT-CGP (unless use of the paper monitoring form in Appendix K is approved by EPA) no later than 30 days following the end of each monitoring quarter.

4 INSPECTION REQUIREMENTS

4.1 PERSON(S) RESPONSIBLE FOR CONDUCTING SITE AND DEWATERING INSPECTIONS

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that any person conducting inspections pursuant to this Part is a "qualified person." A qualified person is someone who has completed the training required by Part 6.3.

4.2 FREQUENCY OF INSPECTIONS.[66]

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to the Part 4.3 site inspection frequency for discharges to sediment or nutrient-impaired or high quality waters, or qualify for a Part 4.4 reduction in the inspection frequency:

4.2.1 At least once every seven (7) calendar days; *or*

4.2.2 Once every 14 calendar days *and* within 24 hours[67] of the occurrence of:

- **a.** A storm event that produces 0.25 inches or more of rain within a 24-hour period.
  - **i.** If a storm event produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.25 inches of rain or more has fallen.

[66] Inspections are only required during the site's normal working hours.

[67] For the purposes of the inspection requirements in this Part, conducting an inspection "within 24 hours" means that once either of the two conditions in Parts 4.2.2a or 4.2.2b are met you have 24 hours from that time to conduct an inspection. For clarification, the 24 hours is counted as a continuous passage of time, and not counted by business hours (e.g., 3 business days of 8 hours each). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

ii. If a storm event produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event).[68]

b. A discharge caused by snowmelt from a storm event that produces 3.25 inches[69] or more of snow within a 24-hour period. You are required to conduct one inspection once the discharge of snowmelt from a 3.25-inch or more snow accumulation occurs. Additional snowmelt inspections are only required if following the discharge from the first snowmelt, there is a discharge from a separate storm event that produces 3.25 inches or more of snow.

4.2.3 To determine whether a storm event meets either of the thresholds in Parts 4.2.2a or 4.2.2b:

a. For rain, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any 24-hour period during which there is 0.25 inches or more of rainfall, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

b. For snow, you must either take measurements of snowfall at your site,[70] or rely on similar information from a local weather forecasting provider that is representative of your location.

4.3 INCREASE IN INSPECTION FREQUENCY FOR CERTAIN SITES.

The increased inspection frequencies established in this Part take the place of the Part 4.2 inspection frequencies for the portion of the site affected.

4.3.1 For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.2), you must conduct an once every seven (7) calendar days *and* within 24 hours of the occurrence of a storm event that produces 0.25 inches or more of rain within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

[68] For example, if 0.30 inches of rain falls on Day 1, 0.25 inches of rain falls on Day 2, and 0.10 inches of rain fall on Day 3, you would be required to conduct a first inspection within 24 hours of the Day 1 rainfall and a second inspection within 24 hours of the Day 2 rainfall, but a third inspection would not be required within 24 hours of the Day 3 rainfall.

[69] This is the amount of snow that is equivalent to 0.25 inches of rain, based on information from the National Oceanic and Atmospheric Administration (NOAA) indicating that 13 inches of snow is, on average, equivalent to 1 inch of rain. See https://www.nssl.noaa.gov/education/svrwx101/winter/faq/.

[70] For snowfall measurements, EPA suggests use of NOAA's National Weather Service guidelines at https://www.weather.gov/jkl/snow_measurement. These guidelines recommend use of a "snowboard" (a piece of wood about 16 inches by 16 inches) that is placed in an unobstructed part of the site on a hard surface.

Refer to Parts 4.2.3a and 4.2.3b for the requirements to determine if a storm event produces enough rain or snow to trigger the inspection requirement.

4.3.2 **For sites discharging dewatering water,** you must conduct an inspection in accordance with Part 4.6.3 during the discharge once per day on which the discharge occurs. The Part 4.2 inspection frequency still applies to all other portions of the site, unless the site is affected by either the increased frequency in Part 4.3.1 or the reduced frequency in Part 4.4.

4.4 REDUCTIONS IN INSPECTION FREQUENCY

4.4.1 Stabilized areas.

a. You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month until permit coverage is terminated consistent with Part 8 in any area of your site where the stabilization steps in Part 2.2.14a have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.

b. **Exception.** For "linear construction sites" (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in Part 2.2.14a have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event that produces 0.25 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If "wash-out" of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part 4.4.1a. Inspections must continue until final stabilization is visually confirmed following a storm event that produces 0.25 inches of rain or more within a 24-hour period.

4.4.2 **Arid, semi-arid, or drought-stricken areas** (as defined in Appendix A). If it is the seasonally dry period[71] or a period in which drought is occurring, you may reduce the frequency of inspections to once per month and within 24 hours of the occurrence of a storm event that produces 0.25 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. You must document that you are using this reduced schedule and the beginning and ending dates of the seasonally dry period in your SWPPP. Follow the procedures in Part 4.2.3a and 4.2.3b, accordingly, to determine if a storm event occurs that produces 0.25 inches or more of rain or 3.25 inches or more of snow within a 24-hour period. For any 24-hour period during which there is 0.25 inches or more of rainfall, or 3.25 inches or more of snow, you must record the total rainfall or snow measured for that day in accordance with Part 4.7.1d.

[71] See footnote 44.

4.4.3 Frozen conditions:

a. If you are suspending construction activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (as defined in Appendix A) begin to occur if:

   i. Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages.[72] If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable;

   ii. Land disturbances have been suspended; and

   iii. All disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

b. If you are still conducting construction activities during frozen conditions, you may reduce your inspection frequency to once per month if:

   i. Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable; and

   ii. Except for areas in which you are actively conducting construction activities, disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

You must document the beginning and ending dates of this period in your SWPPP.

4.5 AREAS THAT MUST BE INSPECTED

During your site inspection, you must at a minimum inspect the following areas of your site:

4.5.1 All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2.14a;

4.5.2 All stormwater controls, including pollution prevention controls, installed at the site to comply with this permit;[73]

4.5.3 Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;

4.5.4 All areas where stormwater typically flows within the site, including constructed or natural site drainage features designed to divert, convey, and/or treat stormwater;

4.5.5 All areas where construction dewatering is taking place, including controls to treat the dewatering discharge and any channelized flow of water to and from those controls;

[72] Use data sets that include the most recent data available to account for recent precipitation patterns and trends.

[73] This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part 2.2.4.

4.5.6 All points of discharge from the site; and

4.5.7 All locations where stabilization measures have been implemented.

You are not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

4.6 REQUIREMENTS FOR INSPECTIONS

4.6.1 During each site inspection, you must at a minimum:

a. Check whether all stormwater controls *(*i.e.*, erosion and sediment controls and pollution prevention controls)* are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges.

b. Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site.

c. Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 2 and/or 3.

d. Check for signs of visible erosion and sedimentation *(*i.e.*, sediment deposits)* that have occurred and are attributable to your discharge at points of discharge and, if applicable, on the banks of any receiving waters flowing within or immediately adjacent to the site;

e. Check for signs of sediment deposition that are visible from your site and attributable to your discharge (e.g., sand bars with no vegetation growing on top in receiving waters or in other constructed or natural site drainage features, or the buildup of sediment deposits on nearby streets, curbs, or open conveyance channels).

f. Identify any incidents of noncompliance observed.

4.6.2 If a discharge is occurring during your inspection:

a. Identify all discharge points at the site; and

b. Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants. Check also for signs of these same pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.

4.6.3 For dewatering inspections conducted pursuant to Parts 4.3.2, record the following in a report within 24 hours of completing the inspection:

a. The inspection date;

b. Names and titles of personnel making the inspection;

c. Approximate times that the dewatering discharge began and ended on the day of inspection;[74]

d. Estimates of the rate (in gallons per day) of discharge on the day of inspection;

[74] If the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous.

e. Whether or not any of the following indications of pollutant discharge were observed at the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features or storm drain inlets:[75]

i. a sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; and/or

ii. a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water; and

f. Photographs of (1) the dewatering water prior to treatment by a dewatering control(s) and the final discharge after treatment; (2) the dewatering control(s); and (3) the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features, storm drain inlets, and other conveyances to receiving waters.

You must also comply with the Part 4.7.2, 4.7.3, and 4.7.4 requirements for signing the reports, keeping them available on site, and retaining copies.

4.6.4 Based on the results of your inspection:

a. Complete any necessary maintenance repairs or replacements under Part 2.1.4 or under Part 5, whichever applies; and

b. Modify your SWPPP site map in accordance with Part 7.4.1 to reflect changes to your stormwater controls that are no longer accurately reflected on the current site map.

4.7 INSPECTION REPORT

4.7.1 You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report (except for dewatering inspection reports, which are covered in Part 4.6.3) must include the following:

a. The inspection date;

b. Names and titles of personnel making the inspection;

c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.6, including any problems found during your inspection that make it necessary to perform routine maintenance pursuant to Part 2.1.4b or corrective action pursuant to Part 5. Include also any documentation as to why the corrective action procedures under Part 5 are unnecessary to fix a problem that repeatedly occurs as described in Part 2.1.4c;

d. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.1b, and you conducted an inspection because of a storm event that produced rainfall measuring 0.25 inches or more within a 24-hour period, you must include the applicable rain gauge or weather station readings that triggered the inspection. Similarly, if you conducted an inspection because of a snowmelt discharge from a storm event that produced 3.25 inches or more of snow within a 24-hour period, you must include any measurements taken of snowfall at your site, or weather station information you relied on; and

[75] If the operator observes any of these indicators of pollutant discharge, corrective action is required consistent with Parts 5.1.5b and 5.2.2.

e. If you determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.

4.7.2 Each inspection report must be signed by the operator's signatory in accordance with Appendix G, Part G.11 of this permit.

4.7.3 You must keep a copy of all inspection reports at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.[76]

4.7.4 You must retain all inspection reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

4.8 INSPECTIONS BY EPA

You must allow EPA, or an authorized representative of EPA, to conduct the following activities at reasonable times. To the extent that you are utilizing shared controls, that are not on site, to comply with this permit, you must make arrangements for EPA to have access at all reasonable times to those areas where the shared controls are located.

4.8.1 Enter onto all areas of the site, including any construction support activity areas covered by this permit, any off-site areas where shared controls are utilized to comply with this permit, discharge locations, adjoining waterbodies, and locations where records are kept under the conditions of this permit;

4.8.2 Access and copy any records that must be kept under the conditions of this permit;

4.8.3 Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.2.1c), any stormwater controls installed and maintained at the site, and any off-site shared controls utilized to comply with this permit; and

4.8.4 Sample or monitor for the purpose of ensuring compliance.

5 CORRECTIVE ACTIONS

5.1 CONDITIONS TRIGGERING CORRECTIVE ACTION.

You must take corrective action to address any of the following conditions identified at your site:

5.1.1 A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4c, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part 2.1.4); or

5.1.2 A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or

[76] Inspection reports may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of inspection report records, refer to the Fact Sheet discussion related to Part 4.7.3.

5.1.3 Your discharges are not meeting applicable water quality standards;

5.1.4 A prohibited discharge has occurred (see Part 1.3); or

5.1.5 During discharge from site dewatering activities:

a. The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part 3.3.2b); or

b. You observe or you are informed by EPA, State, or local authorities of the presence of the conditions specified in Part 4.6.3e.

5.2 CORRECTIVE ACTION DEADLINES

5.2.1 If responding to any of the Part 5.1.1, 5.1.2, 5.1.3, or 5.1.4 triggering conditions, you must:

a. Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events; and

b. When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day; or

c. When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.

5.2.2 If responding to either of the Part 5.1.5 triggering conditions related to site dewatering activities, you must:

a. Immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a solution, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition[77] taking safety considerations into account;

b. Determine whether the dewatering controls are operating effectively and whether they are causing the conditions; and

c. Make any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

[77] For instance, if the weekly average of your turbidity monitoring results or a single sample is extremely high (e.g., a single turbidity sample results in 355 NTUs or higher), you should take action to safely shut off the discharge so that you can evaluate the cause of the high turbidity. Note: A single turbidity sample of 355 NTUs or higher means that the weekly average turbidity value will exceed 50 NTU regardless of the turbidity values the other days during the week.

When you have completed these steps and made any changes deemed necessary, you may resume discharging from your dewatering activities.

5.3 CORRECTIVE ACTION REQUIRED BY EPA

You must comply with any corrective actions required by EPA as a result of permit violations found during an inspection carried out under Part 4.8.

5.4 CORRECTIVE ACTION LOG

5.4.1 For each corrective action taken in accordance with this Part, you must record the following in a corrective action log:

- **a.** Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.
- **b.** Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.

5.4.2 Each entry into the corrective action log, consisting of the information required by both Parts 5.4.1a and 5.4.1b, must be signed by the operator's signatory in accordance with Appendix G, Part G.11.2 of this permit.

5.4.3 You must keep a copy of the corrective action log at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.[78]

5.4.4 You must retain the corrective action log for at least three (3) years from the date that your permit coverage expires or is terminated.

6 STORMWATER TEAM FORMATION/STAFF TRAINING REQUIREMENTS

6.1 STORMWATER TEAM

Each operator, or group of multiple operators, must assemble a "stormwater team" that will be responsible for carrying out activities necessary to comply with this permit. The stormwater team must include the following people:

- **a.** Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
- **b.** Personnel responsible for the application and storage of treatment chemicals (if applicable);
- **c.** Personnel who are responsible for conducting inspections as required in Part 4.1; and
- **d.** Personnel who are responsible for taking corrective actions as required in Part 5.

Members of the stormwater team must be identified in the SWPPP pursuant to Part 7.2.2.

[78] The corrective action log may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of corrective action log records, refer to the Fact Sheet discussion related to Part 4.7.3.

6.2 GENERAL TRAINING REQUIREMENTS FOR STORMWATER TEAM MEMBERS

Prior to the commencement of construction activities, you must ensure that all persons[79] assigned to the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements, including the following related to the scope of their job duties:

a. The permit requirements and deadlines associated with installation, maintenance, and removal of stormwater controls, as well as site stabilization**;**

b. The location of all stormwater controls on the site required by this permit and how they are to be maintained;

c. The proper procedures to follow with respect to the permit's pollution prevention requirements; and

d. When and how to conduct inspections, record applicable findings, and take corrective actions. Specific training requirements for persons conducting site inspections are included in Part 6.3.

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers (unless the subcontractors or outside service providers are responsible for conducting the inspections required in Part 4, in which case you must provide such documentation consistent with Part 7.2.2), but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

6.3 TRAINING REQUIREMENTS FOR PERSONS CONDUCTING INSPECTIONS

For projects that receive coverage under this permit on or after February 17, 2023, to be considered a qualified person under Part 4.1 for conducting inspections under Part 4, you must, at a minimum, either:

a. Have completed the EPA construction inspection course developed for this permit and have passed the exam; or

b. Hold a current valid construction inspection certification or license from a program that, at a minimum, covers the following:[80]

i. Principles and practices of erosion and sediment control and pollution prevention practices at construction sites;

ii. Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites; and

iii. Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4.

[79] If the person requiring training is a new employee who starts after you commence construction activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit. For emergency-related projects, the requirement to train personnel prior to commencement of construction activities does not apply, however, such personnel must have the required training prior to NOI submission.

[80] If one of the following topics (e.g., installation and maintenance of pollution prevention practices) is not covered by the non-EPA training program, you may consider supplementing the training with the analogous module of the EPA course (e.g., Module 4) that covers the missing topic.

For projects that receive coverage under this permit prior to February 17, 2023, any personnel conducting site inspections pursuant to Part 4 on your site must, at a minimum, be a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.[81]

6.4 STORMWATER TEAM'S ACCESS TO PERMIT DOCUMENTS

Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

7 STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

7.1 GENERAL REQUIREMENTS

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.[82, 83, 84] The SWPPP must be kept up-to-date throughout coverage under this permit.

If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.

7.2 SWPPP CONTENTS

At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit.

7.2.1 All Site Operators. Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.

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[81] If you receive coverage for a project prior to February 17, 2023, and construction activities for the same project will continue after February 17, 2023, the personnel conducting inspections do not need to take the additional training specified in Parts 6.3a and 6.3b for inspections conducted on the project site. If the same operator obtains coverage for a different project on or after February 17, 2023, personnel conducting inspections would be required to meet the requirements for a qualified person by completing the training in either Part 6.3a or Part 6.3b.

[82] The SWPPP does not establish the effluent limits and/or other permit terms and conditions that apply to your site's discharges; these limits, terms, and conditions are established in this permit.

[83] Where there are multiple operators associated with the same site, they may develop a group SWPPP instead of multiple individual SWPPPs. Regardless of whether there is a group SWPPP or multiple individual SWPPPs, each operator is responsible for compliance with the permit's terms and conditions. In other words, if Operator A relies on Operator B to satisfy its permit obligations, Operator A does not have to duplicate those permit-related functions if Operator B is implementing them such that both operators are in compliance with the permit. However, Operator A remains responsible for permit compliance if Operator B fails to take actions necessary for Operator A to comply with the permit. In addition, all operators must ensure, either directly or through coordination with other operators, that their activities do not cause a violation or compromise any other operators' controls and/or any shared controls. See also footnote 60.

[84] There are a number of commercially available products to assist operators in developing the SWPPP, as well as companies that can be hired to help develop a site-specific SWPPP. The permit does not state which are recommended, nor does EPA endorse any specific products or vendors. Where operators choose to rely on these products or services, the choice of which ones to use to comply with the requirements of this Part is a decision for the operator alone.

7.2.2 Stormwater Team. Identify the personnel (by name and position) that you have made part of the stormwater team pursuant to Part 6.1, as well as their individual responsibilities, including which members are responsible for conducting inspections.

Include verification that each member of the stormwater team has received the training required by Part 6.2. Include documentation that members of the stormwater team responsible for conducting inspections pursuant to Part 4 have received the training required by Part 6.3. If personnel on your team elect to complete the EPA inspector training program pursuant to Part 6.3a, you must include copies of the certificate showing that the relevant personnel have completed the training and passed the exam. If personnel on your team elect to complete a non-EPA inspector training program pursuant to Part 6.3b, you must include documentation showing that these persons have successfully completed the program and their certification or license is still current. You must also confirm that the non-EPA inspector training program satisfies the minimum elements for such programs in Part 6.3b.

7.2.3 Nature of Construction Activities. Include the following:

- **a.** A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;
- **b.** The size of the property (in acres or length in miles if a linear construction site);
- **c.** The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);
- **d.** A description of any on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c);
- **e.** The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;
- **f.** A description and projected schedule for the following:[85]
  - **i.** Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
  - **ii.** Temporary or permanent cessation of construction activities in each portion of the site;
  - **iii.** Temporary or final stabilization of exposed areas for each portion of the site; and
  - **iv.** Removal of temporary stormwater controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

[85] If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to "lock in" the operator to meeting these dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

g. A list and description of all pollutant-generating activities[86] on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (e.g., *sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels*) associated with that activity, which could be discharged in stormwater from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;

h. Business days and hours for the project;

i. If you are conducting construction activities in response to a public emergency (see Part 1.4), a description of the cause of the public emergency *(*e.g.*, mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services)*, information substantiating its occurrence *(*e.g.*, State disaster declaration or similar State or local declaration)*, and a description of the construction necessary to reestablish affected public services.

7.2.4 Site Map. Include a legible map, or series of maps, showing the following features of the site:

a. Boundaries of the property;

b. Locations where construction activities will occur, including:

i. Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;

ii. Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));

iii. Locations where sediment, soil, or other construction materials will be stockpiled;

iv. Any receiving water crossings;

v. Designated points where vehicles will exit onto paved roads;

vi. Locations of structures and other impervious surfaces upon completion of construction; and

vii. Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).

c. Locations of any receiving waters within the site and all receiving waters within one mile downstream of the site's discharge point(s). Also identify if any of these receiving waters are listed as impaired or are identified as a Tier 2, Tier 2.5, or Tier 3 water;

d. Any areas of Federally listed critical habitat within the action area of the site as defined in Appendix A;

e. Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);

f. Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;

[86] Examples of pollutant-generating activities include paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering activities.

g. Stormwater and authorized non-stormwater discharge locations, including:

i. Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets, including a notation of whether the inlet conveys stormwater to a sediment basin, sediment trap, or similarly effective control;[87]

ii. Locations where stormwater or authorized non-stormwater will be discharged directly to receiving waters (i.e., not via a storm drain inlet); and

iii. Locations where turbidity benchmark monitoring will take place to comply with Part 3.3, if applicable to your site.

h. Locations of all potential pollutant-generating activities identified in Part 7.2.3g;

i. Designated areas where construction wastes that are covered by the exception in Part 2.3.3e.ii because they are not pollutant-generating will be stored;

j. Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and

k. Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

7.2.5 Non-Stormwater Discharges. Identify all authorized non-stormwater discharges in Part 1.2.2 that will or may occur.

7.2.6 Description of Stormwater Controls.

a. For each of the Part 2.2 erosion and sediment control requirements, Part 2.3 pollution prevention requirements, and Part 2.4 construction dewatering requirements, as applicable to your site, you must include the following:

i. A description of the specific control(s) to be implemented to meet these requirements;

ii. The design specifications for controls described in Part 7.2.6a.i (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);[88]

iii. Routine stormwater control maintenance specifications; and

iv. The projected schedule for stormwater control installation/implementation.

b. You must also include any of the following additional information as applicable.

i. Natural buffers and/or equivalent sediment controls (see Part 2.2.1 and Appendix F). You must include the following:

(a) The compliance alternative to be implemented;

(b) If complying with alternative 2, the width of natural buffer retained;

[87] The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

[88] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.

(c) If complying with alternative 2 or 3, the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;

(d) If complying with alternative 3, a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size;

(e) For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and

(f) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a receiving water.

ii. Perimeter controls for a "linear construction site" (see Part 2.2.3d). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to minimize discharges of pollutants in stormwater associated with construction activities.

Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part 2.2.3c.i requirement that sediment be removed before it has accumulated to one-half of the above-ground height of any perimeter control.

iii. Sediment track-out controls (see Parts 2.2.4b and 2.2.4c)**.** Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.

iv. Inlet protection measures (see Part 2.2.10a). Where inlet protection measures are not required because the storm drain inlets to which your site discharges are conveyed to a sediment basin, sediment trap, or similarly effective control, include a short description of the control that receives the stormwater flow from the site.

v. Sediment basins (see Part 2.2.12). In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, include documentation to support this determination, including the specific conditions or time periods when this exception will apply.

vi. Treatment chemicals (see Part 2.2.13), you must include the following:

(a) A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction;

(b) A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;

(c) If the applicable EPA Regional Office authorized you to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic

treatment chemicals will not lead to a discharge that does not meet water quality standards;

(d) The dosage of all treatment chemicals to be used at the site or the methodology to be used to determine dosage;

(e) Information from any applicable Safety Data Sheet (SDS);

(f) Schematic drawings of any chemically enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;

(g) A description of how chemicals will be stored consistent with Part 2.2.13c;

(h) References to applicable State or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and

(i) A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.

vii. Stabilization measures (see Part 2.2.14). You must include the following:

(a) The specific vegetative and/or non-vegetative practices that will be used;

(b) The stabilization deadline that will be met in accordance with Part 2.2.14;

(c) If complying with the deadlines for sites in arid, semi-arid, or drought-stricken areas, the beginning and ending dates of the seasonally dry period (as defined in Appendix A)[89] and the schedule you will follow for initiating and completing vegetative stabilization; and

(d) If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.

viii. Spill prevention and response procedures (see Parts 1.3.5, 2.3.3c, 2.3.3d, and 2.3.6). You must include the following:

(a) Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and

(b) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302, occurs

[89] See footnote 44.

during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

You may also reference the existence of SPCC plans developed for the construction activity under Section 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan on site.[90]

ix. **Waste management procedures** (see Part 2.3.3). Describe the procedures you will follow for handling, storing, and disposing of all wastes generated at your site consistent with all applicable Federal, State, Tribal, and local requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste. You must also include the following additional information:

(a) If site constraints prevent you from storing chemical containers 50 feet away from receiving waters or the other site drainage features as required in Part 2.3.3c.ii(b), document in your SWPPP the specific reasons why the 50-foot setback is not feasible, and how you will store containers as far away as the site permits; and

(b) If there are construction wastes that are subject to the exception in Part 2.3.3e.ii, describe the specific wastes that will be stored on your site.

x. **Application of fertilizers** (see Part 2.3.5). Document any departures from the manufacturer specifications where appropriate.

7.2.7 Procedures for Inspection, Maintenance, and Corrective Action. Describe the procedures you will follow for maintaining your stormwater controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.4, Part 4, and Part 5 of this permit, accordingly. Also include:

a. The inspection schedule you will follow, which is based on whether your site is subject to Part 4.2 or Part 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Part 4.4;

b. If you will be conducting inspections in accordance with the inspection schedule in Part 4.2.2, Part 4.3, or Part 4.4.1b, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data;

c. If you will be reducing your inspection frequency in accordance with Part 4.4.1b, the beginning and ending dates of the seasonally defined arid period for your area or the valid period of drought;

d. If you will be reducing your inspection frequency in accordance with Part 4.4.3, the beginning and ending dates of frozen conditions on your site; and

e. Any maintenance or inspection checklists or other forms that will be used.

7.2.8 Procedures for Turbidity Benchmark Monitoring from Dewatering Discharges (if applicable). If you are required to comply with the Part 3.3 turbidity benchmark

[90] Even if you already have an SPCC or other spill prevention plan in existence, your plans will only be considered adequate if they meet all of the requirements of this Part, either as part of your existing plan or supplemented as part of the SWPPP.

monitoring requirements, describe the procedures you will follow to collect and evaluate samples, report results to EPA and keep records of monitoring information, and take corrective action when necessary. Include the specific type of turbidity meter you will use for monitoring, as well as any manuals or manufacturer instructions on how to operate and calibrate the meter. Describe any coordinating arrangement you may have with any other permitted operators on the same site with respect to compliance with the turbidity monitoring requirements, including which parties are tasked with specific responsibilities. If EPA has approved of an alternate turbidity benchmark pursuant to Part 3.3.2b, include any data and other documentation you relied on to request use of the specific alternative benchmark.

7.2.9 Compliance with Other Requirements.

a. **Threatened and Endangered Species Protection.** Include documentation required in the Endangered Species Protection section of the NOI in NeT, or the ESA worksheet in Appendix D, supporting your eligibility with regard to the protection of threatened and endangered species and designated critical habitat.

b. **Historic Properties.** Include documentation required in Appendix E supporting your eligibility with regard to the protection of historic properties.

c. **Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls.** If you are using any of the following stormwater controls at your site, document any contact you have had with the applicable State agency[91] or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR § 144 -147. Such controls would generally be considered Class V UIC wells:

   i. Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);

   ii. Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and

   iii. Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

7.2.10 SWPPP Certification. Your signatory must sign and date your SWPPP in accordance with Appendix G, Part G.11.

7.2.11 Post-Authorization Additions to the SWPPP. Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:

a. A copy of your NOI submitted to EPA along with any correspondence exchanged between you and EPA related to coverage under this permit;

b. A copy of the acknowledgment letter you receive from NeT assigning your NPDES ID (i.e., *permit tracking number*);

[91] For State UIC program contacts, refer to the following EPA website: https://www.epa.gov/uic.

c. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

7.3 ON-SITE AVAILABILITY OF YOUR SWPPP

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a State, Tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).[92]

EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.[93]

If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

7.4 SWPPP MODIFICATIONS

7.4.1 You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

a. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.2.3f change during the course of construction;

b. To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;

c. If inspections or investigations by EPA or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;

d. Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:

i. A copy of any correspondence describing such measures and requirements; and

[92] The SWPPP may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of the SWPPP, refer to the Fact Sheet discussion related to Part 4.7.3.

[93] Information covered by a claim of confidentiality will be disclosed by EPA only to the extent of, and by means of, the procedures set forth in 40 CFR part 2, Subpart B. In general, submitted information protected by a business confidentiality claim may be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

ii. A description of the controls that will be used to meet such requirements.

e. To reflect any revisions to applicable Federal, State, Tribal, or local requirements that affect the stormwater controls implemented at the site; and

f. If applicable, if a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

7.4.2 You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.9 above) and a brief summary of all changes.

7.4.3 All modifications made to the SWPPP consistent with Part 7.4 must be authorized by a person identified in Appendix G, Part G.11.b.

7.4.4 Upon determining that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

8 HOW TO TERMINATE COVERAGE

Until you terminate coverage under this permit, you must comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to EPA a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part 8.

8.1 MINIMUM INFORMATION REQUIRED IN NOT

8.1.1 NPDES ID (i.e., *permit tracking number)* provided by EPA when you received coverage under this permit;

8.1.2 Basis for submission of the NOT (see Part 8.2);

8.1.3 Operator contact information;

8.1.4 Name of site and address (or a description of location if no street address is available); and

8.1.5 NOT certification.

8.2 CONDITIONS FOR TERMINATING CGP COVERAGE

You may terminate CGP coverage only if one or more of the conditions in Parts 8.2.1, 8.2.2, or 8.2.3 has occurred. Until your termination is effective consistent with Part 8.5, you must continue to comply with the conditions of this permit.

8.2.1 You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.2.1c), and you have met all of the following requirements:

a. For any areas that (1) were disturbed during construction, (2) are not covered by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.14c.

To document that you have met these stabilization requirements, you must take either ground or aerial photographs that show your site's compliance with the Part 2.2.14 stabilization requirements and submit them with your NOT. If any portion of your

site is covered by one of the exceptions in Part 2.2.14c.iii, indicate which exception applies and include a supplementary explanation with your photographs that provides the necessary context for why this portion of the site is in compliance with the final stabilization criteria even though it appears to be unstabilized. You are not required to take photographs of every distinct part of your site that is being stabilized, however, the conditions of the site portrayed in any photographs that are submitted must be substantially similar[94] to those of the areas that are not photographed. You must also comply with the following related to these photographs:

i. Take photographs both before and after the site has met the final stabilization criteria in Part 2.2.14c;

ii. All photographs must be clear and in focus, and in the original format and resolution; and

iii. Include the date each photograph was taken, and a brief description of the area of the site captured by the photograph (e.g., photo shows application of seed and erosion control mats to remaining exposed surfaces on northeast corner of site).

b. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;

c. You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable (as defined in Appendix A); and

d. You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of permit coverage; or

8.2.2 You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or

8.2.3 Coverage under an individual or alternative general NPDES permit has been obtained.

8.3 HOW TO SUBMIT YOUR NOT

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit an NOT for the 2022 CGP.

To access NeT, go to https://cdx.epa.gov/cdx.

Waivers from electronic reporting may be granted as specified in Part 1.4.2. If the EPA Regional Office grants you approval to use a paper NOT, and you elect to use it, you must complete the form in Appendix I.

[94] Stabilization conditions that are substantially similar would include areas that are using the same type of stabilization measures and that have similar slopes, soils, and topography, and have achieved the same level of stabilization.

8.4 DEADLINE FOR SUBMITTING THE NOT

You must submit an NOT within 30 calendar days after any one of the conditions in Part 8.2 occurs.

8.5 EFFECTIVE DATE OF TERMINATION OF COVERAGE

Your authorization to discharge under this permit terminates at midnight of the calendar day that a complete NOT is submitted to EPA.

9 PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY LANDS, OR TERRITORIES

The provisions in this Part provide additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the State or Tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific States, Indian country, and areas in certain States with Federal Facilities or areas subject to construction projects by Federal Operators. States, Indian country, and other areas not included in this Part do not have any additions to the applicable conditions of this permit.

9.1 EPA REGION 1

9.1.1 NHR100000 State of New Hampshire

a. Should the permit coverage for an individual applicant be insufficient to achieve water quality standards, the New Hampshire Department of Environmental Services (NHDES) may prepare additional 401 certification conditions for that applicant. Any additional 401 certification conditions will follow all required NHDES public participation requirements.

b. If you disturb 100,000 square feet or more of contiguous area, you must also comply with RSA 485-A:17 and Env-Wq 1500, and, unless exempt, apply for an Alteration of Terrain (AoT) permit from NHDES. This requirement also applies to a lower disturbance threshold of 50,000 square feet or more when construction occurs within the protected shoreline under the Shoreland Water Quality Protection Act (see RSA 483-B and Env-Wq 1400). A permit application must also be filed if your project disturbs an area of greater than 2,500 square feet, is within 50 feet of any surface water, and has a flow path of 50 feet or longer disturbing a grade of 25 percent or greater. Project sites with disturbances smaller than those discussed above, that have the potential to adversely affect state surface waters, are subject to the conditions of an AoT General Permit by Rule (Env-Wq 1503.03).

c. You must determine that any excavation dewatering discharges are not contaminated before they will be authorized as an allowable non-stormwater discharge under this permit (see Part 1.2.2 of the Construction General Permit or CGP). In the absence of information demonstrating otherwise, the water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the groundwater dewatering location. Information on groundwater contamination can be generated over the Internet via the NHDES web site http:// des.nh.gov/ by using the One Stop Data Mapper. For a toxic substance included in the New Hampshire surface water quality standards, see Env-Wq 1703.21 (see https://www.des.nh.gov/sites/g/fi1es/ehbemt 341/files/documents/2020-01/Env-Wg

1700.pdf). If it is determined that the groundwater to be dewatered is near a remediation or other waste site, you must apply for the Remediation General Permit (see https://www3.epa.gov/region1/npdes/rgp.html)

d. As a minimum, you must treat any uncontaminated excavation "dewatering" discharges and "stormwater" discharges, as those terms are defined in Appendix A of the CGP, as necessary, to remove suspended solids and turbidity so that the surface waters receiving the construction discharges[95] meet New Hampshire surface water quality standards for turbidity (Env-Wq 1703.11 and Env-Wq 1703.03(c)(1)c), benthic deposits (Env-Wq 1703.03(c)(1)a), and Env-Wq 1703.08) and foam, debris, scum or other visible substances (i.e., plumes or visual turbidity)[96] (Env-Wq 1703.03(c)(1)b).

i. For all Construction Activities covered under this CGP, the following shall apply to ensure compliance with the aforementioned regulations for turbidity, benthic deposits and visible substances:

Unless otherwise specified, site inspection requirements shall comply with Part 4 of the CGP. As a minimum site inspection frequency shall be in accordance with Part 4.2.2 of the CGP (and Part 4.3.2 of the CGP for sites discharging dewatering water). Site inspection frequency may be reduced in accordance with Part 4.4 of the CGP (Reductions in Inspection Frequency). Monitoring of the receiving water for visible turbidity and benthic sediment deposits shall be conducted each site inspection and results reported in the Inspection Report required in Part 4.7 of the CGP. Should visible turbidity or benthic sediment deposits attributable or partly attributable to your construction activities be present in the receiving water, the "Corrective Actions" specified in Part 5 shall be immediately implemented to correct the water quality standard violations. In addition, daily monitoring (including photographs) of the receiving water shall be conducted until there is no visible turbidity or benthic deposits. Inspection Reports required in Part 4.7 of the CGP shall include, but not be limited to, the distance downstream and the percent of the river width[97] where visible turbidity was observed, and the period of time that the visible turbidity persisted. A copy of the Inspection Report(s) shall be made available to NHDES within 24 hours of receiving a written request from NHDES.

ii. For Construction Activities, disturbing 5 acres or more of land at any one time (excluding areas that have been completely stabilized in accordance with the final stabilization criteria specified in Part 2.2.14.c of the CGP), the following shall

[95] Construction Discharges include uncontaminated "dewatering" and "stormwater" discharges as those terms are defined in Appendix A of the CGP. Controlled construction discharges are construction discharges where the rate of flow can be regulated such as from a construction settling basin or NHDES approved flocculation system.

[96] For the definition of visual turbidity, see the definition for "Non-Turbid" in Appendix A of the CGP, which states the following:" "Non-Turbid" - a discharge that is free from visual turbidity. For the purposes of this permit, visual turbidity refers to a sediment plume or other cloudiness in the water caused by sediment that can be identified by an observer." *[EPA interprets the text of this footnote as intending to reference the Appendix A definitions of "visual turbidity" and "non-turbid" in the final permit.]*

[97] The distance downstream and the percent of river width where visible turbidity (i.e., plume) is observed is required to determine the extent of the river affected and to determine if there was a "zone of passage" (i.e., a portion of the receiving water where there was no visible turbidity where mobile organisms could pass without being adversely impacted). The percent of river width affected is equal 100 multiplied by the width of the plume (in feet) divided by the width of the receiving water (in feet).

apply to ensure compliance with the aforementioned regulations for turbidity, benthic deposits and visible substances.

Item 9.1.1.d.i) above shall apply to all construction discharges and the minimum site inspection frequency shall comply with Part 4.3.1 of the CGP (and Part 4.3.2 of the CGP for sites discharging dewatering water). Site inspection frequency may be reduced in accordance with Part 4.4 of the CGP (Reductions in Inspection Frequency).

With regards to controlled construction discharges, if there is no visible turbidity (i.e., plumes) or benthic deposits, and, in the absence of information demonstrating otherwise, turbidity measurements of less than or equal to 50 nephelometric turbidity units (NTU) in the controlled construction discharges at the outlet prior to mixing with the receiving surface waters, shall be presumed to meet New Hampshire surface water quality standards for the parameters listed above. As a minimum, the controlled construction discharges must be sampled at each site inspection.

If any controlled construction discharge exceeds 50 NTU, or if visible turbidity or benthic sediment deposits attributable or partly attributable to any construction discharge are observed in the receiving water, then the "Corrective Actions" specified in Part 5 of the CGP shall be immediately implemented.

In addition, should such violation occur, and, in order to determine compliance with surface water quality standards for turbidity (Env-Wq 1703.11 and Env-Wq 1703.03(c)(1)c), benthic deposits (Env-Wq 1703.03(c)(1)a), and Env-Wq 1703.08) and foam, debris, scum or other visible substances (Env-Wq 1703.03(c)(1)b)), turbidity monitoring shall be immediately implemented as specified below:

Turbidity samples of the receiving water shall be immediately taken in the receiving water upstream and beyond the influence of the construction activity, and, unless a mixing zone[98] is approved by NHDES, no more than 75 feet downstream of each controlled construction discharge that exceeded 50 NTU and no more than 75 feet downstream of each construction discharge that caused visible turbidity.

Downstream samples shall be taken at locations in the receiving water that are most likely influenced by the discharge (e.g., if visible turbidity (i.e., a plume) is present, the sample shall be taken in the plume). Samples shall be collected a minimum of 2 times per day during the daylight hours at times when construction activities are most likely to cause turbidity in the receiving water and shall continue until the turbidity water quality standards are met in the receiving water (i.e., the difference between the upstream and downstream turbidity level is no greater than 10 NTU).

[98] Permittees may request a distance greater than 75 feet downstream of a construction discharge for determining compliance with turbidity standards in Class B surface waters, by submitting a mixing zone request to NHDES that complies with Env-Wq 1707.02. If a mixing zone is approved, NHDES is required to include conditions to ensure that the criteria on which the approval is based are met (Env-Wq 1707.03).

If water quality standards are not met during daylight hours on any day, sampling shall resume the next day and continue no fewer than 2 times per day until water quality standards are met. The date, time, location and results of turbidity measurements, as well as a summary identifying the cause of the violations, corrective actions that were implemented, the period of time that the receiving water exceeded turbidity standards and the distance downstream and the percent of the river width where visible turbidity was observed, and the period of time that the visible turbidity persisted, shall be recorded and included in the Inspection Report required in Part 4.7 of the CGP. Turbidity measurements shall be conducted via a field meter in accordance with the requirements for turbidity specified in Table 1B in 40 CFR 136.3 (see 40 CFR §136.3 Identification of test procedures - Code of Federal Regulations ecfr.io). Field meters shall be calibrated every day sampling is conducted and prior to the first sample.

e. Construction site owners and operators are encouraged to consider opportunities for post- construction groundwater recharge using infiltration best management practices (BMPs) during site design and preparation of the SWPPP in order to assure compliance with Env-Wq 1703.03 and Env-Wq 1703.11. If your construction site is in a town that is required to obtain coverage under the NPDES General Permit for discharges from Municipal Separate Storm Sewer Systems (MS4) you may be required to use such practices. The SWPPP must include a description of any on-site infiltration that will be installed as a post-construction stormwater management measure or reasons for not employing such measures such as 1) The facility is located in a wellhead protection area as defined in RSA 485- C:2; or 2) The facility is located in an area where groundwater has been reclassified to GAA, GA1 or GA2 pursuant to RSA 485-C and Env-DW 901; or 3) Any areas that would be exempt from the groundwater recharge requirements contained in Env-Wq 1507.04, including all land uses or activities considered to be a "High-load Area" (see Env-Wq 1502.30). For design considerations for infiltration measures see Env-Wq 1508.06. Note that there may be additional local requirements that fall under the NH MS4 permittee's Authorization to Discharge Permit for those regulated areas.

f. Appendix F of the CGP contains information regarding Tier 2, or high quality waters in the various states. ***[EPA notes that this information has now been moved to https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates]*** Although there is no official list of tier 2 waters for New Hampshire, it can be assumed that all New Hampshire surface waters are tier 2 for turbidity unless 1) the surface water that you are proposing to discharge into is listed as impaired for turbidity in the states listing of impaired waters (see https://nhdes-surface-water-quality-assessment-site-nhdes.hub.arcgis.com/) or 2) sampling upstream of the proposed discharge location shows turbidity values greater than 10 NTU (Env-Wq 1703.11). A single grab sample collected during dry weather (no precipitation within 48 hours) is acceptable.

g. To ensure compliance with RSA 485-C, RSA 485-A, RSA 485-A:13, I(a), Env-Wq 1700 and Env-Wq 302, the following information may be requested by NHDES. This information must be kept on site unless you receive a written request from NHDES that it be sent to the address shown below in 9.1.1.h.

i. A list of all non-stormwater discharges that occur at the facility, including their source locations and the control measures being used (see Part 1.2.2 of the CGP).

ii. Records of sampling and analysis required for construction dewatering and stormwater discharges (see 9.1.1.d above).

h. All required or requested documents must be sent to: NH Department of Environmental Services, Watershed Management Bureau, P.O. Box 95 Concord, NH 03302-0095.

9.1.2 MAR100000 Commonwealth of Massachusetts (except Indian country)

a. All discharges covered by the Construction General Permit shall comply with the provisions pursuant to 314 CMR 3.00, 314 CMR 4.00, 314 CMR 9.00, including applicable construction stormwater standards and 310 CMR 10.00.

b. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, permittees are prohibited from discharging dewatering water under the CGP from sites that are designated as Superfund/CERCLA or RCRA, and must make accommodations to dispose of the dewatering discharges appropriately, such as coverage under the Remediation General Permit (RGP).

c. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to protect Outstanding Resource Waters under 314 CMR 4.04(3), applicants seeking coverage under the 2022 CGP that propose to carry out construction activities near Outstanding Resource Waters as identified in 314 CMR 4.06, shall submit to MassDEP for review:

i. a copy of the Stormwater Pollution Prevention Plan (SWPPP),

ii. a copy of the EPA NOI, and

iii. MassDEP's Stormwater BMP Checklist.

For purposes of this review, the permittee shall submit these documents to MassDEP at the same time they are submitted to EPA. Instructions on how to submit these documents to MassDEP and where to find the MassDEP Stormwater BMP Checklist and obtain authorization to discharge can be found here: https://www.mass.gov/how-to/wm-15-npdes-general-permit-notice-of- intent.

d. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, applicants that propose to dewater under the 2022 CGP and plan to discharge to certain waters as described below, shall determine that any dewatering discharges are not contaminated by testing the proposed discharge as described below as part of the application for WM15 authorization. Unless otherwise specified, testing described in this section should be conducted using the methods in 40 CFR 136.

i. Applicants for sites that plan to discharge to Outstanding Resource Waters as identified in 314 CMR 4.06 shall test one sample of the proposed dewatering discharge water for pH, E. Coli (for discharges to freshwater), fecal coliform (for

discharges to salt water), Enterococci (for discharges to salt water), total suspended solids, oil and grease, total nitrogen, total phosphorus, and all parameters with numeric criteria listed in the Massachusetts Surface Water Quality Standards at 314 CMR 4.05(e). Results shall be reported to MassDEP as part of the WM15 application. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit.

ii. Applicants for sites that propose to discharge to Public Water Supplies (314 CMR 4.06(1)(d)1) shall also test one sample of the proposed dewatering discharge water for per- and polyfluoroalkyl substances (PFAS), as outlined in the table below. Results shall be reported to MassDEP as part of the WM15 application. If any PFAS compounds are detected, the applicant shall apply for coverage under the NPDES Remediation General Permit for Massachusetts if required.

PFAS Testing Parameters for Discharges to Public Drinking Water Supplies[99]	
Perfluorohexanesulfonic acid (PFHxS), grab	Report ng/L
Perfluoroheptanoic acid (PFHpA), grab	Report ng/L
Perfluorononanoic acid (PFNA), grab	Report ng/L
Perfluorooctanesulfonic acid (PFOS), grab	Report ng/L
Perfluorooctanoic acid (PFOA), grab	Report ng/L
Perfluorodecanoic acid (PFDA), grab	Report ng/L

iii. Applicants for sites that propose to discharge to an impaired water as identified in the most recent final Massachusetts Integrated List of Waters,shall test one sample of the proposed dewatering discharge water for the parameter(s) for which the waterbody is impaired. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation GeneralPermit and shall apply for RGP coverage if required.

iv. For dewatering discharges to all other waters, if any pollutants are knownor believed present in the proposed dewatering discharge water, the applicant shall apply for coverage under the NPDES Remediation General Permit for Massachusetts if required. For the purposes of this condition, a pollutant is "known present" if measured above the analytical detection limit using a sufficiently sensitive test method in an environmental sample, and "believed present" if a pollutant has not been measured in an environmental sample but will be added or generated prior to discharge, such as through a treatment process. Consequently, a pollutant is "known absent" if measured as non-detect relative to the analytical detection limit using a sufficiently sensitive test method in an environmental sample, and "believed absent" if a pollutant has not been measured in an environmentalsample but will not be added or generated prior to discharge and is not a parameter that applies to the applicable activity category for a site. If any pollutants are known or believed present in the

[99] PFAS testing shall follow established EPA methods 537 or 537.1 for drinking water until EPA Method 3512 for non-potable water becomes available.

proposed dewatering discharge water, the applicant shall test one sample of the proposed dewatering discharge water for the pollutants known or believed to be present. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit.

e. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to protect Outstanding Resource Waters under 314 CMR 4.04(3), applicants that propose to dewater under the 2022 CGP and discharge to Outstanding Resource Waters as identified in 314 CMR 4.06, shall submit the SWPPP and associated documents to MassDEP to review. MassDEP shall complete review within 30 daysof receipt.

f. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05 to maintain surface waters free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the waterbody, permittees that have been authorized to dewater under the 2022 CGP and that discharge to Outstanding Resource Waters as identified in 314 CMR 4.06 shall carry out daily benchmark monitoring for turbidity[100] for the duration of dewatering. Permittees shall compare the weekly average of the turbidity monitoring results with the established benchmark turbidity value of 25 Nephelometric Turbidity Units (NTU). If a permittee's weekly average turbidity results exceed the benchmark, the operator shall conduct follow-up corrective action to determine the source of the problem and to make any necessary repairs or upgrades to the dewatering controls to lower the turbidity levels. The permittee shall document any corrective action taken in its corrective action log. Furthermore, permittees at these sites shall carry out inspections at higher frequency, specifically, daily inspections of the dewatering discharge treatment for the duration of the discharge. The permittee shall inspect the site for sediment plume or whether a hydrocarbon sheen is visible at the point of discharge, estimate the flow rate at the point of discharge, and inspect the site downstream to assess whether sedimentation is attributable to the dewatering discharges.

g. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05 to maintain surface waters free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the waterbody, permittees shall store materials outside the Base Flood Elevation[101] when feasible to prevent displacing runoff and erosion.

h. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to maintain surface waters free from nutrients in concentrations that would cause or contribute to impairment of existing or designated uses under 314 CMR 4.05(5)(c), all applicants who apply for coverage under the 2022 CGP shall follow guidelines on fertilizer application, including use of fertilizer containing no phosphorus, in accordance with 330 CMR 31.00 Plant Nutrient Application Requirements for

[100] Applicants shall follow EPA Method 180.1 to monitor for turbidity

[101] Base Flood Elevation (BFE) is the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE. (Source: https://www.fema.gov/node/404233).

Agricultural Land and Non-Agricultural Turf and Lawns. Further, fertilizer shall never be applied to a site when a rain event greater than 0.5 inches is forecast in the next 48 hours.

i. Pursuant to 314 CMR 3.11 (2)(a), all applicants who apply for coverage under the 2022 CGP and elect to carry out site inspections every 14 days shall also inspect sites within 24 hours of 0.25 inches of precipitation events or greater over 24 hours,or within 24 hours of a discharge that occurred due to snowmelt from 3.25 inches or greater of snow accumulation.[102] During the high flow periods in spring (i.e., months of April to June), inspection frequency shall be increased to once per week for all sites.

  i. To determine whether 3.25 inches or greater of snow accumulation has occurred at a site, snowfall measurements can be taken at the site,[103] or theoperator can rely on similar information from a local weather forecast.

j. Implementing structural improvements, enhanced/resilient pollution prevention measures, and other mitigation measures can help to minimize impacts from stormwater discharges from major storm events such as hurricanes, storm surge, extreme/heavy precipitation,[104] and flood events. Pursuant to 314 CMR 3.11 (2)(a), if such stormwater control measures are already in place due to existing requirements mandated by other state, local or federal agencies, the SWPPP shall include a brief description of the controls and a reference to the existing requirement(s). If the site may be exposed to or has previously experienced suchmajor storm events[105], additional stormwater control measures that may be considered, and implemented as necessary, include, but are not limited to:

  i. Reinforce materials storage structures to withstand flooding and additional exertion of force;

  ii. Prevent floating of semi-stationary structures by elevating to the Base Flood Elevation (BFE) level or securing with non-corrosive device;

  iii. When a delivery of exposed materials is expected, and a storm is anticipated within 48 hours, delay delivery until after the storm or storematerials as appropriate (refer to emergency procedures);

[102] This is the amount of snow that is equivalent to 0.25 inches of rain, based on information from the National Oceanic and Atmospheric Administration (NOAA) indicating that 13 inches of snow is, on average, equivalent to 1 inch of rain. See https://www.nssl.noaa.gov/education/svrwx101/winter/faq/.

[103] NOAA's National Weather Service has guidelines on snowfall measurements at https://www.weather.gov/jkl/snow_measurement. These guidelines recommend use of a "snowboard" (a piece of wood about 16 inches by 16 inches) that is placed in an unobstructed part of the site on a hard surface.

[104] Heavy precipitation refers to instances during which the amount of rain or snow experienced in a location substantially exceeds what is normal. What constitutes a period of heavy precipitation varies according to location and season. Heavy precipitation does not necessarily mean the total amount of precipitation at a location has increased— just that precipitation is occurring in more intense or more frequent events.

[105] To determine if your facility is susceptible to an increased frequency of major storm events that could impact the discharge of pollutants in stormwater, you may reference FEMA, NOAA, or USGS flood map products at https://www.usgs.gov/faqs/where-can-i-find-flood-maps?qt-news_science_products=0#qtnews_science_products.

iv. Temporarily store materials and waste above the Base Flood Elevation ***[EPA notes that it has deleted a footnote reference to the term "Base Flood Elevation" since the same footnote is already included in Part 9.1.2.g, above.]*** level;

v. Temporarily reduce or eliminate outdoor storage;

vi. Temporarily relocate any mobile vehicles and equipment to higher ground;

vii. Develop scenario-based emergency procedures for major storms that are complementary to regular stormwater pollution prevention planning andidentify emergency contacts for staff and contractors; and

viii. Conduct staff training for implementing your emergency procedures atregular intervals.

k. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, permittees who seek coverage under the 2022 CGP and anticipate to carry out dust control shall limit their dust control methodology to using water only and specifically avoid using other techniques, such as solutions containing calcium chloride.

l. If MassDEP requests a copy of the Stormwater Pollution Prevention Plan (SWPPP) for any construction site at any time, the permittee shall submit the SWPPP to MassDEP within 14 days of such a request. MassDEP may conduct an inspection of any site covered by this permit to ensure compliance with state lawrequirements, including state water quality standards.

9.1.3 MTR10F000 Areas in the State of Vermont located at a federal facility

a. Earth disturbance at any one time is limited to five acres.

b. All areas of earth disturbance must have temporary or final stabilization within 14 days of the initial disturbance. After this time, disturbed areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. Temporary stabilization is not required if precipitation is not forecast and work is to continue in the next 24-hours or if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of two feet or greater (e.g. house foundation excavation, utility trenches). Areas of a construction site that drain to sediment basins are not considered eligible for this exemption, and the exemption applies only to the excavated area itself.

c. Site inspections on active construction sites shall be conducted daily during the period from October 15 through April 15.

d. The use of chemical treatments (e.g. polymers, flocculants, and coagulants) for the settling and/or removal of sediment from stormwater runoff associated with construction and construction-related activities requires prior written approval and an approved site and project-specific plan, from the Vermont Agency of Natural Resources. In addition, the use of cationic polymers is prohibited unless approved by the Vermont Agency of Natural Resources under a site and project-specific plan.

e. Any applicant under EPA's CGP shall allow authorized Vermont Agency of Natural Resources representatives, at reasonable times and upon presentation of credentials, to enter upon the project site for purposes of inspecting the project and determining

compliance with this Certification.

f. The Vermont Agency of Natural Resources may reopen and alter or amend the conditions of this Certification over the life of the EPA 2022 Construction General Permit when such action is necessary to assure compliance with the VWQS.

9.2 EPA REGION 2

9.2.1 NYR10I000 Indian country within the State of New York

a. Saint Regis Mohawk Tribe

i. Any Responsible-Person/Decision-Maker required under the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must concurrently submit an electronic copy of the NOI to the SRMT Environmental Division, Water Resource Program Manager. Additionally, an electronic copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be electronically provided to the following addresses:

Mr. Tieman W. Smith
Water Resources Program Manager Saint Regis Mohawk Tribe
449 Frogtown Road
Akwesasne, NY 13655 Tiernan.Smith@srmt-nsn.gov 518.358.2272 ext. 5073

ii. Any Responsible-Person/Decision-Maker that is required as part of the CGP to prepare a Discharge Management Plan (OMP) or Storm Water Management Plan (SWMP) and/or Storm Water Pollution Prevention Plan (SWPPP) must submit an electronic copy of the DMP, SWMP and/or SWPPP to the SRMT Environment Division, Water Resources Program Manager IO business days prior to the start of construction of any work to be conducted under the CGP. The applicable documents must be provided to the electronic address listed above.

iii. Any Responsible-Person/Decision-Maker that is required under the CGP to submit an annual report to EPA must submit an electronic copy of the annual report concurrently to the SRMT Water Resource Program. Additionally, any correspondences between the applicant and EPA related to analytical data, written reports, corrective action, enforcement, monitoring, or an adverse incident must likewise be routed to the SRMT Water Resources Program at the above electronic address.

iv. An "Authorization to Proceed Letter" with site-specific mitigation requirements may be sent out to the permittee when a review of the NOI and OMP, SWMP and /or SWPPP on a case-by-case basis, is completed by the SRMT Environment Division, Water Resource Program. This approval will allow the application to proceed if all mitigation requirements are met.

b. Seneca Nation

i. Under Part 1.1.5 of the CGP, the Seneca Nation requests that an applicant must demonstrate that they meet the eligibility criteria listed in Appendix D (certify in your Notice of Intent (NOI) that you meet one of the eligibility criteria [Criterion A-F]) as well as species and critical habitats that are listed under the Seneca Nation's "Fishing and Conservation Laws" and the "Seneca Nation of Indians Comprehensive Conservation Law".

ii. The Tribal Historic Preservation Office (THPO) was established in 2000 after the Seneca Nation received a recognition letter from the National Park Service (NPS); therefore under Part 1.1.6 of the CGP (Appendix E) and prior to submitting a Notice of Intent (NOI) operators must complete the Nation's TPHO, Project Review Form (https://sni.org/media/246603/sni-thpo-project-review-form.pdf) and submit the completed form with associated information to the Tribal Historic Preservation Officer at 90 Ohi:yo' Way, Salamanca, NY 14779. Federal agencies engaging in construction activities must provide for construction review by a certified construction reviewer in accordance with 7 Del. C. §§4010 & 4013 and 7 DE Admin. Code 5101, subsection 6.1.6.

iii. Under Part 1.2 of the CGP, discharges must also follow the Section 13 of the Guide for Construction (Seneca Nation of Indians Source Water Code) and respectively, Council Resolution, dated April 13, 2013 (CN: R-04-13-13-11) to ensure that the health, safety and welfare of the citizens of the Seneca Nation, and all other within the Lands and Territories of the Seneca Nation of Indians, and to facilitate the adequate provisions of water through the elimination or prevention of ground water contamination in the vicinity of wells that supply drinking water for the Nation. The area is known as the Source Water Protection Area (SWPA) and specified activities are regulated within this SWPA, as cited in Section 13 of the Guide for Construction and Section VI, of CN: R-04-13-13-11.

iv. Under Part 1.4, any operator who seeks coverage of the CGP, and is required to submit a notice of intent NOI and Notice of Termination (NOT) (as necessary) to the EPA for coverage, under Part 1.4.2 must also submit a copy of the NOI to the Seneca Nation's Environmental Protection Department (EPD) within three business days of submittal to the EPA, (address shown below). Respectively, a copy of the NOT (as described under Part 8.3 of the CGP), which certifies that you have met the requirements of Part 8, must be provided within three business days after electronic confirmation is received from the EPA that the NOT has been accepted. In addition to a NOI and NOT, the Seneca Nation (Environmental Protection Department [EPD]) would require an Environmental Impact Assessment (EA) (Long Form), as shown in Section 2 of the Seneca Nation of Indians Laws, Ordinances & Policies (Guide for Construction), to be completed and submitted to the EPD prior to any project to determine whether the impacts from a project would create significant and detrimental effects to the Nation's lands, water (violate WQS), and environment. The NOI, NOT, and EA must be submitted electronically to epd@sni.org and provided to the following address:

Seneca Nation
Environmental Protection Department (EPD) Attn: Director of EPD
12837 Route 438
Irving, NY 14081

v. Under Part 3.0 of the CGP, discharges must be controlled as necessary to meet applicable WQS. The Seneca Nation is working actively towards finalizing and implementing the; therefore, the EPD would require an applicant to submit or grant access to the permit to obtain information on the impact of effluents on receiving waters, including the capability of receiving waters to support future designated uses and achieve the WQS of the Nation; and to advise prospective dischargers of discharge requirements, and coordinate with the appropriate

permitting agencies. As stated in the Decision Document, under Section 303(c) of the CWA, 33 U.S.C. § 1313(c), states develop, review, and revise (as appropriate) water quality standards for surface waters of the United States. At a minimum, such standards are to include designated water uses, water quality criteria to protect such uses, and an antidegradation policy. 40 C.F.R. § 131.6. In addition, under Section 401 of the CWA states may grant, condition, or deny "certification" for federally permitted or licensed activities that may result in a discharge to the waters of the United States 33 U.S.C. § 1341.

vi. Under Part 7.2.8(a)(b)(c) and for Part 9 of the CGP, the following Sections of the Seneca Nation's Guide for Construction shall be considered, in conjunction with the CGP:

(a) Section 1. Executive Order - To Establish a Policy for Governing Access to Nation Territories and Facilities by Officials of Foreign Government, dated March 31, 2011

(b) Section 3. Natural Resources Committee, Sand and Gravel Law (CN: R-06-24-05-08)

(c) Section 4. Fishing and Conservation Laws - Part 1.1.5 of the CGP

(d) Section 5. Seneca Nation of Indians Comprehensive Conservation Law, adopted January 14, 2012

(e) Section 9. Food is Our Medicine (FIOM) Program/Native Planting Policy (CN: R-03- 08-14-14)

(f) Section 10. Forestry Management Plan (CN: R-08-14-10-23)

(g) Section 11. Timber Ordinance #411-092, dated May 8, 1982

(h) Section 14. Flood Damage Prevention Local Law, dated September 27, 1988

(i) Section 16. Utilities Ordinance No. 87-100

(j) Authorizing Emergency Action and Contingency Plan to Restrain Pollution of Nations Waters, (Council Resolution: R-03-01-18-10), dated March 10, 2018 Seneca Nation of Indians Permit Application for Construction within Waterways Permit, Form NR98-01.00

9.3 EPA REGION 3

9.3.1 DCR100000 District of Columbia

a. Discharges authorized by this permit shall comply with the District of Columbia Water Pollution Control Act of 1984, as amended (DC Official Code § 8-103.01 and § 8-103.06, et seq.) to ensure that District of Columbia waters, waters in adjacent and downstream states, and the beneficial uses of these waters will not be harmed or degraded by the discharges.

b. Discharges authorized by this permit must comply with §§ 1104.1 and 1104.8 of Chapter 11 and the provisions of Chapter 19 of Title 21of District of Columbia Municipal Regulations in order to attain and maintain designated uses of the District of Columbia waters.

c. The permittee shall comply with the District of Columbia Stormwater Management and Soil Erosion and Sediment Control regulations in Chapter 5 of Title 21 of the District of Columbia Municipal Regulations.

d. The permittee shall comply with the District of Columbia Flood Management Control regulations in Chapter 31 of Title 20 of the District of Columbia Municipal Regulations.

e. The permittee shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Regulatory Review Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002, during the review and approval of the permittee's DOEE Erosion and Sediment Control Plan in accordance with the provisions of Chapter 542 of Title 21 of the District of Columbia Municipal Regulations.

f. Upon request, the permittee shall submit all inspection and monitoring reports as required by this permit and 40 CFR § 122.41 to the Associate Director, Inspection and Enforcement Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002; telephone (202) 535-2226, or by email at Joshua.Rodriguez@dc.gov.

g. In the event the permittee intends to discharge dewatering water, groundwater, or groundwater comingled with stormwater from a known contaminated site, the permittee shall contact the Regulatory Review Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002; telephone (202) 535-2600, or by email at MS4DischargeAuthorization@dc.gov to request authorization to discharge dewatering water, groundwater, or groundwater comingled with stormwater to the District's Municipal Separate Storm Sewer System (MS4) or to a surface water body pursuant to §§ 8-103.02, 8-103.06, and 8-103.07 of the District of Columbia Water Pollution Control Act of 1984, as amended.

9.3.2 DER10F000 Areas in the State of Delaware located at a federal facility (as defined in Appendix A)

a. Federal agencies must submit a sediment and stormwater management plan (SSMP) and receive Department approval prior to undertaking any land clearing, soil movement or construction activity unless conducting an exempt activity.

b. Federal construction activities are required to have a third-party Certified Construction Reviewer (CCR) perform weekly reviews to ensure the adequacy of construction activities pursuant to the approved SSMP and regulations.

Implementation of approved SSMPs requires the daily oversight of construction activity by certified responsible personnel.

c. Implementation of approved SSMPs requires the daily oversight of construction activity by certified responsible personnel.

d. A current copy of the SSMP must be maintained at the construction site.

e. Unless authorized by the Department, not more than 20 acres may be disturbed at any one time.

9.4 EPA REGION 4

No additional conditions

9.5 EPA REGION 5

9.5.1 MIR10I000 Indian country within the State of Minnesota

a. Fond du Lac Reservation

i. New dischargers wishing to discharge to an Outstanding Reservation Resource Water (ORRW)[106] must obtain an individual permit from EPA for storm water discharges from large and small construction activities.

ii. A copy of the Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Office of Water Protection at least fifteen (15) days in advance of sending the Notice of Intent to EPA. The SWPPP can be submitted electronically to richardgitar@FDLREZ.com or by hardcopy sent to:

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

iii. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the Fond du Lac Office of Water Protection at the same time they are submitted to EPA. [The condition helps the Office of Water Protection keep track of when a project is about to start and when it has ended. FDL Water Quality Certification Ordinance, Section 204 (a) (2)).

iv. If the project will entail a discharge to any watercourse or open water body, the turbidity limit shall NOT exceed 10% of natural background within the receiving water(s) as determined by Office of Water Protection staff. For such discharges, turbidity sampling must take place within 24 hours of a ½-inch or greater rainfall event. The results of the sampling must be reported to the Office of Water Protection within 7 days of the sample collection. All sample reporting must include the date and time, location (GPS: UTM/Zone 15), and NTU. CGP applicants are encouraged to work with the Office of Water Protection in determining the most appropriate location(s) for sampling. [This condition helps both the Office of Water Protection and the project proponent in knowing whether or not their erosion control efforts are effective. FDL Water Quality Certification, Section 204 (b) (1)).

v. Receiving waters with open water must be sampled for turbidity prior to any authorized discharge as determined by Office of Water Protection staff. This requirement only applies to receiving waters which no ambient turbidity data exists. [This condition allows the Office of Water Protection to obtain a baseline turbidity sample in which to compare to other samples. FDL Water Quality Certification Ordinance, Section 204 (b) (2)].

vi. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in the Water Quality Standards of the Fond du Lac Reservation, Ordinance #12/98, as amended. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of water of the Fond du Lac

[106] Although additional waters may be designated in the future, currently Perch Lake, Rice Portage Lake, Miller Lake, Deadfish Lake, and Jaskari Lake are designated as ORRWs.

Reservation for any of the uses designated in the Water Quality Standards of the Fond du Lac Reservation. These uses include wildlife, aquatic life, warm water fisheries, cold water fisheries, subsistence fishing (netting), primary contact recreation, secondary contact recreation, cultural, wild rice areas, aesthetic waters, agriculture, navigation, commercial and wetlands. It also includes the designated uses of wetlands including, but not limited to, baseflow discharge, cultural opportunities, flood flow attenuation, groundwater recharge, indigenous floral and fauna) diversity and abundance, nutrient cycling, organic carbon export/cycling, protection of downstream water quality, recreation, resilience against climactic effects, sediment/shoreline stabilization, surface water storage, wild rice, and water dependent wildlife. [In addition to listing the designated uses of waters of the Fond du Lac Reservation, this condition also limits the project proponent to discharges that will not violate our Water Quality Standards. FDL Water Quality Certification Ordinance, Section 204 (a) (7)).

vii. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the Fond du Lac Reservation. All spills must be reported to the appropriate emergency management Agency (National Response Center AND the State Duty Officer), and measures shall be taken immediately to prevent the pollution of waters of the Fond du Lac Reservation, including groundwater. The Fond du Lac Office of Water Protection must also be notified immediately of any spill regardless of size. [This condition helps protect water quality and also reminds project proponents of their responsibility in reporting spill events. FDL Water Quality Certification Ordinance, Section 204 (b) (3)).

viii. All seed mixes, whether used for temporary stabilization or permanent seeding, shall NOT contain any annual ryegrass (Lolium species). Wild rye (Elymus species) or Oats (Avena species) may be used as a replacement in seed mixes. [This condition prevents the use of annual ryegrass on the Reservation. Annual ryegrass is allelopathic, which means it produces biochemical in its roots that inhibit the growth of native plants. If used in seed mixes, annual ryegrass could contribute to erosion, especially on slopes. However, the condition also specifies substitute grasses that germinate almost as fast as annual ryegrass for use as a cover crop to help prevent erosion. FDL Water Quality Certification Ordinance, Section 204 (t) (1)).

ix. To prevent the introduction of invasive species, ALL contractors and subcontractors MUST disclose information stating prior equipment location(s) and ALL known invasive species potentially being transported from said location(s). All equipment MUST undergo a high pressure wash (including any equipment mats) BEFORE ENTERING the Fond du Lac Reservation. Personal equipment such as work boots, gloves, vest, etc. MUST be clean of debris, dirt and plant and animal material BEFORE ENTERING the Fond du Lac Reservation. Equipment being transported from known infested areas MUST undergo a high pressure wash as soon as possible after leaving the infested site and again BEFORE ENTERING the Fond du Lac Reservation, to avoid transport of invasive species into areas surrounding the Reservation. Written certification of equipment cleaning MUST be provided to the Fond du Lac Office of Water Protection. Upon arrival, ALL contractor and subcontractor equipment will be inspected by appointed Fond du Lac staff. If equipment is deemed unsatisfactory, the equipment MUST

undergo a high pressure washing until the equipment is cleared by the inspector, until such time, minimal travel will be allowed through the Reservation. The contractor shall be held responsible for the control of any invasive species introduced as a result of their project. [This condition requires the project proponent to prevent the inadvertent introduction of invasive species by taking an active role in cleaning all vehicles, equipment, and equipment mats before entering the Reservation. This condition has been placed in certifications since 2012, due to the introduction of Wild Parsnip in 2011 from a pipeline contractor. It is much easier to prevent the introduction of an invasive species than it is to eradicate it once it has been introduced. Many invasive plant species form monocultures, preventing native plants from growing. This situation often leads to cases of erosion, which in turn effects water quality. FOL Water Quality Certification Ordinance, Section 204 (g) (1)].

x. A copy of this certification MUST be kept by the contractor on-site at all times and be available for viewing by all personnel, including inspectors. [This condition ensures that the information contained in the certification, especially the conditions, is readily available onsite for reference. FOL Water Quality Certification Ordinance, Section 204 (a) (9)].

b. The Grand Portage Band of Lake Superior Chippewa

i. The CGP authorization is for construction activities that may occur within the exterior boundaries of the Grand Portage Reservation in accordance to the Grand Portage Land Use Ordinance. The CGP regulates stormwater discharges associated with construction sites of one acre or more in size. Only those activities specifically authorized by the CGP are authorized by this certification (the "Certification").

ii. All construction stormwater discharges authorized by the CGP must comply with the Water Quality Standards and Water Resources Ordinance, as well as Applicable Federal Standards (as defined in the Water Resources Ordinance).

iii. All appropriate steps must be taken to ensure that petroleum products or other chemical pollutants are prevented from entering the Waters of the Reservation. All spills must be reported to the appropriate emergency-management agency, and measures must be taken to prevent the pollution of the Waters of the Reservation, including groundwater.

iv. The 2022 CGP requires inspections and monitoring reports of the construction site stormwater discharges by a qualified person. Monitoring and inspection reports must comply with the minimum requirements contained in the 2022 CGP. The monitoring plan must be prepared and incorporated into the Storm Water Pollution Prevention Plan (the "SWPP"). A copy of the SWPP must be submitted to the Board at least 30 days in advance of sending the requisite Notice of Intent to EPA. The SWPP should be sent to:

Grand Portage Environmental Resources Board

P.O. Box 428

Grand Portage, MN 55605

Copies of the Notice of Intent and Notice of Termination required under the General Permit must be submitted to the Board at the address above at the same time they are submitted to the EPA.

v. If requested by the Grand Portage Environmental Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Water Quality Standards and any Applicable Federal Standards. The burden is on the applicant to demonstrate compliance with the Water Quality Standards, the Water Resources Ordinance, and Applicable Federal Standards whether or not the application is ultimately eligible for the CGP.

vi. CGP discharges must not cause nuisance conditions as defined in Grand Portage Water Quality Standards.

vii. The Board retains full authority to ensure compliance with and to enforce the provisions of the Water Resource Ordinance and Water Quality Standards, Applicable Federal Standards, and these Certification conditions. Nothing herein affects the scope or applicability of other controlling tribal or federal requirements, including but not limited to impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, 54 U.S.C. §§ 300101 et seq.

viii. Appeals related to Board actions taken in accordance with any of the preceding conditions may be heard by the Grand Portage Tribal Court.

c. Leech Lake Band of Ojibwe

i. The water quality standards that apply to the construction site are the standards at the time the operator submits its Notice of Intent (NOI) to EPA and the LLBO WRP (see conditions # 2 and # 3).

ii. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the LLBO WRP at least 30 days in advance of sending the NOI for the project to EPA. See attached LLBO 401 Water Quality Certification Ordinance. Section 304(a)(1). The SWPPP should be submitted electronically to Jeff.Harper@llojibwe.net and by hardcopy sent to:

Leech Lake Band of Ojibwe
ATTN: Water Resources Program - 401 Cert
Division of Resource Management
190 Sailstar Drive NW
Cass Lake, Minnesota 56633

iii. Copies of the NOI and the Notice of Termination (NOT) must be submitted to the LLBO WRP at the same time they are submitted to EPA. See attached LLBO 401 Water Quality Certification Ordinance, Section 304(a)(2). The NOI and NOT should be submitted electronically to Jeff.Harper@llojibwe.net and sent by hardcopy to the address cited in condition # 2.

iv. Any and all other conditions listed in Section 304 of the attached LLBO 401 Water Quality Certification Ordinance shall be observed unless the LLBO WRP deems that certain conditions therein are not applicable to the project in need of a permit under this certification.

v. A copy of this certification MUST be kept by the contractor on-site at all times and be available for viewing by all personnel, including inspectors.

vi. Upon consideration of the NOI, if the LLBO WRP finds that the discharge will not be controlled as necessary to meet applicable water quality standards, the LLBO WRP may insist, consistent with Part 3.1 of the CGP, that additional controls are installed to meet applicable water quality standards, or recommend to EPA that the operator obtain coverage under an individual permit.

9.5.2 WIR10I000 Indian country within the State of Wisconsin

a. Bad River Band of Lake Superior Tribe of Chippewa Indians

i. Only those activities specifically authorized by the CGP are authorized by this Certification. This Certification does not authorize impacts to cultural properties, orhistorical sites, or properties that may be eligible for listing as such.

ii. All projects which are eligible for coverage under the CGP and are located within the exterior boundaries of the Bad River Reservation shall be implemented in such a manner that is consistent with the Tribe's Water Quality Standards (WQS). The Tribe's WQS can be viewed at: http://www.badriver-nsn.gov/wp-content/uploads/2020/01/NRD_WaterQualityStandards_2011.pdf

iii. Operators are not eligible to obtain authorization under the CGP for all new discharges to an Outstanding Tribal Resource Water (OTRW or Tier 3 water). OTRWs, or Tier 3 waters, include the following: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River. OTRWs can be viewed at: https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c 7c7c5

iv. An operator proposing to discharge to an Outstanding Resource Water (ORW or Tier 2.5 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. ORWs, or Tier 2.5 waters, include the following: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweiler River, Tyler Forks, Bell Creek, and Vaughn Creek. ORWs can be viewed at: https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c 7c7c5. The antidegradation demonstration materials described in provision E.4.iii., and included on the antidegradation demonstration template found at: https://www.badriver-nsn.gov/natural-resources/projectreviews/, must be submitted to the following address:

Bad River Tribe's Natural Resources Department

Attn: Water Regulatory Specialist

P.O. Box 39 Odanah, WI 54861

WaterReg@badriver-nsn.gov

v. An operator proposing to discharge to an Exceptional Resource Water (ERW or Tier 2 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. ERWs, or Tier 2 waters, include the following: any surface water within the exterior boundaries of the Reservation that is not specifically classified as an Outstanding Resource Water (Tier 2.5 water) or an Outstanding Tribal Resource Water (Tier 3 water). ERWs can be viewed at:

https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c7c7c5. The antidegradation demonstration materials described in provision E.4.ii., and included on the antidegradation demonstration template found at: https://www.badriver-nsn.gov/natural-resources/projectreviews/, must be submitted to the following address:

Bad River Tribe's Natural Resources Department
Attn: Water Regulatory Specialist
P.O. Box 39 Odanah, WI 54861
WaterReg@badriver-nsn.gov

vi. Projects utilizing cationic treatment chemicals within the Bad River Reservation boundaries are not eligible for coverage under the CGP.

vii. A discharge to a surface water within the Bad River Reservation boundaries shall not cause or contribute to an exceedance of the turbidity criterion included in the Tribe's WQS, which states: Turbidity shall not exceed 5 NTU over natural background turbidity when the background turbidity is 50 NTU or less, or turbidity shall not increase more than 10% when the background turbidity is more than 50 NTU.

viii. All projects which are eligible for coverage under the CGP within the exterior boundaries of the Bad River Reservation must comply with the Bad River Reservation Wetland and Watercourse Protection Ordinance, or Chapter 323 of the Bad River Tribal Ordinances, including the erosion and sedimentation control, natural buffer, and stabilization requirements. Questions regarding Chapter 323 and requests for permit applications can be directed to the Wetlands Specialist in the Tribe's Natural Resources Department at (715) 682-7123 or wetlands@badriver-nsn.gov.

ix. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must notify the Tribe prior to the commencing earth-disturbing activities. The operator must submit a copy of the Notice of Intent (NOI) to the following addresses at the same time it is submitted to the U.S. EPA:

Bad River Tribe's Natural Resources Department
Attn: Water Regulatory Specialist
P.O. Box 39 Odanah, WI 54861
WaterReg@badriver-nsn.gov

Bad River Tribe's Natural Resources Department
Attn: Tribal Historic Preservation Officer (THPO)
P.O. Box 39 Odanah, WI 54861
THPO@badriver-nsn.gov

The operator must also submit a copy of the Notice of Termination (NOT) to the above addresses at the same time it is submitted to the U.S. EPA. Photographs showing the current site conditions must be included as part of the NOT to document the stabilization requirements have been met.

x. The THPO must be provided 30 days to comment on the project.

xi. The operator must obtain THPO concurrence in writing. This written concurrence will outline measures to be taken to prevent or mitigate effects to historic properties. For more information regarding the specifics of the cultural resources process, see 36 CFR Part 800. A best practice for an operator is to consult with the THPO during the planning stages of an undertaking.

xii. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the following address at the same time as submitting the NOI:

Bad River Tribe's Natural Resources Department

Attn: Water Regulatory Specialist

P.O. Box 39 Odanah, WI 54861

WaterReg@badriver-nsn.gov

xiii. Any corrective action reports that are required under the CGP must be submitted to the following address within one (1) working day of the report completion:

Bad River Tribe's Natural Resources Department

P.O. Box 39 Odanah, WI 54861

WaterReg@badriver-nsn.gov

xiv. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copies of the inspection reports (including photographs) to the following address within 24 hours of completing any site inspection required:

Bad River Tribe's Natural Resources Department Attn: Water Regulatory Specialist

P.O. Box 39 Odanah, WI 54861

WaterReg@badriver-nsn.gov

xv. An operator shall be responsible for meeting any additional permit requirements imposed by the U.S. EPA necessary to comply with the Tribe's antidegradation policies if the discharge point is located upstream of waters designated by the Tribe.

9.6 EPA REGION 6

9.6.1 NMR100000 State of New Mexico, except Indian country

a. In Outstanding National Resource Waters (ONRWs) in New Mexico, no degradation is permitted except in limited, specifically defined instances. Therefore, Operators are not eligible to obtain authorization under this general permit for stormwater discharges to waters classified as ONRWs listed in Paragraph D of 20.6.4.9 New Mexico Administrative Code (NMAC), also referred to as "Tier 3 waters" as defined in Appendix A of this permit. Exception: When construction activities are in response to a public emergency (e.g., wildfire, extreme flooding, etc.) and the related work requires immediate authorization to avoid a threat to public health or safety.

i. Operators who conduct construction activities in response to a public emergency to mitigate an immediate threat to public health or safety shall

adhere to the requirements in 20.6.4.8(A)(3)(c) NMAC, including notifying the New Mexico Environment Department (NMED) within seven days of initiation of the emergency action and providing NMED with a summary of the action taken within 30 days of initiation of the emergency action.

ii. For all other scenarios, Operators with proposed discharges to ONRWs in New Mexico shall obtain coverage from EPA under an NPDES Individual Permit and will comply with the additional standards and regulations related to discharges to ONRWs in 20.6.4.8(A) NMAC. Additional information is available from:

New Mexico Environment Department Surface Water Quality Bureau

P.O. Box 5469

Santa Fe, NM 87502-5469 Telephone: 505-827-0187

https://www.env.nm.gov/surface-water-quality/wqs/
https://gis.web.env.nm.gov/oem/?map=swqb

b. If construction dewatering activities are anticipated at a construction site and non-stormwater discharges of groundwater, subsurface water, spring water, and/or other dewatering water are anticipated, the Operators/Permittees must complete the following steps:

1. Review the state's Ground Water Quality Bureau Mapper (https://gis.web.env.nm.gov/GWQB/) and Petroleum Storage Tank Bureau Mapper (https://gis.web.env.nm.gov/GWQB/).

   Check if the following sources are located within the noted distance from the anticipated construction dewatering activity. At a minimum, a list of the following potential sources of contaminants and pollutants at the noted distance is to be kept in the SWPPP.

Source of Potential Contamination or Pollutants*	Constituents likely to be required for testing*
Within 0.5 mile of an open Leaking Underground Storage Tank (LUST) site	BTEX (Benzene, Toluene, Ethylbenzene, and Xylene) plus additional parameters depending on site conditions**
Within 0.5 mile of an open Voluntary Remediation site	All applicable parameters or pollutants listed in 20.6.4.13, 20.6.4.52, 20.6.4.54, 20.6.4.97 thru 20.6.4.99, 20.6.4.101 through 20.6.4.899, and 20.6.4.900 NMAC (or an alternate list approved by the NMED-SWQB)*
Within 0.5 mile of an open RCRA Corrective Action Site	
Within 0.5 mile of an open Abatement Site	
Within 0.5 mile of an open Brownfield Site	
Within 1.0 mile or more of a Superfund site or National Priorities List (NPL) site with associated groundwater contamination.	
Construction activity contaminants and/or natural water pollutants	Additional parameters depending on site activities and conditions (Contact NMED- SWQB for an alternate list)*

*For further assistance determining whether dewatering may encounter contaminated sources, please contact the NMED Ground Water Quality Bureau at 505-827-2965 or NMED Surface Water Quality Bureau (SWQB) at 505-827-0187.

** EPA approved sufficiently sensitive methods must be used. For known PCB sources and analysis, EPA Method 1668C must be used (see https://www.epa.gov/cwa-methods).

2. If dewatering activities are anticipated, information on the flow rate and potential to encounter contaminated groundwater, subsurface water, spring water, or dewatering water must be provideddirectly to NMED at the following address:

   NMED Surface Water Quality Bureau

   Program Manager, Point Source Regulation
   SectionPO Box 5469, Santa Fe, NM 87502

   Please call the SWQB to obtain the appropriate email address (505-827-0187).

3. In addition, the Operator/Permittee must characterize the quality of the groundwater and subsurface water, spring water, or dewatering water being considered for discharge according to the table above and including dissolved hardness and pH. Considering the contaminant sources listed in the table above, water quality data may already be available. For further assistance, contactthe

NMED Surface Water Quality Bureau (505-827-0187), Ground Water Quality Bureau (505-827- 2965), Petroleum Storage Tank Bureau (505-476-4397), or Hazardous Waste Bureau (505-476- 6000).

i. The Operator/Permittee must submit recent analytical test results (i.e., within the past 5 years) according to the table above, and including dissolved hardness and pH, to the EPA Region 6 Stormwater Permit Contact and the NMED Surface Water Quality Bureau (see contact information in #2 above). If the test data exceed applicable water quality standards, then the groundwater, subsurface water, spring water, or dewatering water cannot be discharged into surface waters under this general permit. Operators/Permittees may submit an NPDES Individual Permit application to treat and discharge to waters of the U.S. or find alternative disposal measures. No discharges to surface waters are allowed until authorized.

ii. If the discharge has the potential to affect groundwater (e.g., land application), the Operator/Permittee must submit an NOI to the NMED Ground Water Quality Bureau (see 20.6.2.1201 NMAC – Notice of Intent to Discharge).

4. The Operator/Permittee must document any findings and all correspondence with NMED and EPA in the SWPPP.

c. Operators who intend to obtain authorization under this permit for new and existing storm water dischargesfrom construction sites must satisfy the following condition:

i. The SWPPP must include site-specific interim and permanent stabilization, managerial, and structural solids, erosion and sediment control best management practices (BMPs) and/or other controls that are designed to prevent to the maximum extent practicable an increase in the sediment yield and flow velocity from pre-construction, pre-development conditions to assure thatapplicable standards in 20.6.4 NMAC, including the antidegradation policy, and TMDL waste load allocations (WLAs) are met. This requirement applies to discharges both during construction and after construction operations have been completed. The SWPPP must identify and document the rationale for selecting these BMPs and/or other controls. The SWPPP must also describe design specifications, construction specifications, maintenance schedules (including a long-term maintenance plan), criteria for inspections, and expected performance and longevity of these BMPs.For sites greater than 5 acres in size, BMP selection must be made based on the use of appropriatesoil loss prediction models (i.e. SEDCAD, RUSLE, SEDIMOT, MULTISED, etc.) OR equivalent generallyaccepted (by professional erosion control specialists) soil loss prediction tools.

ii. For all sites, the Operator(s) must demonstrate, and include documentation in the SWPPP, that implementation of the site-specific practices will ensure that the applicable standards and TMDL WLAs are met, and will result in sediment yields and flow velocities that, to the maximum extent practicable, will not be greater than the sediment yield levels and flow velocities from preconstruction, pre-development conditions.

iii. All SWPPPs must be prepared in accordance with good engineering practices by qualified (e.g., CPESC certified, engineers with appropriate training) erosion control specialists familiar with the use of soil loss prediction models and design of erosion and sediment control systems based on these models (or equivalent soil

loss prediction tools). Qualifications of the preparer (e.g., professional certifications, description of appropriate training) must be documented in the SWPPP.The Operator(s) must design, implement, and maintain BMPs in the manner specified in the SWPPP.

NMED supports the use of EPA's small residential lot template if a site qualifies to use it as explained inthe permit, as long as it is consistent with the above requirements. NMED's requirement does not preclude small residential sites from using the template, but it may require an additional short paragraphto justify the selection of specific BMPs for the site.

d. Operators must notify NMED when discharges of toxic or hazardous substances or oil from a spill or other release occurs - see Emergency Spill Notification Requirements, Part 2.3.6 of the permit. For emergencies, Operators can call 505-827-9329 at any time. For non-emergencies, Operators can call 866-428-6535 (voice mail 24-hours per day) or 505-476-6000 during business hours from 8am-5pm, Monday through Friday. Operators can also call the NMED Surface Water Quality Bureau directly at 505-827-0187.

e. Operators of small construction activities (i.e., 1-5 acres) are not eligible to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on Item C.3 of Appendix C (Equivalent Analysis Waiver) in the State of New Mexico.

9.6.2 NMR10I000 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. Nambe Pueblo

i. The operator must provide a copy of the Notice of Intent (NOI) and Notice of Termination (NOT) to the Nambe Pueblo Governor's Office at the same time it is provided to the US Environmental Protection Agency. The NOI and NOT should be provided to the following address:

Office of the Governor Nambe Pueblo

!SA NPI02 WEST

Nambe Pueblo, New Mexico 87506

ii. The operator must provide a copy of the Storm Water Pollution Prevention Plan (SWPPP) to Nambe Pueblo at the same time it is submitted to the EPA, either by email to governor@nambepueblo.org or mailed to the above address.

iii. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings, upon request by the Nambe Pueblo Department of Environmental and Natural Resources or Nam be Governor.

b. Ohkay Owingeh Tribe

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Ohkay Owingeh Office of Environmental Affairs, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Naomi L. Archuleta - Environmental Programs Manager Ohkay Owingeh Office of Environmental Affairs
P.O. Box 717
Ohkay Owingeh, NM 87566
naomi.archuleta@ohkay.org

Noah Kaniatobe - Environmental Specialist Ohkay Owingeh, Office of Environmental Affairs
P.O. Box 717
Ohkay Owingeh, NM 87566
noah.kaniatohe@ohkay.org

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Storm Water Pollution Prevention Plan (SWPPP) to Ohkay Owingeh Office of Environmental Affairsat the same time that the NOI is submitted to the tribe (see contact information listed above).

iii. Following each incident where the operator takes a corrective action the operator must provide thecorrective action log to the Ohkay Owingeh Office of Environmental Affairs.

iv. The operator must notify Ohkay Owingeh Office of Environmental Affairs within 24 hours, in the event of an emergency spill in addition to the notification requirements at Part 2.3.6 of the CGP. Please contact: Ohkay Owingeh Tribal Police Department at 505.852.2757.

Please contact:
Ohkay Owingeh
Tribal Police Department
505.852.2757

c. Pueblo of Isleta

i. All operators obtaining permit coverage under the EPA CGP must submit a copy of the certified Notice ofIntent (NOI) to the Pueblo of Isleta at the same time it is submitted to EPA for projects occurring within the exterior boundaries of the Pueblo of Isleta. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The Notices must be provided to the following address:

Water Quality Control OfficerPueblo of Isleta
Environment DepartmentPO Box 1270
Isleta NM 87022
505-869-7565
WQCO@isletapueblo.com

ii. The operator must notify the Pueblo of Isleta's Dispatch at 505-869-3030 as soon as possible and thePueblo of Isleta Water Quality Control Officer within 10 hours, in the event of a spill of hazardous ortoxic substances or if health or the

environment become endangered in addition to the notification requirements at Part 2.3.6 and at I.12.6.1 of the CGP.

iii. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Isleta Water Quality Control Officer atthe above address, 30 days prior to submitting the certified NOI to EPA. If the electronic file is too largeto send through e-mail, a zip file or flash drive may be submitted.

iv. All operators obtaining permit coverage under the EPA CGP must give 2 days advance notice to the Pueblo of Isleta Water Quality Control Officer of any planned changes in the permitted activity whichmay result in noncompliance with permit requirements.

v. All operators obtaining permit coverage under the EPA CGP must post a sign or other notice of permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice mustbe located so that it is visible from the public road or tribal road that is nearest to the active part of the construction site. The sign must be maintained on-site from the time construction activities begin until final stabilization is met.

vi. Erosion and sediment controls shall be designed to retain sediment on-site and project-generatedwaste materials that have the potential to discharge pollutants shall not be placed on open soil oron a surface that is not stabilized. Volumes of sediment over five (5) cubic yards must be removed from the active construction site; additionally, if sediment is placed for disposal withinthe exterior boundaries of the Pueblo of Isleta, disposal must be within a tribally approved sediment disposal site.

d. Pueblo of Laguna

i. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Laguna's Environmental & Natural Resources Department (ENRD) within three business days of submittal to the EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after the EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be electronically submitted to info.environmental@pol-nsn.gov.

ii. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Laguna's ENRD 14 days prior to the submittal of the NOI (see contact information listed above).

iii. The operator must provide copies of corrective actions logs and modifications made to the SWPPP as a result of inspection findings to the Pueblo of Laguna ENRD (see contact information above).

iv. In addition to the notification requirements of Part 2.3.6 of the CPG ***[EPA interprets this intending to refer to the CGP]***, the operator must notify the Pueblo of Laguna ENRD at 505-552-7512 in the event of an emergency spill as soon as possible.

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

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Sandia Environment Department concurrently with submittal to the EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided concurrently with submittal to the EPA. The NOI and NOT must be provided electronically to the following addresses:

Electronic Addresses:

Amy Rosebrough (Water Quality Manager): rosebrough@sanidapueblo.nsn.us
Greg Kaufman (Environment Director):gkaufman@sandiapueblo.nsn.us

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Sandia Environment. Department at least 14 days prior to submittal of the NOI to the Pueblo (see contact information listed above).

iii. If requested by the Pueblo of Sandia Environment Department, the permittee must provide additional information necessary on a case-by-case basis to assure compliance with the Pueblo of Sandia Water Quality Standards and/or applicable Federal Standards.

iv. An "Authorization to Proceed Letter" with site specific mitigation requirements may be sent out to the permittee when a review of the NOI and SWPPP, on a case-by-case basis, is completed by the Pueblo of Sandia Environment Department. This approval will allow the application to proceed if all mitigation requirements are met.

v. The Pueblo of Sandia will not allow Small Construction Waivers (Appendix C) to be granted for any small construction activities.

vi. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings to the Pueblo of Sandia Environment Department upon request. An inspection report and corrective action log must be submitted to the Pueblo within 3 days of any inspection that results in corrective action (see contact information listed above).

vii. The operator must notify the Pueblo of Sandia within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the COP (see contact information listed above).

viii. Before submitting a Notice of Termination (NOT) to the EPA, permittees must clearly demonstrate to the Pueblo of Sandia Environment Department through a site visit or documentation that requirements for site stabilization have been met and any temporary erosion control structures have been removed. A short letter stating that the NOT is acceptable and all requirements have been met will be sent to the permittee to add to the permittee's NOT submission to the EPA.

f. **Pueblo of Santa Ana. The following conditions apply only to discharges on the Pueblo of Santa Ana Reservation:**

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo's Department of Natural Resources within three business days of submittal to EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be

provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Regular U.S. Delivery Mail:

Pueblo of Santa Ana

Department of Natural Resources Water Resources Division

Attn: Andrew Sweetman 02 Dove Rd

Santa Ana Pueblo, NM 87004

Electronically:

Andrew Sweetman

Water Resources Division Manager Andrew.Sweetman@santaana-nsn.gov

Tammy Montoya Hydrologist

Tammy.Montoya@santaana-nsn.gov

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copyof the Stormwater Pollution Prevention Plan (SWPPP) to the to the Pueblo's Department of Natural Resources at the same time that the NO! is submitted to the tribe (see contact information listed above).

iii. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings, upon request by the Pueblo's Department of Natural Resources.

iv. The operator must notify the Pueblo's Department of Natural Resources within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP.

g. Pueblo of Taos

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOi) to the Taos Pueblo Environmental Office and Taos Pueblo Governor's Office within three business days of submittal to EPA. Additionally, a copy of NOi modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOi and NOTmust be provided to the following addresses:

Honorable Governor of Taos Pueblo PO Box 1846

Taos, New Mexico 87571

Taos Pueblo Environmental Office PO Box 1846

Taos, New Mexico 87571

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of theStormwater Pollution Prevention Plan (SWPPP) to the Taos Pueblo Environmental Office when the NOI is submitted to the tribe. Electronic copy of SWPPP downloaded on flash drive may be sent to the above address for the Taos Pueblo Environmental Office.

iii. The operator must provide a copy of the corrective action log following each corrective action undertaken and modifications made to the SWPPP as a result of

a corrective action to the Taos Pueblo Environmental Office at address listed above.

h. Pueblo of Tesuque.

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Tesuque Department of Environment and Natural Resources (DENR) and the Pueblo's Governor within three business days of submittal to EPA. Additionally, a copy of any NOi modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Governor Mark Mitchell Pueblo of Tesuque
20 TP 828
Santa Fe, NM 87506 governor@puebloftesuque.org

Sage Mountain.flower Pueblo of Tesuque
Department of Environment and Natural Resources Director
20 TP 828

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copyof the Stormwater Pollution Prevention Plan (SWPPP) to Pueblo of Tesuque DENR and the Pueblo's Governor at the same time that the NO! is submitted to the EPA (see contact information listed above).

iii. The operator must provide a copy of the corrective action log, and any modifications made tothe SWPPP as a result of inspection findings, or upon request by the Pueblo of Tesuque DENR.

iv. The operator must notify the Pueblo of Tesuque DENR within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP (seecontact information listed above).

i. Santa Clara Indian Pueblo.

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Santa Clara Pueblo Office of Environmental Affairs at the same time the NOI is submitted to the U.S. EPA. Additionally, a copy of the NOI modifications and the Notice of Termination (NOT), must be provided at the same time after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT shall be provided to the following address in electronic format:

Dino Chavarria,
Santa Clara Pueblo
Office of Environmental Affairs
dinoc@santaclarapueblo.org

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan to the Santa Clara Pueblo Office of Environmental Affairs at the same time the NOI is submitted to the U.S. EPA (see contact information listed above).

iii. The operator must notify the Santa Clara Pueblo Office of Environmental Affairs at the address above within 24 hours, in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP

9.6.3 OKR10I000 Indian country within the State of Oklahoma, except areas of Indian country covered by an extension of state program authority pursuant to Section 10211 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA).

a. Pawnee Nation. The following conditions apply only to discharges within Pawnee Indian country:

i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pawnee Nation at the same time it is submitted to the Environmental Protection Agency to the following address:

Pawnee Nation Department of Environmental Conservation and Safety
P.O. Box 470
Pawnee, OK 74058
Or email to dnrs@pawneenation.org

ii. An electronic copy of the Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Pawnee Nation Department of Environmental Conservation and Safety at the same time the NOI is submitted.

iii. The operator must provide access to the site for inspections and for copies of inspection reports, copy of the corrective action log and modifications, made to the SWPPP because of inspection findings, upon request by the Pawnee Nation DECS.

iv. The Pawnee Nation Department of Environmental Conservation and Safety must be notified at 918.762.3655 immediately upon discovery of any noncompliance with any provision of the permit conditions.

9.6.4 OKR10F000 Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, or the Oklahoma Department of Agriculture and Forestry 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. 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 Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, this permit may only be used to authorize discharges from temporary construction activities. Certification is denied for any on-going activities such as sand and gravel mining or any other mineral mining.

b. 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 Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, certification is denied for any discharges originating from support activities, including, but not limited to, concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, or borrow areas.

c. Dewatering discharges into sediment or nutrient-impaired waters, and waters identified as Tier 2, Tier 2.5, or Tier 3 (OAC 785:46-13) shall be controlled to meet water quality standards for turbidity in those waters as follows:

i. Cool Water Aquatic Community/Trout Fisheries: 10 NTUs (OAC 785: 45-5-12(f)(7)(A)(i)

ii. Lakes: 25 NTUs (OAC 785: 45-5-12(f)(7)(A)(ii)

iii. In waters where background turbidity exceeds these values, turbidity from dewatering discharges should be restricted to not exceed ambient levels (OAC 785: 45-5-12(f)(7)(B)

9.7 EPA REGION 7

No additional conditions.

9.8 EPA REGION 8

9.8.1 MTR10I000 Indian country within the State of Montana

a. Blackfeet Nation.

i. The Applicant and applicants for projects authorized under the NWPs should obtain all other permits, licenses, and certifications that may be required by federal, state, or tribal authority. Primary relevant tribal permit will be ALPO (Ordinance 117). Others may apply. It is the applicant's responsibility to know the tribal and local ordinances and complete all necessary permissions before they can commence work.

ii. If a project is unable to meet the enclosed conditions, or if certification is denied for an applicable NWP, the Applicant may request an individual certification from Blackfeet. An individual certification request must follow the requirements outlined in 40 CFR 121.5 of EPA's CWA § 401 Certification Rule, effective September 11, 2020.

iii. Copies of this certification should be kept on the job site and readily available for reference.

iv. If the project is constructed and/or operated in a manner not consistent with the applicable NWP, general conditions, or regional conditions, the permittee may be in violation of this certification.

v. Blackfeet and EPA representatives may inspect the authorized activity and any mitigation areas to determine compliance with the terms and conditions of the NWP.

vi. This NWP Reissuance does not reduce Tribal authority under any other rule.

vii. The project, including any stream relocations and restoration, must be built as shown and as otherwise described in the application, the construction plans, cross sections, mitigation plans and other supporting documents submitted to this office. Impacts to aquatic systems and restoration efforts will be monitored by an appropriate aquatic resource professional to ensure that disturbed areas are restored to at least their original condition.

viii. All existing water uses will be fully maintained during and after the completion of the project. (If applicable)

ix. Where practicable, perform all in-channel and wetland work during periods of low flow or drawn—down or when dry

x. Equipment staging areas must be located out of all delineated wetlands

xi. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during and immediately after construction, and all exposed soil and other fills, as well as any work below the ordinary high-water mark or in a wetland, must be permanently stabilized as soon as possible

xii. Materials such as piling, culverts, sandbags, fabric, mats, timbers used for temporary facilities in wetlands or below the high- water mark of Waters of the US must be free from oil, gas, excess dirt, loose paint and other pollutants.

xiii. Equipment staging areas in wetlands or in stream or river channels must be placed on mats, or other measures must be taken to minimize soil disturbance and compaction.

xiv. Clearing of riparian or wetland vegetation for the sole purpose of constructing work bridges, detours, staging areas or other temporary facilities must be limited to the absolute minimum necessary. When temporary impacts to native riparian or wetland vegetation are unavoidable, it must be mowed or cut above ground with the topsoil and root mass left intact.

xv. Remove all temporary fills and structures in the entirety when they are no longer needed. Restore affected areas to the appropriate original and planned contours where possible. Re-vegetate disturbed areas with appropriate native species when native species are impacted.

xvi. Construction methods and best management practices (BMPs) must minimize aquatic resource impacts to the maximum extent possible. Any BMPs described in the Joint Application must be followed. BMPs should include installation and maintenance of sediment control measures; separation, storage and reuse of any topsoil; and recovery of all disturbed areas where possible. All best management practices must in place prior to the onset of construction or as soon as practicable during the construction process.

xvii. Best available technology and/or best management practices must be utilized to protect existing water uses and maintain turbidity and sedimentation at the lowest practical level.

xviii. Applicant/contractor should manage disturbed streambank topsoil in a manner that optimizes plant establishment for the site.

xix. When operating equipment or otherwise undertaking construction in wetlands and water bodies the following conditions apply:

(a) Work should be done in dry conditions if possible.

(b) All equipment is to be inspected for oil, gas, diesel, anti-freeze, hydraulic fluid or other petroleum leaks. All such leaks will be properly repaired and equipment cleaned prior to being allowed on the project site. Leaks that occur after the equipment is moved to the project site will be fixed the same day or the next day or removed from the project area. The equipment is not allowed to continue operation once a leak is discovered.

(c) All equipment is to be inspected and cleaned before and after use to minimize the spread or introduction of invasive or undesirable species.

(d) Construction equipment shall not operate below the existing water surface except as follows:

- Impacts from construction should be minimized through the use of best management practices submitted in the permit application.
- Essential work below the waterline shall be done in a manner to minimize impacts to aquatic system and water quality.

(e) Containment booms and/or absorbent material must be available onsite. Any spills of petroleum products must be reported to the Army Corps, Blackfeet Nation BEO Office and the US EPA within 24 hours.

xx. Upland, riparian and in-stream vegetation should be protected except where its removal is necessary for completion of work. Revegetation should be completed as soon as possible. Applicant/contractor should revegetate disturbed soil in a manner that optimizes plant establishment for the site. Revegetation must include topsoil replacement, planting, seeding, fertilization, liming and weed-free mulching as necessary. Applicant must use native plant material and soils where appropriate and feasible. This certification does not allow for the introduction of non-native flora and fauna. All disturbed surface areas must be restored to pre-construction contours and elevation.

xxi. Spoils piles should not be placed or stored within the delineated wetlands or streams unless protected by a temporary structure designed to divert and handle high flows that can be anticipated during permit activity. Spoils piles should be placed on landscaping fabric or some other material to separate spoils material and allow retrieval of spoils material with minimal impact.

xxii. Impacts to wetlands shall not exceed 4.92 acres.

xxiii. Any unexpected and additional impacts to waters of the US should be reported to the

xxiv. Army Corps, Blackfeet Environmental Office Water Quality Coordinator and the US EPA.

xxv. All instream and stream channel reconstruction work must be completed before the stream is diverted into the new channel.

xxvi. Any temporary crossings, bridge supports, cofferdams, or other structures that are necessary during permit activity should be designed to handle high flows that can be anticipated during permit activity. All temporary structures should be completely removed from the water body at the conclusion of the permitted activity and the area restored to a natural function and appearance.

xxvii. The certification does not authorize any unconfined discharge of liquid cement into the waters of the United States. Grouting riprap must occur under dry conditions with no exposure of wet concrete to the water body.

xxviii. BMPs shall include application of certified weed-free straw or hay across all disturbed wetland areas that are temporarily impacted; installation and maintenance of sediment control measures during construction and if necessary, after construction is completed; use of heavy mud mats if necessary; separation,

storage and reuse of all streambank topsoil and wetland topsoil, as appropriate; and recovery of all disturbed wetland and streambank areas where possible. All conditions set by the Blackfeet Tribe and US Army Corps must be followed.

xxix. All applicants, including federal agencies, must notify EPA and the Blackfeet Environmental Office of the use of all NWPs for which certification has been granted prior to commencing work on the project. Notifications must include:

(a) project location (lat. Long., exact point on map);

(b) NWP that will be used and the specific activity that will be authorized under the NWP;

(c) amount of permanent and temporary fills;

(d) a short summary of the proposed activity, and all other federal, state, tribal or local permits or licenses required for the project;

(e) complete contact information of both the applicant and contractor (name, name of the company or property if applicable, telephone, mobile, and email); and,

(f) Summary of best management practices that will be used.

(g) A summary of communications with the affected Tribe's water quality staff regarding the project, including any concerns or issues.

(h) Notify Blackfeet and EPA at least 7 days before the completion of construction and operations begin.

xxx. Point source discharges may not occur: (1) in fens, bogs or other peatlands; (2) within 100 feet of the point of discharge of a known natural spring source; or (3) hanging gardens.

xxxi. Except as specified in the application, no debris, silt, sand, cement, concrete, oil or petroleum, organic material, or other construction related materials or wastes shall be allowed to enter into or be stored where it may enter into waters of the U.S.

xxxii. Silt fences, straw wattles, and other techniques shall be employed as appropriate to protect waters of the U.S. from sedimentation and other pollutants.

xxxiii. Water used in dust suppression shall not contain contaminants that could violate water quality standards.

xxxiv. Erosion control matting that is either biodegradable blankets or loose-weave mesh must be used to the maximum extent practicable.

xxxv. All equipment used in waters of the U.S. must be inspected for fluid leaks and invasive species prior to use on a project. All fluid leaks shall be repaired and cleaned prior to use or when discovered, or if the fluid leak can't be repaired, the equipment shall not be used on site. Equipment used in waters with the possibility of aquatic nuisance species infestation must be thoroughly cleaned and effectively decontaminated before they are used on the project.

xxxvi. Vegetation should be protected except where its removal is necessary for completion of the work. Locations disturbed by construction activities should be revegetated with appropriate native vegetation in a manner that optimizes plant establishment for the specific site.

xxxvii. Revegetation may include topsoil replacement, planting, seeding, fertilization, liming, and weed-free mulching, as necessary. Where practical, stockpile weed- seed-free topsoil and replace it on disturbed areas. All revegetation materials, including plants and plant seed shall be on site or scheduled for delivery prior to or upon completion of the earth moving activities.

xxxviii. Activities may not result in any unconfined discharge of liquid cement into waters of the U.S. Grouting riprap must occur under dry conditions with no exposure of wet concrete to the waterbody.

xxxix. Activities that may result in a point source discharge shall occur during seasonal low flow or no flow periods to the extent practicable.

xl. The placement of material (discharge) for the construction of new dams is not certified, except for stream restoration projects.

xli. Any decision-maker that is required under 7.0 of the CGP to prepare a Stormwater Pollution Prevention Plan (SWPPP), must submit an electronic copy of the SWPPP to the Blackfeet Environmental Office at least 30 days before construction starts for review and approval. Any modifications to the SWPPP should be submitted to the Blackfeet Environmental Office.

xlii. Any Decision-maker required under Part 1.4 of the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must submit a copy of the NOI to the Blackfeet Environmental Office within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address Gerald Wagner, Blackfeet Environmental Office Director.

62 Hospital Drive, Browning, MT 59417

beo.director@gmail.com

b. Fort Peck Tribes.

i. Any Decision-maker required under Part 1.4 of the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must submit a copy of the NOI to the Fort Peck Tribes Office of Environmental Protection within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address:

Martina Wilson, Office of Environmental Protection Director

501 Medicine Bear Rd Poplar, MT 59255

martinawilson@fortpecktribes.net

ii. Any Decision-maker that is required under Part 7.0 of the CGP to prepare a Stormwater Pollution Prevention Plan (SWPPP), must submit an electronic copy of the SWPPP to the Fort Peck Tribes Office of Environmental Protection at least 30 days before construction starts for review and approval. Any modifications to the

SWPPP should be submitted to the Fort Peck Tribes Office of Environmental Protection.

iii. Any Decision-maker that is required under Part 8.0 of the CGP to submit a weekly, bi-weekly, and/or annual report to EPA, must submit an electronic copy of the annual report to the Fort Peck Tribes Office of Environmental Protection within three business days after submittal to EPA.

9.9 EPA REGION 9

9.9.1 CAR10I000 Indian country within the State of California

a. Morongo Band of Mission Indians

i. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted (either mailed or electronically) to the MEPD no less than thirty (30) days before commencing construction activities:

Morongo Band of Mission Indians
Environmental Protection Department
12700 Pumarra Road
Banning, CA 92220
Email: epd@morongo-nsn.gov

ii. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the MEPD at the same time they are submitted to EPA.

iii. Operators of an "emergency-related project" must submit notice to the MEPD within twenty- four (24) hours after commencing construction activities.

iv. Spills, leaks, or unpermitted discharges must be reported to the MEPD within twenty-four (24) hours of the incident, in addition to the reporting requirements of the CGP.

v. Projects utilizing cationic treatment chemicals (as defined in Appendix A of the CGP) within the Morongo Reservation are not eligible for coverage under this certification of the CGP.

vi. Facilities covered under the CGP will be subject to compliance inspections by MEPD staff, including compliance with final site stabilization criteria prior to submitting an NOI ***[EPA assumes this intended to refer to an NOT]***.

9.9.2 GUR100000 Island of Guam

a. For purposes of this Order, the term "Project Proponent" shall mean U.S. Environmental Protection Agency, and its agents, assignees, and contractors.

b. For purposes of this Order, the permit "Operator" shall mean any party associated with a construction project that meets either of the following two criteria:

i. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. in most cases this is the owner of the site); or

ii. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor of the project).

Subcontractors generally are not considered operators for the purposes of this permit.

c. The Project Proponent shall enforce the proposed 2022 CGP and ensure that the Operator complies with the conditions of the permit at all times.[107] (40 CFR §121.11(c))

d. All submittals required by this Order shall be sent to the Guam Environmental Protection Agency Attn: 401 Federal Permit Manager, Non-Point Source Program, EMAS Division, 3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913, AND via email to jesse.cruz@epa.guam.gov. The submittals shall be identified with WQC Order #2021- 04 and include the COP Permit Number, certifying representative's name, title, mailing address and phone number. (§51060)(4) 2017 GWQS)

e. A copy of the Operator's signed Stormwater Pollution Prevention Plan (SWPPP) and signed Notice of Intent (NOI) and Notice of Termination (NOT) submitted to EPA for review and approval, shall concurrently be submitted to Guam EPA, consistent with condition A4. Coordination with Guam EPA is encouraged when the receiving water(s) for the proposed discharge is/are being identified. (§10105.B.5.d.) GSESCR; (§51060)(4) 2017 GWQS)

f. The Operator must comply with the conditions and requirements set forth in 22 GAR 10, Guam Soil Erosion and Sediment Control Regulations (GSESCR).

g. Before submitting the NOT to EPA, Operators shall comply with GSESC regulations at §10105.B10. (Stabilization of Affected Areas) and §10107.B. {Final Inspection and Approval)

h. All operators/owners shall comply with the general design criteria for best management practices (BMPs) acceptable for meeting the Construction and Post-construction stormwater criteria in the 2006 CNMI and Guam Stormwater Management Manual. (E.O. 2012-02)

i. Operating reports and monitoring and analytical data (e.g. Discharge Monitoring Reports (DMRs), follow-up monitoring reports, Exceedance Reports for Numerical Effluent Limits, etc.) submitted to EPA shall be concurrently submitted to Guam EPA, consistent with condition A4. §51060)(4) 2017 GWQS

j. The Operators who install a sediment basin or similar impoundment shall maintain the storage capacity of five thousand cubic feet {5,000 cu. ft.) per acre of project area tributary to the basin. (§10105.B.5.i.) GSESCR

k. (1) This Order does not authorize EPA to qualify Rainfall Erosivity Waivers to stormwater discharges associated with small construction activities (i.e. 1-5 acres). Operators are required to apply for an NOI for those projects eligible for coverage under the proposed 2022 CGP. An Erosion and Sediment Control Plan is required for every site that would be covered by the proposed 2022 CGP. (22 GAR §10104) The average annual rainfall for Guam and the CNMI exceeds l00 inches per year in many locations. These climatic conditions combined with the region's unique limestone, volcanic geologic formations, sensitive water resources and significant land

[107] By incorporating this condition into the permit, EPA acknowledges receipt of Guam's certification conditions.

development forces make stormwater discharges a very significant environmental and economic issue. (2006 CNMJ/Guam Stormwater Management Manual) E.O. 2012-02

(2) This Order does not authorize EPA to approve a Sediment TMDL Waiver for the Ugum River. Operators of construction activities eligible for a TMDL Waiver in lieu of coverage under the proposed 2022 CGP, shall submit a complete and accurate waiver certification as described in C.2., Appendix C - (Small Construction Waivers) to Guam EPA per condition A4., prior to notifying EPA of its intention to obtain a waiver. §51060)(4) 2017 GWQS

l. The Project Proponent shall submit to Guam EPA a signed Statement of Understanding of Water Quality Certification Conditions.[108] (see Attachment A for an example) per condition A4. §51060)(4) 2017 GWQS

m. The Operator shall comply with applicable provisions of the Guam Pesticides Act of2007 (10 GCA Chapter 50) and implementing regulations at Title 22 GAR Chapter 15 for any use and application of pesticides.

n. Point source discharge(s) to waterbodies under the jurisdiction of Guam EPA must be consistent with the antidegradation policy in 22 GAR §510l(b).

o. The operator shall carry out construction activities in such a manner that will not violate Guam Water Quality Standards (GWQS). Proposed 2022 CGP discharges are prohibited as follows:

- **i.** In Marine Waters, Category M-1 Excellent 22 GAR Chapter 5 §5102(b)(l); and
- **ii.** In Surface Waters, Category S-1 High 22 GAR Chapter 5 §5102(c)(l)

p. In addition to complying with construction dewatering requirements in Part 2.4 and site inspection requirements for all areas where construction dewatering is taking place in Part 4 of the proposed 2022 CGP, Operators shall comply with all dewatering conditions and requirements set forth in 22 GAR 7, Water Resources Development and Operating Regulations, to include securing Guam EPA permits prior to any dewatering activities.

q. The Operator shall develop and implement a Spill Prevention and Containment Plan.

r. The Operator shall have adequate and appropriate spill response materials on hand to respond to emergency release of oil, petroleum or any other material into waters of the territory.

s. Any unpermitted discharge into territorial waters or onto land with a potential for entry into territorial waters, is prohibited. If this occurs, the Operator shall immediately take the following actions:

- **i.** Cease operations at the location of the violation or spill.
- **ii.** Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
- **iii.** Notify Guam EPA of the failure to comply. All petroleum spills shall be reported immediately to:

[108] By incorporating this condition into the permit, EPA acknowledges receipt of Guam's certification conditions.

(a) Guam's Emergency 911 system

(b) Guam EPA's 24-Hour Spill Response Team at (671) 888-6488 or during working hours (671) 300-4751

(c) US Coast Guard Sector Guam (671) 355-4824

(d) National Response Center 1-800-424-8802

iv. Submit a detailed written report to Guam EPA within five days of noncompliance that describes the nature of the event corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

t. Compliance with this condition does not relieve the Operator from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

u. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.

v. This Order is valid for five (5) Years from Date of Certification, unless otherwise approved by the Guam EPA Administrator.

w. The Operator shall be required to adhere to the current Guam Coral Spawning Moratorium dates for both hard and soft corals where in-water activities and/or construction activity in close proximity with marine waters may impair water quality. These dates can be obtained from the Guam Department of Agriculture, Division of Aquatic and Wildlife Resources, or the NOAA NMFS Pacific Islands Regional Office Habitat Conservation Division.

x. The Operator shall provide notice to Guam EPA consistent with Condition A4:

(a) Immediately upon discovery of noncompliance with the provisions of this Order.

y. A Notice of Violation/Work Stop Order will be issued if certification conditions are not adhered to or when significant or sustained water quality degradation occurs. Work or discharge shall be suspended or halted until the Operator addresses environmental problems/concerns to Guam EPA's satisfaction. Guam EPA may also levy penalties and fines (10 GCA §47111). Invalidity or enforceability of one or more provisions of this certification shall not affect any other provision of this certification.

9.10 EPA REGION 10

9.10.1 IDR10I000 Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)

a. Shoshone-Bannock Tribes

i. Copies of the following information must be sent to the SBT-WRD:

(a) Notice of Intents (NOI)

The Notice of Intent shall be forwarded to the SBT-WRD within thirty (30) days of receipt of submitting NOI to the USEPA.

Shoshone-Bannock Tribes Water Resources Department
PO Box 306 Pima Drive
Fort Hall, ID 83203 Phone: (208) 239-4582
Fax: (208) 239-4592
Or Email ctanaka@sbtribes.com

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

9.10.2 ORR10I000 Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)

a. Confederated Tribes of Coos, Lower Umpqua, and Siuslaw

i. No activities allowed under the CGP shall result in the degradation of any Tribal waters or affect resident aquatic communities or resident or migratory wildlife species at any life stage.

ii. The operator shall be responsible for achieving compliance with CTCLUSI Water Quality Standards and all other tribal codes, regulations, and laws as they exist at the time that the permit is submitted.

iii. The operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTCLUSI Water Quality Program before, or at the same time as, it is submitted to EPA.

iv. The operator shall be responsible for submitting all Stormwater Pollution Prevention Plans (SWPPP) required under this general permit to the CTCLUSI Water Quality Program for review and determination that the SWPPP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.

v. The operator shall be responsible for reporting an exceedance to Tribal Water Quality Standards to the CTCLUSI Water Quality Program at the same time it is reported to EPA.

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

vii. If the project is an undertaking, a cultural resource assessment must occur. All fieldwork must be permitted by the THPO (as appropriate), conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; http://www.nps.gov/history/local-law/arch_stnds_O.htm) and documented according to Oregon Reporting Standards (Reporting_Guidelines.pdf) (oregon.gov). The resulting report must be submitted to the THPO and the THPO must concur with the finding of effect and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.

viii. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate adverse effects to historic properties.

b. Confederated Tribes 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 a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTUIR Water Resources Program at the address below, at the same time it is submitted to EPA.

iii. The operator shall be responsible for submitting all Stormwater Pollution Prevention Plans (SWPPP) required under this general permit to the CTUIR Water Resources Program for review and determination that the SWPPP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.

iv. The operator shall be responsible for reporting an exceedance to Tribal Water QualityStandards to the CTUIR Water Resources Program at the same time it is reported to EPA.

Confederated Tribes of the Umatilla Indian Reservation
Water Resources Program
46411 Timíne Way
Pendleton, OR 97801
(541) 429-7200

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

vi. If the project is an undertaking, a cultural resource assessment must occur. All fieldwork must be permitted by the Tribal Historic Preservation Office (as appropriate), conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; http://www.nps.gov/history/local-law/arch_stnds_0.htm) and documented according to Oregon Reporting Standards (Reporting_Guidelines.pdf (oregon.gov). The resulting report must be submitted to the THPO and the THPO must concur with the finding of effect and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.

vii. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate adverse effects to historic properties.

9.10.3 WAR10F000 Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator

a. For purposes of this Order, the term "Project Proponent" shall mean those that are seeking coverage under this permit, and its agents, assignees and contractors.

b. The Federal Agency shall mean the US Environmental Protection Agency. The Federal Agency shall enforce the permit and ensure that the Project Proponent complies with the conditions of the permits at all times.

c. Failure of any person or entity to comply with this Certification may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Certification.

d. The Certification conditions within this Order must be incorporated into EPA's final NPDES permit. Per 40 CFR 121.10(a), all certification conditions herein that satisfy the

requirements of 40 CFR 121.7(d) must be incorporated into the permit. Per 40 CFR 121.10(b), the permit must clearly identify all certification conditions.

e. This Certification does not authorize exceedances of water quality standards established in chapter 173-201A WAC.

f. Discharges from construction activity must not cause or contribute to violations of the Water Quality Standards for Surface Water of the State of Washington (chapter 173-201A WAC), Ground Water Quality Standards (chapter 173- 200 WAC), Sediment Management Standards (chapter 173-204 WAC), and standards in the EPA's Revision of certain Federal water quality criteria applicable to Washington (40 CFR 131.45). Discharges that do not comply with these standards are prohibited.

g. Prior to discharge of stormwater and non-stormwater to waters of the State, the Permittee must apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate Best Management Practices (BMPs) installed and maintained in accordance with the SWPPP and the terms and conditions of the permit.

i. BMPs must be consistent with:

(a) The Stormwater Management Manual for Western Washington (most current approved edition at the time this permit was issued), for sites west of the crest of the Cascade Mountains; or

(b) The Stormwater Management Manual for Eastern Washington (most current approved edition at the time this permit was issued), for sites east of the crest of the Cascade Mountains; or

(c) Revisions to either manual, or other stormwater management guidance documents or manuals which provide equivalent level of pollution prevention, that are approved by Ecology and incorporated into this permit in accordance with the permit modification requirements of WAC 173-226-230. (For purposes of this section, the stormwater manuals listed in Appendix 10 of the Phase I Municipal Stormwater Permit are approved by Ecology); or

(d) Documentation in the SWPPP that the BMPs selected provided an equivalent level of pollution prevention, compared to the applicable stormwater management manuals, including:

- The technical basis for the selection of all stormwater BMPs (scientific, technical studies, and/or modeling) that support the performance claims for the BMPs being selected.
- An assessment of how the selected BMP will satisfy AKART requirements and the applicable federal technology-based treatment requirements under 40 CFR part 125.3.

The Stormwater Management Manuals for Eastern and Western Washington can be found at: https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals.

ii. An adequate SWPPP must include a narrative and drawings. All BMPs must be clearly referenced in the narrative and marked on the drawings. The SWPPP

narrative must include documentation to explain and justify the pollution prevention decisions made for the project. Documentation must include:

(a) Information about existing site conditions (topography, drainage, soils, vegetation, etc.).

(b) Potential erosion problem areas.

(c) The 13 elements of a SWPPP, including BMPs used to address each element. Unless site conditions render the element unnecessary and the exemption is clearly justified in the SWPPP, the 13 elements are as follows:

- Preserve Vegetation/Mark Clearing Limits
- Establish Construction Access
- Control Flow Rates
- Install Sediment Controls
- Stabilize Soils
- Protect Slopes
- Protect Drain Inlets
- Stabilize Channels and Outlets
- Control Pollutants
- Control Dewatering
- Maintain BMPs
- Manage the Project
- Protect Low Impact Development (LID) BMPs

h. Discharges of stormwater and authorized non-stormwater must be monitored for turbidity (or transparency) and, in the event of significant concrete work or engineered soils, pH must also be monitored. As applicable based on project specifics, monitoring, benchmarks, and reporting requirements contained in Condition S.4. (pp.10-16) of the Washington State Construction Stormwater General Permit, effective January 1, 2021, shall apply.

i. Discharges to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, phosphorus, or pH must comply with the following numeric effluent limits:

Parameter identified in 303(d) listing	Parameter Sampled	Unit	Analytical Method	Numeric Effluent Limit
• Turbidity • Fine Sediment • Phosphorus	Turbidity	NTU	SM2130	25 NTUs at the point where the stormwater is discharged from the site.
High pH	pH	su	pH meter	In the range of 6.5 – 8.5

All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current EPA-approved listing of impaired waters that exists on the

effective date of the permit, or the date when the operator's complete permit application is received by EPA, whichever is later.

The EPA approved WQ Assessment can be found at: https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d

j. Discharges to a waterbody that is subject to a Total Maximum Daily Load (TMDL) for turbidity, fine sediment, high pH, or phosphorus must be consistent with the TMDL.

- **i.** Where an applicable TMDL sets specific waste load allocations or requirements for discharges covered by this permit, discharges shall be consistent with any specific waste load allocations or requirements established by the applicable TMDL.
- **ii.** Where an applicable TMDL has established a general waste load allocation for construction stormwater discharges, but no specific requirements have been identified, compliance with this permit will be assumed to be consistent with the approved TMDL.
- **iii.** Where an applicable TMDL has not specified a waste load allocation for construction stormwater discharges, but has not excluded these discharges, compliance with this permit will be assumed to be consistent with the approved TMDL.
- **iv.** Where an applicable TMDL specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.

Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus which has been completed and approved by EPA as of the effective date of the permit, or prior to the date of the operator's complete application for permit coverage is received by EPA, whichever is later.

k. Discharges to waters of the state from the following activities are prohibited:

- **i.** Concrete wastewater.
- **ii.** Wastewater from washout and clean-up of stucco, paint, form release oils, curing compounds and other construction materials.
- **iii.** Process wastewater as defined by 40 Code of Federal Regulations (CFR) 122.2.
- **iv.** Slurry materials and waste from shaft drilling, including process wastewater from shaft drilling for construction of building, road, and bridge foundations unless managed to prevent discharge to surface water.
- **v.** Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
- **vi.** Soaps or solvents used in vehicle and equipment washing.
- **vii.** Wheel wash wastewater, unless managed to prevent discharge to surface water.
- **viii.** Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed according to appropriate controls described within the permit.

l. This Certification is valid until the expiration date including any administrative extension or termination date of the NPDES 2022 Construction General Permit. (40 CFR § 122.46)

m. The Federal Agency shall enforce and the Project Proponent must comply with all the reporting and notification conditions of the NPDES 2022 Construction General Permit in order to comply with this Order and the certification conditions herein (40 CFR § 121.11).

n. You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 **Pollution Control Hearings Board** 1111 Israel RD SW STE 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Noel Tamboer
Department of Ecology
P.O. Box 47600
Olympia, WA 98503-7600

(360) 701-6171
noel.tamboer@ecy.wa.gov

9.10.4 WAR10I000 Indian country within the State of Washington

a. Lummi Nation

i. This certification does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal and Lummi tribal agencies. Pursuant to Lummi Code of Laws (LCL) 17.05.020(a), the operator must also obtaina land use permit from the Lummi Planning Department as provided in Title 15 of theLummi Code of Laws and regulations adopted thereunder.

ii. Pursuant to LCL 17.05.020(a), each operator shall develop and submit a Storm WaterPollution Prevention Plan to the Lummi Water Resources Division for review and approval by the Water Resources Manager prior to beginning any discharge activities.

iii. Pursuant to LCL Title 17, each operator shall be responsible for achieving compliance with the Water Quality Standards for Surface Waters of the Lummi

iv. Indian Reservation (Lummi Administrative Regulations [LAR] 17 LAR 07.010 through 17 LAR 07.210 together with supplements and amendments thereto).

v. Each operator shall submit a signed copy of the Notice of Intent (NOI) to the Lummi Water Resources Division at the same time it is submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Lummi Water Resources Division the acknowledgement of receipt of the NOI from the EPA and the associated NPDES tracking number provided by the EPA within 7 calendar days of receipt from the EPA.

vi. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the Lummi Water Resources Division at the same time it is submitted electronically to the EPA and shall provide the Lummi Water Resources Division the EPA acknowledgement of receipt of the NOT.

vii. Storm Water Pollution Prevention Plans, Notice of Intent, Notice of Termination and associated correspondence with the EPA shall be submitted to:

Lummi Natural Resources Department
ATTN: Water Resources Manager 2665 Kwina Road
Bellingham, WA 98226-9298

b. Port Gamble S'Klallam Tribe

i. No discharge from the project site shall cause exceedances of Port Gamble S'KlallamSurface Water Quality Standards narrative or numeric criteria in Tribal waters. This includes activities outside of Tribal lands that occur upstream of Tribal waters.

(a) If any exceedance of these water quality standards occurred, the Natural Resources Department shall be notified immediately.

- The Department shall additionally be provided a complete draft of the proposed corrective action within a reasonable timeframe and its approval will be required before any corrective action may be taken.

ii. Operators performing activities under the CGP that may affect Tribal waters will requirea permit and shall submit their plans to the Port Gamble S'Klallam Natural Resources Department for review.

- The Department has the right to require conditions outside of this Water QualityCertification prior to permit approval.

iii. No activities allowed under the CGP shall result in the degradation of any Tribal watersor change in designated uses.

iv. No activities allowed under the CGP shall affect resident aquatic communities or resident/migratory wildlife species at any life stage.

- Biological assessment methods used to determine the effect of an activity allowedunder the CGP shall be approved by the PGST Natural Resources Department.

v. No activities allowed under the CGP shall be conducted within wetland and stream bufferzones, nor shall said activities affect in any way wetland or stream buffers, as defined by *PGST Law and Order Code 24.08.01(c).*

vi. Concentrations for substances listed within the table in *Water Quality Standards for Surface Waters* sec. 7(7) shall not be exceeded by activities allowed under the CGP.

c. Spokane Tribe of Indians

i. Pursuant to Tribal Law and Order Code (TLOC) Chapter 30 each operator shall be responsible for achieving compliance with the Surface Water Quality Standards of the Spokane Tribe. The operator shall notify the Spokane Tribe, Water Control Board (WCB) of any spills of hazardous material and;

ii. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the WCB at the same time it is submitted to EPA.

iii. The permittee shall allow the Tribal Water Control Board or its designee to inspect and sample at the construction site as needed.

iv. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the WCB at the same time it is submitted to EPA

The correspondence address for the Spokane Tribe Water Control Board is:

Water Control Board c/o Brian Crossley PO Box480
Wellpinit WA 99040
(509)626-4409
crossley@spokanetribe.com

d. Swinomish Tribe

i. Owners and operators seeking coverage under this permit must submit a copy of the Notice of Intent (NOI) to the DEP at the same time the NOI is submitted to EPA.

ii. Owners and operators must also submit to the DEP changes in NOI and/or Notices of Termination at the same time they are submitted to EPA.

iii. Owners and operators seeking coverage under this permit must also submit a Stormwater Pollution Prevention Plan to the DEP for review and approval by DEP prior to beginning any discharge activities.

e. Tulalip Tribes

i. Submission of NOI: Copies of the Notice of Intent (NOI),) Certification shall be submitted to the Tribe's Natural Resources Department to notify the Tribes of the

pending project and in order for the Tribes to review the projects potential impacts to endangered or threatened species.

ii. Submission of SWPPP: A copy of the Stormwater Pollution Plans (SWPPPs) shall be submitted to the Tribe's Natural Resources Department along with the NOI during the 30 day waiting period.

iii. Submission of Monitoring Data and Reports: The results of any monitoring required by this permit and reports must be sent to the Tribe's Natural Resources Depa1tment,

iv. The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.

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

vi. Authorization to Inspect: The Tribe's Natural Resources Department may conduct an inspection of any facility covered by this permit to ensure compliance with tribal water quality standards. The Department may enforce its certification conditions.

vii. Submission of Inspection Reports: Inspection reports must be sent to the Tribe's Natural Resources Department, including a description of the corrective actions required and undertaken to meet effluent limits or benchmarks (as applicable).

viii. Permits on-site: A copy of the pe1mit shall be kept on the job site and readily available for reference by the construction supervisor, construction managers and foreman, and Tribal inspectors.

ix. Project Management: The applicant shall ensure that project managers, construction managers and foreman, and other responsible parties have read and understand conditions of the permit, this certification, and other relevant documents, to avoid violations or noncompliance with this certification.

x. Emergency Spill Notification Requirements: In the event of a spill or the contractor shall immediately take action to stop the violation and correct the problem, and immediately repo1t spill to the Tulalip Tribes Police Department (425) 508-1565. Compliance with this condition does not relieve the applicant from responsibility to maintain continuous compliance with the tem1S and conditions of this certification or the resulting liability from failure to comply.

xi. Discharges to CERCLA Sites: This permit does not autho1ize direct stormwater discharges to certain sites undergoing remedial cleanup actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) unless first approved by the appropriate EPA Regional office. In the case of the Tulalip Landfill site (WAD980639256), the Tulalip Tribes also requests notification by the facility and consultation with EPA prior to discharge. Contaminants at this site may include but are not limited to: dioxins, furans, arsenic, copper, lead, zinc, 4- methyl-phenol, Hex-CB, HPAHs, PCBs, PCE, cadmium, mercury, and LPAHs.

xii. Discharge-related Activities that have Potential to Cause an Adverse Effect on Historic Properties: Installation of stormwater controls that involve subsurface disturbances may potentially have an adverse impact on historic properties.

xiii. Procedures detailed in the permit shall be completed. Richard Young, of the Tulalip Tribe's Cultural Resources Department shall be contacted prior to initiating discharge- related activities that may have an impact on historic properties. His contact information is (360) 716-2652, ryoung@tulaliptribes-nsn.gov.

xiv. Invalidation: This certification will cease to be valid if the project is constructed and/or operated in a manner not consistent with the project description contained in

xv. the permit. This certification will also cease to be valid and the applicant must reapply with an updated application if info1mation contained in the permit is voided by subsequent submittals.

xvi. Modification: Nothing in this certification waives the Tulalip Tribes of Washington's authority to issue modifications to this ce1iification if additional impacts due to operational changes are identified, or if additional conditions are necessary to protect water quality or further protect the Tribal Communities interest.

xvii. incorporation by reference: TI1is certification does not exempt the applicant from compliance with other statues and codes administered by the Tribes, county, state and federal agencies.

xviii. Compliance with Tribe's I996 Water Quality Standards: Each permittee shall be responsible for controlling discharges and achieving compliance with the T1ibe's Water Quality Standards.

xix. Compliant with Tulalip Tribes Tidelands Management Policy: Permittee shall be responsible for achieving compliance with applicable sections of the Tulalip Tribe's Tidelands Management Policy. (Tulalip Tribal Code Title 8 Chapter 8.30).

xx. Compliant with Tulalip Tribes Environmental Infractions: Permittee shall be responsible for achieving compliance with applicable sections of the Tulalip Tribe's Environmental Infractions. (Tulalip Tribal Code Title 8 Chapter 8.20).

xxi. Where to Submit information and for further Coordination: All requested documents should be sent to the: Tulalip Tribes Natural Resources Environmental Department c/o Kurt Nelson and Valerie Streeter, 6704 Marine Drive, Tulalip, Washington 98271. For further 40 l Certification coordination with the Tulalip Tribes Natural Resources Department, please contact Mr. Kurt Nelson (360) 716-4617 knelson@tu1aliptribes- nsn.gov. 6406 Marine Dr., Tulalip WA 98271.

f. Makah Tribe

i. The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Makah Tribe's Water Quality Standards if the discharge point is located within the Makah's U&A treaty reserved areas.

ii. Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Makah Fisheries Management, Water Quality Department at the address listed below at the same time it is submitted to the EPA.

Makah Water Quality
Makah Fisheries Management (MFM)
ray.colby@makah.com

PO Box 115

Neah bay, WA 98357

iii. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to the Tribe's Habitat programs for their review.

iv. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Assistant Fisheries Director, ray.colby@makah.com.

v. The permittee shall submit all Stormwater Pollution Prevention plan (SWPP) to MFM for review and approval prior to beginning any activities resulting in a discharge to Makah tribal waters.

vi. The permittee shall notify Ray Colby, ray.colby@makah.com (360) 645-3150 prior to conducting inspections at construction sites generating stormwater discharges to tribal waters.

vii. The operator shall treat dewatering discharges with controls necessary to minimize discharges of pollutants to surface waters, or ground waters, and from stormwater runoff onsite from excavations, trenches, foundations, or storage areas. To the extent feasible, at all points where dewatering is discharged, comply with the velocity dissipation using check dams, sediment traps, and grouted outlets.

g. Puyallup Tribe of Indians

i. The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Puyallup Tribe's antidegradation procedures.

ii. Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Char Naylor, Tribal Water Quality Manager at the following e-mail address: (char.naylor@puyalluptribe-nsn.gov) at the same time it is submitted to EPA.

iii. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to Char Naylor, Tribal Water Quality Manager/Assistant Fisheries Director (char.naylor@puyalluptribe-nsn.gov) for review.

iv. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Char Naylor at the email address listed above.

v. The permittee shall submit all stormwater pollution prevention plans to Char Naylor for review and approval prior to beginning any activities resulting in a discharge to Puyallup tribal waters.

vi. The permittee shall contact Brandon Reynon (Brandon.reynon@puyalluptribe-nsn-gov), Tribe's Historic Preservation Officer or Jennifer Keating (Jennifer.keating@puyalluptribe-nsn.gov), Tribe's Assistant Historic Preservation Officer regarding historic properties and cultural resources.

vii. To minimize the discharge of pollutants to groundwater or surface waters from stormwater that is removed from excavations, trenches, foundations, vaults, or

other storage areas, treat dewatering discharges with controls necessary to minimize discharges of pollutants. Examples of appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, and filtration systems (e.g., bag or sand filters) that are designed to remove sediment.

To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. At all points where dewatering water is discharged, utilize velocity dissipation controls. Examples of velocity dissipation devices include check dams, sediment traps, riprap, and grouted riprap at outlets.

viii. The permittee shall provide and maintain natural buffers to the maximum extent possible (and/or equivalent erosion and sediment controls) when tribal waters are located within 100 feet of the boundaries. If infeasible to provide and maintain an undisturbed 100 foot natural buffer, erosion and sediment controls to achieve the sediment load reduction equivalent to a 100-foot undisturbed natural buffer shall be required.

List of Tier 3, Tier 2, and Tier 2.5 Waters

EPA's CGP includes additional requirements for discharges to waters that are designated by state or tribal authorities as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes. See Parts 1.1.8 and 3.2.

EPA's antidegradation regulation, at 40 CFR 131.12, provides a framework for maintaining and protecting water quality for: (1) existing uses (known as "Tier 1"); (2) high quality waters by establishing a process for authorizing the lowering of water quality where existing water quality exceeds levels needed to support propagation of fish, shellfish, and wildlife and recreation in and on the water (known as "Tier 2"); and (3) for Outstanding National Resource Waters (known as "Tier 3"). While EPA's antidegradation regulation only outlines three levels of antidegradation protection, some states and tribes include an additional level of antidegradation protection between Tier 2 and Tier 3 (sometimes known as "Tier 2.5").

High quality (Tier 2) waters may be identified on a parameter-by-parameter basis or on a water body-by-water body basis consistent with the requirements of 40 CFR 131.12(a)(2). States and tribes using a parameter-by-parameter basis (sometimes called a "pollutant-by-pollutant approach") do not maintain a list of Tier 2 waters, but instead identify a high quality water at the time an entity proposes an activity that would lower water quality. In contrast, states and tribes using a water body-by-water body basis typically identify high quality waters in advance on a list by weighing a variety of factors (*e.g.*, chemical, physical, biological, and other information) to classify a water body's overall quality.

The list below is provided as a resource for operators who must determine whether they discharge to a Tier 2, Tier 2.5, or Tier 3 water. Where available, the table lists waters specifically identified for Tier 2, Tier 2.5, or Tier 3 protection by a water quality standard authority (*e.g.*, a state or tribe). Operators should not assume that a water does not receive Tier 2, Tier 2.5, or Tier 3 protection solely based on the absence of information in this table. Evaluation regarding antidegradation protections for a specific water may need to be done on a case-by-case basis, especially where the state or tribe uses the parameter-by-parameter approach to identify whether water quality is better than necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
MAR100000	**Commonwealth of Massachusetts, except Indian Country lands**	
	Tier 2, Tier 2.5, and 3 waters are identified and listed in the Massachusetts Water Quality Standards 314 CMR 4.00. Surface water qualifiers that correspond with Tier classifications are defined at 314 CMR 4.06(1)(d) and listed in tables and figures at the end of 314 CMR 4.06. See MassDEP's web page at: http://www.mass.gov/eea/agencies/massdep/water/regulations/314-cmr-4-00-mass-surface-water-quality-standards.html. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-massachusetts	
	Tier 2	Listed as "High Quality Waters", and all wetlands that are not designated as an Outstanding Resource Water.
	Tier 2.5	Listed as "Outstanding Resource Water", "Public Water Supply", "Tributary to Public Water Supply", all wetlands bordering Outstanding Resource Waters, and vernal pools.
	Tier 3	Defined as "Special Resource Water". Note: No waters have been identified as a Special Resource Water as of the issuance of this permit.
NHR100000	**State of New Hampshire**	
	Tier 2 waters are identified on a parameter-by-parameter basis. Tier 2.5 and 3 waters are identified and listed in the New Hampshire Water Quality Standards Chapter Env-Wq 1700. Description of the antidegradation tiers are included at Chapter Env-Wq 1708. New dischargers and new sources should contact EPA Region 1's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-new-hampshire	
	Tier 3	Env-Ws 1708.05(a) Surface waters of national forests and surface waters designated as "natural" under RSA 483:7-a, I shall be considered outstanding resource waters (ORW). "Natural waters" are listed at http://www.gencourt.state.nh.us/rsa/html/L/483/483-15.htm. Surface waters of national forests are not included in an official list. For further questions, new dischargers and new sources should contact EPA Region 1's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional.
NYR10I000	**Saint Regis Mohawk Tribe (NY)**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Saint Regis Mohawk Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/sites/production/files/2014-12/documents/stregis-tribe.pdf	

	Tier 3	Outstanding Resource Waters. Those waters designated as such by the Tribe. The Waters that may be considered for designation as Outstanding Resource Waters include, but are not limited to, water bodies that are recognized as: (i) Important because of protection through official action, such as Tribal, Federal or State law, Presidential or secretarial action, international treaty, or interstate compact; (ii) Having exceptional recreational significance; (iii) Having exceptional ecological significance; (iv) Having other special environmental, recreational, religious or ecological attributes; or waters whose designation as Outstanding Resource Waters is reasonably necessary for the protection of other waters so designated. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional.
PRR100000	**Commonwealth of Puerto Rico**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Puerto Rico Water Quality Standards. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-puerto-rico	
	Tier 3	Tier III waters are those which are classified as either Class SA or Class SE. Class SA waters are defined as "Coastal waters and estuarine waters of high quality and/or exceptional ecological or recreational value whose existing characteristics shall not be altered, except by natural causes, in order to preserve the existing natural phenomena." Class SA waters include bioluminiscent lagoons and bays such as La Parguera and Monsio José in Lajas, Laguna Joyuda in Cabo Rojo, Laguna Grande in Fajardo, Bahía de Mosquito in Vieques, and any other coastal or estuarine waters of exceptional quality of high ecological value or recreational which may be designated by Puerto Rico, through Resolution, as requiring this classification for protection of the waters. Class SE waters are defined as "Surface waters and wetlands of exceptional ecological value, whose existing characteristics should not be altered in order to preserve the existing natural phenomena." Class SE waters include Laguna Tortuguero, Laguna Cartagena and any other surface water bodies of exceptional ecological value as may be designated by Puerto Rico through Resolution.
DCR100000	**District of Columbia**	
	New dischargers and new sources should contact EPA Region 3's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. Tier 2.5 waters are identified and listed in the District of Columbia Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-washington-dc	
	Tier 2.5	Rule 1102.4 SPECIAL WATERS OF THE DISTRICT OF COLUMBIA (SWDC): Any segment or segments of the surface waters of the District that are of water quality better than needed for the current use or have scenic or aesthetic importance shall be designated as Special Waters of the District of Columbia (SWDC). Rock Creek and its tributaries and Battery

		Kemble Creek and its tributaries are considered Special Waters of the District of Columbia (SWDC) under its antidegradation program.
FLR10I000	**Miccosukee Tribe (FL)**	
	New dischargers and new sources should contact EPA Region 4's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. The Miccosukee Tribe Water Quality Standards includes an additional tier of protection between Tier 2 and 3 that is referred as Tier 2 ¾ for Outstanding Miccosukee Waters. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-miccosukee-tribe-indians-florida	
	Tier 2	Where existing quality exceeds the level of protection necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the Tribe finds, after full satisfaction of inter-governmental and public participation requirements, that allowing lower water quality is necessary to accommodate important economic and social development in the area in which the waters are located. In allowing such degradation or lower water quality the Tribal shall assure water quality which is adequate to protect existing uses fully. Further, the Tribe shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost effective and reasonable best management practices for non-point source control.
	Tier 2 ¾	Outstanding Miccosukee Waters (OMW): The Miccosukee Tribe recognizes that the waters of its Federal Reservation which are contained within Water Conservation Area 3-A and the Miccosukee Reserved Area constitute the Tribe's highest quality waters and must be preserved in as pristine a condition as possible while at the same time allowing for the activities of man. These ecologically important waters are essential to the survival of the Miccosukee Tribe, therefore: The Miccosukee Tribe hereby designates the waters of its Federal Reservation which are contained within Water Conservation Area 3-A (North Grass, South Grass, Gap) and Miccosukee Reserved Area as Class III-A and Outstanding Miccosukee waters (OMW). The North Grass is defined as that area bounded by the northern boundary of the reservation, the eastern edge of the L-28 levee (which is east of the L-28 canal), the southern edge of the C-60 Canal, and the eastern boundary of the reservation. The South Grass is defined as the area bounded by southern edge of the C-60 canal, the eastern boundary of the reservation, the southern boundary of the reservation, the eastern edge of the L-28 canal (which is south of the L-28 Tieback Canal), a line running north from the L-28 Canal (where the L-28 Canal turns northwest to become the L-28 Tieback Canal) until this line intersects the oil pipeline, the center of the oil pipeline until the oil pipeline intercepts the L-28 Interceptor Canal, and the eastern edge of the L-28 levee (which is east of the L-28 Canal). The Gap is defined as that area which is bounded by the southern boundary of the reservation, the western boundary of the reservation, the northeastern edge of the L-28 Interceptor Canal, the oil pipeline which runs generally south from the L-28 Interceptor Canal until the pipeline intercepts a line running north from the L-28 Canal where the L-28

		canal turns northwest to become the L-28 Tieback Canal, and the eastern edge of the L-28 canal (which is south of the L-28 Tieback Canal).
	Tier 3	Tier 3: Outstanding Natural Resource Waters (ONRW): Where high quality waters constitute an Outstanding Tribal resource such as waters of parks and wildlife refuges and waters of exceptional ecological and recreational significance, that water quality shall be maintained and protected. These waters shall be designated as Outstanding Natural Resource Waters (ONRW). Currently, no Tribal waters are designated as ONRW.
	Seminole Tribe (FL)	
	New dischargers and new sources should contact EPA Region 4's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/seminole_floridawqs.pdf	
MNR10I000	**Fond du Lac Band of Lake Superior Chippewa**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Fond du Lac Band of MN Chippewa Water Quality Standards. New dischargers and new sources should contact EPA Region 5's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-fond-du-lac-band-minnesota-chippewa-tribe	
	Tier 3	Six Lakes are presently identified as Tier 3/Outstanding Reservation Resource Waters (ORRW): (1) Dead Fish Lake; (2) Jaskari Lake; (3) Miller (Mud) Lake; (4) Perch Lake; (5) Rice Portage Lake; (6) Wild Rice Lake.
	Grand Portage Band of Lake Superior Chippewa	
	Tier 2 waters are identified on a parameter-by-parameter basis. Two subcategories of protection (referred to as outstanding tribal water resource (OTWR)) exist in the Grand Portage Band of MN Chippewa Water Quality Standards as follows: (a) OTWR-Restricted (lowered water quality may be allowed under limited circumstances); (b) OTWR-Prohibited (Discharges and permanent lowering of water quality are prohibited). New dischargers and new sources should contact EPA Region 5's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-grand-portage-band-minnesota-chippewa-tribe	
	Tier 2	OTWR-Restricted: All waters, not already classified as Tier 3, are high quality Tier 2 waters (see Grand Portage Reservation Water Quality Standards, Section VI & VII, Pages 14-16).
	Tier 3	OTWR-Prohibited: "The portion of Lake Superior north of latitude 47 degrees, 57 minutes, 13 seconds, east of Hat Point, south of the Minnesota-Ontario boundary, and west of the Minnesota-Michigan boundary" (see Section VII, Page 16).
	Sokaogon Chippewa Community	
	All waters other than 1, "Wetland 22" are Tier 3 waters. For all Tribal Waters classified Tier 3 ONRW a short-term, temporary (weeks or months) lowering of	

	water quality may be permitted by Tribal Authorities for activities meant to protect public health, increase the social and economic welfare of the tribe, or result in future higher water quality in the ONRW. New dischargers and new sources should contact EPA Region 5's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/sites/default/files/2014-12/documents/molelakeband-wqs.pdf	
	Tier 2.9	EHQW Classification: Wetland 22 is classified as EHQW. It is a high-quality water body of significant cultural, religious, social, ecological and recreational attributes.
	Tier 3	All other Tribal Waters are classified as Outstanding National Resource Waters (ONRW). Prohibitions: No human activity may directly or indirectly discharge, release or emit pollutants into Tribal ONRW Waters, except on a short-term, temporary basis as described in Section IV B [151.31] Antidegradation Implementation. All Non-aberrational, indigenous species, and supporting ecological parameters, shall be protected regardless or prevalence, condition or use. Quality of these waters shall be unadulterated. There shall be no signs of ecological stress or impairment
WIR10I000	**Bad River Band of Lake Superior Chippewa (WI)**	
	Tier 2 waters are identified on a water body-by-water body basis. Tier 2, 2.5, and 3 classifications are included in the Bad River Band of Lake Superior Chippewa Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-bad-river-band-lake-superior-chippewa-tribe	
	Tier 2	Any surface water not specifically classified as Outstanding Tribal Resource Water or Outstanding Resource Water is classified as Exceptional Resource Water (Anishinaabosibiing).
	Tier 2.5	Outstanding Resource Waters: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweiler River, Tyler Forks, Bell Creek, and Vaughn Creek.
	Tier 3	Outstanding Tribal Resource Waters: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River.
	Lac du Flambeau Band of the Lake Superior Chippewa	
	Tier 2 waters are identified on a water body-by-water body basis. Tier 2, 2.5, and 3 classifications are included in the Lac du Flambeau Band of the Lake Superior Chippewa Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-lac-du-flambeau-band-lake-superior-chippewa-tribe	
	Tier 2	All named waters, including wetlands, not specified under an Antidegradation classification are classified as Tribal Resource Water (Tier 2). Unclassified Named Waters (Tier 2): Buckskin Lake; Flambeau Lake; Long (Interlaken) Lake); Marland's Lake (Sec. 13, T40NR4E); Moss Lake; Pokegema Lake.

	Tier 2.5	Exceptional Tribal Resource Waters: Bills Lake, Birch Lake, Bobidosh Lake, Bog Lake (SE SE Sec. 31, T40NR6E), Bolton Lake, Broken Bow Lake, Chewalah Lake, Clear Lake (Sec. 2, T39NR4E), Corn Great, Great, Corn Lake, Little "Least/Lesser", Crawling Stone Lake, Big, Crawling Stone Lake, Little, Crescent Lake, Crooked Lake, Big, David Lake, Ellerson Lake, Middle, Ellerson Lake, West, Elsie Lake "Boundary Lake", Fat Lake, Fence Lake, Gresham Creek, Green Lake (NW NW Sec. 19, T41R6E), Grey Lake, Gunlock Lake, Haskell Lake, Headflyer Lake (Sec. 19, T41NR5E), Highway Lake (NW NW Sec. 19, T41NR5E), Horsehead Lake (SE SW Sec. 9, T40NR5E), Hutton's Creek, Ike Walton Lake, Lily Lake (SE SW Sec. 35, T40NR5E), Little Ten Lake, Lodge Lake "L. Rice" (NW NW Sec. 8, T41NR6E), Lucy Lake, Mindys Lake (Sec. 8, T40NR5E), Minette Lake, Mitten Lake, Monk's Lake (Sec. 13, T40NR5E), Moving Cloud Lake, Mud Creek, Muskesin Lake, Patterson Lake, Placid Twin Lake (North), Placid Twin Lake (South), Plummer Lake, Poupart Lake, Prairie Lake (NE SW Sec. 13, T40NR4E), Raven Lake, Ross Allen Lake, Sand Lake, Little, Scott Lake (Sec. 22, T40N, R4E), Shishebogama Lake, Signal Lake, Snort Lake (Sec. 5, T41N, R6E), Spring Lake "Jerms", Squirrel Lake, Statenaker Lake "Hollow", Stearns Lake "Hourglass", Sugarbush "Hidden Lake" (NW NW Sec. 17, T41NR5E), Sugarbush Creek, Sugarbush Lake, Little, Sugarbush Lake, Lower, Sugarbush Lake, Middle, Sugarbush Lake, Upper, Sunfish Lake, Tippecanoe Lake, Tomahawk River, To-To Tom Lake, Toulish Lake, Trout River, Warrior Lake, White Sand Lake, Whitefish Lake "Cattail Lake" (Sec. 34, T40N5R), Wishow Lake, Wyandock Lake.
	Tier 3	Outstanding Tribal Resource Waters: Bear River (1st bridge to Reservation boundary), Big Springs (Sec. 25, T40NR4E), Black Lake, Cranberry Lake, Doud Lake, Eagle Lake, Gene Lake, Johnson Springs, Little Trout Lake, Lost Lake (Sect. 1, T41NR4E), Mishonagon Creek, Munnomin (Jesse, Duck) Lake, Negani (Hegani) Lake, Reservation Line Lake, Spring Creek, Tank Lake, Thomas Lake, Wild Rice Lake, Zee Lake.
NMR100000	**State of New Mexico**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the State of New Mexico Water Quality Standards. New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-new-mexico	
	Tier 2	If you need assistance determining if your discharge is to a Tier 2 waterbody, please contact the NMED Surface Water Quality Bureau's Stormwater Program at https://www.env.nm.gov/surface-water-quality/
	Tier 3	For a current list of NMED's Tier 3/Outstanding National Resource Waters, see New Mexico's Water Quality Standards at 20.6.4.9.D NMAC.
NMR10I000	**Ohkay Owingeh (NM) (formerly the Pueblo of San Juan)**	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also:	

	https://www.epa.gov/wqs-tech/water-quality-standards-regulations-ohkay-owingeh-pueblo-formerly-pueblo-san-juan
	Pueblo of Acoma (NM)
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-acoma
	Pueblo of Laguna (NM)
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-laguna
	Tier 3 | Mountain Streams & Springs, Rio Paguate Above the Jack Pile Mine, Water Canyon Creek, and Encinal Creek.
	Pueblo of Isleta (NM)
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-isleta
	Pueblo of Nambe (NM)
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-nambe
	Pueblo of Picuris (NM)
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. Tier 2, 2.5, and 3 classifications are included in the Pueblo of Picuris Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-picuris
	Pueblo of Pojoaque (NM)
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-pojoaque
	Pueblo of Sandia (NM)
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-sandia
	Pueblo of Santa Ana (NM)

	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-santa-ana	
	Pueblo of Santa Clara (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-santa-clara	
	Pueblo of Taos (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-taos	
	Tier 3	Outstanding Tribal Resource Waters: Mountain Lakes; Mountain Streams & Springs;
	Pueblo of Tesuque (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-tesuque	
COR10F000	**State of Colorado (except areas located on Indian country, subject to construction activity by a Federal Operator)**	
	Tier 2 (or "reviewable") waters include the waterbody segments that do not have either an Outstanding Waters or Use Protected designation assigned. Outstanding Waters and Use Protected antidegradation designations are assigned on a segment-by-segment basis in the basin-specific WQS regulations (Regulations 32 – 38).	
	Tier 3	Tier 3 waters include the waterbody segments with an Outstanding Waters designation assigned. These are assigned on a segment-by-segment basis in the basin-specific water standards regulations (Regulations 32 – 38).
	https://cdphe.colorado.gov/wqcc-regulations-and-policies	
COR10I000	**Ute Mountain Ute Tribe**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Ute Mountain Ute Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-ute-mountain-ute-tribe	
	Tier 3	Outstanding Tribal Resource Waters: 1. Ute Spring and unnamed creek from Ute Spring downstream within Section 12, TWP35N R18W (Colorado). 2. Allen Canyon Creek, Sections 17, 20, 29, 30, 31, TWP 35S, R21E (Utah) 3. "Lopez" Spring and unnamed creek tributary to and downstream from the spring, within Section 35, TWP 34N, R18W

MTR10I000	**Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation (MT)**	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-assiniboine-and-sioux-tribes-fort-peck-indian	
	Tier 2	Most Tribal Waters will qualify as Tier 2 waters. Unless the water body is not attaining the Clean Water Act Section 101(a)(2) goals, the water body has received an OTRW designation, or there is no assimilative capacity for pollutants to protect existing and designated uses, it is likely that the water body will receive Tier 2 protection.
	Confederated Salish and Kootenai Tribes of the Flathead Reservation (MT)	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Confederated Salish and Kootenai Tribes of the Flathead Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-salish-and-kootenai-tribes-flathead	
	Tier 3	The following are Tier 3 waters: All waters located within Tribally designated primitive or wilderness areas.
	Northern Cheyenne (MT)	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Northern Cheyenne Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-northern-cheyenne-tribe-northern-cheyenne-reservation	
ASR100000	**Island of American Samoa**	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf	
AZR10I000	**Hopi Tribe (AZ)**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Hopi Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hopi-tribe	
	Tier 3	Unique Waters: In the Moencopi Wash watershed, from Blue Canyon Springs to the confluence of Begashibito Wash.
	Hualapai Indian Tribe (AZ)	

	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Hualapai Indian Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hualapai-tribe	
	Tier 3	Segments assigned as Tier 3: Spencer; Meriwhitica; Willow Spring; Upper Milkweed Spring; Bridge Canyon; Travertine Spring; Travertine Falls; Diamond Creek; Diamond Creek Spring; Blue Mountain; Metuck; Peach Springs Spring; Westwater; Clay Tank; Hocky Puck; Pocamote Spring; Mohawk Spring; Granite Spring; Three Spring; Warm Spring; Honga Spring; National Canyon Spring; National Canyon; Moss Spring.
	Navajo Nation (AZ, NM, UT)	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-navajo-nation	
	White Mountain Apache Tribe (AZ)	
	Tier 2 waters are identified on a water body-by-water body basis. Tier classifications are identified in Appendix B of the White Mountain Apache Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-white-mountain-apache-tribe	
	Tier 2	High Quality Waters: East Fork White River, above R52 Road; Paradise Creek, above Wohlenberg; Ord Creek; Smith Cienega; Bull Cienega; Smith Creek; Big Bonito; Tonto Creek, below Y47 Crossing; Crooked Creek; Boggy Creek; Little Bonito Creek, above Y55 Crossing; Flash Creek; Squaw Creek; Hurricane Lake; Hurricane Creek; Hughey Creek; Bonito Cienega; West Fork Black River; Hall Cienega; Purcell Cienega; Thompson Creek; Cibecue Creek in Box Canyon to Salt river; Rock Springs Creek; Willow Creek (Lower Canyon Cr.). Sensitive Waters (treated the same manner as Tier 2): East Fork White River below R52 Road, above Rock Cr; Lofer Cienega Creek; Carrizo Creek above Corduroy; Cedar Creek; Big Canyon (E. Cedar Creek); Middle Cedar Creek; West Cedar Creek; Cibecue Creek, Box Canyon up to Confluence with Salt Creek; Spring Creek; Salt Creek; Cibecue Creek, from confluence w/Salt Cr. To Big Springs; Cibecue Creek, above Big Springs; Salt Draw; Canyon Creek S. of Chediski Farms; Oak Creek; Canyon Creek, N. of Chediski Farms.
	Tier 3	Outstanding Waters: East Fork White River, in Wilderness area; Pumpkin Lake.
CAR10I000	**Big Pine Band of Owens Valley (CA)**	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also:	

	https://www.epa.gov/wqs-tech/water-quality-standards-regulations-big-pine-paiute-tribe-owens-valley
	Hoopa Valley Tribe (CA)
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hoopa-valley-tribe
	Paiute-Shoshone Indians of the Bishop Community (CA)
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-bishop-paiute-tribe
	Twenty-Nine Palms (CA)
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-twenty-nine-palms-band-mission-indians
GUR100000	**Island of Guam**
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf
JAR100000	**Johnston Atoll**
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional
MPR100000	**Commonwealth of the Northern Mariana Islands**
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf
MWR100000	**Midway Island and Wake Island**
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional
NVR10000I	**Pyramid Lake Paiute (NV)**
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pyramid-lake-paiute-tribe
IDR10I000	**Coeur D'Alene Tribe (ID)**

	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Coeur D'Alene Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-coeur-dalene-tribe-indians
ORR10I000	**Confederated Tribes of the Warm Springs Reservation (OR)**
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-warm-springs-indian-reservation
	Confederated Tribes of Umatilla (OR)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-umatilla-indian-reservation-oregon
WAR10I000	**Confederated Tribes of the Chehalis Reservation (WA)**
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Confederated Tribes of the Chehalis Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-chehalis-reservation
	Confederated Tribes of the Colville Reservation (WA)
	EPA established federal water quality standards for the Confederated Tribes of the Colville Reservation at 40 CFR 131.35. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-colville-reservation
	Kalispel Indian Community (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-kalispel-indian-community-kalispel-reservation
	Lummi Tribe (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-lummi-nation
	Makah Indian Nation (WA)

	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-makah-indian-nation
	Port Gamble S'Klallam (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-port-gamble-sklallam-tribe
	Puyallup Tribe of Indians (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-puyallup-tribe-indians
	Spokane Tribe of Indians (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also:
	https://www.epa.gov/wqs-tech/water-quality-standards-regulations-spokane-tribe-indians

Appendix C – Copy of NOI and EPA Authorization Email

Katheryn Seckel

From: no-reply@epacdx.net
Sent: Monday, April 27, 2026 3:00 PM
Subject: EPA NeT CGP Requirements when Discharging to Impaired Waters - I-5/4th Street and 88th Street NE Corridor Improvements Project, NPDES ID: WAR10I045

Follow Up Flag: Follow up
Flag Status: Flagged

External email

2026-04-27

Dear NeT User,

You have indicated in your NOI that you discharge to at least one water of the U.S. that is listed as impaired by the state or tribe in which your project is located. If your site discharges to one or more waters of the U.S. that are impaired for sediment or a sediment-related parameter (e.g., total suspended solids or turbidity) or nutrients (e.g., nitrogen or phosphorus), you are required to comply with additional stormwater control requirements pertaining to the deadline to complete site stabilization in Part 2.2.14(b)(iii) and site inspections in Part 4.3.1. If your site discharges to waters of the U.S. that are impaired for pollutants other than a sediment or nutrients, or related pollutants, you are only subject to additional measures or controls if EPA informs you separately of such.

From: no-reply@epacdx.net
Subject: EPA NeT CGP Requirements when Waters of the U.S. are Within or Adjacent to the Construction Site - I-5/4th Street and 88th Street NE Corridor Improvements Project, NPDES ID: WAR10I045
Date: Monday, April 27, 2026 3:00:34 PM
Attachments: shield-advisory.png
chevron-light.png

External email

2026-04-27

Dear NeT User,

You have indicated in your NOI that there are waters of the U.S. that exist within or immediately adjacent to your site. Because of the proximity of these waters to your construction activities, be advised that you are required to comply with the buffer requirements in Part 2.2.1. This provision requires that you comply with one of the following three compliance alternatives:

- Provide and maintain a 50-foot undisturbed natural buffer; or
- Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
- If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

You must document the compliance alternative you have selected in your SWPPP, and comply with the applicable additional requirements described in CGP Appendix F.

Katheryn Seckel

From: no-reply@epacdx.net
Sent: Monday, April 27, 2026 3:00 PM
Subject: EPA NeT CGP Coverage Status: Active: I-5/4th Street and 88th Street NE Corridor Improvements Project, NPDES ID: WAR10I045

Follow Up Flag: Follow up
Flag Status: Flagged

External email

2026-04-27

Dear NeT User,

Coverage status has changed for a project / site under the CGP.

NPDES ID	Form Type	Coverage Status	Operator	Project/Site Name	EPA Comment
WAR10I045	NOI	Active	Tulalip Tribes of Washington	I-5/4th Street and 88th Street NE Corridor Improvements Project	

Your Notice of Intent (NOI) requesting coverage under EPA's Construction General Permit (CGP) has been accepted and authorization to discharge under the CGP became effective on 04/27/2026 and will expire on 02/16/2027 .

Please note that this email does not represent a determination by EPA regarding the validity of the information you provided in your NOI or LEW. Your eligibility for coverage under this permit is based on the validity of the certification you provided. Your electronic signature on the NOI or LEW form certifies that you have read, understood, and are implementing all of the applicable requirements. An important aspect of this certification requires that you have correctly determined whether you are eligible for coverage under this permit.

The CGP requires you to have developed a Stormwater Pollution Prevention Plan (SWPPP) prior to submitting your NOI. The CGP also includes specific requirements for erosion and sediment controls, pollution prevention controls, conducting self-inspections, taking corrective actions, and conducting staff training. You must comply with any state, tribal, or territory-specific requirements in Part 9 (see https://www.epa.gov/npdes/stormwater-discharges-construction-activities#cgp).

A copy of the submission can be found here.

If you have questions about this email or about NeT CGP, please refer to NeT Support or e-mail NPDESereporting@epa.gov for assistance.

Appendix D – Copy of Site Inspection Form

Project Name: _____
NPDES ID Number: _____

Section A – General Information (If necessary, complete additional inspection reports for each separate inspection location.)	
Inspector Information	
Inspector Name:	**Title:**
Company Name:	**Email:**
Address:	**Phone Number:**
Inspection Details	
Inspection Date:	**Inspection Location:**
Inspection Start Time:	**Inspection End Time:**
Current Phase of Construction:	**Weather Conditions During Inspection:**

Did you determine that any portion of your site was unsafe for inspection per CGP Part 4.5? ☐ Yes ☐ No

If "Yes," provide the following information:

Location of unsafe conditions:

The conditions that prevented you inspecting this location:

Indicate the required inspection frequency: (Check all that apply. You may be subject to different inspection frequencies in different areas of the site.)

Standard Frequency (CGP Part 4.2):

☐ At least once every 7 calendar days; **OR**

☐ Once every 14 calendar days *and* within 24 hours of the occurrence of either:

- A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
- A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period

Increased Frequency (CGP Part 4.3.1) (If site discharges to sediment or nutrient-impaired waters or to waters designated as Tier 2, Tier 2.5, or Tier 3):

☐ Once every 7 calendar days *and* within 24 hours of the occurrence of either:

- A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
- A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period

Reduced Frequency (CGP Part 4.4):

☐ For stabilized areas: Twice during first month, no more than 14 calendar days apart; then once per month after first month until permit coverage is terminated

☐ For stabilized areas on "linear construction sites": Twice during first month, no more than 14 calendar days apart; then once more within 24 hours of the occurrence of either:

- A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
- A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period

☐ For arid, semi-arid, or drought-stricken areas during seasonally dry periods or during drought: Once per month and within 24 hours of the occurrence of either:

- A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
- A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period

☐ For frozen conditions where construction activities are being conducted: Once per month

Was this inspection triggered by a storm event producing 0.25 inches or more of rain within a 24-hour period? ☐ Yes ☐ No

If "Yes," how did you determine whether the storm produced 0.25 inches or more of rain?

☐ On-site rain gauge
☐ Weather station representative of site.
Weather station location:

Total rainfall amount that triggered the inspection (inches):

Was this inspection triggered by a snowmelt discharge from a storm event producing 3.25 inches or more of snow within a 24-hour period? ☐ Yes ☐ No

If "Yes," how did you determine whether the storm produced 3.25 inches or more of snow?

☐ On-site rain gauge
☐ Weather station representative of site.
Weather station location:

Total snowfall amount that triggered the inspection (inches):

Section B – Condition and Effectiveness of Erosion and Sediment (E&S) Controls (CGP Part 2.2) (Insert additional rows if needed)					
Type and Location of E&S Control	**Conditions Requiring Routine Maintenance?[1]**	**If "Yes," How Many Times (Including This Occurrence) Has This Condition Been Identified?**	**Conditions Requiring Corrective Action?[2, 3]**	**Date on Which Condition First Observed (If Applicable)?**	**Description of Conditions Observed**
1.	☐ Yes ☐ No		☐ Yes ☐ No		
2.	☐ Yes ☐ No		☐ Yes ☐ No		
3.	☐ Yes ☐ No		☐ Yes ☐ No		
4.	☐ Yes ☐ No		☐ Yes ☐ No		
5.	☐ Yes ☐ No		☐ Yes ☐ No		
If the same routine maintenance was found to be necessary three or more times for the same control at the same location (including this occurrence), follow the corrective action requirements and record the required information in your corrective action log, or describe here why you believe the specific condition should still be addressed as routine maintenance:					

[1] Routine maintenance includes minor repairs or other upkeep performed to ensure that the site's stormwater controls remain in effective operating condition, not including significant repairs or the need to install a new or replacement control. Routine maintenance is also required for specific conditions: (1) for perimeter controls, whenever sediment has accumulated to half or more the above-ground height of the control (CGP Part 2.2.3.c.i); (2) where sediment has been tracked-out from the site onto paved roads, sidewalks, or other paved areas (CGP Part 2.2.4.d); (3) for inlet protection measures, when sediment accumulates, the filter becomes clogged, and/or performance is compromised (CGP Part 2.2.10.b); and (4) for sediment basins, as necessary to maintain at least half of the design capacity of the basin (CGP Part 2.2.12.f)

[2] Corrective actions are triggered only for specific conditions (CGP Part 5.1):

1. A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4.c, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1.c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under 2.1.4); or
2. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or
3. Your discharges are not meeting applicable water quality standards; or
4. A prohibited discharge has occurred (see CGP Part 1.3); or
5. During the discharge from site dewatering activities:
   a. The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part 3.3.2.b); or
   b. You observe or you are informed by EPA, State, or local authorities of the presence of the conditions specified in Part 4.6.3.e.

[3] If a condition on your site requires a corrective action, you must also fill out a corrective action log found at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates. See CGP Part 5.4 for more information.

Project Name: _____
NPDES ID Number: _____

Section C – Condition and Effectiveness of Pollution Prevention (P2) Practices and Controls (CGP Part 2.3) (Insert additional rows if needed)					
Type and Location of P2 Practices and Controls	**Conditions Requiring Routine Maintenance?[1]**	**If "Yes," How Many Times (Including This Occurrence) Has This Condition Been Identified?**	**Conditions Requiring Corrective Action?[2, 3]**	**Date on Which Condition First Observed (If Applicable)?**	**Description of Conditions Observed**
1.	☐ Yes ☐ No		☐ Yes ☐ No		
2.	☐ Yes ☐ No		☐ Yes ☐ No		
3.	☐ Yes ☐ No		☐ Yes ☐ No		
4.	☐ Yes ☐ No		☐ Yes ☐ No		
5.	☐ Yes ☐ No		☐ Yes ☐ No		
If the same routine maintenance was found to be necessary three or more times for the same control at the same location (including this occurrence), follow the corrective action requirements and record the required information in your corrective action log, or describe here why you believe the specific condition should still be addressed as routine maintenance:					

Section D – Stabilization of Exposed Soil (CGP Part 2.2.14) (Insert additional rows if needed)					
Specific Location That Has Been or Will Be Stabilized	**Stabilization Method and Applicable Deadline**	**Stabilization Initiated?**	**Final Stabilization Criteria Met?**	**Final Stabilization Photos Taken?**	**Notes**
1.		☐ Yes ☐ No If "Yes," date initiated:	☐ Yes ☐ No If "Yes," date criteria met:	☐ Yes ☐ No	
2.		☐ Yes ☐ No If "Yes," date initiated:	☐ Yes ☐ No If "Yes," date criteria met:	☐ Yes ☐ No	
3.		☐ Yes ☐ No If "Yes," date initiated:	☐ Yes ☐ No If "Yes," date criteria met:	☐ Yes ☐ No	
4.		☐ Yes ☐ No If "Yes," date initiated:	☐ Yes ☐ No If "Yes," date criteria met:	☐ Yes ☐ No	
5.		☐ Yes ☐ No If "Yes," date initiated:	☐ Yes ☐ No If "Yes," date criteria met:	☐ Yes ☐ No	

Section E – Description of Discharges (CGP Part 4.6.2)

(Insert additional rows if needed)

Was a discharge (not including dewatering) occurring from any part of your site at the time of the inspection?[4] ☐ Yes ☐ No

If "Yes," for each point of discharge, document the following:

- The visual quality of the discharge.
- The characteristics of the discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants.
- Signs of the above pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.

Discharge Location	Observations
1.	
2.	
3.	
4.	
5.	

[4] If a dewatering discharge was occurring, you must conduct a dewatering inspection pursuant to CGP Part 4.3.2 and complete a separate dewatering inspection report.

Section F – Signature and Certification (CGP Part 4.7.2)	
"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 gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained 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."	
MANDATORY: Signature of Operator or "Duly Authorized Representative:"	
Signature:	**Date:**
Printed Name:	**Affiliation:**
OPTIONAL: Signature of Contractor or Subcontractor	
Signature:	**Date:**
Printed Name:	**Affiliation:**

General Tips for Using This Template

This Site Inspection Report Template is provided to assist you in preparing site inspection reports for EPA's 2022 Construction General Permit (CGP). If you are covered under the 2022 CGP, you can use this template to create a site inspection report form that is customized to the specific circumstances of your site and that complies with the minimum reporting requirements of Part 4.7 of the permit. Note that the use of this form is optional; you may use your own site inspection report form provided it includes the minimum information required in Part 4.7 of the CGP.

This template does not address the CGP's inspection reporting requirements related to dewatering activities. A separate inspection template has been developed specifically for dewatering activities and is available at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates.

Keep in mind that this document is a template and not an "off-the-shelf" inspection report that is ready to use without some modification. You must first customize this form to include the specifics of your project in order for it to be useable for your inspection reports. Once you have entered all of your site-specific information into the blank fields, you may use this form to complete inspection reports.

The following tips for using this template will help you ensure that the minimum permit requirements are met:

- **Review the inspection requirements.** Before you start developing your inspection report form, read the CGP's Part 4 inspection requirements. This will ensure that you have a working understanding of the permit's underlying inspection requirements.
- **Complete all required blank fields.** Fill out all blank fields. Only by filling out all fields will the template be compliant with the requirements of the permit. (Note: Where you do not need the number of rows provided in the template form for your inspection, you may delete these or cross them off as you see fit. Or, if you need more space to document your findings, you may insert additional rows in the electronic version of this form or use the bottom of the page in the field version of this form.)
- **Use your site map to document inspection findings.** In several places in the template, you are directed to specify the location of certain features of your site, including where stormwater controls are installed and where you will be stabilizing exposed soil. You are also asked to fill in location information for unsafe conditions and the locations of any discharges occurring during your inspections. Where you are asked for location information, EPA encourages you to reference the point on your SWPPP site map that corresponds to the requested location on the inspection form. Using the site map as a tool in this way will help you conduct efficient inspections, will assist you in evaluating problems found, and will ensure proper documentation.
- **Complete the inspection report within 24 hours of completing a site inspection.** You must complete an inspection report in accordance with Part 4.7.1 of the CGP.
- **Include the inspection form with your SWPPP.** Once your form is complete, make sure to include a copy of the inspection form in your SWPPP in accordance with Part 7.2.7.e of the CGP.
- **Retain copies of all inspection reports with your records.** You must also retain in your records copies of all inspection reports in accordance with the requirements in Part 4.7.3 of the CGP. These reports must be retained for at least 3 years from the date your permit coverage expires or is terminated in accordance with the requirements in Part 4.7.4 of the CGP.

Instructions for Section A

Inspector Name

Enter the name of the person that conducted the inspection. Include the person's contact information (title, affiliated company name, address, email, and phone number).

Inspection Date and Time

Enter the date you performed the inspection and the time you started and ended the inspection.

Weather Conditions During Inspection

Enter the weather conditions occurring during the inspection, e.g., sunny, overcast, light rain, heavy rain, snowing, icy, windy.

Current Phase of Construction
If this project is being completed in more than one phase, indicate which phase it is currently in.

Inspection Location
If your project has multiple locations where you conduct separate inspections, specify the location where this inspection is being conducted. If only one inspection is conducted for your entire project, enter "Entire Site." If necessary, complete additional inspection report forms for each separate inspection location.

Unsafe Conditions for Inspection (CGP Part 4.5.7)
Inspections are not required where a portion of the site or the entire site is subject to unsafe conditions. These conditions should not regularly occur and should not be consistently present on a site. Generally, unsafe conditions are those that render the site (or a portion of it) inaccessible or that would pose a significant probability of injury to applicable personnel. Examples could include severe storm or flood conditions, high winds, and downed electrical wires.

If your site, or a portion of it, is affected by unsafe conditions during the time of your inspection, provide a description of the conditions that prevented you from conducting the inspection and what parts of the site were affected. If the entire site was considered unsafe, specify the location as "Entire Site."

Inspection Frequency
Check all the inspection frequencies that apply to your project. Note that you may be subject to different inspection frequencies in different areas of your site.

Inspection Triggered by a Storm Event
If you were required to conduct this inspection because of a storm event that produced 0.25 inches or more of rain within a 24-hour period, indicate whether you relied on an on-site rain gauge or a nearby weather station (and where the weather station is located). Also, specify the total amount of rainfall for this specific storm event.

If you were required to conduct this inspection because of a snowmelt discharge from a storm event that produced 3.25 inches or more of snow within a 24-hour period, then indicate whether you relied on an on-site measurement or a nearby weather station (and where the weather station is located). Also, specify the total amount of snowfall for this specific storm event.

Instructions for Section B

Type and Location of Erosion and Sediment (E&S) Controls
Provide a list of all erosion and sediment (E&S) controls that your SWPPP indicates will be installed and implemented at your site. This list must include at a minimum all E&S controls required by CGP Part 2.2. Include also any natural buffers established under CGP Part 2.2.1. Buffer requirements apply if your project's earth-disturbing activities will occur within 50 feet of a discharge to receiving water. You may group your E&S controls on your form if you have several of the same type of controls (e.g., you may group "Inlet Protection Measures," "Perimeter Controls," and "Stockpile Controls" together on one line), but if there are any problems with a specific control, you must separately identify the location of the control, whether routine maintenance or corrective action is necessary, and in the notes section you must describe the specifics about the problem you observed.

Conditions Requiring Routine Maintenance?
Answer "Yes" if the E&S control requires routine maintenance as defined in footnote 1 of this template. Note that in many cases, "Yes" answers are expected and indicate a project with an active operation and maintenance program. You should also answer "Yes" if work to fix the problem is still ongoing from the previous inspection, though necessary work must be initiated immediately and completed by the end of the next business day or within seven calendar days if documented in accordance with CGP Part 2.1.4.b.

If "Yes," How Many Times (Including this Occurrence) Has this Condition Been Identified?
Indicate how many times the routine maintenance has been required for the same control at the same location.

Conditions Requiring Corrective Action?
Answer "Yes" if you found any of the conditions listed in footnote 2 in this template to be present during your inspection (CGP Part 5.1). If you answer "Yes," you must take corrective action and complete a corrective action log, found at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates. You should also answer "Yes" if work to fix the problem from a previous inspection is still ongoing, though the operator must comply with the corrective action deadlines in CGP Part 5.2.

Date on Which Condition First Observed (If Applicable)?
Provide the date on which the condition that triggered the need for routine maintenance or corrective action was first identified. If the condition was just discovered during this inspection, enter the inspection date. If the condition is a carryover from a previous inspection, enter the original date of the condition's discovery.

Description of Conditions Observed
For each E&S control and the area immediately surrounding it, describe whether the control is properly installed and whether it appears to be working to minimize sediment discharge. Indicate also whether a new or modified control is necessary to comply with the permit. Describe any problem condition(s) you observed such as the following:

1. Failure to install or to properly install a required E&S control
2. Damage or destruction to an E&S control caused by vehicles, equipment, or personnel, a storm event, or other event
3. Mud or sediment deposits found downslope from E&S controls, including in receiving waters, or on nearby streets, curbs, or open conveyance channels
4. Sediment tracked out onto paved areas by vehicles leaving construction site
5. Noticeable erosion or sedimentation at discharge outlets or at adjacent streambanks or channels
6. Erosion of the site's sloped areas (e.g., formation of rills or gullies)
7. E&S control is no longer working due to lack of maintenance
8. Other incidents of noncompliance

Describe also why you think the problem condition(s) occurred as well as actions (e.g., routine maintenance or corrective action) you will take or have taken to fix the problem.

For buffer areas, make note of whether they are marked off as required, whether there are signs of construction disturbance within the buffer, which is prohibited under the CGP, and whether there are visible signs of erosion resulting from discharges through the area.

If routine maintenance or corrective action is required, briefly note the reason. If routine maintenance or corrective action has been completed, make a note of the date it was completed and what was done. *If corrective action is required, note that you will need to complete a separate corrective action log describing the condition and your work to fix the problem*.

Routine Maintenance Need Has Been Found to be Necessary Three (3) or More Times for the Same Control at the Same Location (Including this Occurrence)
If routine maintenance has been required three (3) or more times for the same control at the same location, the permit requires (CGP Part 2.1.4.c) you to fix the problem using the corrective action procedures in CGP Part 5 or to document why you believe the reoccurring problem can be addressed as a routine maintenance fix. If you believe the problem can continue to be fixed as routine maintenance, describe why you believe the specific condition should still be addressed as routine maintenance.

Instructions for Section C

Type and Location of Pollution Prevention (P2) Practices and Controls
Provide a list of all pollution prevention (P2) practices and controls that are implemented at your site. This list must include all P2 practices and controls required by CGP Part 2.3 and those that are described in your SWPPP.

Conditions Requiring Routine Maintenance?
Answer "Yes" if the P2 practice or control requires routine maintenance as defined in footnote 1of this template. Note that in many cases, "Yes" answers are expected and indicate a project with an active operation and maintenance program. You should also answer "Yes" if work to fix the problem is still ongoing

from the previous inspection, though necessary work must be initiated immediately and completed by the end of the next business day or within seven calendar days if documented in accordance with CGP Part 2.1.4.b.

If "Yes," How Many Times (Including this Occurrence) Has this Condition Been Identified?
Indicate how many times the routine maintenance has been required for the same practice or control at the same location.

Conditions Requiring Corrective Action?
Answer "Yes" if you found any of the conditions listed in footnote 2 in this template to be present during your inspection (CGP Part 5.1). If you answer "Yes," you must take corrective action and complete a corrective action log, found at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates. You should also answer "Yes" if work to fix the problem from a previous inspection is still ongoing, though the operator must comply with the corrective action deadlines in CGP Part 5.2.

Date on Which Condition First Observed (If Applicable)?
Provide the date on which the condition that triggered the need for maintenance or corrective action was first identified. If the condition was just discovered during this inspection, enter the inspection date. If the condition is a carryover from a previous inspection, enter the original date of the condition's discovery.

Description of Conditions Observed
For each P2 control and the area immediately surrounding it, describe whether the control is properly installed, and whether it appears to be working to minimize or eliminate pollutant discharges. Indicate also whether a new or modified control is necessary to comply with the permit. Describe any problem condition(s) you observed such as the following:

1. Failure to install or to properly install a required P2 control
2. Damage or destruction to a P2 control caused by vehicles, equipment, or personnel, or a storm event
3. Evidence of a spill, leak, or other type of pollutant discharge, or failure to have properly cleaned up a previous spill, leak, or other type of pollutant discharge
4. Spill response supplies are absent, insufficient, or not where they are supposed to be located
5. Improper storage, handling, or disposal of chemicals, building materials or products, fuels, or wastes
6. P2 control is no longer working due to lack of maintenance
7. Other incidents of noncompliance

Describe also why you think the problem condition(s) occurred as well as actions (e.g., routine maintenance or corrective action) you will take or have taken to fix the problem.

If routine maintenance or corrective action is required, briefly note the reason. If routine maintenance or corrective action has been completed, make a note of the date it was completed and what was done. *If corrective action is required, note that you will need to complete a separate corrective action log describing the condition and your work to fix the problem*.

Routine Maintenance Need Was Found to be Necessary Three (3) or More Times for the Same Control at the Same Location (Including this Occurrence)
If routine maintenance has been required three (3) or more times for the same control at the same location, the permit requires (CGP Part 2.1.4.c) you to fix the problem using the corrective action procedures in CGP Part 5 or to document why you believe the reoccurring problem can be addressed as a routine maintenance fix. If you believe the problem can continue to be fixed as routine maintenance, describe why you believe the specific condition should still be addressed as routine maintenance.

Instructions for Section D

Specific Location That Has Been or Will Be Stabilized
List all areas where soil stabilization is required to begin because construction work in that area has permanently stopped or temporarily stopped (i.e., work will stop for 14 or more days), and all areas where stabilization has been implemented (CGP Part 2.2.14).

Stabilization Method and Applicable Deadline
For each area, specify the method of stabilization (e.g., hydroseed, sod, planted vegetation, erosion control blanket, mulch, rock).

Specify also which of the following stabilization deadlines apply to this location:

1. 5 acres or less of land disturbance occurring at any one time at site: Complete no later than 14 calendar days after stabilization initiated.
2. More than 5 acres of land disturbance occurring at any one time at site: Complete no later than 7 calendar days after stabilization initiated.
3. Arid, semi-arid, and drought-stricken areas: See CGP Part 2.2.14.b.i.
4. Unforeseen circumstances: See CGP Part 2.2.14.b.ii.
5. Discharges to a sediment- or nutrient-impaired water or to a water identified as Tier 2, 2.5, or 3 for antidegradation purposes: Complete no later than 7 days after stabilization initiated.

Stabilization Initiated?
For each area, indicate whether stabilization has been initiated. If "Yes," then enter the date stabilization was initiated.

Final Stabilization Criteria Met?
For each area, indicate whether the final stabilization criteria in CGP Part 2.2.14.c have been met. If "Yes," then enter the date final stabilization criteria were met.

Final Stabilization Photos Taken?
Answer "Yes" if you have taken photos before and after meeting the stabilization criteria as required in CGP Part 8.2.1.a.

Notes
For each area where stabilization has been initiated, describe the progress that has been made and what additional actions are necessary to complete stabilization. Note the effectiveness of stabilization in preventing erosion. If stabilization has been initiated but not completed, make a note of the date it is to be completed. If stabilization has been completed, make a note of the date it was completed. If stabilization has not yet been initiated, make a note of the date it is to be initiated and the date it is to be completed.

Instructions for Section E

You are only required to complete this section if a discharge is occurring at the time of the inspection (CGP Part 4.6.2).

Was a discharge (not including dewatering) occurring from any part of your site at the time of the inspection?
During your inspection, examine all points of discharge from your site, and determine whether a discharge is occurring. If a dewatering discharge was occurring, you must conduct a dewatering inspection pursuant to CGP Part 4.3.2. If there is a discharge, answer "Yes" and complete the questions below regarding the specific discharge. If there is not a discharge, answer "No" and skip to the next page.

Discharge Location (Repeat as necessary if there are multiple points of discharge.)
Specify the location on your site where the discharge is occurring. The location may be an outlet from a stormwater control or constructed stormwater channel, a discharge into a storm sewer inlet, or a specific point on the site. Be as specific as possible; it is recommended that you refer to a precise point on your site map.

Observations
Document the visual quality of the discharge and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oily sheen; and other indicators of stormwater pollutants. Also, document signs of these same pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.

Instructions for Section F

Each inspection report must be signed and certified to be considered complete (CGP Part 4.7.2).

Operator or "Duly Authorized Representative" – MANDATORY (CGP Appendix G Part G.11.2 and CGP Appendix H Section X)

At a minimum, the site inspection report must be signed by either (1) the person who signed the NOI, or (2) a duly authorized representative of that person. The following requirements apply:

If the signatory will be the person who signed the NOI for permit coverage, as a reminder, that person must be one of the following types of individuals:

- *For a corporation*: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- *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. For purposes of this subsection, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

If the signatory will be a duly authorized representative, the following requirements must be met:

- The authorization is made in writing by the person who signed the NOI (see above);
- 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, 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
- The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

Sign, date and print your name and affiliation.

Contractor or Subcontractor - OPTIONAL

Where you rely on a contractor or subcontractor to complete the site inspection report, you should consider requiring the individual(s) to sign and certify each report. Note that this does not relieve you, the permitted operator, of the requirement to sign and certify the site inspection report as well. If applicable, sign, date, and print your name and affiliation.

Note

While EPA has made every effort to ensure the accuracy of all instructions contained in this template, it is the permit, not this template, that determines the actual obligations of regulated construction stormwater discharges. In the event of a conflict between this template and any corresponding provision of the CGP, you must abide by the requirements in the permit. EPA welcomes comments on this Site Inspection Report Template at any time and will consider those comments in any future revision. You may contact EPA for CGP-related inquiries at cgp@epa.gov

Appendix E – Copy of Corrective Action Log

2022 CGP Corrective Action Log

Project Name: _____

NPDES ID Number: _____

Section A – Individual Completing this Log	
Name:	**Title:**
Company Name:	**Email:**
Address:	**Phone Number:**
Section B – Details of the Problem (CGP Part 5.4.1.a) Complete this section within 24 hours of discovering the condition that triggered corrective action.	
Date problem was first identified:	**Time problem was first identified**:
What site conditions triggered this corrective action? *(Check the box that applies. See instructions for a description of each triggering condition (1 thru 6).)* ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5a ☐ 5b ☐ 6	
Specific location where problem identified:	
Provide a description of the specific condition that triggered the need for corrective action and the cause (if identifiable):	
Section C – Corrective Action Completion (CGP Part 5.4.1.b) Complete this section within 24 hours after completing the corrective action.	
For site condition # 1, 2, 3, 4, or 6 (those not related to a dewatering discharge) confirm that you met the following deadlines (CGP Part 5.2.1):	
☐ Immediately took all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events. **AND**	
☐ Completed corrective action by the close of the next business day, unless a new or replacement control, or significant repair, was required. **OR**	
☐ Completed corrective action within seven (7) calendar days from the time of discovery because a new or replacement control, or significant repair, was necessary to complete the installation of the new or modified control or complete the repair. **OR**	
☐ It was infeasible to complete the installation or repair within 7 calendar days from the time of discovery. Provide the following additional information: Explain why 7 calendar days was infeasible to complete the installation or repair:	
Provide your schedule for installing the stormwater control and making it operational as soon as feasible after the 7 calendar days:	

For site condition # 5a, 5b, or 6 (those related to a dewatering discharge), confirm that you met the following deadlines:

- ☐ Immediately took all reasonable steps to minimize or prevent the discharge of pollutants until a solution could be implemented, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition taking safety considerations into account.
- ☐ Determined whether the dewatering controls were operating effectively and whether they were causing the conditions.
- ☐ Made any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

Describe any modification(s) made as part of corrective action: (Insert additional rows below if applicable)	**Date of completion:**	**SWPPP update necessary?**	**If yes, date SWPPP was updated:**
1.		☐ Yes ☐ No	
2.		☐ Yes ☐ No	

Section D - Signature and Certification (CGP Part 5.4.2)

"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 gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained 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."

MANDATORY: Signature of Operator or "Duly Authorized Representative:"	
Signature:	**Date:**
Printed Name:	**Affiliation:**
OPTIONAL: Signature of Contractor or Subcontractor	
Signature:	**Date:**
Printed Name:	**Affiliation:**

General Instructions

This Corrective Action Log Template is provided to assist you creating a corrective action log that complies with the minimum reporting requirements of Part 5.4 of the EPA's Construction General Permit (CGP). For each triggering condition on your site, you will need to fill out a separate corrective action log.

The entire form must be completed to be compliant with the requirements of the permit. (Note: In Section C, if you do not need the number of rows provided in the corrective action log, you may delete these or cross them off. Alternatively, if you need more space to describe any modifications, you may insert additional rows in the electronic version of this form or use the bottom of the page in the field version of this form.)

If you are covered under a State CGP, this template may be helpful in developing a log that can be used for that permit; however, you will likely need to modify this form to meet the specific requirements of any State-issued permit. If your permitting authority requires you to use a specific corrective action log, you should not use this template.

Instructions for Section A

Individual completing this form Enter the name of the person completing this log. Include the person's contact information (title, affiliated company name, address, email, and phone number).

Instructions for Section B

You must complete Section B within 24 hours of discovering the condition that triggered corrective action. (CGP Part 5.4)

When was the problem first discovered?
Specify the date and time when the triggering condition was first discovered.

What site conditions triggered this corrective action? (CGP Parts 5.1 and 5.3)
Check the box corresponding to the numbered triggering condition below that applies to your site.

1. A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4c, you find it necessary to repeatedly (i.e., 3 or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part 2.1.4);
2. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly;
3. Your discharges are not meeting applicable water quality standards;
4. A prohibited discharge has occurred (see Part 1.3);
5. During discharge from site dewatering activities:
   a. The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part 3.3.2b); or
   b. You observe or you are informed by EPA, State, or local authorities of the presence of any of the following at the point of discharge to a receiving water flowing through or immediately adjacent to your site and/or to constructed or natural site drainage features or storm drain inlets:
      - sediment plume
      - suspended solids
      - unusual color
      - presence of odor
      - decreased clarity
      - presence of foam
      - visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water
6. EPA requires corrective action as a result of permit violations found during an inspection carried out under Part 4.8.

Provide a description of the problem (CGP Part 5.4.1.a)

Provide a summary description of the condition you found that triggered corrective action, the cause of the problem (if identifiable), and the specific location where it was found. Be as specific as possible about the location; it is recommended that you refer to a precise point on your site map.

Instructions for Section C

You must complete Section C within 24 hours after completing the correction action. (CGP Part 5.4)

Deadlines for completing corrective action for condition # 1, 2, 3, 4, or 6 (if not relating to a dewatering discharge) (CGP Part 5.2.1)
Check the box to confirm that you met the deadlines that apply to each triggering condition. You are always required to check the first box (i.e., Immediately took all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events.). Only one of the next three boxes should be checked depending on the situation that applies to this corrective action.

Check the second box if the corrective action for this particular triggering condition does not require a new or replacement control, or a significant repair. These actions must be completed by the close of the next business day from the time of discovery of the condition.

Check the third box if the corrective action for this particular triggering condition requires a new or replacement control, or a significant repair. These actions must be completed by no later than seven calendar days from the time of discover of the condition.

Check the fourth box if the corrective action for this particular triggering condition requires a new or replacement control, or a significant repair, and if it is infeasible to complete the work within seven calendar days. Additionally, you will need to fill out the table below the checkbox that requires:

1. An explanation as to why it was infeasible to complete the installation or repair within seven calendar days of discovering the condition.
2. Provide the schedule you will adhere to for installing the stormwater control and making it operational as soon as feasible after the seventh day following discovery.

Note: Per Part 5.2.1.c, where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven calendar days of completing this work.

Deadlines for completing corrective action for condition # 5a, 5b, or 6 related to a dewatering discharge (CGP Part 5.2.2)
These deadlines apply to conditions relating to construction dewatering activities. Check the box to confirm that you met the deadlines that apply to each triggering condition. You are required to check all of the boxes in this section to indicate your compliance with the corrective action deadlines.

List of modification(s) to correct problem
Provide a list of modifications you completed to correct the problem.

Date of completion
Enter the date you completed the modification. The work must be completed by the deadline you indicated above.

SWPPP update necessary?
Check "Yes" or "No" to indicate if a SWPPP update is necessary consistent with Part 7.4.1.a in order to reflect changes implemented at your site. If "Yes," then enter the date you updated your SWPPP. The SWPPP updates must be made within seven calendar days of completing a corrective action. (CGP Part 5.2.1.c)

Instructions for Section D

Each corrective action log entry must be signed and certified following completion of Section D to be considered complete. (CGP Part 5.4.2)

Operator or "Duly Authorized Representative" – MANDATORY (CGP Appendix G Part G.11.2 and CGP Appendix H Section X)
At a minimum, the corrective action log must be signed by either (1) the person who signed the NOI, or (2) a duly authorized representative of that person. The following requirements apply:

If the signatory will be the person who signed the NOI for permit coverage, as a reminder, that person must be one of the following types of individuals:

- *For a corporation*: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- *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. For purposes of this subsection, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

If the signatory will be a duly authorized representative, the following requirements must be met:

- The authorization is made in writing by the person who signed the NOI (see above);
- 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, 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
- The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

Sign, date and print your name and affiliation.

Contractor or Subcontractor - OPTIONAL

Where you rely on a contractor or subcontractor to complete this log and the associated corrective action, you should consider requiring the individual(s) to sign and certify each log entry. Note that this does not relieve you, the permitted operator, of the requirement to sign and certify the log as well. If applicable, sign, date, and print your name and affiliation.

Recordkeeping

Logs must be retained for at least 3 years from the date your permit coverage expires or is terminated. (CGP Part 5.4.4)

Keep copies of your signed corrective action log entries at the site or at an easily accessible location so that it can be made immediately available at the time of an on-site inspection or upon request by EPA. (CGP Part 5.4.3) Include a copy of the corrective action log in your SWPPP. (CGP Part 7.2.7.e)

Note

While EPA has made every effort to ensure the accuracy of all instructions contained in this template, it is the permit, not this template, that determines the actual obligations of regulated construction stormwater discharges. In the event of a conflict between this template and any corresponding provision of the CGP, you must abide by the requirements in the permit. EPA welcomes comments on this Corrective Action Log Template at any time and will consider those comments in any future revision. You may contact EPA for CGP-related inquiries at cgp@epa.gov

Appendix F – SWPPP Amendment Log

Instructions (see CGP Part 7.4):

- Create a log here of changes and updates to the SWPPP. You may use the table below to track these modifications.
- SWPPP modifications are required pursuant to CGP Part 7.4.1 in the following circumstances:
  - ✓ Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP (this includes changes made in response to corrective actions triggered under CGP Part 5);
  - ✓ To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
  - ✓ If inspections or investigations determine that SWPPP modifications are necessary for compliance with this permit;
  - ✓ Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet requirements of the permit;
  - ✓ To reflect any revisions to applicable Federal, State, Tribal, or local requirements that affect the stormwater control measures implemented at the site; and
  - ✓ If applicable, if a change in chemical treatment systems or chemically-enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]
1	Prepared draft of SWPPP in accordance with CGP Part 7	6/23/2025	Parametrix
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	

Appendix G – Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN

Project Number: _____

Project Title: _____

Operator(s): _____

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the practices described in the SWPPP.

This certification is hereby signed in reference to the above named project:

Company: _____

Address: _____

Telephone Number: _____

Type of construction service to be provided: _____

_____

_____

Signature: _____

Title: _____

Date: _____

Appendix H – Grading and Stabilization Activities Log

Date Grading Activity Initiated	**Description of Grading Activity**	**Description of Stabilization Measure and Location**	**Date Grading Activity Ceased** (Indicate Temporary or Permanent)	**Date When Stabilization Measures Initiated**
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE

Appendix I – Training Documentation

Stormwater Pollution Prevention Plan Training Documentation

I-5 4th Street Corridor Improvements

The content of the training includes:

- Review of the Construction General Permit (CGP):
    - Ensure understanding of requirements and deadlines associated with installation, maintenance, and removal of stormwater controls, as well as site stabilization;
- Review of the Stormwater Pollution Prevention Plan (SWPPP):
    - Ensure understanding of location of all stormwater controls on the site required by the CGP and how they are maintained;
    - Review proper procedures to follow with respect to CGP pollution prevention requirements;
    - Ensure understand of when and how to conduct inspections, record applicable findings, and take corrective actions.

Trainees:

Name	Date

Appendix J – Delegation of Authority Form

Delegation of Authority

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the EPA's Construction General Permit (CGP), at the _____ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

_____ (name of person or position)
_____ (company)
_____ (address)
_____ (city, State, zip)
_____ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix G of EPA's CGP, and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix G.

I certify under penalty of law that this document and all Appendices were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

Appendix K – Endangered Species Documentation

Appendix D - Eligibility Worksheet Relating to Threatened and Endangered Species Protection

D.1 Introduction

This appendix provides a printable worksheet that can be helpful in selecting and documenting your eligibility criteria with respect to the protection of Federally listed threatened or endangered species and Federally designated "critical habitat" under the Endangered Species Act (ESA) [hereinafter "ESA-listed species and designated critical habitat(s)"] from discharges and discharge-related activities authorized under this permit. This is important because Section 9 of the ESA prohibits all persons and agencies from "taking" threatened and endangered species (16 U.S.C. § 1532(19)).

While coordination between you and the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) (together, referred to as the "Services") may not be required in all cases, EPA encourages you to coordinate with the Services, to document that coordination, and to do so early in the planning process prior to submitting your NOI.

D.2 Certifying ESA Eligibility Criterion for the CGP

To be eligible for coverage under the CGP, you must certify that you meet one of the criteria listed in this worksheet (Section D.5), which is then submitted with your NOI for coverage under this permit. If you do not meet one of the ESA eligibility criteria outlined in the worksheet below, you are not eligible for coverage under this permit. These criteria ensure that coverage is available only for discharges and discharge-related activities that (1) avoid or eliminate any short- or long-term adverse effects to ESA-listed species and designated critical habitat(s), or (2) may result in any short- or long-term adverse effects that result in incidental take addressed under the incidental take statement of a biological opinion or permit for take issued under Section 10 of the ESA.

As part of your determination of eligibility, EPA has developed a worksheet that assists operators in arriving at the correct criterion. The following requirements apply to the completion of the worksheet depending on how you are submitting your NOI for permit coverage:

1. If the EPA Regional Office grants you a waiver from electronic reporting, in accordance with Part 1.1.5 of the CGP, you must complete the worksheet in section D.4 of this appendix to provide all information as required on your NOI that supports the eligibility criterion you qualify under per Part 1.1.5 of the permit. **You must submit the worksheet with your NOI. If you do not submit the worksheet with your NOI, your NOI will be considered incomplete.**
2. If you do not have a waiver from electronic reporting, you must **complete your eligibility criteria selection outlined in the Endangered Species Protection section of the NOI in the NPDES eReporting Tool (NeT-CGP)** and provide all information as required on your NOI that supports the eligibility criterion you qualify under per Part 1.1.5 of the permit. The printable worksheet in this appendix may be helpful to you in preparing to submit your NOI, but you do not have to use it.

D.3 What to Expect Once you Submit your NOI

After you submit your NOI and before your NOI is authorized, EPA may notify you if any additional controls are necessary to ensure your discharges are not likely to result in any short- or long-term adverse effects on ESA-listed species and critical habitat.

The Services have the opportunity, within 14 days of submission of the NOI, to advise EPA whether either agency believes the planned discharges meet the selected eligibility criterion; whether the eligibility criterion could be met with additional conditions; or whether the eligibility criterion is not met. With respect to ESA issues, EPA recognizes the Services' expertise and will carefully consider their conclusion(s) in identifying eligibility for authorization, either with or without additional conditions. In the event EPA has placed a hold on your NOI based on NMFS or USFWS' recommendation, EPA will notify you as to whether your discharges are authorized or whether an individual permit will be required. If you do not hear from EPA within 14 days, you may assume that your discharge is authorized without further conditions.

D.4 Worksheet Instructions

Follow the instructions within the worksheet below to determine which criterion you are eligible for coverage under this permit. Check only 1 criterion, answer the required questions, and include the required information**.**

Please keep the following in mind as you complete the worksheet:

- The worksheet requires that you answer questions in a sequential order so that you can select the correct eligibility criterion. The worksheet does not go through each criterion alphabetically, but rather is organized in a way that allows you to eliminate those criteria that do not apply to your site. For instance, Step 1 of the worksheet requires you to determine whether criterion B, E, or F applies first, in that order, before proceeding to determining whether criterion A applies in Step 2.
- You must consider ESA-listed species and/or designated critical habitat(s) under the jurisdiction of both the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) and select the criterion that best applies to your site. You must comply with any applicable terms, conditions, or other requirements developed in theprocess of meeting one of the eligibility criteria in this section to remain eligible for coverage under this permit.
- When evaluating the potential effects of your activities, you must consider effects to listed species or critical habitats within the "action area" of your construction activity, as identified by the USFWS IPaC and/or the NOAA website resources on page D-10 through D-11 of this appendix. Please Note: *NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.* The definition of "action area," which is contained in Appendix A, is repeated below forconvenience.

"Action Area" – all areas to be affected directly or indirectly by the federal action and not merely theimmediate area involved in the action. See 50 CFR part 402. For the purposes of this permit and for application of the Endangered Species Act requirements, the following areas are included in the definition of action area:

- The **areas on the construction site** where stormwater discharges originate and flow toward the point of discharge into the receiving waters. This includes:
  - areas on the construction site where excavation, site development, or other ground disturbance activities occur, and
  - areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls.
- The areas **in the vicinity of the construction site** where stormwater discharges flow from the construction site to one or more points of discharge into receiving waters. (Example: Where stormwater flows into an off-site ditch, swale, or gully that leads to receiving waters.)
- **The extent of the receiving water** potentially affected by stormwater discharges from your construction site through alteration of water chemistry, turbidity, temperature, or bank structure (i.e., erosive flow), regardless of whether the construction site is adjacent to the receiving water.

D.5 Worksheet

Step 1 – Determine if You Meet the Eligibility Requirements of Criterion B, E, or F

Instructions

- First determine whether you are eligible under Criterion B by reviewing the eligibility requirements below.
- If you determine that your facility does not meet Criterion B (e.g., due to difference in action area described, lack of analysis of appropriate effects, new listings or designation of critical habitat), proceed to check if you meet the requirements for Criterion E or F.

Criterion B Eligibility Requirements

If your discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility under the current 2022 CGP that included your action area (e.g., a general contractor or developer may have completed and filed an NOI for the entire action area with the necessary ESA certifications (Criterion A, C, D, E, or F)), you may be eligible under Criterion B. In order to be eligible for coverage, you must confirm that **all** three of the following are true (**check all that apply**):

☐ I have confirmed that the other operator's certification of eligibility accounted for my action area and that the eligibility certification was valid.

☐ There has been no lapse of NPDES permit coverage in the other operator's certification.

☐ I will comply with all measures that formed the basis of the other operator's valid certification of eligibility.

Instructions

- **If all three of the above are true, you may check Criterion B below and answer questions B1-B5, and if applicable, B6-B7.**
- **If any of the above are not true** (for example, if there are any listed species in your action area that were not addressed in the other operator's certification, you are not eligible under Criterion B)**, you may not select Criterion B and must proceed to check if you meet the requirements for Criterion E or F.**

☐ **B Eligibility requirements met by another operator under the 2022 CGP.** The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2022 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the

that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include below the NPDES ID from the other 2022 CGP operator's notification of authorization under this permit and list any measures that you must comply with). If your certification is based on another 2022 CGP operator's certification under Criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C.

B1. Provide the NPDES ID from the other CGP operator's NOI authorized under this permit:

_ _ _ _ _ _ _ _ _ _

B2. Identify the eligibility criterion of the other CGP operator's NOI? (check only one)

☐ A ☐ C ☐ D ☐ E ☐ F

B3. Provide the authorization date of the other CGP operator's NOI (MM/DD/YYYY):

_ _ / _ _ / _ _ _ _

By certifying eligibility under Criterion B, you must comply with any terms and conditions imposed under the eligibility requirements of the criterion for which the other operator has established eligibility (either Criterion A, C, D, E, or F) to ensure that your discharges and discharge-related activities are protective of listed species and/or critical habitat. *Note: If you are unable to meet these eligibility requirements, then you may either establish eligibility under one of the other criteria, or you may consider applying to EPA for an individual permit.*

B4. List any measures that formed the basis of the other operator's valid certification of eligibility that you will comply with (or enter "N/A" if none exist):

B5. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion B, including any of the terms and conditions, as well as the other operator's basis for establishing eligibility. Yes ☐

If your certification is based on another operator's certification under Criterion C, you must provide the following:

B6. What Federally listed species and/or designated habitat are located in your "action area"? (attached separate sheet if necessary)

B7. What is the distance between your site and the listed species or designated critical habitat (in miles)? _____

Instructions

- **If you selected Criterion B above and answered questions B1-B5, and if applicable, B6-B7, you are done with this worksheet. If you are *not* filing electronically, you must submit this worksheet with your NOI.**
- If you are not eligible under Criterion B, proceed to check if you meet the requirements for Criterion E or F.





Criterion E Eligibility Requirements

If consultation under ESA section 7 has concluded, you may be eligible for coverage under Criterion E. In order to be eligible for coverage under Criterion E, **you must confirm that both of the following are true (check all that apply)**:

☐ A consultation between a Federal agency and USFWS and/or the NMFS under section 7 of the ESA has concluded**.** Consultations can be either formal or informal, and would have occurred only as a result of a separate Federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and the consultation must have addressed the effects of your construction activity's discharges and discharge-related activities on all ESA-listed threatened or endangered species and all designated critical habitat under the jurisdiction of each Service, as appropriate, in your action area. The result of this consultation must be either:

i. A biological opinion currently in effect that determined that the action in question (taking into account the effects of your facility's discharges and discharge-related activities) is likely to adversely affect, but is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The biological opinion must have included the effects of your facility's discharges[1] and discharge-related activities on all the listed species and designated

[1] Effects of discharge include, but are not limited to, the analysis of the hydrological, chemical, and biological effects of the discharge on listed species, their prey, and their habitat, as well as critical habitat, where designated. For example, the

critical habitat in your action area under the jurisdiction of each Service, as appropriate. To be eligible under (i), any reasonable and prudent measures specified in the incidental take statement must be implemented;

ii. Written concurrence (e.g., letter of concurrence) from the applicable Service(s) with a determination that your facility's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. The concurrence letter must have included the effects of your facility's discharges and discharge-related activities on all the ESA-listed species and/or designated critical habitat on your species list(s) acquired from USFWS and/or NMFS as part of this worksheet.

☐ The consultation does not warrant reinitiation under 50 CFR §402.16; or, if reinitiation of consultation is required (e.g., due to a new species listing, critical habitat designation, or new information), the Federal action agency has reinitiated the consultation and the result of the consultation is consistent with the statements above. Include any reinitiation documentation from the Services or consulting Federal agency with your NOI.

Instructions

- **If both of the above are true, you may check Criterion E below and answer questions E1-E6.**
  - For more information on section 7 consultation, see 50 CFR part 402. If you receive a "jeopardy opinion," you may continue to work with USFWS and/or NMFS and your permitting authority to modify your project so that it will not jeopardize listed species or designated critical habitat.
  - Note that most consultations are accomplished through informal consultation. When conducting informal ESA section 7 consultation as a non-Federal representative, you must follow the procedures found in 50 CFR Part 402 of the ESA regulations. You must notify the Services of your intention and agreement to conduct consultation as a non-Federal representative.
  - Consultation may also occur in the context of another Federal action at the construction site (e.g., where ESA section 7 consultation was performed for issuance of a wetlands dredge and fill permit for the project or where a NEPA review is performed for the project that incorporates a section 7 consultation).
  - Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the SWPPP. As noted above, a Federal operator may, if they wish, initiate consultation with the Services at Step Four. Non-Federal operators may seek technical assistance from the Services at Step 5.
  - Whether ESA section 7 consultation must be performed with either USFWS, NMFS, or both Services depends on the listed species that may be affected by the operator's stormwater discharges. In general, NMFS has jurisdiction over marine, estuarine, and anadromous species. Operators should also be aware that while formal section 7 consultation provides protection from incidental takings liability, informal consultation does not.

- **If not, proceed to check if you meet the requirements for Criterion F.**

effects analysis would have evaluated whether the various pollutants in the discharge (e.g., TSS, metals) would adversely affect listed species through exposure to the pollutants, or to their prey or habitat. Effects that look only at short-term effects unrelated to the stormwater discharge effects to listed species are not sufficient for these purposes.

☐ **E** **ESA Section 7 consultation has successfully concluded.** Consultation between a Federal Agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, **Indicate the result of the consultation**:

☐ Biological opinion and/or conference opinion and incidental take statement currently in effect currently in effect from USFWS and/or NMFS that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of ESA-listed species, nor the destruction or adverse modification of critical habitat;

Or

☐ Written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat.

E1. Identify the federal action agency or agencies involved:

E2. Identify the Service(s) field or regional offices providing the consultation:

E3. Identify any tracking numbers associated with the consultation (e.g., IPaC number, ECO number):

E4. What is the date the consultation was completed? (MM/DD/YYYY) __ __ / __ __ / __ __ __ __

E5. Check to confirm that correspondence with USFWS and/or NMFS documenting the Biological Opinion, conference opinion (IPaC or ECO tracking number) or concurrence is attached. Yes ☐

E6. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion E, including copies of the correspondence between yourself and the Services. Yes ☐

Instructions

- **If you selected Criterion E above and answered questions E1-E6, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**
- If you are not eligible under Criterion E, proceed to check if you meet the requirements for Criterion F.

Criterion F Eligibility Requirements

If your construction activities are the subject of a permit under ESA section 10, and this authorization addresses the effects of your site's discharges and discharge-related activities on ESA-listed species and designated critical habitat in your action area, you may be eligible for coverage under Criterion F. In order to be eligible or coverage under Criterion F, **you must confirm that the following is true:**

☐ A permit or permits issued under section 10 of the ESA specifically address the effects of your facility's discharges and discharge-related activities (if applicable) on all federally-listed species and designated critical habitat in your action area.

Note: You must follow USFWS and/or NMFS procedures when applying for an ESA section 10 permit (see 50 CFR §17.22(b)(1) for USFWS and §222.22 for NMFS). Application instructions for section 10 permits can be obtained from http://www.fws.gov and http://www.nmfs.noaa.gov or by contacting the appropriate Service office.

Instructions

- **If the above is true, you may check Criterion F below and answer questions F1-F6.**
- If you are not eligible under criterion F, proceed to Step 2.

☐ **F** **Issuance of section 10 permit**. Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI.

F1. Which Service provided the section 10 permit? (check all that apply)

USFWS ☐ NMFS ☐

F2. Identify the field or regional offices providing the permit(s):

F3. Identify any tracking numbers associated with the consultation (e.g., IPaC number, ECO number):

F4. What is the date the permit(s) was granted? (MM/DD/YYY) __ __ / __ __ / __ __ __ __
(2nd permit date, if applicable: __ __ / __ __ / __ __ __ __)

F5. Check to confirm that correspondence with USFWS and/or NMFS and a copy of the section 10 permit or relevant tracking number(s) (IPaC and/or ECO number) is attached. Yes ☐

F6. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion F, including a copy of the section 10 permit and copies of the correspondence between yourself and the Services. Yes ☐

Instructions

- **If you selected Criterion F above and answered questions F1-F6, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**
- If you are not eligible under Criterion F, proceed to Step 2.

Step 2 – Determine if Listed Threatened or Endangered Species or their Designated Critical Habitat(s) are Likely to Occur in your Site's Action Area

Instructions

- **First, determine the extent of your action area.** You must determine whether species listed as either threatened or endangered, or their critical habitat(s) are located in your site's action area (i.e., all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action, including areas beyond the footprint of the site that are likely to be affected by stormwater discharges, discharge-related activities, and authorized non-stormwater discharges).

You must consider the following in determining the action area for your site, and **confirm that all the following are true**:

☐ In determining my "action area", I have considered that discharges of pollutants from the project site can expand the action area well beyond the footprint of my site and the discharge point(s). I have taken into account the controls I will be implementing to minimize pollutants and the receiving waterbody characteristics (e.g., perennial, intermittent, ephemeral) in determining the extent of physical, chemical, and/or biotic effects of the

discharges. I confirm that all receiving waterbodies that could receive pollutants from my site are included in my action area.

☐ In determining my "action area", I have considered that discharge-related activities must also be accounted for in determining my action area. I understand that discharge-related activities are any activities that cause, contribute to, or result in stormwater and authorized non-stormwater point source discharges, and measures such as the siting, construction, timing,[2] and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged. I understand that any new or modified stormwater controls that will have noise or other similar effects, and any disturbances associated with construction of controls, are part of my action area.

If you have any questions about determining the extent of your action area, you may contact EPA or the Services for assistance. https://www.epa.gov/npdes/contact-us-stormwater#regional

Instructions

- **Next, you must identify, to the best of your ability, any species listed as either threatened or endangered, or their critical habitat(s), that are located in your site's action area (see definitions of these terms in Appendix A).** You must follow the instructions on the https://www.epa.gov/npdes/construction-general-permit-threatened-and-endangered-species to obtain lists of any ESA-protected species and/or critical habitat that are expected to exist in your county, township, or the receiving water for your discharge.
- If ESA-protected resources occur within your action area, keep a copy of the species and critical habitat list(s) from the Service(s) with your SWPPP and use the list(s) to complete your NOI. For USFWS species, attach to this worksheet the full printout from your IPaC query/Official Species List. You can include the map from your IPaC query. For NMFS species, attach to this worksheet the full printout of the report from your query of the mapping resource you used (either the National or Greater Atlantic Region Mapper). The printed report from NMFS mappers will include a map of your query.

[2] Timing considerations could be related to, for example, a time of the year where a migratory bird species is present in the action area and the operator might want to consider that in terms of their construction sequencing; there are other times of the year where this consideration might not be relevant.

Instructions

- **After completing Step 2 above, if there are no listed species and no critical habitat areas in your action area,** you may be eligible for criterion A.

Criterion A Eligibility Requirements

In order to be eligible for coverage under criterion A, you must confirm that all the following are true (**check all that apply**):

☐ I confirm that I have used the species location resources of **BOTH** NMFS and USFWS to identify any ESA-listed species within my action area.

☐ I have confirmed there to be no ESA-listed species and no critical habitat in my action area.

Instructions

- **If all of the above are true, you may check criterion A below and answer questions A1-A5.**
- **If any of the above is not true, you may not select criterion A and must proceed to Step 3** to determine if you can become eligible under criterion C.

Note: For existing dischargers that have previously obtained coverage under criterion A, you must verify whether ESA-protected species and/or critical habitat are expected to exist in your action area, as described above. Please note that if you now find that your action area overlaps with ESA-protected species or critical habitat, you must proceed to Step 3.

☐ **A No ESA-listed species and/or designated critical habitat present in action area**. You certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of this permit.. *Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.*

A1. USFWS information sources used (reliance on State resources is not acceptable):

Note: If your Official Species List from USFWS indicated no species or critical habitat were present in your action area, include the full consultation tracking code at the top of your Official Species List in your NOI in the basis statement for Criterion A. If an Official Species List was not available on IPaC, list the contact date and name of the Service staff with whom you corresponded to verify no USFWS species or critical habitat were present in your action area.

A2. NMFS information sources used (reliance on State resources is not acceptable):

A3. I confirm that aerial image(s) of the site is attached. Yes ☐

A4. I confirm that a printout of the species' list(s) showing no ESA-listed species or critical habitat in my action area is attached. Yes ☐

A5. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion A. For USFWS species, include the full printout from your IPaC query/Official Species List. You can include the map from your IPaC query. For NMFS species, include the full printout from the appropriate NMFS website resources on page X with the correct Region selected. Yes ☐

Instructions

- **If you selected Criterion A above and answered questions A1-A5, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.** 

- **If listed species and/or critical habitat may exist in your action area, you must 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 stormwater collection systems.
  - **Conduct a formal biological survey**. In some cases, particularly for larger construction sites with extensive stormwater discharges, biological surveys may be an appropriate way to assess whether species are located in the action area and whether there are likely to be short- or long-term adverse effects to such species. Biological surveys are frequently performed by environmental consulting firms.
  - **If required, conduct an environmental assessment under the National Environmental Policy Act (NEPA).** Some construction activities might require review under NEPA for specific reasons, such as Federal funding or other Federal involvement in the project. Note: Coverage under the CGP does not trigger such a review for individual projects/sites. EPA has complied with NEPA in the issuance of the CGP.

    and
  - **Follow the instructions in Steps 3 – 5 below, as applicable.** Note that many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this CGP may require measures to protect critical habitat that are separate from those to protect listed species.

Step 3 – Assess if the Construction Activity's Discharges or Discharge-Related Activities Are Likely to Result in Short- or Long-Term Adverse Effects to Listed Threatened or Endangered Species or Designated Critical Habitat

Instructions

- If in Step 2 you identified that listed species and/or designated critical habitat could exist in your action area**, you must next assess whether your discharges or discharge-related activities are likely to result in short- or long-term adverse effects to ESA-listed threatened or endangered species or designated critical habitat**.

Potential short- or long-term adverse effects from discharges and discharge-related activities include:

- **Hydrological**. Stormwater discharges may cause siltation, sedimentation, or induce other changes in receiving waters such as temperature, salinity, or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Construction activity itself may also alter drainage patterns on a site where construction occurs that can impact listed species or critical habitat.
- **Habitat**. Excavation, site development, grading, and other surface disturbance activities from construction activities, including the installation or placement of stormwater controls, may result in adverse effects to listed species or their habitat. Stormwater may drain or inundate listed species habitat.
- **Toxicity**. In some cases, pollutants in construction stormwater may have toxic effects on listed species. For example: Stormwater discharges from construction on or adjacent to agricultural property may contain pesticides. Stormwater discharges from projects involving pavement and roofing could include tar and asphalt.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your project is likely to result in short- or long-term adverse effects to listed species or critical habitat, or one of the Services has already raised concerns to you, you should contact the appropriate Services office for assistance.

Instructions

- **If any short- or long-term adverse effects to listed threatened or endangered species or their critical habitat <u>are not</u> likely, then you may check Criterion C below and answer questions C1-C8.**
- **If any short- or long-term adverse effects to listed threatened or endangered species or their critical habitat <u>are</u> likely, you must follow Step 4 below.** You may still be eligible for Criterion C if you are able to install and implement appropriate measures to avoid the likelihood of adverse effects.

Criterion C Eligibility Requirements

☐ **C** **Discharges not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat**. ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, you must indicate below1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in this Appendix; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how short- or long-term adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with your NOI.

C1. I confirm that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in my evaluation. Yes ☐

C2. Provide the USFWS information resources and expertise used to arrive at this criterion selection:

C3. Provide the NMFS information resources and expertise used to arrive at this criterion selection:

C4. What ESA-listed species and/or designated critical habitat are located in your "action area?" (or attach a printout of the species' list(s))

C5. What is the distance between your site and the ESA-listed species and/or designated critical habitat within the action area (in miles, state "on site" if the ESA-listed species and/or designated critical habitat is within the area to be disturbed)? _____

C6. Provide the rationale describing specifically how any short- or long-term adverse effects to ESA-listed species will be avoided from the discharge and discharge-related activities.

C7. I confirm that a site map from my SWPPP showing the upland and in-water extent of my "action area" is attached. Yes ☐

C8. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion C. Yes ☐

Instructions

- **If you selected Criterion C above and answered questions C1-C8, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.** 

- If not, please proceed to step 4. 

Step 4 - Determine if Measures Can Be Implemented to Avoid Adverse Effects

Instructions

If you make a preliminary decision in Step 3 that short- or long-term adverse effects from your construction activity's discharges or discharge-related activities are likely to occur, you can still receive coverage under eligibility Criterion C of the CGP if appropriate measures are undertaken to avoid or eliminate the likelihood of short- or long-term adverse effects prior to applying for CGP coverage.

These measures may involve relatively simple changes to construction activities such as re-routing a stormwater discharge to bypass an area where species are located, relocating stormwater controls, or by modifying the "footprint" of the construction activity. If you are unable to ascertain which measures to implement to avoid the likelihood of short- or long-term adverse effects, you must coordinate with USFWS and/or NMFS, in which case you would not be eligible for coverage under eligibility Criterion C, but may instead be eligible for coverage under eligibility criterion D (described in more detail in Step 5).

- **If you are able to install and implement appropriate measures to avoid the likelihood of short- or long-term adverse effects, then you may go back and check eligibility Criterion C above and answer questions C1-C8 above, and C9-C10 below.** The measures you adopt to avoid or eliminate short- or long-term adverse effects must be implemented for the duration of the construction project and your coverage under the CGP.
- **If you cannot ascertain which measures to implement to avoid the likelihood of adverse effects,** you must follow the procedures in Step 5**.**

C9. I confirm that I have or will install and implement appropriate measures to avoid the likelihood of any short- or long-term adverse effects to ESA-listed threatened or endangered species or their critical habitat. Yes ☐

C10. Provide a description of the measures installed/to be installed and implemented to avoid likelihood of any short- or long-term adverse effects.

Instructions

- **If you selected Criterion C above and answered questions C1-C10, you are done with this worksheet. If you are not filing you NOI electronically, you must submit this worksheet with your NOI.**
- If you are not eligible for Criterion C, please proceed to step 5.

Step 5 - Determine if the Eligibility Requirements of Criterion D Can Be Met

Instructions

- If in Step 4 you cannot ascertain which measures to implement to avoid the likelihood of short- or long-term adverse effects, you must contact USFWS and/or NMFS. You may still be eligible for CGP coverage if likely adverse effects can be addressed through meeting criterion D.
- If you meet the requirements of criterion D, **then you may check criterion D below and answer questions D1-D5.**

Criterion D Eligibility Requirements

☐ **D** **Coordination with USFWS and/or NMFS has successfully concluded.** Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written confirmation from USFWS and/or NMFS that the effects of your site's discharges and discharge-related activities are not likely to result in short- or long-term adverse effects for ESA-listed species and/or designated critical habitat in your action area. By certifying eligibility under this criterion, you agree to comply with any conditions you must meet for your site's discharges and discharge-related activities to not likely result in any short- or long-term adverse effects. You must include copies of the correspondence with the participating agencies in your SWPPP and your NOI.

D1. Which Service participated in coordination? (check all that apply) USFWS ☐ NMFS ☐

D2. Identify the field and/or regional office(s) that provided the coordination?

D3. What is the date the coordination concluded? (MM/DD/YYY) __ __ / __ __ / __ __ __ __

D4. Check to confirm that correspondence with USFWS and/or NMFS documenting concurrence is attached. Yes ☐

D5. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion D, including copies of the correspondence between yourself and the Services. Yes ☐

Instructions

- **If you selected Criterion D above and answered questions D1-D5, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.** 

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BIOLOGICAL ASSESSMENT

I-5/4th Street and 88th Street NE Corridor Improvements

Prepared for
Bureau of Indian Affairs

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Appendix B. Project Footprint

Appendix C. U.S. Fish and Wildlife Service Official Species List

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Acronyms and Abbreviations

BA	biological assessment
BIA	Bureau of Indian Affairs
BMP	best management practice
CABS	compost-amended biofiltration swale
CAVFS	compost-amended vegetated filter strip
City	City of Marysville
DPS	distinct population segment
Ecology	Washington Department of Ecology
EFH	essential fish habitat
ESA	Endangered Species Act
ESU	evolutionarily significant unit
FR	Federal Register
I-5	Interstate 5
NMFS	National Marine Fisheries Service
NWIFC	Northwest Indian Fisheries Commission
PBF	physical and biological feature
PGIS	pollution-generating impervious surface
Reservation	Reservation of the Tulalip Tribes
SPCC	Spill prevention, control, and countermeasures
SRKW	Southern resident killer whale
SWPPP	stormwater pollution prevention plan
TDA	threshold discharge area
TESC	temporary erosion and sediment control
Tribes	The Tulalip Tribes
TTED	Tulalip Tribes Environmental Department
USFWS	U.S. Fish and Wildlife Service
WDFW	Washington Department of Fish and Wildlife
WDNR	Washington Department of Natural Resources
WSDOT	Washington Department of Transportation

Executive Summary

The Tulalip Tribes (Tribes), in partnership with the Washington State Department of Transportation (WSDOT), Snohomish County, and the City of Marysville, propose to develop and implement access improvements to two interchanges on the Interstate 5 (I-5) corridor within the boundary of the Tulalip Reservation in Snohomish County, Washington. The two interchanges are at 4th Street (also known as State Route 528 and Marine Drive) and 88th Street NE.

The purpose of the I-5/4th Street and 88th Street Corridor Improvements Project is to support community and economic vitality by reducing congestion and improving mobility for cars, trucks, emergency services, pedestrians, and transit users traveling to, from, and across I-5 on 4th Street and 88th Street NE and within the Tribes' Reservation while enhancing safety and protecting the integrity of the interstate system.

The federal nexus for this project is approvals by the Bureau of Indian Affairs (BIA) for expansion of existing road rights of way on tribal lands.

Project construction is expected to require two (2) years, with an anticipated start date of January 2024. All construction activities below the ordinary high-water lines of streams will occur during the in-water work window established by the Tribes (July 15 through September 30).

The project includes the following elements:

- Construction of seven roundabouts to replace existing signaled intersections
- Channelization improvements entering and exiting the roundabouts
- Reconfigured pedestrian and bicycle access along the alignment
- Construction of new flow control and water quality treatment facilities for runoff from new and replaced impervious surfaces
- Construction of a bridge to replace the existing road fill prism and an undersized culvert on Coho Creek at 88th Street NE
- Habitat improvements (including placement of new streambed substrates and large woody material) in Coho Creek near the new bridge crossing

ESA-listed species and critical habitats addressed in this analysis are identified in Table ES-1. Project activities with the greatest potential to affect those species and habitats include construction activities in and near habitats where ESA-listed species may be present and the creation or replacement of impervious surfaces from which contaminants in stormwater may run off to waters where ESA-listed species are present. No ESA-listed wildlife species are expected to be present in the action area while construction activities are underway, so the project is unlikely to affect those species. By limiting in-water work to the work window established by the Tribes, the project will minimize the potential for construction-related impacts on ESA-listed fish. Although runoff from all new or replaced impervious surfaces will be directed to facilities in which stormwater runoff will be treated and/or infiltrated, some residual contaminants may be present in runoff that leaves the project area. These contaminants may be toxic to ESA-listed fish, potentially resulting in adverse effects on those species and the critical habitat that has been designated for them (Table ES-1).

Table ES-1. ESA-Listed Species and Critical Habitat Addressed in this BA

Species	Status	Species Effect Determination	Critical Habitat Status	Critical Habitat Effect Determination
Chinook salmon (*Oncorhynchus tshawytscha*) (Puget Sound ESU)	Threatened	Likely to Adversely Affect	Designated within the action area	Likely to Adversely Affect
Steelhead (*Oncorhynchus mykiss*) (Puget Sound DPS)	Threatened	Likely to Adversely Affect	Designated within the action area	Likely to Adversely Affect
Bull trout (*Salvelinus confluentus*)	Threatened	Not Likely to Adversely Affect	Designated within the action area	Not Likely to Adversely Affect
Southern Resident killer whale (*Orcinus orca*)	Endangered	Not Likely to Adversely Affect	Designated; none in action area	N/A
Marbled murrelet (*Brachyramphus marmoratus*)	Threatened	Not Likely to Adversely Affect	Designated; none in action area	N/A
Streaked horned lark (*Eremophila alpestris strigata*)	Threatened	No Effect	Designated; none in action area	N/A
Yellow-billed cuckoo (*Coccyzus americanus*)	Threatened	No Effect	Designated; none in action area	N/A
Gray wolf (*Canis lupus*)	Endangered	No Effect	None designated	N/A
Oregon spotted frog (*Rana pretiosa*)	Threatened	Not Likely to Adversely Affect	Designated; none in action area	N/A

DPS = Distinct Population Segment; ESU = Evolutionarily Significant Unit

1. Introduction

The Tulalip Tribes (Tribes), in partnership with the Washington State Department of Transportation (WSDOT), Snohomish County and the City of Marysville (City), propose to develop and implement access improvements to two interchanges on the Interstate 5 (I-5) corridor within the boundary of the Tulalip Reservation. The two interchanges are at 4th Street (also known as State Route 528 and Marine Drive) and 88th Street NE.

Biologists from Parametrix, Inc., have prepared this biological assessment (BA) in accordance with Section 7(c) of the Endangered Species Act (ESA), to determine the project's potential impacts on listed species and their designated critical habitats and to support consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). This BA also includes an analysis of essential fish habitat (EFH) for the Pacific Salmon Fishery in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (Appendix A).

1.1 Background and Consultation History

The Reservation of the Tulalip Tribes (Reservation) is accessed via three interchanges with I-5 along the eastern boundary of the Reservation. These interchanges are critically important to the Tribes for access to and from the Reservation. The only other access to the Reservation is via a single county road, 140th Street NE, at the northern boundary and via the waters of the Puget Sound and the Snohomish River. Goods, services, higher education, healthcare, jobs, and economic development depend on safe, efficient access to and from the Reservation.

Over the past several years, the Tribes have led substantial improvements at the 116th Street NE interchange at the northeast end of the Reservation. That project addressed capacity needs, congestion relief, and safety improvements for drivers, freight, nonmotorized users, and transit. The Tribes led and funded nearly all the planning, environmental documentation, design, permitting, and construction of these improvements through several phases of construction. The construction of the final phase of improvements at the interchange was completed in 2020.

The Tribes are now planning to develop and implement access improvements to the remaining two interchanges on the Reservation. These two interchanges, at 4th Street and 88th Street NE, experience congestion and cause mobility challenges for cars, trucks, pedestrians, and transit users. Frequently, traffic exiting I-5 to enter the Reservation or Marysville backs up onto the off-ramps and even onto traffic lanes on the I-5 mainline. These traffic impacts affect the Tribes and the City as well as the greater Snohomish County area, interstate travel and commerce, and even international trade with Canada. The configuration of the local road connections at the interchanges also impedes connections between the Tribes and the City for commuters, residents, visitors, freight, transit, and nonmotorized traffic. Backups cause lengthy delays at the signals crossing I-5 between these two communities, adversely affecting both commerce and emergency services.

The purpose of the I-5/4th Street and 88th Street Corridor Improvements Project is to support community and economic vitality by reducing congestion and improving mobility for cars, trucks, emergency services, pedestrians, and transit users traveling to, from, and across I-5 on 4th Street and 88th Street NE and within the Tribes' Reservation while enhancing safety and protecting the integrity of the interstate system.

The federal nexus for this project is necessary approvals by the Bureau of Indian Affairs (BIA) for expansion of existing road rights of way on tribal lands. This nexus triggers requirements for consultation with USFWS and NMFS under Section 7(c) of the ESA.

1.2 Project Location

The project involves improvements at the I-5 interchanges with 4th Street (exit 199) and 88th Street NE (exit 200). The project corridor straddles the boundary between the Tulalip Reservation and Marysville in Snohomish County, Washington (Figure 1). The project area lies within Water Resource Inventory Area (WRIA) 7 (Snohomish) and hydrologic units 171100110204 (Quilceda Creek) and 171100110203 (Frontal Possession Sound).

The project area is in Sections 20, 21, 28, 29, 32, and 33 of Township 30 North, Range 5 East, Willamette Meridian. The approximate latitude/longitude coordinates of the northern and southern project limits are 48.077° N/122.1848° W and 48.0480° N/122.1839° W, respectively.

1.3 Project Description

The project will include corridor improvements along 4th Street and 88th Street NE, as well as fish passage enhancements and stream habitat improvements at the 88th Street NE crossing of Coho Creek. Additional details about these project elements follow. See Appendix B for project design sheets that show areas of new and replaced impervious surfaces, conceptual plans for the new bridge and realigned stream channel at 88th Street NE, a conceptual layout for large woody material placement, and areas of anticipated impacts in and near Coho Creek.

Corridor improvements along 4th Street, from west to east, will include the following (Figure 2):

- Replacement of the signaled intersection of 4th Street and 33rd Avenue NE with a new roundabout
- Replacement of the signaled intersection of 4th Street and the I-5 southbound on-/off-ramps with a new roundabout
- Replacement of the signaled intersection of 4th Street and the I-5 northbound on-/off-ramps with a new roundabout
- Channelization improvements entering and exiting the roundabouts
- Reconfigured pedestrian and bicycle access along the alignment

Corridor Improvements along 88th Street NE, from west to east, will include the following (Figure 3):

- Replacement of the signaled intersection of 88th Street and 34th Avenue NE (Quil Ceda Blvd) with a new roundabout
- Replacement of the signaled intersection of 88th Street NE and the I-5 southbound on-/off-ramps with a new roundabout
- Replacement of the signaled intersection of 88th Street NE and the I-5 northbound on-/off-ramps with a new roundabout
- Replacement of the signaled intersection of 88th Street and 36th Avenue NE with a new roundabout
- Channelization improvements entering and exiting the roundabouts
- Reconfigured pedestrian and bicycle access along the alignment



Figure 1.
Vicinity Map
I-5/4th Street and 88th Street NE Corridor Improvements
Snohomish County, WA



Figure 2. Proposed Improvements at 4th Street



Figure 3. Proposed Improvements at 88th Street NE

Approximately 750 feet west of the I-5 interchange, 88th Street NE crosses Coho Creek, a tributary to Quilceda Creek. Currently, the stream is conveyed under the roadway in an undersized, 54-inch-diameter concrete culvert. The project will replace the culvert and associated gabion-supported road fill prism with a 100-foot, single-span bridge. The new bridge will have a minimum hydraulic opening of 30 feet and a vertical clearance exceeding the desired wildlife clearance height of 8 feet.

To maintain traffic on 88th Street NE, bridge construction will occur in two stages. During the first stage, traffic will remain on the existing roadway while the first half the bridge is constructed. Traffic will then be shifted to the newly constructed portion of the bridge for the second stage while the remainder of the bridge is completed. The bridge structure will be supported on deep-drilled shafts. Mechanically stabilized earth walls will be constructed behind the bridge piers to support the roadway embankment. No impact or vibratory pile driving is anticipated. Roadway excavation will be limited to the amount necessary to provide sufficient clearance to construct the piers and place the bridge girders.

Once the bridge structure has been constructed, Coho Creek will be diverted into a new channel under the bridge. Flow will be introduced to the new channel gradually to minimize sediment delivery in downstream reaches. The remainder of the road fill will then be excavated, and the existing culvert will be removed. Utilities that are currently buried in the roadway will be attached to the underside of the new bridge, and a sanitary sewer line will be suspended between the bottom of the bridge structure and the creek.

The bridge will be designed consistent with criteria in WSDOT's Bridge Design Manual and WDFW's 2013 Water Crossing Design Guidelines. All construction activities within the ordinary high water line, including fish exclusion, will occur during the in-water work window established by the Tribes, which extends from July 15 through September 30.

The proposed stream alignment will move Coho Creek approximately 30 feet west of the existing culvert. Flows will be maintained in the existing channel and culvert while the new channel is being built. Under current conditions, as a result of backwater effects caused by the undersized culvert, the stream has a 90-degree turn and scour hole upstream of the road crossing. Approximately 90 linear feet of stream channel upstream of the new bridge will be realigned to provide a smooth bend at the road crossing. The new channel will tie back into the existing stream approximately 75 feet downstream of the new bridge to maintain the existing braided channel system. The new channel will match the hydraulic characteristics in the unaffected portions of the stream.

Design and implementation of the stream channel realignment will conform to the requirements set forth in WSDOT's 2019 Hydraulics Manual. The project will improve approximately 220 feet of the Coho Creek stream channel. Streambed substrates in the new channel will meet WSDOT standards for materials and size. Approximately 62 pieces of large woody material (including 20 key pieces), with a total wood volume of more than 85 cubic yards, will be placed in the stream.

Additional major items of work will include paving, grading, retaining walls, stormwater conveyance and treatment, sidewalks, lighting, utilities, turbid water management, temporary erosion control, clearing and grubbing, vegetation removal, vegetation management (e.g., planting native species in place of non-native species), pavement marking, traffic control, and signing. Bare soils will be revegetated and hydroseeded after construction. Suitable areas within wetland boundaries and wetland and stream buffers will be replanted with native species that support the ecological functions of those areas.

Work will take place primarily during daylight hours on weekdays. However, lane restriction requirements will necessitate nighttime operations for some activities, including excavation and haul

operations, setting girders, temporary soldier pile wall/shoring installation and removal, and temporary widening of existing roadways (if needed to minimize traffic impacts during construction).

Equipment required for project construction is expected to include the following:

- **General Roadway Construction Equipment**
  - Ground improvement equipment – cranes, loaders, dump trucks, and vibratory equipment
  - Heavy construction equipment – cranes, dozers, loaders, forklifts, excavators, graders, dump and haul trucks, air compressors, generators, and concrete trucks
  - Paving equipment – paving machines, rollers, and backhoes
  - Landscaping equipment – truck-mounted blowers and conveyors and hydro-seeding machines
- **Culvert Removal/Bridge Construction Equipment**
  - Bridge construction – drilled shaft equipment, such as oscillating drill rigs, cranes, and forklifts
  - Culvert removal – cranes, dozers, loaders, excavators, dump and haul trucks

1.3.1 Stormwater Management

The project is being designed in accordance with the following design guidance and criteria:

- WSDOT Highway Runoff Manual (M31-16.05), April 2019
- WSDOT Hydraulics Manual (M23-03.06), April 2019
- Washington State Department of Ecology (Ecology) Stormwater Management Manual for Western Washington, July 2019

A project-specific Stormwater Pollution Prevention Plan (SWPPP) and Temporary Erosion and Sediment Control (TESC) plan will be prepared and implemented before beginning earthwork under the project's National Pollutant Discharge Elimination System Construction Stormwater General Permit. It is anticipated that the sediment and flow-control BMPs described in the TESC and SWPPP will minimize the potential for water quality impacts to wetland and stream resources in the project area.

The project lies within nine threshold discharge areas (TDAs), based on downstream flow paths. The receiving waters are Ebey Slough, Quilceda Creek, and Coho Creek. Table 1 summarizes the current and anticipated post-construction acreage of impervious area and area directed to water quality treatment and/or infiltration facilities in each TDA.

The project will decrease the total area of pollution-generating impervious surfaces (PGIS) in all TDAs, combined, by approximately 0.24 acre, while the amount of runoff being treated and/or infiltrated will increase by nearly 6 acres (Table 1). New stormwater treatment facilities will provide enhanced treatment in all TDAs except TDA 2 and TDA 4; the level of treatment to be provided in those two TDAs is still under review.

For this analysis, it is assumed that runoff from the equivalent of 90 percent of all impervious surfaces (pollution-generating or non-pollution-generating) created or replaced in TDAs 1, 5, 6, 7, 8, and 9 will be routed to infiltration facilities. Construction work in TDA 2 will affect only a small amount of impervious surfaces and will result in a net reduction in impervious surface area; no modifications to existing drainage patterns or water quality treatment are proposed in this TDA. In TDAs 3 and 4, consistent with Highway Runoff Manual requirements, runoff from the equivalent of all new impervious surfaces will be treated. In

both TDAs, the increase in the amount of impervious area receiving stormwater treatment will be similar to the total increase in PGIS.

Table 1. Existing and Post-project Pollution-Generating Impervious Surface (PGIS) Area and Area Receiving Stormwater Treatment (Acres)

		Current		Proposed		Change	
TDA	Receiving Water	PGIS Area	Treated Area[1]	PGIS Area	Treated Area[2]	PGIS Area	Treated Area
1	Ebey Slough	2.55	0.00	2.27	1.89	- 0.28	+ 1.89
2	Quilceda Creek	0.59	0.00	0.50	0.00	- 0.09	0.00
3	Ebey Slough	3.29	0.00	3.72	0.41[3]	+ 0.43	+ 0.41
4	Ebey Slough	1.37	0.00	1.38	0.01[3]	+ 0.01	+ 0.01
5	Coho Creek	3.57	1.54	3.16	2.98	- 0.41	+ 1.44
6	Quilceda Creek	1.29	0.00	1.30	0.62	+ 0.01	+ 0.62
7	Quilceda Creek	1.61	0.62	1.71	1.93	+ 0.10	+ 1.31
8	Quilceda Creek	1.71	1.28	1.67	1.43	- 0.04	+ 0.15
9	Quilceda Creek	0.15	0.13	0.18	0.20	+ 0.03	+ 0.07
	TOTALS	***16.13***	***3.57***	***15.89***	***9.47***	***- 0.24***	***+ 5.90***

[1] Under current conditions, "Treated Area" consists of areas directed to water quality treatment facilities.
[2] Under proposed conditions, "Treated Area" includes areas directed to existing treatment facilities, along with new or replaced impervious surfaces from which runoff will be treated or infiltrated.
[3] Runoff from TDAs 3 and 4 will be directed to treatment facilities where infiltration is not expected to occur.

New stormwater treatment facilities in TDAs 1, 5, 6, 7, 8, and 9 will be designed to accommodate runoff from new and replaced impervious surfaces during a 100-year storm event. Although a direct comparison is not possible at this time, this design standard is likely comparable to treating the volume of water equal to 50 percent of the cumulative rainfall from existing, new, and replaced impervious surfaces during a 2-year, 24-hour storm. Infiltration BMPs built to meet minimum flow control requirements in TDAs 1, 5, 6, 7, 8, and 9 will further reduce the amount of untreated stormwater that reaches surface waters. In most TDAs, treated stormwater that cannot be infiltrated will be directed to existing outfalls for stormwater facilities. The exception is TDA 5, where runoff currently enters Coho Creek through multiple, uncontrolled pathways; a new outfall, with scour protection, will be established for runoff from project-created or -replaced impervious surfaces in that TDA.

Following are brief overviews of the nine TDAs. The overviews identify the catchment area, existing conveyance network, and receiving water for each one. The locations of the TDAs are shown in Figure 4 on page 12 of this document.

TDA 1 drains the western portion of the project area near the I-5/4th Street interchange. Runoff is conveyed south through a system of pipes along 33rd Ave NE, outfalling to a wetland just south of 60th Pl NE, approximately 1,200 feet from Ebey Slough. The project will provide enhanced treatment for runoff from this TDA, via a bioretention facility, an infiltration trench or gallery, or a proprietary BMP.

TDA 2 drains a small area in the northwestern the project area near the 4th Street interchange. Runoff is conveyed north and west in pipes and ditches, outfalling to Quilceda Creek near Marine Drive, approximately 1.25 miles upstream of the stream's confluence with Ebey Slough. Based on the small area of new impervious surface being created in this TDA, it is exempt from runoff treatment and flow control requirements, per the Highway Runoff Manual. Analyses in this document are based on the assumption that no water quality treatment will be provided for runoff from this TDA. It is possible, however, that a portion of the existing ditch conveyance system may be converted to a treatment swale that would provide either basic or enhanced treatment.

TDA 3 drains 4th Street at the I-5 interchange, including on- and off-ramps. Runoff is conveyed south in pipes that discharge to Ebey Slough immediately west of I-5, near Log Dump Road/60th Place NE. Due to the proximity of runoff to Ebey Slough, this TDA is exempt from flow control requirements per the Highway Runoff Manual. However, runoff from an area equivalent to the area of all new impervious surfaces (pollution-generating and non-pollution-generating) will be directed to a stormwater treatment facility. Based on the limited amount of space available, it is likely that this will be a proprietary BMP that does not allow for substantial infiltration but that provides enhanced treatment.

TDA 4 drains 4th Street east of the I-5 interchange. Runoff is conveyed via pipes to the site of the former Geddes Marina boat basin adjacent to Ebey Slough. The City is developing a regional stormwater treatment facility on this site; the new regional facility is expected to be complete before this project is built. The proposed facility will treat stormwater runoff from existing impervious surfaces in an approximately 480-acre area that drains to Ebey Slough. Because TDA 4 lies entirely within the drainage basin being treated by the regional stormwater facility, the project will not have to provide treatment from runoff from existing or replaced impervious surfaces in TDA 4. As with TDA 2, TDA 4 is exempt from Runoff Manual-based runoff treatment and flow control requirements because of the small area of new impervious surface. Analyses in this document are based on the assumption that no water quality treatment will be provided for runoff from this TDA. The need for treatment prior to discharge to the regional facility is under review.

TDA 5 drains 88th Street NE, Quil Ceda Blvd, and part of the southbound on- and off-ramps west of the I-5/88th Street NE interchange. Runoff is conveyed to Wetland A adjacent to the project site via pipes and ditches. Currently, runoff outfalls to the wetland at several locations at or a few feet above the ordinary high water line. Under current conditions, runoff from some impervious surfaces in this TDA is directed to a bioswale; runoff from some additional areas passes through oil/grit separators. The project will provide enhanced treatment for runoff from this TDA, via a bioretention facility, an infiltration trench or gallery, a proprietary BMP, and/or a bioswale.

TDA 6 drains the west side of the 88th Street NE bridge where it crosses over I-5, along with a portion of the southbound on- and off-ramps west of the interchange. Runoff is conveyed south along the west side of I-5, primarily in ditches, outfalling to Quilceda Creek approximately 3,000 feet south of the project area, immediately downstream of the I-5 bridge over the stream. Much of the runoff from this TDA infiltrates in the conveyance ditches and never enters Quilceda Creek. The project will provide enhanced treatment for runoff from this TDA, via a bioretention facility or a bioswale.

TDA 7 drains the east side of the 88th Street NE bridge where it crosses over I-5, along with the northbound on- and off-ramps east of the interchange. This TDA also includes a small area south of 88th Street NE east of the I-5 interchange, as well as a portion of a private parcel from which runoff receives partial treatment in a bioswale before joining the TDA's conveyance system. Runoff is conveyed south in ditches along the east side of I-5, outfalling to a wetland adjacent to Quilceda Creek approximately 2,500 feet south of the project area. As with TDA 6, much of the runoff from this TDA

infiltrates in the conveyance ditches and never enters Quilceda Creek. The project will provide enhanced treatment for runoff from this TDA, via a bioretention facility, an infiltration trench or gallery, and/or a bioswale.

TDA 8 drains the north side of 88th Street NE east of the I-5 interchange. Runoff is conveyed via pipes to a stormwater treatment pond that is assumed to outfall to Quilceda Creek north of 88th Street NE. City staff have expressed concern that the capacity of this pond may be exceeded during major storm events, spilling untreated stormwater to the stream. The project will provide enhanced treatment for runoff from this TDA, via an infiltration trench or gallery and/or a proprietary BMP.

TDA 9 drains a very small area south of 88th Street NE, east of 36th Ave NE. This TDA does not appear to connect to any public systems, but runoff from part of the TDA flows to a bioswale on private property. Runoff from the TDA is presumed to discharge to Quilceda Creek. The project will provide enhanced treatment for runoff from this TDA, via a proprietary BMP.

1.3.2 Interrelated and Interdependent Activities

An interrelated activity is part of the proposed action and depends on the proposed action for its justification. An interdependent activity has no independent utility apart from the action under consultation.

Activities associated with mitigation for impacts to streams, wetlands, and wetland buffers can be considered interrelated and interdependent actions for this project. The need for mitigation for such impacts is yet to be determined. If mitigation is required, options may include on-site restoration or enhancement or identification of a suitable site for in-kind mitigation nearby. Impacts to wetlands, streams, and their regulatory buffers will be mitigated in accordance with applicable tribal, federal, state, and local requirements. If mitigation for project-related impacts to wetlands and wetland buffers may result in impacts to ESA-listed species and habitats not considered in this analysis, those impacts will be addressed through future consultation.

Detour routes are a potentially interrelated activity, but they are not expected to be required for the project, although closures of I-5 on- and off-ramps may affect travel patterns. They would be short-term (weekend) closures. No long-term closures are anticipated.

1.3.3 Project Sequencing and Timeline

Project construction is expected to require a minimum of two (2) years, with an anticipated construction start in Spring 2024. It is anticipated that construction at the interchanges for both 4th Street and 88th Street NE will be occurring at the same time. It is anticipated that one-half of each roadway will be under construction at a time, keeping traffic flow continuous throughout construction, but with potential temporary reduction in lanes. Bridge construction at the Coho Creek crossing will also be performed in stages, allowing traffic on 88th Street NE to be maintained during construction. As noted above, all construction activities below the ordinary high water line will occur during the in-water work window established by the Tribes (July 15 through September 30).

1.4 Performance Standards and Impact Avoidance, Minimization, and Mitigation Measures

Conservation measures and best management practices (BMPs) have been incorporated into the proposed project to avoid and minimize short-term and long-term impacts to ESA listed fish and wildlife species

and their habitats in the project vicinity. Significant short-term effects on water quality are not expected if erosion control and spill containment BMPs are properly implemented, monitored, and maintained during construction. A TESC plan will be prepared and implemented to minimize sedimentation into Coho Creek and to minimize erosion to surrounding areas.

Following are BMPs and conservation measures that will be incorporated into the design and implementation of the project, to avoid and minimize impacts to the species and critical habitats addressed in this BA.

Erosion and Sediment Control

- Implement construction phasing that minimizes the amount of earthwork that exposes the ground surface to erosion.
- Implement a TESC plan, including sediment-control BMPs such as silt fences, check dams, sediment traps, sedimentation basins, and flocculation methods.
- Use erosion-control practices (seeding, mulching, soil conditioning with polymers, use of geo synthetics, sod stabilization, erosion-control blankets, vegetative buffer strips, and preservation of trees with construction fences).
- Use construction entrances, exits, and parking areas that reduce sediment tracking onto public roads.
- Perform routine inspections of erosion-control and sediment-control BMPs and subsequent BMP maintenance.
- Erosion of stockpiled materials will be controlled per City of Marysville Engineering Drainage and Erosion Control Design Standards (City of Marysville 2016).

In-Water Work

- In-water work will occur only within the in-water work window (July 15 to September 30) as specified by Tulalip tribal biologists (Nelson, personal communication, 2021).
- Fish exclusion work will follow the guidance outlined within the Recommended Fish Exclusion, Capture, Handling, and Electroshocking Protocols and Standards document (USFWS 2012).
- Flow will be introduced to the new channel gradually to minimize sediment delivery in downstream reaches.
- Biologists will perform pre-construction surveys for Oregon spotted frog egg masses. Surveys will be performed in spring in potentially suitable habitat associated with Coho Creek near the 88th Street NE bridge construction site. If Oregon spotted frog egg masses are discovered, BIA and WSDOT will coordinate with USFWS on implementation of additional conservation measures.

Clearing and Vegetation Removal

- High-visibility construction fencing will be installed around the work area to protect sensitive areas such as wetlands and streams from construction-related impacts.
- Exposed slopes and disturbed areas around the construction area will be replanted.
- Wetlands, wetland buffers, and stream buffers temporarily affected by construction activities will be restored in accordance with Tulalip Tribes regulations and guidance from Tribal Natural Resources staff.

Stormwater Pollution/Spill Prevention

- A spill prevention, control, and countermeasures (SPCC) plan will be implemented. Elements of this plan will satisfy all pertinent requirements set forth by tribal, federal, state, and local laws and regulations.
- All construction vehicles operated within 150 feet of any stream or waterbody will be inspected daily for fluid leaks before leaving the vehicle staging area. Any leaks detected will be repaired before the vehicle resumes operation. When not in use, all vehicles will be stored in designated staging areas outside of wetlands, streams, and associated buffers. Other vehicles that may be stored in place will be inspected daily for fluid leaks.
- Staging areas will be located in areas that will prevent the potential for contamination of any wetland or water body.
- All mechanical equipment will be fueled and serviced at least 150 feet from surface-flowing streams.
- Spill response equipment will be kept on-site for potential fluid leakage.
- Additionally, drip pans will be fitted with absorbent pads and placed under all equipment being fueled.

Construction Activities

- Concrete truck chute cleanout areas will be established to properly contain wet concrete and wash water and to prevent it from entering wetlands and other waterbodies.
- All concrete will be poured in the dry (or within confined waters not being dewatered to surface waters) and will be allowed to cure a minimum of 7 days before contact with surface water.

Lighting

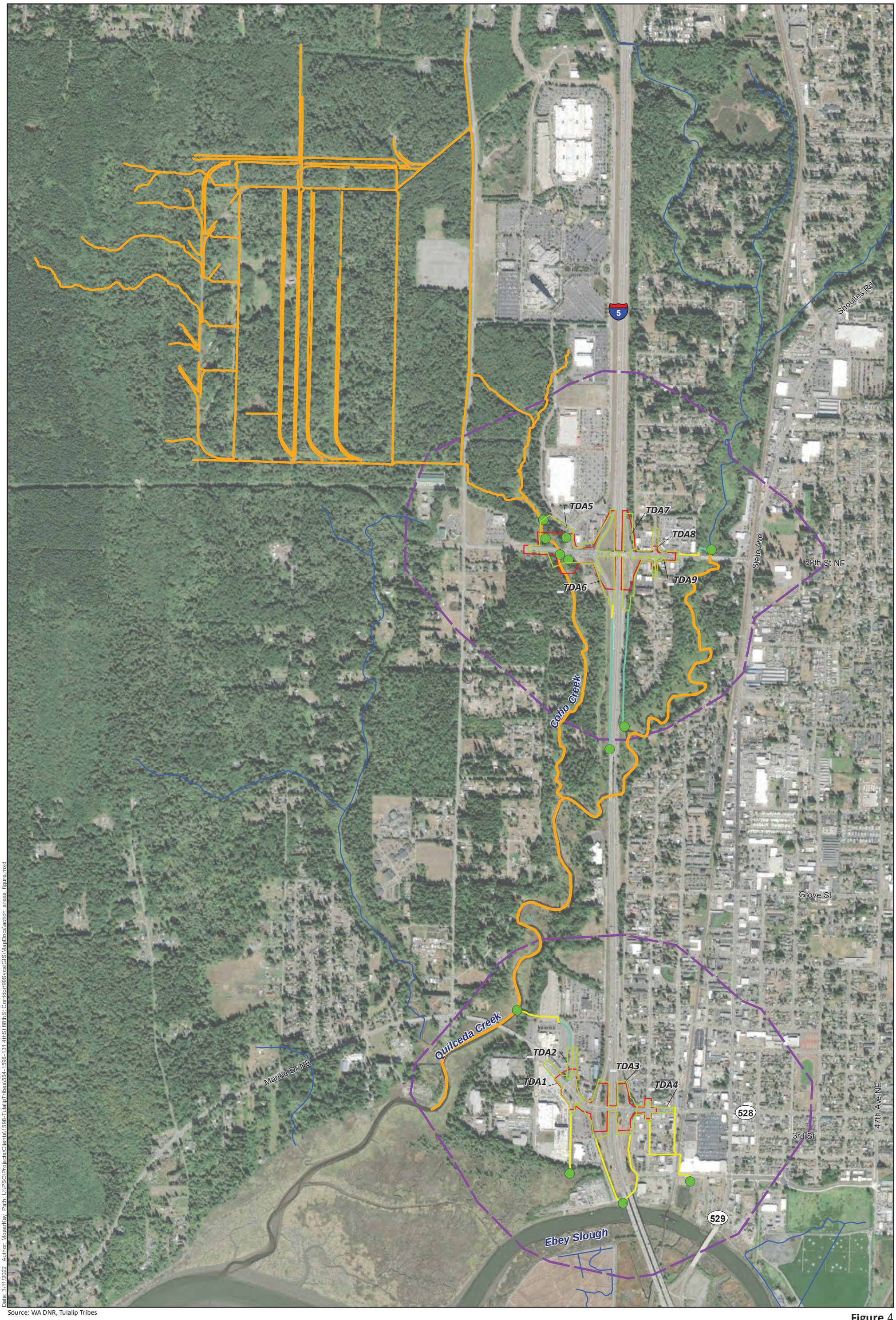
- No permanent lighting will be directed downward toward fish-bearing waters.
- Temporary lights for night work will be directed away from waters with listed fish species to the greatest extent possible, with the intent to prevent light from shining on surface waters.

1.5 Action Area

In this document, the term *action area* has a specific meaning, defined below. The action area is different from the *project site* (which encompasses the limits of construction and which is also referred to as the project footprint) and from the *project area* (a more general term for the vicinity of the project site).

The action area is defined as the area that may be affected directly or indirectly by the project action. For this assessment, the action area includes the project footprint, terrestrial areas where construction noise will be audible, aquatic areas where the project may result in short-term or long-term impacts on water quality, and aquatic habitats to which fish access will be improved through the replacement of the Coho Creek culvert with a new bridge (Figure 4). The action area also includes areas where project construction may influence the conversion of currently undeveloped or underdeveloped parcels to a more developed state.

The project footprint includes the portions of 4th Street, 88th Street NE, and associated I-5 on- and off-ramps where corridor improvements will be implemented, as well as the areas that will be disturbed for bridge construction and culvert removal. Additional wetland buffer off-site mitigation may be required for the project, but this has not yet been identified. The buffer mitigation would likely be located within the Coho Creek complex north of the 88th Street NE.



Date: 3/11/2022 Author: MoserKav Path: U:\PSO\Projects\Clients\1598-TulalipTribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\GIS\MapDocs\action areas figure.mxd

Source: WA DNR, Tulalip Tribes

WA DNR Streams
Extent of Ground-Disturbing Work
Extent of Construction Related Noise
Aquatic Portion of the Action Area
TDA Boundaries
Flow Path- Ditch/BMP
Flow Path- Pipe
Outfalls from Stormwater Facilities

0 500 1,000 2,000 Feet

Figure 4
Action Area
I-5/4th and 88th Street NE
Corridor Improvements
Snohomish County, WA

The distance at which construction noise will be audible is based on the distance at which noise will attenuate to background levels. That distance depends on (1) the sound intensity level of the equipment being used, (2) the background noise levels, and (3) the capacity of the landscape to absorb sound energy (noise attenuates more rapidly in forested areas, compared to hard landscapes such as parking lots, for example). Based on these considerations, the terrestrial portion of the action area encompasses the following areas, based on the distance at which construction noise is expected to be audible:

- Areas approximately 2,300 feet in all directions from the 4th Street interchange
- Areas approximately 2,300 feet east from the 88th Street NE interchange
- Areas approximately 1,900 feet west from the 88th Street NE interchange

The aquatic portion of the action area includes the following portions of Ebey Slough, Quilceda Creek, and Coho Creek:

- Areas of Ebey Slough immediately adjacent to the outfalls from stormwater facilities that receive and treat runoff from the project site
- The main stem of Quilceda Creek, extending upstream from Ebey Slough to the outfalls from stormwater facilities that receive and treat runoff from the project site
- Coho Creek, including aquatic habitats upstream of the 88th Street NE crossing

The extent of the action area in Ebey Slough and in the two streams downstream of the stormwater facility outfalls reflects the area in which contaminants in stormwater runoff may be expected to exceed background levels. The volume of water in Ebey Slough will dilute contaminants in stormwater to negligible levels almost immediately after the treated stormwater enters the slough. Contaminant concentrations in the streams are expected to be diluted to negligible levels a short distance downstream of the stream's confluence with a larger water body. For Quilceda Creek, this is the stream's mouth in Ebey Slough; for Coho Creek, this is the stream's confluence with Quilceda Creek.

The extent of the action area in Coho Creek upstream of the 88th Street NE crossing consists of the aquatic habitats to which fish access will be improved through the replacement of the Coho Creek culvert with a new bridge.

The action area in Coho Creek also encompasses the area where in-stream work will occur for stream realignment, as well as the area that could be exposed to elevated sediment and turbidity levels during construction. Given that work over and near the stream will be performed during the period when stream flows are lowest, and based on anticipated stream flows between 10 and 100 cubic feet per second, any elevated turbidity resulting from an unanticipated release of sediment to Coho Creek would not be detectable more than 200 feet downstream of the project limits. This distance represents the maximum anticipated extent of any sediment plumes that may be generated by work over or near the stream. Any effects resulting from clearing of riparian vegetation will also be limited to this area.

In addition to the areas described above, the action area includes all parcels within 0.25 mile of the project footprint. As such, it encompasses the areas where project construction could reasonably be expected to influence the conversion of currently undeveloped or underdeveloped parcels to a more developed state. The project is not dependent on any land-use development or changes in land use or zoning, and no land-use development projects depend directly on completion of this project.

2. Status and Presence of Listed Species and Designated Critical Habitat in the Project Action Area

Biologists consulted the following resources to develop and refine the list of species that might be affected by the proposed project:

- The USFWS Information for Planning and Consultation (IPaC) website (USFWS 2021a; see Appendix C)
- The WDFW SalmonScape mapping system (WDFW 2021a)
- The Northwest Indian Fisheries Commission Statewide Integrated Fish Distribution webmap (NWIFC 2022).
- Maps depicting the distribution of ESA-listed Pacific salmon and steelhead under the jurisdiction of NMFS)
- WDFW Priority Habitats and Species data (WDFW 2021b)
- USFWS critical habitat online mapper (2021b)
- Bird species maps and sighting data (eBird 2021)
- Washington Department of Natural Resources (WDNR) Washington Natural Heritage Program data (WDNR 2021)
- Tulalip Tribes natural resources GIS mapping
- The Quil Ceda Village Compensation Planning Framework for the Quilceda watershed (Quil Ceda Village 2009).

2.1 Species and Critical Habitat Lists and Listing Status

USFWS and NMFS indicate that the project will occur within the general range of the ESA-listed species and designated critical habitat shown in Table 2 on the next page. No species proposed for listing have been observed or are expected to use habitats in the action area, and no areas proposed for designation as critical habitat are present.

The IPaC list for the project does not identify the gray wolf as an ESA-listed species potentially present in the action area (Appendix C). This may be a product of the rule issued by USFWS on November 3, 2020 (85 Federal Register [FR] 69778), removing gray wolves from the list of species protected under the ESA. However, on February 10, 2022, the U.S. District Court for the Northern District of California vacated and remanded USFWS' delisting rule. The court's decision effectively reinstated the listing status the species had before USFWS issued the delisting rule. As a result, gray wolves in western Washington have a listing status of endangered.

Table 2. ESA-listed Species and Critical Habitat Considered for This BA

Species	Status	Federal Jurisdiction	Critical Habitat in Action Area
Chinook salmon (*Oncorhynchus tshawytscha*) (Puget Sound ESU)	Threatened	NMFS	Yes
Steelhead (*Oncorhynchus mykiss*) (Puget Sound DPS)	Threatened	NMFS	Yes
Bull trout (*Salvelinus confluentus*)	Threatened	USFWS	Yes
Southern Resident killer whale (*Orcinus orca*)	Endangered	NMFS	No
Marbled murrelet (*Brachyramphus marmoratus*)	Threatened	USFWS	No
Streaked horned lark (*Eremophila alpestris strigata*)	Threatened	USFWS	No
Yellow-billed cuckoo (*Coccyzus americanus*)	Threatened	USFWS	No
Oregon spotted frog (*Rana pretiosa*)	Threatened	USFWS	No
Gray wolf (*Canis lupus*)	Endangered	USFWS	No

Three of the species identified in Table 2 are not expected to occur in the action area for the following reasons:

- **Streaked horned larks** are not expected to use habitats in the action area. This species is known to occur in portions of southern Puget Sound, along the Washington Coast, and at lower Columbia River islands (78 FR 61451, October 3, 2013). Breeding habitat for streaked horned larks in Washington consists of grasslands and sparsely vegetated areas at airports, sandy islands, and coastal spits. No such habitat is present in the action area. The nearest known breeding area is more than 60 miles from the action area. The nearest location where critical habitat has been designated for the streaked horned lark is more than 100 miles from the action area.
- **Yellow-billed cuckoos** nest almost exclusively in low- to mid-elevation riparian woodlands that cover 50 acres or more within arid to semiarid landscapes (Hughes 1999). Most breeding sites have been found in patches larger than 200 acres. Historical records indicate that breeding habitat for yellow-billed cuckoos in Washington consisted primarily of cottonwood and willow bottoms along the lower Columbia River and in the Puget Sound lowlands. The last confirmed breeding records of yellow-billed cuckoos in Washington are from the 1930s. Currently, the species no longer breeds in western Canada and the northwestern continental United States (Washington, Oregon, and Montana) (79 FR 59991, October 3, 2014). No observations of this species have been documented within 10 miles of the action area (WDFW 2021a; eBird 2021). No blocks of suitable forested riparian habitat larger than 5 acres are present in the action area.

- **Gray wolves** require areas with abundant prey and low levels of human disturbance. Based on the location of the project area in a lowland urban setting with high levels of human activity and no nearby roadless areas, no suitable habitat for this species is present in the action area.

Based on the above, the project has no potential to affect streaked horned larks, yellow-billed cuckoos, or gray wolves. Therefore, these species will not be addressed further in this analysis.

Information from the Washington Department of Natural Resources (WDNR) Natural Heritage database indicates that no ESA-listed plant species are known to occur within several miles of the project area (WDNR 2021).

The following section provides information about the status of Puget Sound Chinook salmon, Puget Sound steelhead, bull trout, Oregon spotted frog, marbled murrelet, and southern resident killer whale), as well as the timing and nature of their habitat use in the action area. Information about critical habitat in the action area is presented in Section 2.3.

2.2 Presence of Federally Listed and Proposed Species in the Project Action Area

Biologists from the Tulalip Tribes and Parametrix have conducted field investigations in the action area on several occasions, summarized below. Before conducting fieldwork, the biologists reviewed maps and materials on the soils, hydrology, topography, land use, floodplains, wetlands, streams, and wildlife habitat in the action area.

2.2.1 Marbled Murrelet

USFWS listed marbled murrelets as threatened under the ESA in 1992 due to a decline in abundance and habitat degradation in the southern portion of their range (57 FR 45328, October 1, 1992). Marbled murrelets nest in mature and old-growth conifer-dominated forest, and they forage in nearshore marine waters. Marbled murrelet population declines have been attributed primarily to the loss and fragmentation of old-growth nesting habitat caused by logging and development (Ralph and Miller 1995). In addition, this species is vulnerable to fishing nets and oil spills (Marshall 1988).

WDFW (2021b) does not report any observations of marbled murrelets in the action area. The closest suitable nesting habitat is located 15 miles east of the action area in the Cascade Mountains of eastern Snohomish County. The terrestrial portion of the action area (i.e., the area in which construction noise will be audible) overlaps some nearshore marine habitats in Ebey Slough. Additionally, outfalls from stormwater facilities associated with the project discharge into nearshore marine habitats. Therefore, the action area includes some potential foraging habitat.

A 10-acre stand of mature conifer trees (older than 70 years) is adjacent to Coho Creek and directly south of 88th Street NE. A biologist searched portions of the stand for potential nest platforms and found none. It is impossible to state with certainty that no platforms are present within that stand. The probability is low, however. Habitat modeling performed for the 20-year review of the Northwest Forest Plan classified the stand as marginal habitat. Stands classified as marginal are considered unsuitable habitat for old-growth-associated species such as marbled murrelets (Davis et al. 2011). All forested areas near the project site have been logged multiple times in the past century and a half. Furthermore, the stand is dense, isolated, and surrounded by residential and commercial uses.

2.2.2 Puget Sound Chinook Salmon

Chinook salmon in the Puget Sound evolutionarily significant unit (ESU) are listed as threatened under the ESA (64 FR 14308, March 24, 1999). The ESU includes naturally spawned Chinook salmon originating from rivers flowing into Puget Sound, along with Chinook salmon from 26 artificial propagation programs. Primary factors contributing to declines in Chinook salmon in the Puget Sound ESU include habitat blockages, genetic modification of wild fish through interbreeding with hatchery fish, urbanization, logging, hydropower development, harvests, and flood control and flood effects (NMFS 1998).

The action area includes portions of three streams where Chinook salmon may be present. Stormwater detention and treatment facilities will discharge to Ebey Slough (an estuarine waterway at the mouth of the Snohomish River) via two existing outfalls. Quilceda Creek, a tributary to Ebey Slough, will also receive treated and untreated stormwater runoff from the project site (TDAs 2, 6, 7, 8, and 9). Finally, project construction will entail ground-disturbing work in Coho Creek, a tributary to Quilceda Creek. In addition, one outfall for stormwater from TDA 5 discharges to Coho Creek directly upstream of the 88th Street NE crossing.

The Snohomish River basin supports both summer-run and fall-run Chinook stocks, which enter the system between June and September and then spawn from early fall through late November (Northwest Indian Fisheries Commission [NWIFC] 2022; WDFW 2021a; Haring 2002). Adult summer-run and fall-run Chinook are expected to be in Ebey Slough from June to September, migrating through the estuary on their way to spawning habitat in the Snohomish River system. Juvenile Chinook salmon have been captured in Ebey Slough during all months (Rice et al. 2014). Densities are highest during May and June, corresponding to the peak of the estuary residence time for juvenile Chinook from the Snohomish River system (Rice et al. 2014; Haring 2002). During beach seine surveys conducted in the Snohomish River estuary in 2013, Rice et al. (2014) found juvenile Chinook salmon at densities of 700 to 900 fish per hectare during May and June. Densities fell off rapidly in August (approximately 200 fish per hectare) and September (less than 100 fish per hectare) and began increasing again in March (approximately 160 fish per hectare) and April (approximately 240 fish per hectare).

According to NWIFC (2022), summer-run Chinook salmon have been documented in Quilceda Creek, and fall-run Chinook spawn in Quilceda Creek. Chinook use of Quilceda Creek is characterized as "relatively minimal," compared to Chinook use of the Snohomish River system (Quil Ceda Village 2009). This is likely attributable to the limited availability of suitable spawning substrates in the Quilceda Creek watershed. Only a few spawning areas have been identified along the main stem of Quilceda Creek, approximately 3 miles upstream from the action area (NWIFC 2022). Juvenile Chinook salmon from the Quilceda Creek system are predominantly ocean-type—that is, they migrate downstream from April to early June and are largely absent from fresh waters by mid-July (Quil Ceda Village 2009).

Neither NWIFC (2022) nor WDFW (2021a, b) reports the documented or expected presence of Chinook salmon in Coho Creek. The stream is characterized as gradient-accessible, meaning no natural barriers preclude access to habitats in the action area. However, low flows, high water temperatures, and a preponderance of fine sediments render the stream unsuitable for spawning (Nelson, personal communication, 2022a). It is possible that rearing juveniles may enter Coho Creek, although no Chinook salmon were documented at the smolt trap that was in place between 2002 and 2011 at 27th Ave NE, approximately 0.4 mile upstream of 88th Street NE (Tulalip Tribes Environmental Department [TTED] 2012). Juvenile and adult Chinook salmon are unlikely to be present in Coho Creek during the in-water work window (Nelson, personal communication, 2022a).

2.2.3 Puget Sound Steelhead

The Puget Sound steelhead distinct population segment (DPS) is listed as a threatened species (72 FR 26722, May 11, 2007). The DPS includes all naturally spawned anadromous steelhead originating below natural and manmade impassable barriers from rivers flowing into Puget Sound (79 FR 20802, April 14, 2014). The DPS also includes steelhead from six artificial propagation programs.

As described above for Chinook salmon, the action area includes portions of three streams where steelhead may be present. The presence of steelhead in these streams is described below.

The Snohomish River basin supports both summer-run and winter-run steelhead (NWIFC 2022; WDFW 2021a). Summer-run steelhead pass through the lower estuary, including Ebey Slough, and return to freshwater systems between May and October (Haring 2002). Winter-run steelhead pass through the lower estuary and return to freshwater systems between November and April. For both runs, spawning takes place in freshwater habitats from January through June (Haring 2002). Steelhead smolts, because of their larger size and age compared to other species of outmigrating juvenile salmonids, typically do not linger in the estuarine environment before moving into the marine environment. Limited numbers of steelhead smolts have been sampled in estuary marshes, including Ebey Slough, primarily from mid-April though early July, although some steelhead smolts have been sampled through August (Pentec 1992).

According to NWIFC (2022), summer-run steelhead have been documented in Quilceda Creek, and juvenile winter-run steelhead rear in Quilceda Creek. Summer-run steelhead are typically found only where habitat is not fully utilized by winter-run populations; therefore, it is unlikely that many summer-run steelhead are present in Quilceda Creek (Quil Ceda Village 2009). Spawning activity within Quilceda Creek is limited to small areas with suitable substrate. Based on the preponderance of fine sediments, reaches of Quilceda Creek in the action area are extremely unlikely to support steelhead spawning (Nelson, personal communication, 2022b). Based on the freshwater residence time of juvenile steelhead (typically 2 to 3 years), rearing juveniles that originate from spawning grounds farther upstream in the system may be present in the action area at any time of year.

Neither NWIFC (2022) nor WDFW (2021a, b) reports the documented or expected presence of steelhead in Coho Creek. The stream is characterized as gradient-accessible, meaning no natural barriers preclude access to habitats in the action area. However, low flows, high water temperatures, and a preponderance of fine sediments render the stream unsuitable for spawning (Nelson, personal communication, 2022a). It is possible that rearing juveniles may enter Coho Creek, although no steelhead were documented at the smolt trap that was in place between 2002 and 2011 at 27th Ave NE, approximately 0.4 mile upstream of 88th Street NE (TTED 2012). Juvenile and adult steelhead are unlikely to be present in Coho Creek during the in-water work window (Nelson, personal communication, 2022a).

2.2.4 Bull Trout

USFWS listed bull trout as threatened under the ESA on November 1, 1999 (64 FR 58910). Similarly, USFWS proposed Dolly Varden (*Salvelinus malma*) for listing as endangered on January 9, 2001 (66 FR 1628) due to similarity of appearance with bull trout and because they overlap with bull trout in the coastal and Puget Sound region. A designation of threatened or endangered under the similarity of appearance provisions of the ESA extends the take prohibitions of Section 9 to cover the species. However, under section 4(e) of the ESA, a designation of threatened or endangered due to similarity of appearance does not extend other protections of the ESA, such as the consultation requirements for federal agencies under Section 7. Although not formally discussed in this document, the effects of the action on Dolly Varden are anticipated to be similar to those discussed for bull trout.

As described above for Chinook salmon, the action area includes portions of three streams where bull trout may be present. The presence of bull trout in these streams is described below.

The Snohomish River supports one of eight core populations of bull trout in the Puget Sound Management Unit (USFWS 2004). Fluvial and anadromous bull trout adults, sub-adults, and juveniles use habitats in estuarine habitats near the river's mouth, including Ebey Slough, primarily during spring and summer. Goetz et al. (2021) found the residence time of bull trout in marine waters to be fairly brief; most bull trout adults and subadults entered marine waters from April to June and migrated back into rivers by July and August as temperatures rose. Bull trout were not detected in the Snohomish River delta from October through December (Goetz et al. 2021) Spawning adults head upstream to headwater tributaries; anadromous subadults overwinter in the mainstem Snohomish River, generally upstream of the head of Ebey Slough, outside the action area (USFWS 2004; Goetz 2016; Pentec 2002; Snohomish Basin Salmon Recovery Forum 2005). Juvenile bull trout move through the estuary as they migrate out of the Snohomish River system during spring and summer (primarily mid-April through mid-July) (Goetz et al. 2004).

According to NWIFC (2022), bull trout may rear in the main stem of Quilceda Creek in the action area. On the other hand, USFWS found no clear documentation of bull trout us in this system, although they acknowledged the possibility that bull trout may enter the stream on occasion to forage (70 FR 56211, September 26, 2005). Based on the stream's distance from known spawning areas, elevated water temperatures in the stream, and the lack of suitable substrates, bull trout are not expected to spawn in the Quilceda Creek system. WDFW (1999) determined that successful spawning by bull trout occurs only upstream of the winter snow line (i.e., the elevation at which snow is present on the ground for much of the winter); no portions of the Quilceda Creek watershed are upstream of this line. If any bull trout are present in Quilceda Creek, they would likely be rearing juveniles or overwintering adults or subadults (Quil Ceda Village 2009; Marks, personal communication, 2021).

Neither NWIFC (2022) nor WDFW (2021a, b) reports the documented or expected presence of bull trout in Coho Creek. The stream is characterized as gradient-accessible, meaning no natural barriers preclude access to habitats in the action area. However, low flows, high water temperatures, and a preponderance of fine sediments render the stream unsuitable for spawning (Nelson, personal communication, 2022a). In addition, as noted above, bull trout are not expected to spawn in the Quilceda Creek system. It is possible that adults or subadults may enter Coho Creek to forage, although no bull trout were documented at the smolt trap located on 27th Ave NE (TTED 2012). Bull trout are unlikely to be present in Coho Creek during the in-water work window (Nelson, personal communication, 2022a).

2.2.5 Oregon Spotted Frog

USFWS listed Oregon spotted frogs as threatened under the ESA on August 29, 2014 (79 FR 51658). Oregon spotted frogs are associated with large, emergent freshwater wetlands, typically larger than 10 acres (Pearl and Hayes 2004). Breeding occurs in February or March at lower elevations. Females deposit egg masses in shallow, often temporary, pools generally no more than 6 inches deep. Eggs usually hatch within 3 weeks, and the tadpoles metamorphose into froglets during their first summer (Leonard et al. 1993).

The closest known extant population of Oregon spotted frogs is along the Samish River in Skagit and Whatcom Counties, approximately 30 miles north of the action area. In addition, Tulalip tribal biologists have conducted field work in wetlands throughout the watershed, but they have not observed any Oregon spotted frogs during that work (Warner, personal communication, 2022; Nelson, personal communication, 2022a). Nevertheless, guidance developed by WSDOT (2015) indicates that potentially suitable habitats

in the Quilceda Creek-Frontal Possession Sound watershed have the potential to support populations of Oregon spotted frogs.

The Coho Creek wetland complex near the 88th Street NE crossing contains potentially suitable breeding, rearing, and overwintering habitat for Oregon spotted frogs (Appendix D). Habitat features that provide potentially suitable habitat for breeding and rearing include inundation for at least 4 months per year, shallow water areas (less than 12 inches deep) with sun exposure, gradual topographic gradient from shallow water toward deeper, permanent water, and predominantly herbaceous wetland vegetation (WSDOT 2015). Given the proximity of forest cover and the predominance of dense, monocultural stands of reed canarygrass, habitats near the project site are unlikely to provide suitable oviposition sites for Oregon spotted frogs. Inundation of the Coho Creek wetland complex between October and March indicates the presence of potentially suitable overwintering habitat (WSDOT 2015).

2.2.6 Southern Resident Killer Whale

The southern resident DPS of killer whales was listed as endangered on February 16, 2006 (70 FR 69903), and a recovery plan was completed in 2008. In 2016, NMFS completed a 5-year review and concluded that southern resident killer whales (SRKWs) should remain listed as endangered (NMFS 2021).

The recovery plan identified several factors that may be limiting SRKW recovery. These include quantity and quality of prey, toxic chemicals that accumulate in top predators, and disturbance from sound and vessels (NMFS 2008). Oil spills are also a risk factor. It is likely that multiple threats are acting together to impact the whales. Although it is not clear which threat or threats are most significant to the survival and recovery of SRKWs, all the threats identified are potential limiting factors in the population dynamics of the DPS (NMFS 2008).

Chinook salmon make up a significant proportion of SRKW diets. Estimates range from approximately 70 percent during winter and spring to more than 90 percent during summer and fall (NMFS 2021).

Aquatic habitats in the action area consist of shallow, confined, estuarine areas that SRKWs are not expected to enter. There have been no documented observations of SRKWs in the action area. For these reasons, the project has no potential to directly affect SRKWs or their habitat. However, based on the potential for adverse impacts on Chinook salmon—a primary prey species for SRKWs—analyses in this BA consider potential indirect impacts on this species.

2.3 Presence of Federally Designated or Proposed Critical Habitat in the Project Action Area

2.3.1 Puget Sound Chinook Salmon Critical Habitat

Portions of Ebey Slough and Quilceda Creek in the action area have been designated as critical habitat for Puget Sound Chinook salmon (70 FR 52629, September 2, 2005). Coho Creek was not included in the designation.

Specific physical and biological features (PBFs) for Chinook salmon in freshwater and marine/estuarine areas, as defined by NMFS, include the following:

1. Freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation and larval development

2. Freshwater rearing sites with water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; water quality and forage supporting juvenile development; and natural cover such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks
3. Freshwater migration corridors free of obstruction with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival
4. Estuarine areas free of obstruction with water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between freshwater and saltwater; natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels; and juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation
5. Nearshore marine areas free of obstruction with water quality and quantity conditions and forage, including aquatic invertebrates and fishes supporting growth and maturation; and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels
6. Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation

Freshwater and estuarine habitats in Quilceda Creek and Ebey Slough in the action area are expected to support PBFs 2, 3, and 4. Based on the lack of potentially suitable spawning substrates, Quilceda Creek in the action area is not expected to support PBF 1 for Chinook salmon.

2.3.2 Puget Sound Steelhead Critical Habitat

Portions of Ebey Slough and Quilceda Creek in the action area have been designated as critical habitat for Puget Sound steelhead (81 FR 9251, February 24, 2016). Coho Creek was not included in the designation.

Critical habitat for Puget Sound steelhead is defined by the same PBFs as those identified above for Chinook salmon. Based on the lack of potentially suitable spawning substrates in the action area, freshwater and estuarine habitats in Quilceda Creek and Ebey Slough are expected to support PBFs 2, 3, and 4 of critical habitat for Puget Sound steelhead.

2.3.3 Bull Trout Critical Habitat

Critical habitat for bull trout was designated in September 2005 (70 FR 56211) and was revised on October 18, 2010 (75 FR 63897). Only Ebey Slough within the action area is designated as critical habitat. Quilceda Creek and Coho Creek are not mapped as critical habitat for bull trout. Therefore, only the applicable PBFs related to marine nearshore habitats are listed below.

Specific PBFs for bull trout in marine nearshore areas, as defined by USFWS, include the following:

2. Migration habitats with minimal physical, biological, or water quality impediments between spawning, rearing, overwintering, and freshwater and marine foraging habitats, including but not limited to permanent, partial, intermittent, or seasonal barriers

3. An abundant food base, including terrestrial organisms of riparian origin, aquatic macroinvertebrates, and forage fish

5. Water temperatures ranging from 2 to 15 °C (36 to 59 °F), with adequate thermal refugia available for temperatures that exceed the upper end of this range. Specific temperatures within this range will depend on bull trout life-history stage and form; geography; elevation; diurnal and seasonal variation; shading, such as that provided by riparian habitat; streamflow; and local groundwater influence.

8. Sufficient water quality and quantity such that normal reproduction, growth, and survival are not inhibited

All of these PBFs are present in Ebey Slough in the action area.

2.3.4 Southern Resident Killer Whale Critical Habitat

Designated critical habitat for SRKWs in Washington includes most of Puget Sound and the Strait of Juan de Fuca (71 FR 69054, November 29, 2006). Waters less than 20 feet deep relative to extreme high water are not considered to be within the geographical area occupied by SRKWs and are not included in the critical habitat designation. The outfalls in Ebey Slough that will receive discharges from project-related stormwater facilities are in waters less than 20 feet deep relative to extreme high water. Therefore, no SRKW critical habitat is present in the action area.

3. Environmental Setting

The action area is in a largely developed and rapidly urbanizing setting in the Puget Sound Lowlands. Portions of the project area west of I-5 are in the Tulalip Reservation. Reservation lands along 4th Street and 88th Street NE in the action area are zoned for commercial uses; some residential-zoned areas are nearby. Portions of the project area east of I-5 are in the Marysville city limits. Areas along 4th Street are in the densely developed Downtown Commercial zone, and areas along 88th Street NE are zoned as Community Business. Nearly all parcels within 0.25 mile of the two interchanges are developed to their maximum zoning potential.

According to the WSDOT Traffic GeoPortal, the average daily volume of traffic on I-5 at 4th Street (northbound and southbound combined) was 107,000 vehicles per day in 2020. The northbound and southbound on- and off-ramps at that interchange carried between 6,400 and 15,000 vehicles per day. The average volume on 4th Street was approximately 29,000 vehicles per day. The corresponding values at the 88th Street NE interchange were 98,000 vehicles per day (I-5 mainline) and 4,500 to 11,000 vehicles per day (on- and off-ramps). The WSDOT Traffic GeoPortal does not calculate traffic volumes on 88th Street NE. However, traffic data collected in 2019 to support modeling of future scenarios showed volumes of approximately 1,900 to 2,900 vehicles per hour on 88th Street NE at the I-5 interchange, which equates to approximately 19,000 to 29,000 vehicles per day.

3.1 Terrestrial Species and Habitat

The Coho Creek corridor within the Tulalip Reservation is surrounded by a wide forested buffer and is less confined. The Quil Ceda Village Business Park is directly east of Coho Creek and north of 88th Street NE. The area west of Coho Creek in this area is largely undeveloped forest. South of 88th Street NE, Coho Creek is bordered to the east by I-5 and rural residential development to the west. The Quilceda Creek riparian corridor in the Marysville city limits is surrounded by residential and industrial land use.

At the south end of the action area there is industrial and commercial activity situated between busy transportation corridors. The Ebey Slough waterfront contains Ebey Waterfront Park, stormwater conveyance features, asphalt parking areas, boat launch facilities and associated docks, and shoreline areas.

There are no documented occurrences of rare plants or priority ecosystems within the immediate project area (WDNR 2021). However, several rare plants and rare plant communities mapped west of I 5, approximately 1,000 feet west of the project action area, are associated with the salt marsh habitat at the mouth of Quilceda Creek.

Ebey Slough and the Quilceda Creek/Coho Creek wetland and stream complex provide foraging, breeding, nesting, and overwintering habitat to a wide variety of terrestrial and aquatic species.

3.2 Aquatic Species and Habitats

The action area includes portions of three streams: Ebey Slough (an estuarine waterway at the mouth of the Snohomish River), Quilceda Creek (a tributary to Ebey Slough), and Coho Creek (a tributary to Quilceda Creek). The known or expected use of these streams by ESA-listed fish is described in Section 2.2. The

following subsections provide additional information about habitat conditions pertinent to this analysis. Information about the wetland associated with Coho Creek is also provided.

Ebey Slough

Ebey Slough is a right-bank slough channel and tidally influenced distributary of the Snohomish River. The slough diverges from the main stem of the Snohomish River approximately 8 miles upstream from the river's mouth. Ebey Slough then flows north-northwest before discharging to Possession Sound approximately 2 miles north of the Snohomish River.

The north (right) bank of Ebey Slough in the action area has been highly modified by historic and current land use practices. Riparian vegetation is limited to a narrow band, only a few feet wide, vegetated mostly with weedy herbaceous species. Bottom substrates in the action area are dominated by fines, primarily sand and silt. Maximum depths at slack tide range from 8 to 12 feet (Laughlin 2011). A total maximum daily load allocation has been established for Ebey Slough to address low concentrations of dissolved oxygen downstream of I-5 (Ecology 2021).

Adult salmonids use the lower Snohomish River estuary, including Ebey Slough, primarily as a migration corridor and as a physiologic transition zone between salt and freshwater environments. Ebey Slough also provides rearing habitat and serves as a migratory corridor for juvenile salmonids. Spawning for all salmonid species occurs farther upstream in the mainstem Snohomish, Snoqualmie, and Skykomish Rivers and their tributaries.

Quilceda Creek

Quilceda Creek is a low-gradient channel within a broad valley known as the Marysville Trough. A high groundwater table supports stream flows, and the water table fluctuates rapidly in response to precipitation (Quil Ceda Village 2009). Tidal influence in the main stem extends to a point just upstream of I-5.

Based on the high proportion of fine substrates, Quilceda Creek is considered "not properly functioning" for substrate conditions (Snohomish County 2002). Potentially suitable spawning gravels are present in some sections of the stream upstream of the action area, however. The mainstem section of Quilceda Creek east of I-5 is listed on the 303(d) list for failure to meet dissolved oxygen standards (Ecology 2021).

The known or expected use of Quilceda Creek by ESA-listed fish species is discussed in Section 2.2 of this BA. NWIFC (2022) characterizes other salmonids' use of Quilceda Creek in the action area as follows:

- Coho salmon—rearing, documented
- Cutthroat trout—rearing[1], documented
- Chum salmon—present, documented
- Pink salmon—not documented, gradient-accessible

Coho Creek

The headwaters of Coho Creek are in Quil Ceda Village on the Tulalip Reservation (Quil Ceda Village 2009). In the action area, the stream has an unconfined, low-gradient channel. Stream flows remain within

[1] Nelson, personal communication, 2022b

the moderately incised channels under normal flow conditions but quickly jump the banks into a wide floodplain during periods of higher flow. Emergent and scrub/shrub-dominated wetlands occupy the floodplain and riparian habitats. Riparian vegetation is dominated by dense reed canarygrass and common cattail, with lesser amounts of shrubs, including red-twig dogwood, black twinberry, willow, and immature red alder. Large woody material is recruited, in small amounts, where the channel is close to the interphase between wetland and upland habitats. Beaver activity is significant in the Coho Creek drainage basin. Beaver dams are present both upstream and downstream of the 88th Street NE crossing, but not within 200 feet of the road.

Substrates in the action area are dominated by fine-grained materials, primarily sand with areas of patchy gravel where conditions allow. The dominant habitat is mid-channel scour pools with depths averaging between 2 and 3 feet. Instream cover is relatively low due to the lack of large woody material. However, dense overhanging vegetation likely provides some measure of cover and refuge.

Areas of significant erosion and channel incision (exceeding 10 feet) are located approximately 0.2 mile upstream of the crossing, which has contributed to the fine sediment bedload observed in the lower reaches of the stream, including the action area. As the project reach is largely depositional, the buildup of the fine sediments limits the suitability of the project area for spawning. Overall, fine sediment deposition is a limiting factor for all salmonids in the Coho Creek system.

Coho Creek is conveyed under 88th Street NE in a 54-inch concrete pipe. WDFW biologists visited the culvert in 1999, but they were unable to evaluate its status as a fish passage barrier. Based on evidence of backwater effects (90-degree turn and scour hole upstream of the road crossing), it is likely that the culvert is undersized and presents a velocity barrier to fish under high-flow conditions.

The Tulalip Tribes have undertaken extensive habitat restoration projects in and along Coho Creek upstream of 88th Street NE. Projects have included barrier removal (18 culverts removed or replaced), spawning gravel placement, channel reconstruction, riparian planting, and placement of log habitat structures. Before these efforts began in 2001, salmonids were not known or expected to use habitats in Coho Creek. Between 2002 and 2011, Tulalip tribal biologists monitored fish use of the stream and found evidence that coho salmon, chum salmon, and cutthroat trout spawn in Coho Creek (TTED 2012; Nelson, personal communication, 2021).

Wetlands

A large wetland complex (Wetland A) is associated with Coho Creek. The wetland has emergent and scrub-shrub vegetation classes and both riverine and slope hydrogeomorphic regimes. Hydroperiods within the wetland include permanently flowing stream, seasonal ponding, and saturation. The wetland boundary extends up into the hillslope at the start of the tree line on both sides of the stream corridor. The dominant plant species in the wetland is reed canarygrass (*Phalaris arundinacea*). Additional vegetation includes common cattail (*Typha latifolia*), hardhack (*Spiraea douglasii*), redtwig dogwood (*Cornus sericea*), Himalayan blackberry (*Rubus armeniacus*), black twinberry (*Lonicera involucrata*), red alder (*Alnus rubra*), and various willows (*Salix* spp.).

4. Effects of the Action

The following subsections describe potential direct effects on ESA-listed species and critical habitat, as well as identifying delayed consequences (indirect effects) of project actions. Effects of interrelated and interdependent activities are also addressed. Direct effects include all immediate impacts from project-related actions (e.g., construction-related impacts such as noise disturbance or loss of habitat), as well as impacts stemming from actions or activities that are interrelated or interdependent to the proposed action. Delayed consequences include effects that are reasonably certain to occur as a result of the proposed action, but later in time (generally after construction is complete). Delayed consequences may result from the operation of the project (e.g., long-term reductions in the quality or extent of riparian vegetation) or from future activities related to the project (e.g., induced land use change or growth).

4.1 Direct Effects

The proposed action includes the following activities with the potential for direct effects on ESA-listed species and critical habitat in the action area:

- Construction noise and increased human activity
- Ground-disturbing work in and near streams
- Fish exclusion during stream channel realignment
- Habitat loss
- Stream habitat enhancement

The following subsections identify the potential effects of these activities on ESA-listed species and critical habitat, as well as evaluating the potential for ESA-listed species to be exposed to each activity and its potential effects.

4.1.1 Construction Noise and Increased Human Activity

The terrestrial portion of the action area extends into some nearshore marine habitats (Ebey Slough) where marbled murrelets may potentially forage. Given the distance of the construction areas from potential foraging habitat, combined with the generally high level of noise and human activity in the potentially affected portion of Ebey Slough (at and near the I-5 crossing), construction noise is extremely unlikely to affect the behavior of any murrelets that may forage in Ebey Slough.

4.1.2 Ground-disturbing Work in and Near Streams

The potential for construction-related impacts to water quality will be addressed through the implementation of conservation measures and BMPs specified in the SWPPP and TESC plan that will be prepared and implemented before project construction begins. Additionally, the measures specified in Section 1.4 will be implemented, and they will reduce or eliminate the potential for water quality impacts during construction.

Construction will require the use of heavy machinery along the banks of Coho Creek both above and below the stream's ordinary high water line. Although unlikely, accidents such as spills of hazardous materials (typically green cement or grout, fuel, oils, and hydraulic fluids) or unanticipated construction mishaps could occur. Contaminants released through such accidents would degrade water quality and/or be toxic to fish and other aquatic organisms (including larval Oregon spotted frogs, if present). The

potential effect of accidental discharges, should they occur, will be mitigated in large part by implementation of the BMPs. Adherence to the site-specific SPCC plan will minimize the potential for direct effects associated with accidental spills to insignificant levels.

The proposed action will include the temporary disturbance of soils during grading and excavating activities. Site grading and excavation could result in erosion from disturbed upland soils, potentially increasing the sediment load in runoff entering Coho Creek. Stream reconstruction activities within Coho Creek may mobilize existing bottom sediments and sediments within the existing culvert, leading to short-term increases in turbidity and sedimentation of downstream areas. No ground-disturbing work will take place in or near Quilceda Creek or Ebey Slough, nor will equipment be operated in or near either of those streams.

Sedimentation is a concern because it can increase scour potential, degrade rearing habitat, and alter riparian vegetative structure. Increased turbidity can affect both primary food production and feeding efficiency by fish and other aquatic organisms. In addition, high turbidity can impair respiration and possibly hinder salmonid reproductive efforts.

Based on the implementation of site-specific BMPs, the effects of sedimentation and turbidity within Coho Creek are anticipated to be insignificant. In addition, the likelihood of any ESA-listed fish being present in Coho Creek during construction is extremely low. As discussed in Section 2, Chinook salmon, steelhead, and bull trout are not expected to spawn in Coho Creek. In the unlikely event that any of these species do spawn in Coho Creek, work in and near the water will take place during the in-water work window (July 15 to September 30), when migrating adults, incubating eggs, and outmigrating juveniles are least likely to be present. It is possible that rearing juvenile Chinook salmon or steelhead or foraging subadult bull trout could enter Coho Creek from Quilceda Creek. The probability of this occurring is very low, however, based on the following:

- During 10 years of monitoring at the smolt trap in Coho Creek approximately 0.4 mile upstream from the project site, none of these species was observed.
- The in-water work window corresponds to the period when low flows and elevated water temperatures are expected to discourage individuals of all three species (especially bull trout) from entering Coho Creek.
- Bull trout are not expected to spawn in the Quilceda Creek system, further reducing the likelihood that adults, subadults, or juveniles may venture into Coho Creek from Quilceda Creek.
- Juvenile Chinook salmon from the Quilceda Creek system are predominantly ocean-type—that is, they migrate downstream from April to early June and are largely absent from fresh waters by mid-July.
- Tulalip tribal biologists familiar with local conditions have determined that all three species are unlikely to be present in Coho Creek during the in-water work window (Nelson, personal communication, 2022a).

Similarly, the potential for Oregon spotted frogs to be exposed to construction-related turbidity or contaminants is discountable. This conclusion is based on (1) the low probability that Oregon spotted frogs are present in the action area, (2) the implementation of BMPs designed to minimize the risk of accidental releases, and (3) the low probability for areas near the project site to provide suitable breeding habitat for Oregon spotted frogs. If Oregon spotted frogs breed near the beaver ponds upstream of the project site, dispersing juveniles might venture into the project area. Given the area's isolation from

known populations, combined with the limited quality and extent of potentially suitable breeding habitat, this is a low-probability scenario.

4.1.3 Fish Exclusion

Most construction work for building the new bridge and reconstructing the Coho Creek stream channel will be performed in the dry, outside the active channel. In-water work will be limited to activities associated with diverting flow from the existing channel to the reconstructed channel under the new bridge. Before the existing channel is dewatered and flow is directed to the new channel, fish will be excluded from the affected areas. Fish exclusion will be performed in accordance with the standards and protocols established by USFWS (2012).

Fish exclusion will occur only during the in-water work window (July 15 to September 30). As noted above, in the unlikely event that Chinook salmon, steelhead, or bull trout spawn in Coho Creek, this work will take place when migrating adults, incubating eggs, and outmigrating juveniles are least likely to be present. Also, as discussed above, the probability that individuals of any of these species might venture into the construction area during the in-water work window is very low.

Oregon spotted frogs are not expected to use habitats in the actively flowing stream channel that will be dewatered when flow is directed to the new channel. As such, fish exclusion activities have no potential to affect Oregon spotted frogs.

4.1.4 Habitat Loss

Realigning the stream channel building bridge piers and retaining walls will entail the placement of fill below the ordinary high water line of Coho Creek (see Appendix B, sheets 9 and 10). The impacts of the loss of aquatic habitat in these areas will be offset by (1) the creation of new stream channel habitat, combined with (2) the removal of the gabion-supported road fill prism that currently occupies areas that would otherwise be within the ordinary high water line of Coho Creek and/or within associated wetland and riparian areas.

Approximately 160 linear feet of existing stream channel will be filled upstream and downstream of the culvert. In its place, approximately 220 linear feet of new stream channel will be created, for a net gain of about 60 linear feet. In addition, removal of the gabion-supported road fill prism at that location will create approximately 6,300 square feet of native soils and native vegetation that support riparian and wetland functions. The change in the amount of habitat within the ordinary high water line cannot be calculated because the ordinary high water line for the new stream channel will not be established until after the channel has carried flows for at least one winter.

Stream realignment will also result in the loss of some wetland areas that have the potential to provide suitable habitat for Oregon spotted frogs. As with stream channel habitat, these losses will be offset. As shown in Appendix B (sheets 9 and 10), approximately 6,100 square feet of Wetland A will be affected by structural fill (about 4,400 square feet) or stream channel creation (about 1,700 square feet). However, approximately 6,300 square feet of gabion-supported road fill prism will be removed, and approximately 1,400 square feet of stream channel will be filled. These areas, totaling about 7,700 square feet, will be planted with native species. Over time, these areas are expected to support wetland functions, potentially resulting in a net increase of approximately 1,600 square feet of wetland area at the project site. In addition, all impacts to wetlands, streams, and their regulatory buffers will be mitigated in accordance

with applicable tribal, federal, state, and local requirements. There will be no net loss of wetland area or ecological functions. The project is expected to result in a significant improvement in system processes and ecological functions of wetlands and streams after fill removal associated with the bridge construction.

Removal of the undersized culvert may reduce the amount of area affected by backwatering during high-flow events in Coho Creek. Based on low gradients, abundant beaver activity, and groundwater availability in Wetland A upstream of 88th Street NE, this change will not be expected to affect the hydrology of Wetland A. Modeling indicates that the project will not affect the water surface elevation in Coho Creek during a 2-year storm event. Measurable changes in water surface elevations would occur only during significantly larger storm events, which do not play a major role in determining wetland hydrology. For these reasons, the total area of Wetland A is not expected to change.

4.1.5 Stream Habitat Enhancement

Culvert removal, bridge construction, and stream channel realignment will have the following beneficial effects in the action area:

- A net increase of approximately 60 linear feet of surface-flowing stream habitat
- The replacement of approximately 6,300 square feet of gabion-supported road fill prism with native soils and native vegetation that support riparian functions
- Improved habitat conditions due to the placement of large woody material in and near the stream channel
- Increased availability of potentially suitable spawning substrates in the newly constructed channel
- Improved connectivity between the stream and its floodplain where the existing gabion-supported road fill prism is removed
- Improved movement of sediments through the system due to stream channel realignment and removal of the undersized culvert
- A potential net increase of approximately 1,600 square feet of wetland habitat that has the potential to support breeding, rearing, and overwintering by Oregon spotted frogs
- Improved access to approximately 65,000 linear feet (12.3 miles) of stream habitat in the Coho Creek system upstream of 88th Street NE (Shattuck, personal communication, 2021)

As discussed in Section 3.2 of this BA, the Tulalip Tribes have implemented extensive habitat improvement projects in Coho Creek, and the Tribes are developing plans for additional restoration. Removal of the undersized culvert at 88th Street NE will render those areas more accessible to anadromous salmonids, including ESA-listed species.

4.2 Delayed Consequences

Analyses in this section address the potential for effects resulting from long-term reductions in the quality or extent of riparian vegetation, changes in the amount of impervious surface in the action area, and potential changes in land use. Also addressed are potential impacts on prey species for SRKWs.

4.2.1 Riparian Habitat Modification

Bridge construction and stream channel realignment will entail clearing vegetation in the riparian zone along Coho Creek. Temporarily disturbed areas within the riparian zone will be replanted with native species that support riparian ecological functions. Currently, the predominant vegetation cover in the affected areas is Himalayan blackberry. Removal of this invasive species and planting native species will likely contribute to improved riparian habitat quality over time. In addition, approximately 6,300 square feet of gabion-supported road fill prism will be replaced with native soils and native vegetation, increasing the amount of area that provides riparian ecological functions.

Safety standards require that only low-stature species will be allowed to grow within 10 feet of the new bridge. Mature forest habitat will not develop in those areas, reducing the potential for recruitment of large woody material to the stream over the long term. This reduction will be offset by the placement of more than 60 pieces of large woody material in and near the stream as part of the project design.

4.2.2 Stormwater

Project construction will decrease the amount of PGIS in the action area by 0.24 acre while increasing the amount being treated and/or infiltrated by 5.90 acres (Table 1). Given the marked increase in the amount of PGIS receiving water quality treatment, combined with the overall reduction in PGIS area, the project is expected to decrease the pollutant loading in runoff to waters that support ESA-listed fish. The amounts of net change in PGIS and area being treated and/or infiltrated vary from TDA to TDA. Currently, runoff from 12.57 acres of PGIS in the nine TDAs does not receive treatment; the project will decrease that amount to 6.42 acres (Table 1). In eight of the nine TDAs, the amount of PGIS being treated or infiltrated will increase. The one exception is TDA 2, which is discussed in the evaluation of the potential delivery of stormwater to Quilceda Creek (see below).

In contrast to PGIS, the total area impervious surfaces will increase overall, by 1.27 acre. Flow control will be provided in compliance with the requirements of the Highway Runoff Manual.

Runoff from PGIS created or replaced by the project will be treated in accordance with the guidelines in the current Stormwater Management Manual for Western Washington, which represents the best available science for stormwater treatment and flow control. As discussed in Section 1.3.1, runoff from 90 percent of impervious surfaces (pollution-generating or non-pollution-generating) created or replaced in most TDAs will be routed to infiltration facilities. Implementation of these practices, combined with an overall reduction in the amount of PGIS, is expected to reduce the potential for ESA-listed species to be exposed to elevated concentrations of pollutants (including dissolved metals and other chemical contaminants) in runoff from impervious surfaces created or replaced by the project.

Nevertheless, residual contaminants in stormwater runoff from PGIS can harm ESA-listed fish, even after the water has been treated to reduce pollutant loads. ESA-listed fish in receiving waters may be exposed to contaminants in stormwater that is discharged to the receiving waters, or they may be exposed by consuming contaminated prey. The likelihood and magnitude of the effect are related to the length of time fish spend in the action area.

Recent research has found 6PPD-quinone, a contaminant found in runoff from roadways, to be a major contributor to pre spawning mortality in coho salmon (Tian et al. 2021). The effects of this contaminant on other salmonids (including ESA-listed Chinook salmon, steelhead, and bull trout) have not been studied in depth. The concentration at which 6PPD-quinone may have toxic effects on those species is

unknown, as is the effectiveness of stormwater treatment facilities in reducing its concentration in stormwater runoff. However, the use of bioretention facilities, such as those proposed for this project, has been found to prevent the acute lethal effects of stormwater on salmonids (Spromberg et al. 2015).

The concentrations of contaminants that remain in stormwater discharged to receiving waters are unknown, and they are expected to be highly variable. Similarly, the distance from the outfall to the point where the contaminants dilute to levels too low to cause detectable effects is also unknown and expected to be highly variable. Runoff volumes vary and depend on the timing, intensity, and duration of individual storm events. Contaminant concentrations are likely to be greatest during first-flush events, after contaminants have accumulated on roadways during long periods of dry weather. Such events are most common in early and mid-autumn.

Another significant factor is the system that conveys the stormwater to receiving waters. Where water is conveyed in open, vegetated ditches, contaminant concentrations are reduced through infiltration and adsorption to organic matter. Fewer opportunities for such reductions occur in conveyance systems that consist primarily of pipes.

The following subsections analyze the potential impacts of stormwater on ESA-listed fish in each of the three receiving waters (Ebey Slough, Quilceda Creek, and Coho Creek).

Ebey Slough

Ebey Slough receives stormwater runoff directly from TDAs 3 and 4 and indirectly from TDA 1.

Runoff from TDA 1 is discharged to a wetland that borders Ebey Slough; the discharge point is approximately 1,200 feet from the water's edge. In addition, the project will result in a net decrease in the PGIS in the TDA, as well as increasing the amount of impervious surface receiving water quality treatment (Table 1). Based on the distance from the discharge point to Ebey Slough, the potential for ESA-listed fish to be exposed to residual contaminants in treated runoff from TDA 1 is negligible.

Stormwater runoff from TDA 3 will be treated and discharged to an outfall in Ebey Slough immediately west of I-5. Under current conditions, runoff from TDA 3 does not receive any treatment before it is discharged to Ebey Slough. The project will result in a net increase of 0.43 acre of PGIS in TDA 3, and it will provide treatment for 0.41 acre (Table 1). Based on these factors, the project may not result in an appreciable reduction in contaminant levels in runoff from TDA 3. However, any residual contaminants that may remain in treated runoff from this TDA will be diluted almost immediately upon entering Ebey Slough.

Stormwater runoff from TDA 4 will be directed to the new regional stormwater treatment facility being developed by the City. Under current conditions, runoff from TDA 4 does not receive any treatment. The project will result in a minuscule net increase in the amount of PGIS in TDA 4 (0.01 acre), and it will provide treatment for an approximately equal area (Table 1). Although this change does not have a high likelihood of reducing the contaminant levels in runoff from TDA 4, the areas involved are minuscule relative to the total area that will be directed to the regional stormwater facility.

Infiltration and treatment that occur in these facilities and conveyance systems are expected to reduce the loadings of contaminants in stormwater that is discharged from the project site to Ebey Slough, compared to current conditions. Residual contaminants in treated stormwater, as well as contaminants in untreated runoff from existing PGIS in these TDAs, will be diluted almost immediately upon entering

Ebey Slough. Runoff from the approximately 7 acres of PGIS in these three TDAs represents a tiny proportion of the flow that enters Ebey Slough from the Snohomish River basin.

ESA-listed fish are likely to be exposed to contaminants in stormwater runoff from the project area only if they are present near the discharge points during or shortly after a storm event. Following are evaluations of the exposure potential for the various life stages of ESA-listed fish that may be present in Ebey Slough.

- Adult Chinook salmon may encounter stormwater discharges while they are passing through Ebey Slough en route to spawning grounds in the Snohomish River system from June through September. Given the small area where elevated contaminant concentrations occur (in the immediate vicinity of the discharge points), the infrequent occurrence of storm events during that period, and the brief duration of their presence (adults are not expected to linger in the estuary before heading upstream), the potential for exposure is very low.
- Juvenile Chinook salmon may be present in Ebey Slough in low densities at most times of the year, with higher densities in May and June. As with adults, only the individuals that venture close to the discharge points will be at risk of exposure. The overwhelming majority of storm events, including first-flush events, occur when densities are relatively low, minimizing the potential for exposure.
- Adult steelhead may encounter stormwater discharges while they are passing through Ebey Slough en route to spawning grounds in the Snohomish River system. Given the presence of both summer-run and winter-run steelhead in the system, migrating adults may be present in the slough at almost any time of year. Only the individuals that venture close to the discharge points will be at risk of exposure.
- Juvenile steelhead typically do not linger in the estuarine environment. Outmigrating smolts may be present from mid-April through August, but their presence is expected to be brief and transitory. Given the small area where elevated contaminant concentrations occur (in the immediate vicinity of the discharge points), the infrequent occurrence of storm events during that period, and the brief duration of the juveniles' presence, the potential for exposure is very low.
- Adult bull trout are most likely to be present in Ebey Slough from April through July or August. Given the small area where elevated contaminant concentrations occur (in the immediate vicinity of the discharge points) and the infrequent occurrence of storm events during this period, the potential for exposure is very low. In addition, the anadromous life history form makes up a limited proportion of the bull trout population in the Snohomish River system; the number of adults that may enter Ebey Slough is comparatively small.
- Subadult bull trout typically overwinter in reaches of the Snohomish River upstream of Ebey Slough. They are not expected to be exposed to discharges from stormwater facilities.
- Juvenile bull trout may be present between mid-April and mid-July. Similar to steelhead, their presence is expected to be brief, transitory, and at low densities. Given the small area where elevated contaminant concentrations occur (in the immediate vicinity of the discharge points), the infrequent occurrence of storm events during that period, and the brief duration of the juveniles' presence, the potential for exposure is very low.

Quilceda Creek

Quilceda Creek receives stormwater runoff from TDAs 2, 6, 7, 8 and 9. The following paragraphs evaluate the project's effects on contaminant levels in runoff that enters Quilceda Creek from those TDAs. Notably, runoff from the equivalent of 90 percent of all impervious surfaces (pollution-generating or non-pollution-generating) created or replaced in four of these five TDAs (6, 7, 8, and 9) will be routed to infiltration facilities.

Under current conditions, runoff from TDA 2 does not receive any treatment before it is discharged to Quilceda Creek. By reducing the area of PGIS in the TDA by 0.09 acre, the project is expected to reduce contaminant levels in runoff from TDA 2, compared to current conditions. Additional reduction of contaminant levels will occur through adsorption to soils and vegetation in conveyance ditches between the project site and the stream. Based on the small area of impervious surfaces in this TDA, project-driven changes in contaminant levels are not expected to have a detectable effect on water quality in Quilceda Creek.

Under current conditions, runoff from TDA 6 does not receive any treatment before it is discharged to Quilceda Creek. The project will result in a net increase of 0.01 acre of PGIS in TDA 6, an amount that is dwarfed by the amount of impervious surfaces that will receive treatment in the TDA (0.62 acre). As discussed in Section 1.3.1, much of the runoff from TDA 6 infiltrates in conveyance ditches and never enters Quilceda Creek. Contaminant levels in any water that reaches the stream are further reduced through adsorption to soils and vegetation in the ditches. Based on these factors, contaminant levels in runoff that reaches Quilceda Creek from TDA 6 are very low under current conditions and will decrease substantially after the project is complete.

Under current conditions, runoff from 0.62 acre of impervious surfaces in TDA 7 receives partial treatment in a bioswale. The project will result in a net increase of 0.10 acre of PGIS and a net increase of 1.31 acres receiving treatment. As discussed in Section 1.3.1, much of the runoff from this TDA infiltrates in conveyance ditches and never enters Quilceda Creek. Contaminant levels in any water that reaches the stream are further reduced through adsorption to soils and vegetation in the ditches. Based on these factors, contaminant levels in runoff that reaches Quilceda Creek from TDA 7 are very low under current conditions and will decrease substantially after the project is complete.

Under current conditions, runoff from 1.28 acres of impervious surfaces in TDA 8 drains to a stormwater treatment pond that is believed to outfall to Quilceda Creek north of 88th Street NE. Currently, the stormwater pond occasionally experiences flooding. The project will result in a net decrease of 0.04 acre of PGIS and a net increase of 0.15 acre receiving treatment. By creating a new infiltration facility, the project will reduce the amount of runoff directed to the stormwater pond, reducing the risk of the pond's capacity being exceeded during major storm events. As a result, contaminant levels in runoff that reaches Quilceda Creek from TDA 8 are expected to decrease after project completion.

Under current conditions, runoff from 0.13 acre of impervious surfaces in TDA 9 flows to a bioswale—approximately two-thirds of the total impervious surface area in the TDA. The project will result in a net increase of 0.03 acre of PGIS and a net increase of 0.07 acre receiving treatment. Based on these factors, contaminant levels in runoff that reaches Quilceda Creek from TDA 9 are very low under current conditions and will decrease after the project is complete.

Infiltration and treatment that occur in these facilities and conveyance systems are expected to reduce the loadings of contaminants in stormwater that is discharged from the project site to Quilceda Creek,

compared to current conditions. Although the volume of flow in Quilceda Creek is not as great as that in Ebey Slough, the combined area of the PGIS in these five TDAs (approximately 5 acres) is extremely small compared to the contributing watershed area upstream of their discharge points (approximately 20,000 acres).

To be cautious, it is assumed for this analysis that runoff from project-related impervious surfaces may contain elevated levels of contaminants from the upstream-most discharge point (that of TDA 8) all the way down to the mouth of the stream in Ebey Slough, a distance of approximately 3.7 miles. It is quite likely, however, that residual contaminants in treated stormwater, as well as contaminants in untreated runoff from impervious surfaces in these TDAs, will be diluted to insignificant levels a short distance downstream of each discharge point. Moreover, TDAs 6 and 7 encompass more than half of the impervious surface area that drains to Quilceda Creek. Most runoff from these two TDAs infiltrates in conveyance ditches and does not enter the stream. These factors, combined with the high proportion of runoff from PGIS in these TDAs that will receive treatment after the project is complete (4.18 of 5.36 acres—nearly 80 percent), indicate a low likelihood that harmful levels of contaminants will enter Quilceda Creek from these five TDAs.

Following are evaluations of the exposure potential for the various life stages of ESA-listed fish that may be present in Quilceda Creek.

- Small numbers of adult Chinook salmon are expected to pass through the action area en route to spawning grounds upstream. They may enter the stream as early as June and be present until spawning is complete in late November. Migrating adults are likely to encounter runoff from project-related impervious surfaces as they pass through the action area during this period, which includes the early and mid-autumn period when first-flush events are most likely to occur. Exposure to elevated levels of contaminants will be relatively brief, as the fish are expected to keep moving upstream until they encounter suitable spawning habitat.
- Juvenile Chinook salmon may rear in the action area, but they are more likely to use Quilceda Creek in the action area as a migratory corridor as they move to marine habitats from spawning and rearing areas upstream. Juvenile Chinook salmon from the Quilceda Creek system are predominantly ocean-type—that is, they rear in freshwater habitats for a relatively brief period before migrating downstream. Juvenile Chinook salmon are largely absent from Quilceda Creek by mid-July each year.
- Adult steelhead are expected to pass through the action area en route to spawning grounds upstream. Winter-run steelhead may pass through reaches of Quilceda Creek in the action area between November and April. If summer-run steelhead spawn in the system, they may pass through the action area May and October (as noted in Section 2.2.3, it is unlikely that many summer-run steelhead are present in Quilceda Creek).
- Juvenile steelhead may rear in the action area. Because rearing juveniles may rear in freshwater systems for several years, juvenile steelhead could be present in Quilceda Creek in the action area at any time of year and could, thus, be exposed to contaminants in runoff from project-related impervious surfaces.
- Bull trout are not expected to spawn in the Quilceda Creek system. For this reason, exposure to runoff from project-related impervious surfaces would occur only if individual bull adults or

subadults from other systems were to venture into the stream. Any such expeditions would likely involve individual fish and would occur only infrequently.

Coho Creek

Coho Creek receives stormwater runoff from TDA 5. Under current conditions, runoff from 1.54 acres of impervious surfaces in this TDA flows to a bioswale. The project will result in a net decrease of 0.41 acre of PGIS, and it will nearly double the area receiving treatment (increasing to 2.98 acres). As a result, contaminant levels in runoff from TDA 5 are expected to decrease, compared to current conditions. In addition, the discharge point for the new facility will be in Wetland A. Under most conditions, additional contaminant removal will occur via infiltration and adsorption in the soils and vegetation of the wetland before entering the stream. During major storm events, the water level in the stream may be high enough to reach the end of the discharge pipe.

No ESA-listed fish have been documented in Coho Creek, even during 10 years of monitoring of the smolt trap approximately 0.4 mile upstream of 88th Street NE. Nevertheless, it is possible that individuals of any of these species may enter the stream on occasion. The likelihood of presence is greatest near the confluence of Coho Creek with Quilceda Creek, approximately 0.8 mile downstream from the TDA 5 discharge point. Over that distance, contaminant levels will be reduced as substances in the stormwater interact with soils and vegetation and are diluted by flow entering the stream from adjacent wetlands. The probability that any ESA-listed fish may be exposed directly to effluent discharged from TDA 5 is extremely low. The risks of exposure for the various life stages of each species are evaluated below.

- Adult Chinook salmon migrating upstream in Quilceda Creek could stray into Coho Creek. Based on the absence of a spawning population in Coho Creek, combined with poor habitat conditions (low flows, high temperatures, and a preponderance of fine substrates), any such occurrences would likely be temporary and brief.
- If any juvenile Chinook salmon rear in the lower reaches of Quilceda Creek, they, too, could stray into Coho Creek. As discussed above, the action area is in the lower reaches of Quilceda Creek, downstream of known spawning areas. Juvenile Chinook salmon are not expected to remain in those reaches for extended periods. In addition, to be exposed to undiluted effluent from TDA 5, juveniles from Quilceda Creek would have to swim upstream in Coho Creek for approximately 0.8 mile. Taken together, these factors suggest the likelihood of exposure is discountable.
- Similar to adult Chinook salmon, spawning and migrating adult steelhead may stray into Coho Creek. Based on the absence of a spawning population of steelhead in Coho Creek, combined with poor habitat conditions (the preponderance of fine substrates, in particular), any such occurrences would likely be temporary and brief.
- Juvenile steelhead that rear in Quilceda Creek could stray into Coho Creek. The potential for this to occur is greater than for Chinook salmon because juvenile steelhead tend to remain in freshwater systems for several years. In addition, as they age and become stronger swimmers, juvenile steelhead will have a greater ability to venture into the reaches of Coho Creek near the TDA 5 discharge point. However, the lack of detections during 10 years of smolt trap monitoring at 27th Avenue NE suggests a low probability that juvenile steelhead may venture that far upstream in Coho Creek.

- As noted above, bull trout are not expected to spawn in the Quilceda Creek system, which includes Coho Creek. For this reason, exposure to runoff from project-related impervious surfaces would occur only if individual bull trout (adults, subadults, or juveniles) from other systems were to venture into the stream. Any such expeditions would likely involve individual fish and would occur only infrequently.

4.2.3 Changes in Land Use

As required by WSDOT (2020), the May 2009 interagency guidance for addressing delayed consequences was employed to determine whether the proposed project has the potential for delayed consequences resulting from changes in land use. Responses to applicable questions in the guidance document are provided below.

Question 1: Will the project create a new facility (e.g., new road, new interchange, etc.)?

Response: No.

Question 2: Will the project improve a level of service of an existing facility as established in local plans?

Response: Yes, probably. *The purpose of the project includes improving mobility for cars, trucks, emergency services, pedestrians, and transit users traveling to, from, and across I-5 on 4th Street and 88th Street NE and within the Tulalip Reservation. The project is consistent with the City of Marysville's 88th Street Master Plan (Ordinance No. 2865, June 13, 2011). That plan includes requirements for roadway and intersection improvements to accommodate ingress and egress for the 88th Street Master Plan area. The plan states that ingress and egress shall be located as far from the State Avenue//88th Street NE intersection as possible and shall be restricted to right-in/right-out only. The plan also includes a requirement for additional right-of-way along 88th Street NE to accommodate an eastbound through lane for the 88th Street NE/State Avenue intersection. That intersection is approximately 0.25 mile east of the project footprint. Nevertheless, to be cautious, this analysis assumes the project will improve level of service at both the 4th Street and the 88th Street NE interchanges as established in local plans.*

Based on these responses, the delayed consequences analysis guidelines require responses to the five questions (a through e) below.

a) Is there a building moratorium in place that is contingent on the proposed road improvements?

Response: No. *Analysts found no evidence that a building moratorium is in place near either interchange or that the project has been identified as a requirement for development of any proposed or permitted developments.*

b) Are there any land use changes tied by permit condition to the proposed project?

Response: No. *Analysts have not identified any developments tied to the project by permit condition.*

c) Do the project's National Environmental Policy Act documents identify other actions or land use changes caused by or resulting from the project that are reasonably certain to occur?

Response: No. *National Environmental Policy Act documentation has not yet been prepared for this project.*

d) Do development plans include scenarios for the planning area where land use differs based on a "build" and "no-build" outcome related to the proposed project?

Response: No. *Tribal and City development plans do not include scenarios based on different outcomes for this project.*

e) Is there land use change that is likely to occur at a different rate as a result of the project?

Response*:* ***No.*** *Based on the plan area's distance from the project site, the proposed improvements are not expected to accelerate the implementation of the City of Marysville's 88th Street Master Plan. In addition, there is no evidence that the Tulalip Tribes or the City have any plans to change existing Comprehensive Plan designations or zoning in response to this project. The increased efficiency of the intersections is expected to reduce congestion, but it is not expected to influence the rate of development in the area. Growth and development in the area are ongoing and expected to continue at approximately the same rate with or without the I-5/4th Street and 88th Street NE Corridor Improvements project.*

Based on the above responses, the I-5/4th Street and 88th Street NE Corridor Improvements Project is not expected to contribute to the conversion of currently undeveloped or underdeveloped parcels in the action area to a more developed condition. Even if that were to occur, however, such projects would not be expected to result in substantial increases in runoff from pollution-generated impervious surfaces associated with new development. First, the project area is in a densely developed urban setting with a fully developed road network. In addition, any future development projects in and near the action area will be subject to independent environmental review and permitting by various tribal, federal, state, and local agencies, limiting the potential for adverse effects on ESA-listed species. For example, regulations at both the state and the local level require the inclusion of stormwater treatment facilities in most projects that create new or expand existing impervious surface area (e.g., WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington). They require that stormwater be treated or detained before it is released to local streams to minimize its detrimental effects on aquatic species and their habitats. In addition, point source stormwater discharges to surface waters from construction sites of 1 acre or larger are required to obtain a National Pollutant Discharge Elimination System permit from Ecology. Compliance with these and other requirements will minimize the potential for adverse effects on ESA-listed species and habitat from future development projects.

Based on the above, it is possible, but unlikely, that completion of the I-5/4th Street and 88th Street NE Corridor Improvements project could contribute to delayed consequences related to increased pollutant loadings in runoff from future development projects. The likelihood of any such effects will be minimized, if not entirely avoided, through implementation of measures aimed at minimizing adverse effects on fish and wildlife species and habitat.

4.2.4 Impacts on Prey Species

Impacts to SRKWs as a result of impacts on prey species will be generally beneficial. Overall, the stream enhancement component of the project will provide access to additional upstream habitat potentially suitable to spawning. Any negative effects on SRKW prey species during fish-exclusion activities will be

minimal and short-lived. Potential stormwater-related impacts on Chinook salmon will be limited to the Quilceda Creek population, which is dwarfed by populations in the nearby Snohomish River system. These effects will not translate into population-level effects that would measurably reduce the availability of prey species for SRKWs. As such, the potential for adverse impacts on the availability of food resources for SRKWs is discountable, and the outcome of any such impacts would be insignificant.

In-water work has the potential to displace prey species for both Chinook salmon and steelhead. The effects of any such displacement would be localized and temporary, and prey species would be expected to return following construction. Given the availability of prey in adjacent habitats, the proposed action is anticipated to have an insignificant effect on the availability of prey for Chinook salmon and steelhead.

4.3 Effects on the Physical and Biological Features of Critical Habitat

4.3.1 PBFs for Puget Sound ESU Chinook Salmon and Puget Sound DPS Steelhead

PBFs essential to the conservation of the Puget Sound ESU Chinook salmon and Puget Sound DPS steelhead in freshwater and estuarine habitats are present in the action area, as identified in Section 2.3.1 and Section 2.3.2. Potential project-related effects on each of those PBFs are discussed below.

PBF 2 (freshwater rearing sites)

The only designated critical habitat in freshwater habitats in the action area is in Quilceda Creek. The project will not entail any work in or near Quilceda Creek. However, contaminants in runoff from impervious surfaces may degrade water quality for juvenile Chinook salmon and juvenile steelhead that rear in Quilceda Creek in the action area.

PBF 3 (freshwater migration corridors)

The only designated critical habitat in freshwater habitats in the action area is in Quilceda Creek. The project will not entail any work in or near Quilceda Creek. However, contaminants in runoff from impervious surfaces may degrade water quality for adult Chinook salmon and steelhead that migrate through Quilceda Creek in the action area to spawning areas upstream. Contaminants may also degrade water quality for outmigrating juveniles.

PBF 4 (estuarine habitats)

The project will have no direct effects on physical or biological components of estuarine habitats. No project work will take place within Ebey Slough. As discussed in Section 4.2.2, any residual contaminants in runoff from project-related impervious surfaces will be diluted to levels too low to detectably degrade water quality almost immediately upon entering Ebey Slough.

4.3.2 PBFs for Bull Trout

PBFs essential to the conservation of bull trout in marine nearshore areas are present in the action area, as identified in Section 2.3.1. Potential project-related effects on each of those PBFs are discussed below.

PBF 2 (migration habitats)

Under current conditions, the project area contains no permanent, partial, or seasonal physical, biological, or water quality impediments that prevent migration between spawning, rearing, overwintering, and freshwater and marine foraging habitats.

The project will not entail any work in or near Ebey Slough and, as such, will have no direct effects on physical or biological components of estuarine habitats. As discussed in Section 4.2.2, any residual contaminants in runoff from project-related impervious surfaces will be diluted to levels too low to detectably degrade water quality almost immediately upon entering Ebey Slough.

PBF 3 (food base)

The project is not expected to have any detectable direct or indirect effects on the availability of prey for bull trout in Ebey Slough.

PBF 5 (water temperatures)

The project will not modify any riparian vegetation near Ebey Slough, nor will it affect the temperature of any waters being discharged to Ebey Slough. As such, the project will have no effect on water temperatures in Ebey Slough.

PBF 5 (water quality and quantity)

As discussed in Section 4.2.2, any residual contaminants in runoff from project-related impervious surfaces will be diluted to levels too low to detectably degrade water quality almost immediately upon entering Ebey Slough. Given the small area of impervious surfaces contributing runoff to Ebey Slough, relative to the flow of the Snohomish River basin, the project has no potential for any detectable effects on water quantity in Ebey Slough.

4.4 Effects of Interrelated and Interdependent Actions

Compensatory mitigation, if required, will likely be accomplished by using hand tools to plant native trees and shrubs in areas near the project alignment. As such, compensatory mitigation will have little or no potential for adverse effects on ESA-listed species. If mitigation for project-related impacts to wetlands and wetland buffers may result in impacts to ESA-listed species and habitats not considered in this analysis, those impacts will be addressed through future consultation.

4.5 Cumulative Impacts

Consistent with the requirements specified in 50 CFR 402.02, the analysis of cumulative effects is based on future actions that are (1) reasonably certain to occur in the action area, and (2) not expected to include a federal nexus that would trigger ESA Section 7 compliance requirements.

Development projects may also contribute to increased pollutant loading in waters that support ESA-listed fish. No planned projects with that potential have been identified in the action area. Any future projects will have to comply with state and local regulations that protect wetlands, streams, and other critical areas. Such reviews will trigger the implementation of mitigation measures and practices aimed at avoiding or minimizing the potential for adverse effects on wetlands, aquatic species and habitat, and other natural resources such as fish and wildlife habitat conservation areas. Compliance with those requirements will

ensure that any future development projects in the action area are unlikely to result in adverse impacts to water quality in waterbodies that support ESA-listed fish.

Based on the above, the I-5/4th Street and 88th Street NE Corridor Improvements Project is not expected to contribute to adverse cumulative effects on ESA-listed species when considered in conjunction with other reasonably foreseeable future projects.

5. Conclusions and Effect Determinations

The following subsections present effect determinations and rationales for the ESA-listed species and designated critical habitat not addressed in previous consultations. See Section 2.2 for no-effect determinations for species identified by USFWS as potentially having to be considered in the effects analysis for this project.

5.1 Marbled Murrelet

The project **may affect** marbled murrelets for the following reasons:

- Marbled murrelets may forage in the estuarine habitats in Ebey Slough in the action area.
- A 10-acre stand of mature conifer trees is present in the action area.

The project is **not likely to adversely affect** marbled murrelets for the following reasons:

- Given the distance of the construction areas from potential foraging habitat, combined with the generally high level of noise and human activity in the potentially affected portion of Ebey Slough (at and near the I-5 crossing), construction noise is extremely unlikely to affect the behavior of any murrelets that may forage in the action area.
- No suitable nesting habitat is located within 15 miles of the project area.
- The 10-acre stand of mature conifer trees is dense, isolated, and extremely unlikely to support nesting by marbled murrelets (see Section 2.2.1 for additional details).

5.2 Puget Sound Chinook Salmon

The project **may affect** Puget Sound Chinook salmon for the following reasons:

- Stormwater detention and treatment facilities that receive runoff from impervious surfaces created or replaced by the project will discharge to waters where Chinook salmon adults and juveniles may be present.
- In-water work, including fish exclusion, will take place in waters that are accessible to Chinook salmon.

The project is **likely to adversely affect** Puget Sound Chinook salmon for the following reasons:

- Water discharged from detention and treatment facilities may contain residual concentrations of contaminants that may be toxic to Chinook salmon.

The project is not likely to appreciably reduce the survival and recovery of Puget Sound Chinook salmon for the following reasons:

- The treatment of stormwater will reduce contaminant levels in runoff from the project area, compared to current conditions.
- Residual contaminant levels will be further reduced by dilution, infiltration, and adsorption to organic materials as water travels in ditches between stormwater facilities and fish-bearing waters.
- Any residual contaminants in water from stormwater facilities that discharge into Ebey Slough will be diluted to negligible levels almost immediately after the water enters the estuarine environment.

- Chinook salmon are unlikely to be present in the portion of Coho Creek that will receive discharge from stormwater facilities.
- Work in Coho Creek will be restricted to the in-water work window, when neither adult nor juvenile Chinook salmon are expected to be present.
- The potential for delivery of sediment or contaminants during construction will be minimized through implementation of the measures specified in Section 1.4.
- The project will enhance stream habitat in Coho Creek and will allow improved access to more than 65,000 linear feet of upstream habitat.

5.3 Critical Habitat for Puget Sound Chinook Salmon

The project **may affect** critical habitat for Puget Sound Chinook salmon for the following reasons:

- Stormwater detention and treatment facilities that receive runoff from impervious surfaces created or replaced by the project will discharge to waters where critical habitat has been designated for Puget Sound Chinook salmon.

The project is **likely to adversely affect** critical habitat for Puget Sound Chinook salmon for the following reasons:

- Contaminants in runoff from impervious surfaces may degrade water quality in reaches of Quilceda Creek that are designated as critical habitat and that support the rearing and migration PBFs.

5.4 Puget Sound Steelhead

The project **may affect** Puget Sound steelhead for the following reasons:

- Stormwater detention and treatment facilities that receive runoff from impervious surfaces created or replaced by the project will discharge to waters where steelhead adults and juveniles may be present.
- In-water work, including fish exclusion, will take place in waters that are accessible to steelhead.

The project is **likely to adversely affect** Puget Sound steelhead for the following reasons:

- Water discharged from detention and treatment facilities may contain residual concentrations of contaminants that may be toxic to steelhead.

The project is not likely to appreciably reduce the survival and recovery of Puget Sound steelhead for the following reasons:

- The treatment of stormwater will reduce contaminant levels in runoff from the project area, compared to current conditions.
- Residual contaminant levels will be further reduced by dilution, infiltration, and adsorption to organic materials as water travels in ditches between stormwater facilities and fish-bearing waters.
- Any residual contaminants in water from stormwater facilities that discharge into Ebey Slough will be diluted to negligible levels almost immediately after the water enters the estuarine environment.

- Steelhead are unlikely to be present in the portion of Coho Creek that will receive discharge from stormwater facilities.
- Work in Coho Creek will be restricted to the in-water work window, when neither adult nor juvenile steelhead are expected to be present.
- The potential for delivery of sediment or contaminants during construction will be minimized through implementation of the measures specified in Section 1.4.
- The project will enhance stream habitat in Coho Creek and will allow improved access to more than 65,000 linear feet of upstream habitat.

5.5 Critical Habitat for Puget Sound Steelhead

The project **may affect** critical habitat for Puget Sound steelhead for the following reasons:

- Stormwater detention and treatment facilities that receive runoff from impervious surfaces created or replaced by the project will discharge to waters where critical habitat has been designated for Puget Sound steelhead.

The project is **likely to adversely affect** critical habitat for Puget Sound steelhead for the following reasons:

- Contaminants in runoff from impervious surfaces may degrade water quality in reaches of Quilceda Creek that are designated as critical habitat and that support the rearing and migration PBFs of critical habitat for Puget Sound steelhead.

5.6 Bull Trout

The project **may affect** bull trout for the following reasons:

- Stormwater detention and treatment facilities that receive runoff from impervious surfaces created or replaced by the project will discharge to waters where bull trout adults, subadults, and juveniles may be present.
- In-water work, including fish exclusion, will take place in waters that are accessible to bull trout.

The project is **not likely to adversely affect** bull trout for the following reasons:

- Bull trout are not expected to spawn in the Quilceda Creek system. Exposure to runoff from project-related impervious surfaces would occur only if individual bull adults or subadults from other systems were to venture into Quilceda Creek. The potential for such a visit to correspond with a storm event that discharges large amounts of contaminants to the stream is discountable. In addition, the impacts of any such exposure would likely be insignificant because the visit would be brief and transitory.
- The potential for exposure to project-related runoff to Ebey Slough is discountable, based on (1) the small area where elevated contaminant concentrations may occur, (2) the infrequent occurrence of storm events during the periods when adult or juvenile bull trout may be present in Ebey Slough, and (3) the small numbers of bull trout that are likely to be present.

5.7 Critical Habitat for Bull Trout

The project **may affect** critical habitat for bull trout for the following reasons:

- Stormwater detention and treatment facilities that receive runoff from impervious surfaces created or replaced by the project will discharge to marine nearshore waters where critical habitat has been designated for bull trout.

The project is **not likely to adversely affect** critical habitat for bull trout for the following reasons:

- The project will not entail any work in or near Ebey Slough and, as such, will have no direct effects on physical or biological components of marine nearshore habitats.
- Any residual contaminants in runoff from project-related impervious surfaces will be diluted to levels too low to detectably degrade water quality almost immediately upon entering Ebey Slough.

5.8 Oregon Spotted Frog

The project **may affect** Oregon spotted frogs for the following reasons:

- The project site is in a watershed where potentially suitable habitats have the potential to support populations of Oregon spotted frogs.
- Project construction will entail clearing and ground-disturbing work in a wetland complex (Wetland A) that contains potentially suitable breeding, rearing, and overwintering habitat for Oregon spotted frogs.

The project is **not likely to adversely affect** Oregon spotted frogs for the following reasons:

- The closest known extant population of Oregon spotted frogs is approximately 30 miles north of the action area.
- Tulalip tribal biologists have not observed any Oregon spotted frogs while performing field work in wetlands throughout the watershed.
- Given the proximity of forest cover and the predominance of dense, monocultural stands of reed canarygrass, habitats near the project site are unlikely to provide suitable oviposition sites for Oregon spotted frogs.
- Large areas of suitable wetland habitat will remain undisturbed in areas of the Wetland A complex upstream and downstream of the project site.
- Biologists will perform pre-construction surveys for Oregon spotted frog egg masses in potentially suitable habitat associated with Coho Creek near the 88th Street NE bridge construction site. If Oregon spotted frog egg masses are discovered, BIA and WSDOT will coordinate with USFWS on the implementation of additional conservation measures.
- Removal of the undersized culvert is not expected to affect the hydrology or extent of Wetland A.

5.9 Southern Resident Killer Whale

The project **may affect** southern resident killer whales for the following reason:

- The project may adversely affect Chinook salmon, a primary prey source for this species.

The project is **not likely to adversely affect** southern resident killer whales for the following reasons:

- The project will not appreciably reduce the survival and recovery of Chinook salmon and will not, therefore, result in any population-scale reductions in the availability of this prey resource for southern resident killer whales.
- Southern resident killer whales are not known or expected to use habitats in the action area and will not be exposed to any other potential project-related impacts.

6. References

City of Marysville. 2016. City of Marysville Drainage and Erosion Control Standards. Prepared by City of Marysville Public Works/Community Development. Marysville, WA.

Davis, R.J., K.M. Dugger, S. Mohoric, L. Evers, and W.C. Aney. 2011. Northwest Forest Plan—the first 15 years (1994–2008): status and trends of northern spotted owl populations and habitats. General Technical Report. PNWGTR-850. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station.

eBird. 2021. eBird: An online database of bird distribution and abundance [web application]. eBird, Ithaca, New York. Available: http://www.ebird.org. Accessed December 2021.

Ecology (Washington State Department of Ecology). 2021. Washington Water Quality Atlas mapper. Available at: https://apps.ecology.wa.gov/waterqualityatlas/wqa/map

Goetz, F.A., E. Jeanes, and E. Beamer. 2004. Bull Trout in the nearshore. Preliminary Draft. Prepared for the U.S. Army Corps of Engineers, Seattle District, Seattle, Washington.

Goetz, F.A. 2016. Migration and Residence Patterns of Salmonids in Puget Sound, Washington. A dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy. University of Washington. Seattle, WA. 208 pp.

Goetz, F., E. Beamer, E. Connor, E. Jeanes, C. Kinsel, J. Chamberlin, C. Morello, and T. Quinn. 2021. The timing of anadromous bull trout migrations in estuarine and marine waters of Puget Sound, Washington. Environmental Biology of Fishes, volume 104, pp 1073 - 1088.

Haring, D. 2002. Salmonid Habitat Limiting Factors, Snohomish River Watershed—Water Resource Inventory Area 7, Final Report. Report prepared for the Washington Conservation Commission. Olympia, WA. December 2002.

Hughes, J.M. 1999. Yellow-billed Cuckoo (Coccyzus americanus). In: The Birds of North America, No. 148, A. Poole and F. Gill, eds. The Birds of North America, Inc., Philadelphia, PA.

Laughlin, J. 2011. Underwater Sound Levels Associated with Driving 72-inch Steel Piles at the SR 529 Ebey Slough Bridge Replacement Project. Washington State Department of Transportation Office of Air Quality and Noise. Seattle, WA.

Leonard, W.P., H.A. Brown, L.L.C. Jones, K.R. McAllister, and R.M. Storm. 1993. Amphibians of Washington and Oregon.

Marshall, D.B. 1988. Status of the Marbled Murrelet in North America: With special emphasis on populations in California, Oregon, and Washington. U.S. Fish and Wildlife. Serv. Biol. Rep. 88.

Marks, D. 2021. Personal communication with Derek Marks, Tulalip Tribes Timber Fish & Wildlife Manager. E-mail correspondence dated September 21, 2021.

Nelson, K. 2021. Personal communication with Kurt Nelson, Tulalip Tribes Environmental Department Manager. E-mail correspondence dated November 3, 2021.

Nelson, K. 2022a. Personal communication with Kurt Nelson, Tulalip Tribes Environmental Department Manager. E-mail correspondence dated January 18, 2022

Nelson, K. 2022b. Personal communication with Kurt Nelson, Tulalip Tribes Environmental Department Manager. E-mail correspondence dated April 7, 2022

NMFS (National Marine Fisheries Service). 1998. Factors Contributing to the Decline of Chinook Salmon: An Addendum to the 1996 West Coast Steelhead Factors for Decline Report. Protect Resources Division, Portland, OR.

NMFS (National Marine Fisheries Service). 2008. Recovery Plan for Southern Resident Killer Whales (*Orcinus orca*). National Marine Fisheries Service., Northwest Region, Seattle, Washington. Available at: https://repository.library.noaa.gov/view/noaa/15975

NMFS (National Marine Fisheries Service). 2021. Southern Resident Killer Whales (*Orcinus orca*) 5-Year Review: Summary and Evaluation. National Marine Fisheries Service., Northwest Region, Seattle, Washington. Available at: https://media.fisheries.noaa.gov/2022-01/srkw-5-year-review-2021.pdf

NWIFC (Northwest Indian Fisheries Commission). 2022. Statewide Integrated Fish Distribution (SWIFD) webmap. Accessed January 2022. Available at: https://geo.nwifc.org/swifd/

Pearl, C.A., and M.P. Hayes. 2004. Habitat Associations of the Oregon Spotted Frog (*Rana pretiosa*): A Literature Review. Final Report. Washington Department of Fish and Wildlife, Olympia, WA.

Pentec (Pentec Environmental, Inc.). 1992. Port of Everett Snohomish Estuary Fish Habitat Study 1991–1992. Final Report. Prepared for the Port of Everett, Washington, by Pentec, Edmonds, WA.

Pentec (Pentec Environmental, Inc.). 2002. Bull Trout Monitoring in the Snohomish River During Historical Periods of Hydraulic Dredging: Draft Report. U.S. Army Corps of Engineers, Seattle District, WA.

PFMC (Pacific Fishery Management Council). 1998. The Coastal Pelagic Fishery Management Plan: Amendment 8. Pacific Fishery Management Council, Portland, OR.

PFMC (Pacific Fishery Management Council). 1999. Amendment 14 to the Pacific Coast Salmon Plan. Appendix A: Description and Identification of Essential Fish Habitat, Adverse Impacts, and Recommended Conservation Measures for Salmon.

Quil Ceda Village. 2009. Compensation Planning Framework Quil Ceda Watershed; Quil Ceda Village Fee In-Lieu Program. Available at: https://www.tulaliptribes-nsn.gov/Base/File/TTT-PDF-PublicNotices-CompensationPlanning

Ralph, C.J., and S.L. Miller. 1995. Offshore Population Estimates of Marbled Murrelets in California. In: Ralph, C.J, G.L. Hunt, M.G. Raphael, and J.F. Piatt. Tech. Eds. Ecology and Conservation of the Marbled Murrelet. Gen. Tech. Rep. PSW-GTR-152. Pacific Southwest Research Station, USDA Forest Service, Albany, CA.

Rice, C., J. Chamberlin, J Hall, T. Zackey, J. Schilling, J. Kubo, M. Rustay, F. Leonetti, and G. Guntenspergen. 2014. Monitoring Ecosytem Response to Restoration and Climate Change in the Snohomish River Estuary: Field Operations and Data Summary. Report to the Tulalip Tribes. December 31, 2014.

Shattuck, B. 2021. Personal communication with Brett Shattuck, Biologist with the Tulalip Tribes. E-mail correspondence dated March 21, 2021.

Snohomish Basin Salmon Recovery Forum. June 2005. Snohomish River Basin Salmon Conservation Plan. Snohomish County Department of Public Works, Surface Water Management Division. Everett, WA.

Snohomish County. 2002. Quilceda Drainage Needs Report, DNR No. 1. Surface Water Management Division, Snohomish County, Everett, WA.

Spromberg, J.A, D.H. Baldwin, S.E. Damm, J.K. McIntyre, M. Huff, C.A. Sloan, B.F. Anulacion, J.W. Davis, and N.L. Scholz. 2015. Coho salmon spawner mortality in western U.S. urban watersheds: bioinfiltration prevents lethal storm water impacts. Journal of Applied Ecology.

Tian, Z., and 28 others. 2021. A ubiquitous tire rubber-derived chemical induces acute mortality in coho salmon. Science. Volume 371, Issue 6525, January 8, 2021, pp 185-189.

TTED (Tulalip Tribes Environmental Department). 2012. 2002-2011 Coho Creek Smolt Trap Summary. Tulalip, Washington.

USFWS (United States Fish and Wildlife Service). 2004. Draft Recovery Plan for the Coastal-Puget Sound Distinct Population Segment of Bull Trout (*Salvelinus confluentus*). Volume I (of II): Puget Sound Management Unit. Portland, OR. 389 + xvii pp.

USFWS (United States Fish and Wildlife Service). 2012. Recommended Fish Exclusion, Capture, Handling, and Electroshocking Protocols and Standards. U.S. Fish and Wildlife Service; Washington Fish and Wildlife Office, Lacey, WA. Available at: https://www.fws.gov/wafwo/documents/FishExclusionProtocolsStds2012.pdf

USFWS (United States Fish and Wildlife Service). 2021a. Information for Planning and Consultation (IPaC). Accessed December 2021. Available at: https://ecos.fws.gov/ipac/location/index

USFWS (United States Fish and Wildlife Service). 2021b. Critical Habitat- Maps and GIS Data (West Coast Region). Accessed December 2021. Available at: https://www.fisheries.noaa.gov/resource/map/critical-habitat-maps-and-gis-data-west-coast-region

Warner. 2022. Personal communication with Allison Warner, Biologist with the Tulalip Tribes. E-mail correspondence dated January 18, 2022

WDFW (Washington Department of Fish and Wildlife). 1999. Bull trout of the Snohomish River system. Washington Department of Fish and Wildlife, Mill Creek, WA.

WDFW (Washington Department of Fish and Wildlife). 2021a. SalmonScape fish database and mapping application. Available at: http://apps.wdfw.wa.gov/salmonscape/.

WDFW (Washington Department of Fish and Wildlife). 2021b. PHS on the Web: An interactive map of WDFW priority habitats and species information for project review. Available at: http://wdfw.wa.gov/mapping/phs/.

WDNR (Washington Department of Natural Resources). 2021. Washington Natural Heritage Program geographic information system data set. Accessed January 2021.

WSDOT (Washington State Department of Transportation). 2015. Oregon spotted frog and OSF critical habitat presence assessment. February 17, 2015. 6 pp.

WSDOT (Washington State Department of Transportation). 2020. Biological assessment preparation advanced training manual. Updated January 2020. Available at: https://wsdot.wa.gov/engineering-standards/design-topics/environment/environmental-disciplines/fish-wildlife/endangered-species-act-and-essential-fish-habitat/biological-assessment-preparation-manual-template.

APPENDIX A

ESSENTIAL FISH HABITAT ASSESSMENT

Essential Fish Habitat Background

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires federal agencies to consult with NMFS on activities that may adversely affect EFH.

The EFH designation for the Pacific salmon fishery includes all streams, lakes, ponds, wetlands, and other water bodies currently or historically accessible to salmon in Washington, Oregon, Idaho, and California, except above the impassable barriers identified by the Pacific Fishery Management Council (PFMC 1999). In estuarine and marine environments, proposed designated EFH extends from near-shore and tidal submerged environments within state territorial waters to the full extent of the exclusive economic zone offshore of Washington, Oregon, and California north of Point Conception (PFMC 1999).

The Pacific salmon management unit includes Chinook, coho, and pink salmon. Of the managed Pacific salmon species, all three species have been identified as having EFH within the project area. Quilceda Creek and Coho Creek within the project area provide potential foraging, rearing, and spawning habitat. Ebey Slough serves as migration corridor for all three species and provides important rearing habitat for both juvenile Chinook and juvenile coho salmon.

In addition to Pacific salmon, EFH has been designated for groundfish and coastal pelagic species. EFH for Pacific coast groundfish is generally defined as the aquatic habitat from the mean higher high water line, and the upriver extent of saltwater intrusion in river mouths seaward. Pacific coast groundfish that may potentially occur within the action area during some life history phase include spiny dogfish, California skate, ratfish, lingcod cabezon, kelp greenling, Pacific cod, Pacific whiting (hake), sablefish, bocaccio, brown rockfish, copper rockfish, quillback rockfish, English sole Pacific sanddab, rex sole, and starry flounder. The Coastal Pelagic Species Fishery Management Plan describes the habitat requirements of five pelagic species: northern anchovy, Pacific sardine, Pacific (chub) mackerel, jack mackerel, and market squid (PFMC 1998). These four finfish and market squid are treated as a single species complex because of similarities in their life histories and habitat requirements. EFH for coastal pelagic species is generally defined as all marine and estuarine waters from the shoreline offshore above the thermocline.

The objective of this EFH assessment is to determine whether the proposed action "may adversely affect" designated EFH for relevant commercially, federally managed fisheries species within the proposed action area. It also describes conservation measures proposed to avoid, minimize, or otherwise offset potential adverse effects on designated EFH resulting from the proposed action.

Description of the Proposed Action

The proposed project is described in detail in Section 1.3 of this BA.

Potential Adverse Effects of the Proposed Project

Potential impacts of the proposed action to ESA-listed fish species and habitats are discussed in Section 4 of this BA and are expected to be similar for all federally managed fish species that occur in the action area.

Adverse Effects on Essential Fish Habitat for Salmonids

Potential adverse effects on EFH for salmonids will be associated with reduced water quality (sedimentation and turbidity) resulting from realignment of the Coho Creek channel. In addition, contaminants in stormwater runoff discharged to Ebey Slough, Quilceda Creek, and Coho Creek could adversely affect EFH for salmonids.

Construction-related disturbance of sediments will be minimized by adherence to a TESC plan and installation and monitoring of appropriate erosion control BMPs during construction, limiting earthwork to only those areas necessary to complete that phase of construction, stabilization of disturbed soils shortly after work is completed, and adhering to approved in-water work windows. These effects are anticipated to be short in duration and are not expected to persist following construction.

Potential adverse effects associated with contaminants in stormwater runoff will be minimized by directing runoff to treatment and infiltration facilities.

Adverse Effects on Essential Fish Habitat for Groundfish

Contaminants in the effluent from stormwater facilities that discharge to Ebey Slough may pose adverse effects on groundfish in the estuary. Sediment and turbidity disturbances related to construction activities in Coho Creek (approximately 2.5 miles upstream of Ebey Slough) are not expected to reduce water quality within the estuary.

Adverse Effects on Essential Fish Habitat for Coastal Pelagic Species

Potential adverse effects on EFH for coastal pelagic species are similar to those discussed above for groundfish.

Essential Fish Habitat Conservation Measures

Conservation measures and BMPs are included for project activities and are described in Section 1.4 (Performance Standards and Impact Avoidance and Minimization Measures) of this BA. In addition, the project includes habitat enhancement and access improvement measures that will have beneficial effects on EFH for Pacific salmon in freshwater habitats.

Conclusions

EFH for Pacific salmon, groundfish, and coastal pelagic species are present in the action area. Construction activities in and near Coho Creek may increase sediment loads and turbidity, potentially degrading water quality. These effects will be short-lived and will not persist beyond the construction period. Over the long term, contaminants in effluent from stormwater facilities that discharge to freshwater and estuarine environments in the action area may pose adverse effects to EFH for salmonids, groundfish, and coastal pelagic species.

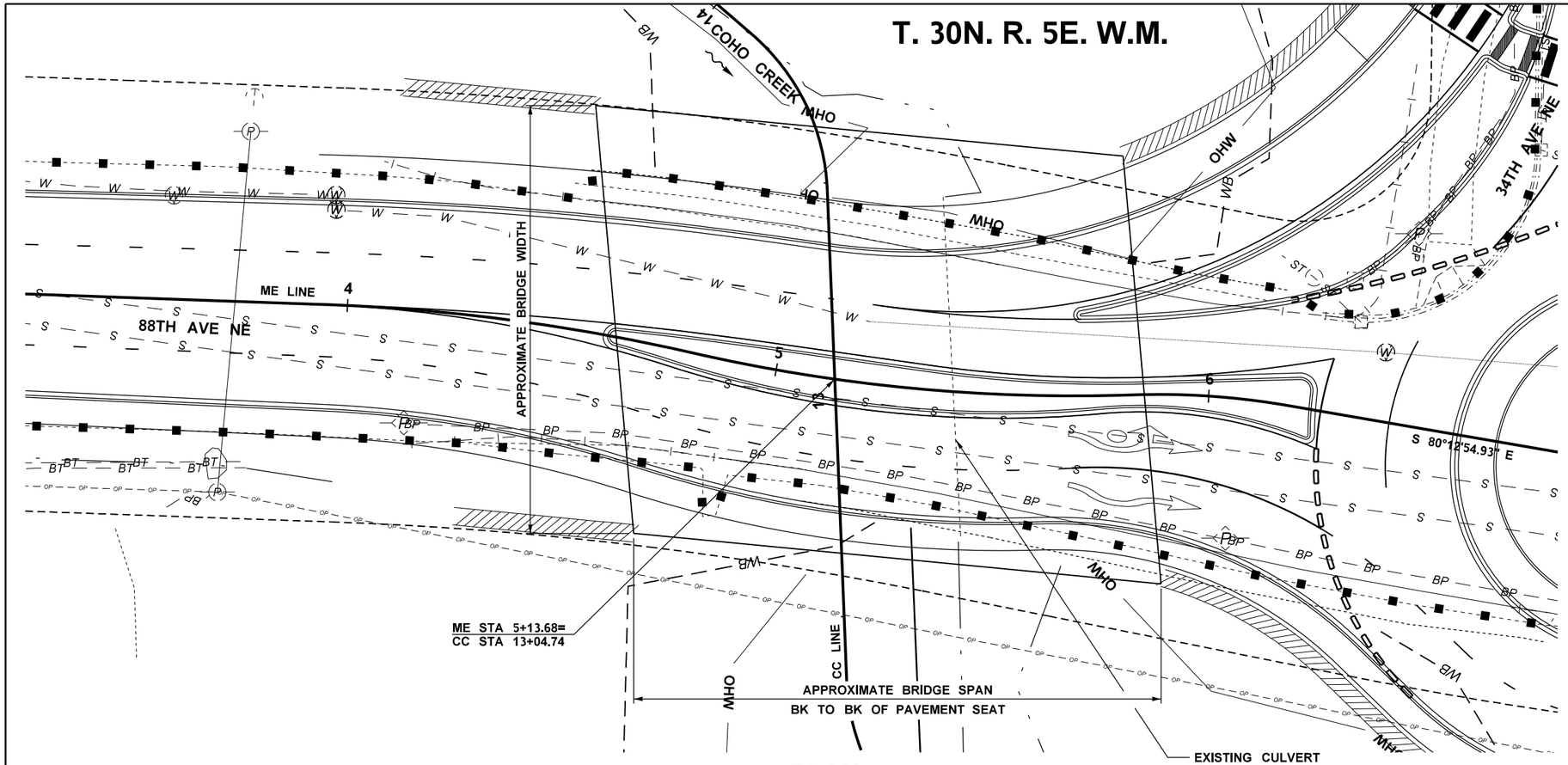
Based on the continued presence of contaminants in stormwater runoff discharged to Quilceda Creek and Coho Creek, the proposed action **may adversely affect** EFH for Pacific salmon.

Any residual contaminants in runoff from project-related impervious surfaces will be diluted to levels too low to detectably degrade water quality almost immediately upon entering Ebey Slough. For this reason, the project **will not adversely affect** EFH for groundfish or coastal pelagic species.

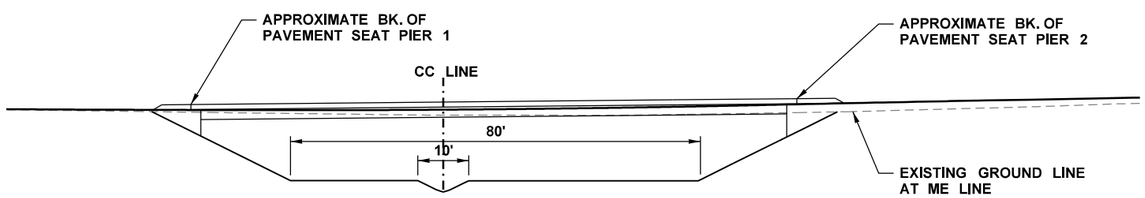
APPENDIX B

PROJECT FOOTPRINT

T. 30N. R. 5E. W.M.



PLAN



ELEVATION

0 15 30
SCALE IN FEET

LEGEND

- OHW — ORDINARY HIGH WATER
- WB — WETLAND BOUNDARY
- S — SEWER
- BP — BURIED POWER
- OP — OVERHEAD POWER

FILE NAME	\\parametrix.com\pmx\PSO\Projects\Clients\1598-TulalipTribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\CADD\DGN\Figures\Bio Assessment\1598131_88TH_BG-3.dgn						
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DATE	2/8/2022						
PLOTTED BY	purgabut				JOB NUMBER		
DESIGNED BY	M. TSUN						
ENTERED BY	B. MAY / B. PURGANAN				CONTRACT NO.	LOCATION NO.	
CHECKED BY	S. OLLING						
PROJ. ENGR.	H. LONGFELLOW						
REGIONAL ADM.		REVISION	DATE	BY			

P.E. STAMP BOX — DATE

P.E. STAMP BOX — DATE

Parametrix

I-5 MP 200.42 TO MP 201.05

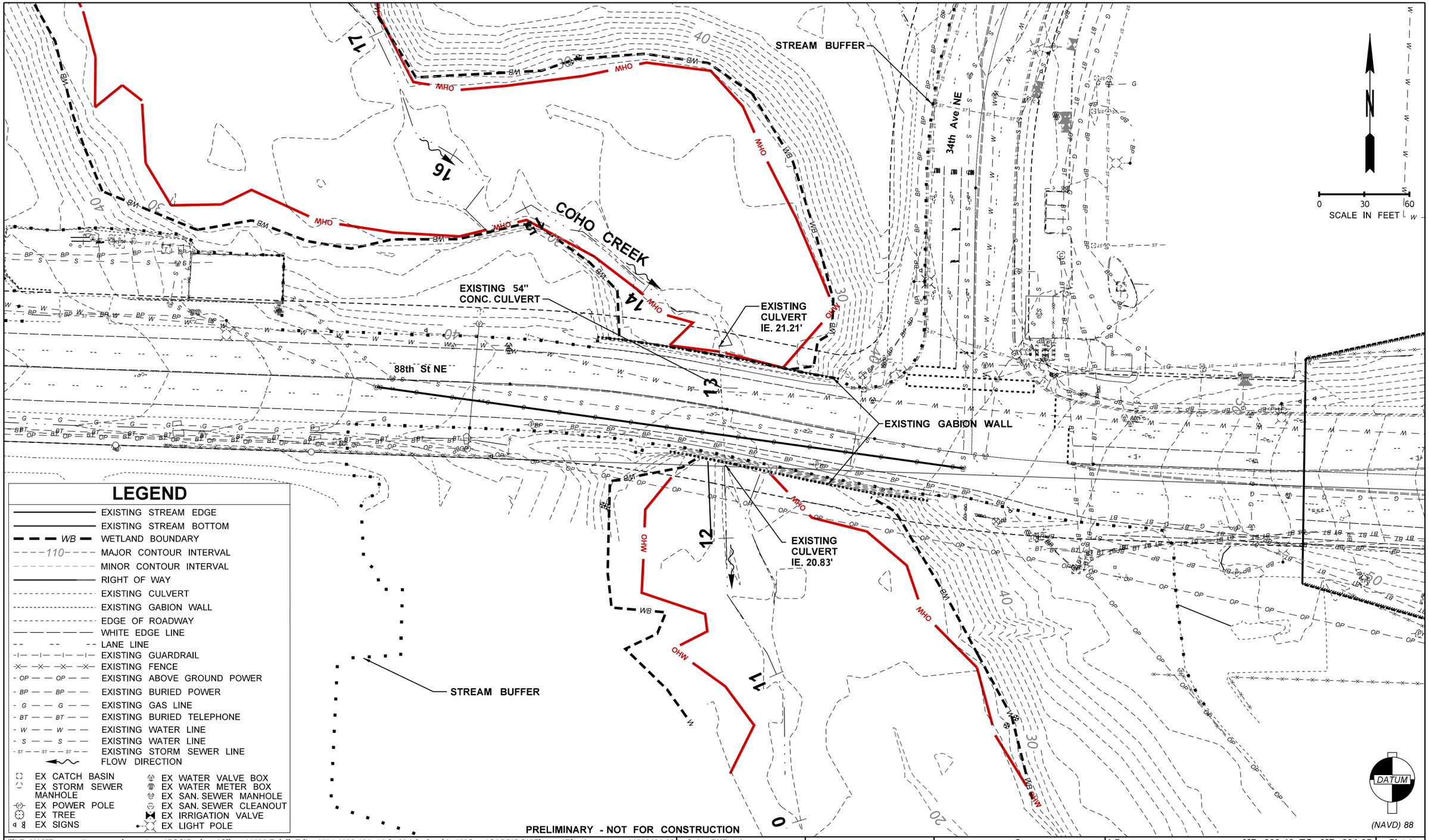
88TH STREET NE
CORRIDOR IMPROVEMENTS

MARYSVILLE/
SNOHOMISH COUNTY FEBRUARY 2022

CONCEPTUAL BRIDGE PLAN

PLAN REF NO

SHEET 3 OF 10 SHEETS



LEGEND

- EXISTING STREAM EDGE
- EXISTING STREAM BOTTOM
- WB — WETLAND BOUNDARY
- 110 — MAJOR CONTOUR INTERVAL
- MINOR CONTOUR INTERVAL
- RIGHT OF WAY
- EXISTING CULVERT
- EXISTING GABION WALL
- EDGE OF ROADWAY
- WHITE EDGE LINE
- LANE LINE
- EXISTING GUARDRAIL
- EXISTING FENCE
- OP — EXISTING ABOVE GROUND POWER
- BP — EXISTING BURIED POWER
- G — EXISTING GAS LINE
- BT — EXISTING BURIED TELEPHONE
- W — EXISTING WATER LINE
- S — EXISTING WATER LINE
- ST — EXISTING STORM SEWER LINE
- FLOW DIRECTION

- EX CATCH BASIN
- EX STORM SEWER MANHOLE
- EX POWER POLE
- EX TREE
- EX SIGNS
- EX WATER VALVE BOX
- EX WATER METER BOX
- EX SAN. SEWER MANHOLE
- EX SAN. SEWER CLEANOUT
- EX IRRIGATION VALVE
- EX LIGHT POLE

PRELIMINARY - NOT FOR CONSTRUCTION

FILE NAME	\\parametrix.com\pmx\PSO\Projects\Clients\1598-TulalipTribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\CADD\DGN\Figures\Bio Assessment\1598131-88th_Coho_PHD-4.dgn
TIME	10:36:52 AM
DATE	2/8/2022
PLOTTED BY	purgabut
DESIGNED BY	S. RIFE
ENTERED BY	P. WILSON
CHECKED BY	C. BUITRAGO
PROJ. ENGR.	
REGIONAL ADM.	

REVISION	DATE	BY

REGION NO. 10 | STATE WASH | FED.AID PROJ.NO.
JOB NUMBER
CONTRACT NO. | LOCATION NO.

P.E. STAMP BOX — DATE
P.E. STAMP BOX — DATE

Parametrix

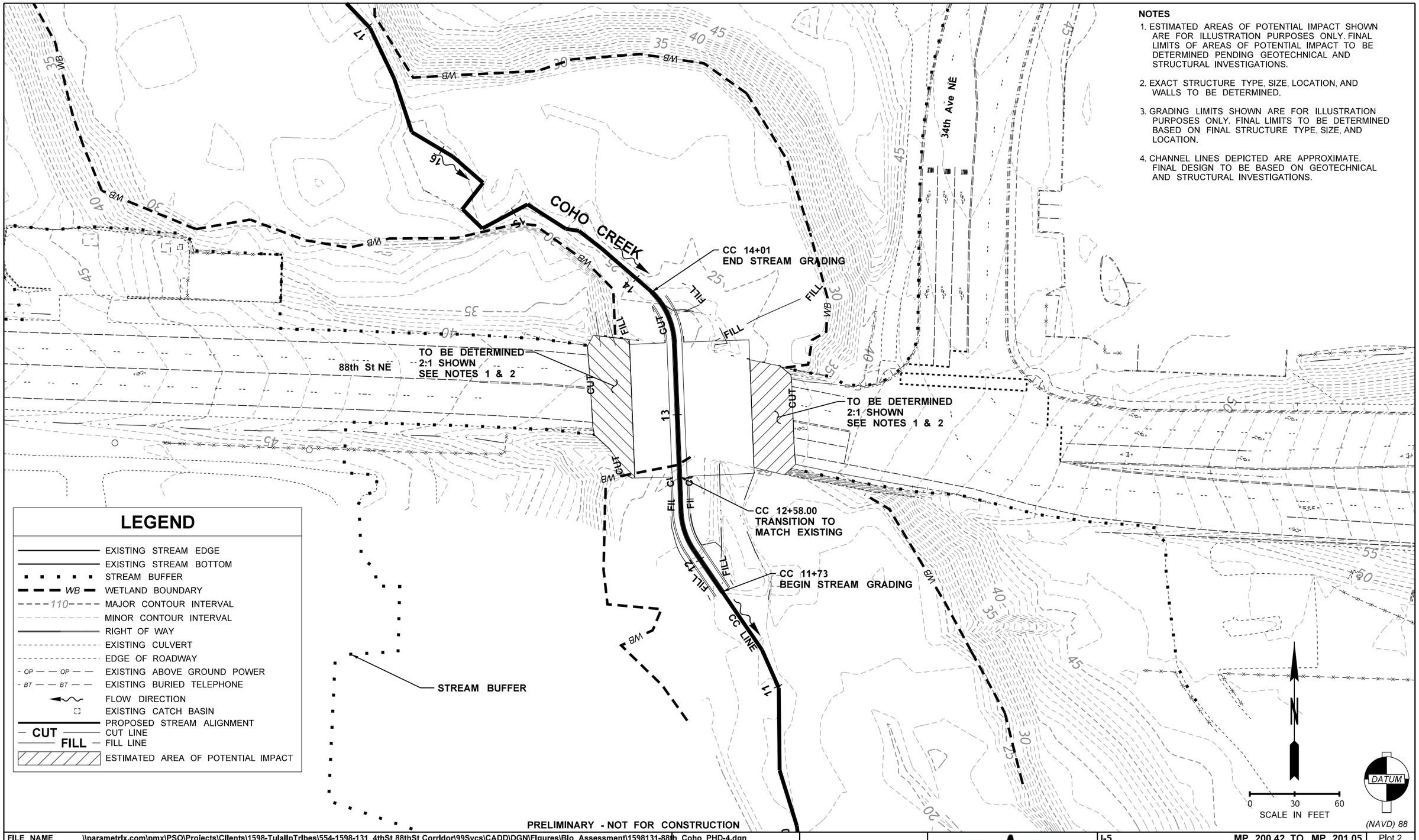
I-5 MP 200.42 TO MP 201.05

88TH STREET NE CORRIDOR IMPROVEMENTS

MARYSVILLE/ SNOHOMISH COUNTY FEBRUARY 2022

EXISTING STREAM

Plot 1
PLAN REF NO SE1
SHEET 4 OF 10 SHEETS



NOTES

1. ESTIMATED AREAS OF POTENTIAL IMPACT SHOWN ARE FOR ILLUSTRATION PURPOSES ONLY. FINAL LIMITS OF AREAS OF POTENTIAL IMPACT TO BE DETERMINED PENDING GEOTECHNICAL AND STRUCTURAL INVESTIGATIONS.
2. EXACT STRUCTURE TYPE, SIZE, LOCATION, AND WALLS TO BE DETERMINED.
3. GRADING LIMITS SHOWN ARE FOR ILLUSTRATION PURPOSES ONLY. FINAL LIMITS TO BE DETERMINED BASED ON FINAL STRUCTURE TYPE, SIZE, AND LOCATION.
4. CHANNEL LINES DEPICTED ARE APPROXIMATE. FINAL DESIGN TO BE BASED ON GEOTECHNICAL AND STRUCTURAL INVESTIGATIONS.

LEGEND

- EXISTING STREAM EDGE
- EXISTING STREAM BOTTOM
- STREAM BUFFER
- WB — WETLAND BOUNDARY
- 110 — MAJOR CONTOUR INTERVAL
- MINOR CONTOUR INTERVAL
- RIGHT OF WAY
- EXISTING CULVERT
- EDGE OF ROADWAY
- OP — OP — EXISTING ABOVE GROUND POWER
- BT — BT — EXISTING BURIED TELEPHONE
- FLOW DIRECTION
- EXISTING CATCH BASIN
- PROPOSED STREAM ALIGNMENT
- CUT — CUT LINE
- FILL — FILL LINE
- ESTIMATED AREA OF POTENTIAL IMPACT

PRELIMINARY - NOT FOR CONSTRUCTION

FILE NAME	\\parametrix.com\pmx\PSO\Projects\Clients\1598-TulalipTribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\CADD\DGN\Figures\Bio Assessment\1598131-88th_Coho_PHD-4.dgn			
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DATE	2/8/2022			
PLOTTED BY	purgabut			
DESIGNED BY	S. RIFE			
ENTERED BY	P. WILSON			
CHECKED BY	C. BUITRAGO			
PROJ. ENGR.				
REGIONAL ADM.	REVISION	DATE	BY	

REGION NO.	STATE	FED.AID PROJ.NO.
10	WASH	
JOB NUMBER		
CONTRACT NO.	LOCATION NO.	

DATE — P.E. STAMP BOX

DATE — P.E. STAMP BOX

TULALIP TRIBES Parametrix

I-5 MP 200.42 TO MP 201.05

88TH STREET NE CORRIDOR IMPROVEMENTS

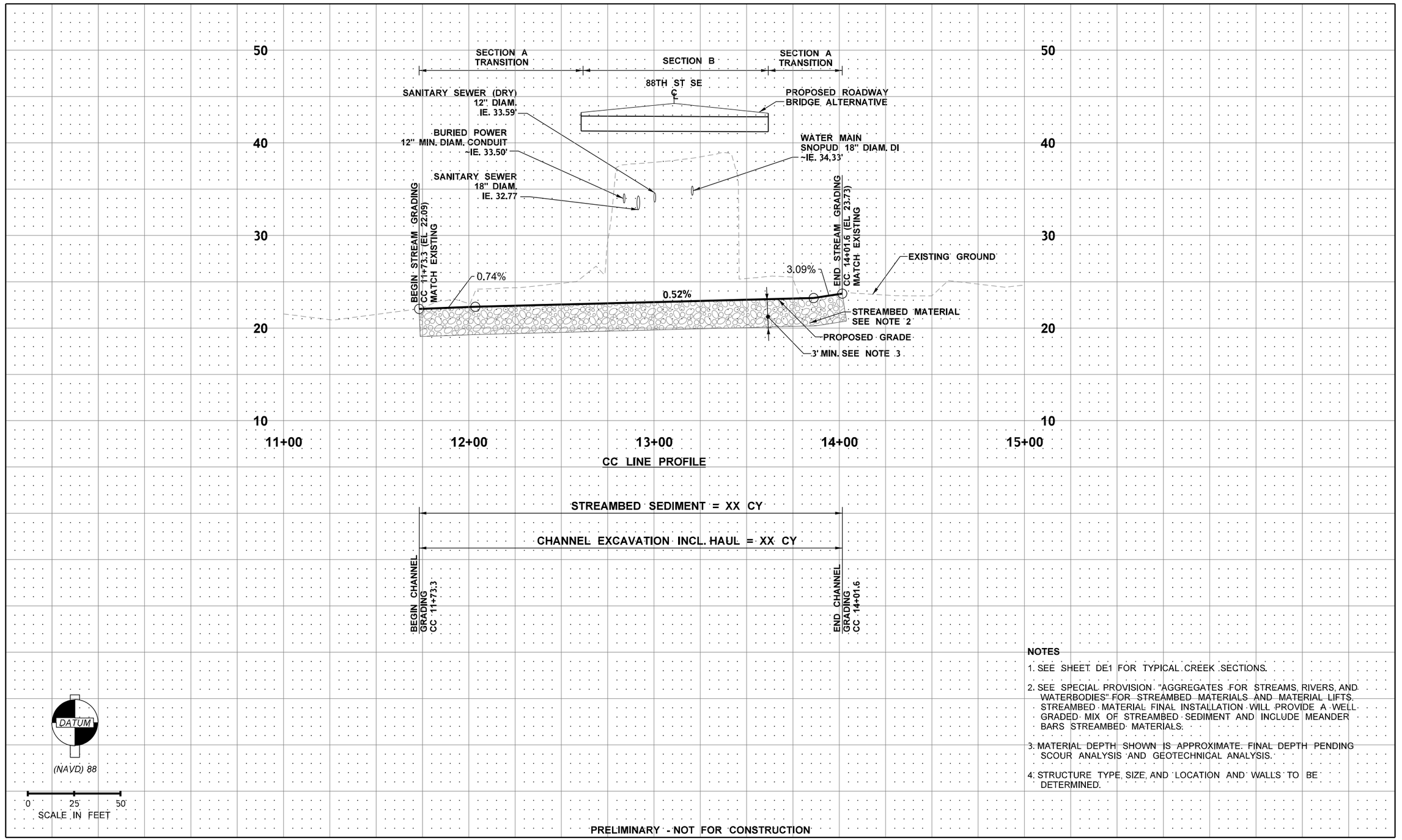
MARYSVILLE/ SNOHOMISH COUNTY FEBRUARY 2022

STREAM PLAN

Plot 2

PLAN REF NO STR1

SHEET 5 OF 10 SHEETS



NOTES

1. SEE SHEET DE1 FOR TYPICAL CREEK SECTIONS.
2. SEE SPECIAL PROVISION "AGGREGATES FOR STREAMS, RIVERS, AND WATERBODIES" FOR STREAMBED MATERIALS AND MATERIAL LIFTS. STREAMBED MATERIAL FINAL INSTALLATION WILL PROVIDE A WELL GRADED MIX OF STREAMBED SEDIMENT AND INCLUDE MEANDER BARS STREAMBED MATERIALS.
3. MATERIAL DEPTH SHOWN IS APPROXIMATE. FINAL DEPTH PENDING SCOUR ANALYSIS AND GEOTECHNICAL ANALYSIS.
4. STRUCTURE TYPE, SIZE, AND LOCATION AND WALLS TO BE DETERMINED.

PRELIMINARY - NOT FOR CONSTRUCTION

FILE NAME	\\parametrix.com\pmx\PSO\Projects\Clients\1598-TulalipTribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\CADD\DGN\Figures\Bio Assessment\1598131-88th_Coho_PHD-4.dgn						
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PLOTTED BY	purgabut			JOB NUMBER			
DESIGNED BY	S. RIFE			CONTRACT NO.		LOCATION NO.	
ENTERED BY	P. WILSON						
CHECKED BY	C. BUITRAGO						
PROJ. ENGR.							
REGIONAL ADM.		REVISION	DATE	BY			

P.E. STAMP BOX — DATE

P.E. STAMP BOX — DATE

TULALIP TRIBES
Parametrix

I-5 MP 200.42 TO MP 201.05

88TH STREET NE
CORRIDOR IMPROVEMENTS

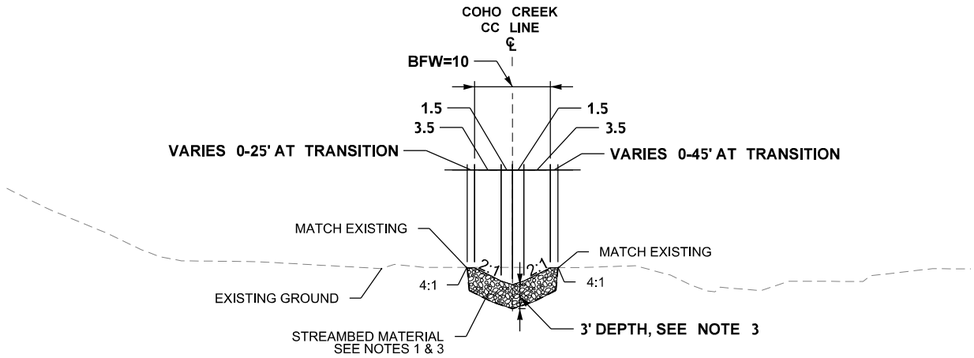
MARYSVILLE/
SNOHOMISH COUNTY FEBRUARY 2022

STREAM PROFILE

Plot 3

PLAN REF. NO.
STP1

SHEET
6
OF
10
SHEETS

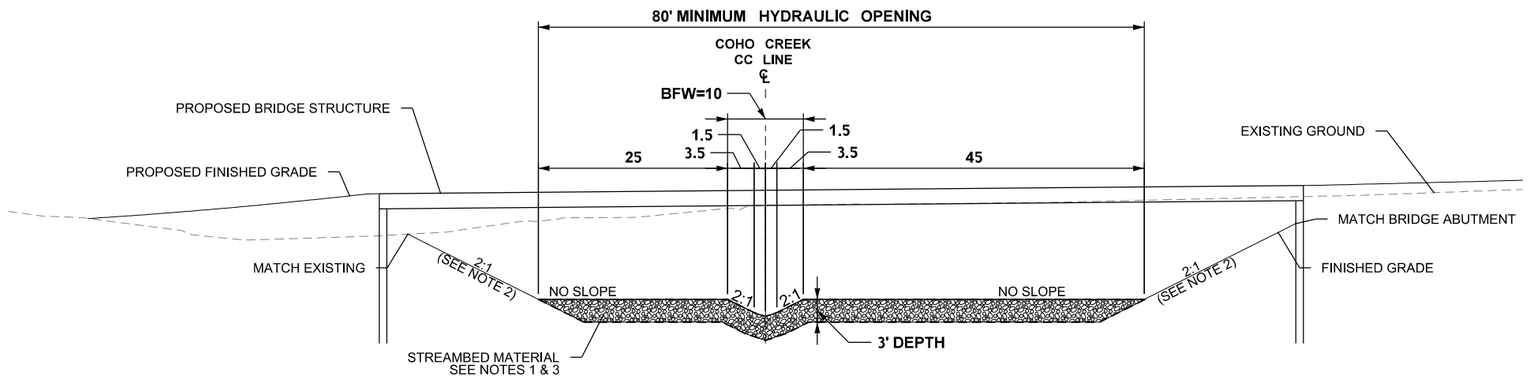


TYPICAL SECTION A

NOT TO SCALE
TRANSITION TO EXISTING
CC 11+73 TO CC 12+58
CC 13+48 TO CC 14+01

NOTES

1. SEE SPECIAL PROVISION "AGGREGATES FOR STREAMS, RIVERS, AND WATERBODIES" FOR STREAMBED MATERIALS AND MATERIAL LIFTS. STREAMBED MATERIAL FINAL INSTALLATION WILL PROVIDE A WELL GRADED MIX OF STREAMBED SEDIMENT AND INCLUDE MEANDER BARS STREAMBED MATERIALS.
2. SLOPE SHOWN OUTSIDE OF MINIMUM CHANNEL SECTION ARE FOR ILLUSTRATION PURPOSES ONLY TO DEPICT ESTIMATED AREA OF POTENTIAL IMPACT. FINAL AREAS OF IMPACT TO BE DETERMINED PENDING GEOTECHNICAL AND STRUCTURAL INVESTIGATION, STRUCTURE TYPE, AND SIZE, AND STRUCTURE LOCATION.
3. MATERIAL DEPTH SHWON IS APPROXIMATE. FINAL DEPTH PENDING SCOUR ANALYSIS AND GEOTECHNICAL ANALYSIS.
4. STRUCTURE TYPE, SIZE, AND LOCATION AND WALLS TO BE DETERMINED.



TYPICAL SECTION B

NOT TO SCALE
THROUGH PROPOSED CROSSING
CC 12+58 TO CC 13+48

PRELIMINARY - NOT FOR CONSTRUCTION

FILE NAME	\\parametrix.com\pmx\PSO\Projects\Clients\1598-TulalipTribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\CADD\DGN\Figures\Bio Assessment\1598131-88th_Coho_PHD-4.dgn						
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DATE	2/8/2022						
PLOTTED BY	purgabut						
DESIGNED BY	S. RIFE						
ENTERED BY	P. WILSON						
CHECKED BY	C. BUITRAGO						
PROJ. ENGR.							
REGIONAL ADM.		REVISION	DATE	BY			

REGION NO.	STATE	FED.AID PROJ.NO.
10	WASH	
JOB NUMBER		
CONTRACT NO.	LOCATION NO.	

P.E. STAMP BOX — DATE

P.E. STAMP BOX — DATE

Parametrix

I-5 MP 200.42 TO MP 201.05

88TH STREET NE
CORRIDOR IMPROVEMENTS

MARYSVILLE/
SNOHOMISH COUNTY FEBRUARY 2022

STREAM DETAILS

Plot 4

PLAN REF NO
DE1

SHEET 7 OF 10 SHEETS

0 20 40
SCALE IN FEET

11+73.47
END GRADING

13+86.42
BEGIN GRADING

CUT
FILL
12
13
14
80' HYDRAULIC OPENING
ESTIMATED AREA OF POTENTIAL IMPACT
OHW
WB
MHO

LEGEND

- STREAM ALIGNMENT (13)
- CUT — CUT/FILL LINE
- FLOW DIRECTION
- EXISTING EDGE OF PAVEMENT
- EXISTING TOP OF CURB
- CHANNEL BANK LINES
- ROADWAY LINES
- OHW — ORDINARY HIGH WATER
- WB — WETLAND BOUNDARY
- EXISTING TREE
- LOG TYPE A - 2.5' DBH X 25' LONG
- LOG TYPE B - 2.0' DBH X 20' LONG

FILE NAME	\\parametrix.com\pmx\PSO\Projects\Clients\1598-TulalipTribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\CADD\DGN\Figures\Bio Assessment\PHD_Habitat_Concept_Figure_2D-8.dgn
TIME	10:50:26 AM
DATE	2/8/2022
PLOTTED BY	purgabut
DESIGNED BY	M. TSUN
ENTERED BY	B. MAY / B. PURGANAN
CHECKED BY	S. OLLING
PROJ. ENGR.	H. LONGFELLOW
REGIONAL ADM.	

REVISION	DATE	BY

REGION NO. 10 | STATE WASH | FED.AID PROJ.NO.
JOB NUMBER
CONTRACT NO. | LOCATION NO.

P.E. STAMP BOX — DATE
P.E. STAMP BOX — DATE

TULALIP TRIBES
Parametrix

I-5 MP 200.42 TO MP 201.05

88TH STREET NE
CORRIDOR IMPROVEMENTS

MARYSVILLE/
SNOHOMISH COUNTY FEBRUARY 2022

STREAM LARGE WOOD DEBRIS

PLAN REF NO

SHEET 8 OF 10 SHEETS

T. 30N. R. 5E. W.M.

CHANGES TO WETLANDS AND STREAMS

	WETLAND CONVERTED TO STREAM HABITAT - 1680 SF
	POTENTIAL WETLAND GAIN - 6252 SF
	STREAM CHANNEL GAIN - 1080 SF
	WETLAND FILL - 4383 SF
	STREAM CONVERTED TO POTENTIAL WETLAND - 1377 SF

N

88TH ST NE

COHO CREEK

CC LINE

CUT

FILL

OHW

MHO

WB

GM

S 80°44'54.39" E

N 8°40'28.23" E

S 26°41'19.47" E

N 23°17'26.93" E

0 25 50

SCALE IN FEET

FILE NAME	\\parametrix.com\pmx\PSO\Projects\Clients\1598-TulalipTribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\CADD\DGN\Figures\Bio Assessment\1598131_88TH_CR-9.dgn				REGION NO.	STATE	FED.AID PROJ.NO.	I-5 MP 200.42 TO MP 201.05
TIME	5:17:54 PM				10	WASH		PLAN REF NO
DATE	2022-02-14				JOB NUMBER			88TH STREET NE CORRIDOR IMPROVEMENTS
PLOTTED BY	tsunmic							MARYSVILLE/ SNOHOMISH COUNTY FEBRUARY 2022
DESIGNED BY	M. TSUN				CONTRACT NO.	LOCATION NO.		STREAM PLAN
ENTERED BY	B. PURGANAN							SHEET 9 OF 10 SHEETS
CHECKED BY								
PROJ. ENGR.	H. LONGFELLOW							
REGIONAL ADM.		REVISION	DATE	BY				

P.E. STAMP BOX DATE

P.E. STAMP BOX DATE

TULALIP TRIBES

Parametrix



CUT/FILL LEGEND

CUT BELOW OHWM	
FILL ABOVE OHWM	
FILL BELOW OHWM	

TYPE	AREA (SF)
CUT BELOW OHWM	1035 SF
FILL BELOW OHWM	3691 SF

FILE NAME	\\parametrix.com\pmx\PSO\Projects\Clients\1598-TulalipTribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\CADD\DGN\Figures\Bio Assessment\1598131_88TH_ESA-10.dgn				REGION NO.	STATE	FED.AID PROJ.NO.
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DESIGNED BY	M. TSUN				CONTRACT NO.		LOCATION NO.
ENTERED BY	B. PURGANAN						
CHECKED BY							
PROJ. ENGR.	H. LONGFELLOW						
REGIONAL ADM.		REVISION	DATE	BY			

P.E. STAMP BOX — DATE

P.E. STAMP BOX — DATE

Parametrix

I-5 MP 200.42 TO MP 201.05

88TH STREET NE CORRIDOR IMPROVEMENTS

MARYSVILLE/ SNOHOMISH COUNTY FEBRUARY 2022

ESA DOCUMENTATION - OHWL CUT/FILL

PLAN REF NO

SHEET 10 OF 10 SHEETS

APPENDIX C

U.S. FISH AND WILDLIFE SERVICE OFFICIAL SPECIES LIST

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington Fish And Wildlife Office
510 Desmond Drive Se, Suite 102
Lacey, WA 98503-1263
Phone: (360) 753-9440 Fax: (360) 753-9405
http://www.fws.gov/wafwo/

In Reply Refer To: March 18, 2022
Project Code: 2022-0021758
Project Name: I-5/4th Street and 88th Street NE Corridor Improvements

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Washington Fish And Wildlife Office
510 Desmond Drive Se, Suite 102
Lacey, WA 98503-1263
(360) 753-9440

Project Summary

Project Code: 2022-0021758
Event Code: None
Project Name: I-5/4th Street and 88th Street NE Corridor Improvements
Project Type: Road/Hwy - Maintenance/Modification
Project Description: The Tulalip Tribes, in partnership with the Washington State Department of Transportation and the City of Marysville, propose to develop and implement access improvements to two interchanges on the Interstate 5 (I-5) corridor within the boundary of the Tulalip Reservation in Snohomish County, Washington. The two interchanges are at 4th Street (also known as State Route 528 and Marine Drive) and 88th Street NE. The purpose of the I-5/4th Street and 88th Street Corridor Improvements project is to support community and economic vitality by reducing congestion and improving mobility for cars, trucks, emergency services, pedestrians, and transit users traveling to, from, and across I-5 on 4th Street and 88th Street NE and within the Tribes' Reservation while enhancing safety and protecting the integrity of the interstate system. The federal nexus for this project is approvals by the Bureau of Indian Affairs for expansion of existing road rights of way on tribal lands. Project construction is expected to require 2 years, with an anticipated start date of January 2024. All construction activities below the ordinary high water lines of streams will occur during the in-water work window established by the Tribes (July 15 through September 30).

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@48.06377355,-122.1846441,14z



Counties: Snohomish County, Washington

Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
Marbled Murrelet *Brachyramphus marmoratus* Population: U.S.A. (CA, OR, WA) There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/4467	Threatened
Streaked Horned Lark *Eremophila alpestris strigata* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/7268	Threatened
Yellow-billed Cuckoo *Coccyzus americanus* Population: Western U.S. DPS There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

Fishes

NAME	STATUS
Bull Trout *Salvelinus confluentus* Population: U.S.A., conterminous, lower 48 states There is **final** critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8212	Threatened

Insects

NAME	STATUS
Monarch Butterfly *Danaus plexippus*	Candidate

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/9743

Critical habitats

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Bull Trout *Salvelinus confluentus*	Final

https://ecos.fws.gov/ecp/species/8212#crithab

IPaC User Contact Information

Agency: Parametrix, Inc.
Name: Mike Hall
Address: 719 2nd Ave, Suite 200
City: Seattle
State: WA
Zip: 98104
Email mhall@parametrix.com
Phone: 2063943673

Lead Agency Contact Information

Lead Agency: Bureau of Indian Affairs

APPENDIX D

OREGON SPOTTED FROG HABITAT ASSESSMENT

Oregon Spotted Frog Habitat Assessment

I-5/4th Street and 88th Street NE Corridor Improvements

Below are pertinent excerpts from WSDOT's February 17, 2015, guidance document for assessing the potential presence of and habitat use by Oregon spotted frogs in a project area. Excerpts from the guidance document are shown in Times New Roman typeface. Responses to questions in that document appear in Calibri typeface (*blue italics*).

1. Is the project in one of the following watersheds? Baker River, Black River- Chehalis River, Chambers Creek-Frontal Puget Sound, Chapman Creek, Finney Creek- Skagit River, Fraiser Creek, Green River Kent, Lacamas Creek, Lower Nisqually River- Frontal Puget Sound, Lower Snoqualmie River, Lower Trout Lake Creek, Outlet Creek, Quilceda Creek-Frontal Possession Sound, Samish River, Skagit River-Frontal Skagit Bay, South Fork Nooksack River, Sumas River, Wallace River-Skykomish River, Woods Creek-Skykomish River.
   The project site is in the Quilceda Creek-Frontal Possession Sound watershed.
2. Is the project in Oregon Spotted Frog Critical Habitat?
   No.
3. Is the project likely to impact any aquatic (pond, channel, ditch, river, stream, lake) or wetland (including seasonally flooded pastures, disturbed or farmed wetlands etc.) habitat?
   Yes. Construction of a bridge in place of the culvert that conveys Coho Creek under 88th Street NE will affect Coho Creek and associated wetlands.

Office Screening Model

a. Do the soils consist of loams (silt, clay, fine sandy gravelly, cobbly and stony), mucks (e.g., Semiahmoo, Mukilteo), loamy sands, or other poorly drained fibisols, mesisols, organic cryosols, gleysols, or umisols?
   Mapped soils include Norma loam, a poorly drained, hydric soil.
b. Does the action area lie between sea level and 1,100 feet in elevation?
   The action area is below 1,100 feet elevation.
c. Do any of the following types occur within the action area? [wetland types identified by the Washington Department of Ecology or the National Land Cover map; waterways identified in the National Hydrology Dataset]
   The Washington Department of Ecology modeled wetlands inventory shows Palustrine Scrub/Shrub Wetland and Palustrine Forested Wetland types in the project area.
   The National Land Cover map shows areas of herbaceous emergent wetlands and woody wetlands in the project area.
   The National Hydrology Dataset shows a permanent watercourse (Coho Creek) at the project site.

On-Site Screening Model

a. Evaluate the action area for Breeding habitat

i. Contains low-gradient shallows with extensive areas < 12 inches deep.
The floodplain along Coho Creek supports areas of low-gradient shallows less than 12 inches deep during the breeding season.

ii. Inundated for at least 5 weeks during late winter/early spring, starting as early as February.
Based on the low-gradient basin and high groundwater table in the action area, combined with observations of extensive inundation during wetland delineation and rating surveys in November 2020, it is probable that areas of shallow inundation are present in the wetlands associated with Coho Creek for at least 5 weeks during late winter and early spring.

iii. Dominated by (constituting > 50% of existing vegetative cover) emergent wetland vegetation. Ideal vegetation cover would be plants such as *Carex, Eleocharis, Juncus, Sparganium, Spiraea, Potamogeton, Scirpus, Utricularia, Ranunculus*, filamentous algae, and native grasses, but which may also contain subdominant vegetation of other plant species having an upright submergent or emergent growth form. However, most OSF occupied areas are dominated by reed canarygrass (*Phalaris*), therefore, do not discount this vegetation type as breeding habitat.
Floodplain habitat along Coho Creek near the project site consists of a relatively narrow corridor (approximately 100 feet wide) of reed canarygrass-dominated vegetation surrounded by conifer-dominated forest. About 1,000 feet upstream of the project site, the corridor of low-growing vegetation broadens to approximately 200 feet wide, where a series of beaver ponds is evident in aerial imagery. The total area of the non-forested corridor is approximately 6 acres.
Biologists performing wetland surveys in November 2020 did not record any observations of native grasses or other herbaceous plants from the genera listed above. The timing of those surveys likely hindered plant identification, however. Given the proximity of forest cover and the predominance of dense, monocultural stands of reed canarygrass, habitats near the project site are unlikely to provide suitable oviposition sites for Oregon spotted frogs.

iv. Have > 10% plant coverage of bottom substrate, primarily in submergent and emergent growth forms. Reed canarygrass may be managed to replicate short, emergent vegetation.
Vegetation cover exceeds 50%. As noted above, wetland vegetation near the project site consists predominantly of dense stands of unmanaged reed canarygrass.

v. Have low surface and above-water canopy closure in the form of woody-stemmed shrubs and trees, excepting the margins (within 50 ft of open expanses) of deciduous forest stands where leaf-out occurs after egg-laying.
Most areas of low-growing vegetation near the project site are less than 50 feet from conifer-dominated forest.

vi. Remain connected to summer-season habitat by still or slow-moving surface waters until post hatching in an average year. This period will be 5-8 weeks from the date of egg deposition and will usually occur by June 30 in an average year.
Areas of still or slow-moving surface water are expected to persist in the stream's floodplain through June in most years.

b. Evaluate the action area for suitable summer-season features.

i. Contains persistent (perennial) lentic pools, ditches, canals, or slow-moving rivers…
The Coho Creek basin in the action area has a high groundwater table and a low-gradient floodplain. Flows are expected to be perennial. Numerous slow-moving, braided channels that meander throughout the floodplain provide persistent lentic habitat.
…that:

- Have emergent, floating, or submergent wetland vegetation growth forms.
  Emergent vegetation, consisting of reed canarygrass and giant horsetail, is present.
- May have palustrine forested vegetation including *Spiraea, Salix* or *Alnus* in shrub or tree form or upland shrub-tree form vegetation present and within a distance that provides at least partial shading.
  Trees (red alder) and shrubs (willows, hardhack) are present nearby and provide ample shade.
- Are/become connected via suitable surface water to winter habitat during the fall.
  Based on the perennial flows, floodplain channels are expected to maintain a surface water connection to suitable winter habitat during the fall.

c. Evaluate the site for winter habitat.

i. Contains ponded, pooled or channeled areas of either lotic or lentic water that:

- Exceed 6" in depth.
  During a site visit on November 20, 2020, biologists noted multiple stream channels and ponding, with water depths ranging from 12 inches to 2.5 feet. Such habitat is likely to be present throughout a typical winter season.
- Have some combination of aquatic bed, emergent, and scrub-shrub vegetation present and intermixed with unconsolidated bottom habitat.
  Braided channels meander through emergent (reed canarygrass and cattail) and scrub-shrub (hardhack and willow) vegetation throughout the floodplain. Abundant fine sediments and organic material create unconsolidated bottom habitat throughout.
- Are not scoured (scoured = having flows capable of removing rooted vegetation or re-arranging distribution of large- grained sand and gravel substrates) by winter storm-related flows during an average year.
  The stream is in a relatively flat basin, with an approximately 1- to 2-percent gradient. During higher flows, the stream does not tend to rearrange or distribute larger substrates. Only one area of scour was observed during the field visit.
- Are inundated from at least October through March.
  The braided channels in the floodplain are expected to be perennially inundated.

Appendix L – Historic Properties Documentation

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Northwest Regional Office
911 Northeast 11th Avenue
Portland, Oregon 97232

In Reply Refer To:
DIVISION OF ENVIRONMENTAL & CULTURAL RESOURCE MGMT.

Dr. Allyson Brooks
Washington State Historic Preservation Officer
Department of Archaeology and Historic Preservation
P.O. Box 48343
Olympia, Washington 98504-8343

RE: I-5/4th Street and 88th Street NE Corridor Improvements Project, Snohomish County, Washington DAHP Project No. 2022-06-04118

Dear Dr. Brooks:

The Bureau of Indian Affairs (BIA) Northwest Regional Office (NWRO) is conducting National Historic Preservation Act (NHPA) Section 106 consultation with your office regarding the I-5/4th Street and 88th Street NE Corridor Improvements Project which is within the boundaries of the Tulalip Indian Reservation. The BIA is initiating consultation with your office under the standard review process (36 CFR Part 800). We are requesting your review of the attached Cultural Resources Assessment.

The APE for the proposed project is located in Sections 16, 17, 20 and 21, Township 30 North, Range 5 East. The interchanges at 4th Street and 88th Street are within the city of Marysville, Washington. Maps are included in the attached Cultural Resources Assessment (CRA) for your reference.

As noted in the CRA, there are no known or identified archaeological or historic resources within the APE. The Tulalip Tribe, as noted in the attached Report, will have a monitor on hand along with an Inadvertent Discovery Policy in the unlikely event that any resources are discovered.

Therefore, the BIA, as per §36 CFR 800.5(b), has determined that the implementation of the proposed undertaking will result in a 'No Adverse Effect' to historic properties by implementing the proposed project. Please direct any questions or requests for additional information to Eirik Thorsgard, Regional Archaeologist, at eirik.thorsgard@bia.gov or (503) 231-6921.

Sincerely,

Bryan Mercier
Northwest Regional Director

Allyson Brooks Ph.D., Director
State Historic Preservation Officer

October 11, 2022

Mr. Bryan Mercier
Northwest Regional director
US Bureau of Indian Affairs

In future correspondence please refer to:
Project Tracking Code: 2022-06-04148
Property: I-5/4th Street and 88th Street NE Corridor Improvements
Re: No Historic Properties Affected

Dear Mr. Mercier:

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) regarding the above referenced proposal. Your communication on this action has been reviewed on behalf of the SHPO under provisions of Section 106 of the National Historic Preservation Act of 1966 (as amended) and 36 CFR Part 800. Our review is based upon documentation provided in your submittal.

First, we concur with the project area of potential effect (APE) as mapped in your documentation. We also concur that no historic properties will be affected by the current project as proposed. As a result of our concurrence, further contact with DAHP on this proposal is not necessary.

However, if new information about affected resources becomes available and/or the project scope of work changes significantly, please resume consultation as our assessment may be revised. Also, if any archaeological resources are uncovered during construction, please halt work immediately in the area of discovery and contact the appropriate Native American Tribes and DAHP for further consultation.

Thank you for the opportunity to review and comment. If you have any questions, please feel free to contact me.

Sincerely,

Dennis Wardlaw
Transportation Archaeologist
(360) 485-5014
dennis.wardlaw@dahp.wa.gov

Appendix M – Rainfall Gauge Recording

Use the table below to record the rainfall gauge readings at the beginning and end of each work day. An example table follows.

Month/Year			Month/Year			Month/Year		
Day	Start time	End time	Day	Start time	End time	Day	Start time	End time
1			1			1		
2			2			2		
3			3			3		
4			4			4		
5			5			5		
6			6			6		
7			7			7		
8			8			8		
9			9			9		
10			10			10		
11			11			11		
12			12			12		
13			13			13		
14			14			14		
15			15			15		
16			16			16		
17			17			17		
18			18			18		
19			19			19		
20			20			20		
21			21			21		
22			22			22		
23			23			23		
24			24			24		
25			25			25		
26			26			26		
27			27			27		
28			28			28		
29			29			29		
30			30			30		
31			31			31		

Example Rainfall Gauge Recording

April 201722			May 2017			June 2022		
Day	7:00 am	4:400 pm	Day	7:00 am	4:00 pm	Day	7:00 am	4:00 pm
1	--	--	1	0.2	0	1	0	0.4
2	--	--	2	0	0	2	0	0
3	0	0	3	0.1	0.3	3	--	--
4	0	0.3	4	0	0	4	--	--
5	0	0	5	0	0	5	0	0

In this example (for only partial months), 0.25-inch rainfall inspections would have been conducted on April 4 and June 1.

Appendix N – Turbidity Meter Manual and Manufacturer's Instructions (if needed)

DRAFT

Stormwater Pollution Prevention Plan (SWPPP)

For Construction Activities At:

I-5 88th Street NE Corridor Improvements
I-5 and 88th ST NE Interchange
Marysville, WA, 98210-98271
Insert Project/Site Telephone Number

SWPPP Prepared For:

The Tulalip Tribes of Washington
6046 Marine Drive
Tulalip, Washington, 98271
Insert Telephone Number
Insert Fax/Email

SWPPP Prepared By:

Parametrix
719 2nd Ave., Suite 200 Seattle, WA
206-394-3700

SWPPP Modified By:

To be Completed by Contractor

SWPPP Preparation Date:

06/05/2026

Estimated Project Dates:

Project Start Date: 08/01/2026

Project Completion Date: 06/30/2030

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SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

1.1 Operator(s) / Subcontractor(s)

Operator(s):

The Tulalip Tribes of Washington

6046 Marine Drive
Tulalip, Washington 98271
Responsible Person:
Telephone Number:
Email:

Highlighted fields in this section are to be completed by the Contractor prior to construction and updated as required during construction.

Primary Construction Contractor
Insert Name
Insert Address
Insert City, State, Zip Code
Insert Telephone Number
Insert Fax/Email
Insert area of control (if more than one operator at site)

Subcontractor(s):

Insert Company or Organization Name
Insert Name
Insert Address
Insert City, State, Zip Code
Insert Telephone Number
Insert Fax/Email
Insert area of control (if more than one operator at site)

[Repeat as necessary.]

Emergency 24-Hour Contact:

Insert Company or Organization Name
Insert Name
Insert Telephone Number

1.2 Stormwater Team

Stormwater Team

Name and/or Position, and Contact	Responsibilities	I Have Completed Training Required by CGP Part 6.2	I Have Read the CGP and Understand the Applicable Requirements
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Insert Responsibility	☐ Yes ☐ No	☐ Yes Date: Click here to enter a date.
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Insert Responsibility	☐ Yes ☐ No	☐ Yes Date: Click here to enter a date.
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Insert Responsibility	☐ Yes ☐ No	☐ Yes Date: Click here to enter a date.

[Insert or delete rows as necessary.]

Stormwater Team Members Who Conduct Inspections Pursuant to CGP Part 4

Name and/or Position and Contact	Training(s) Received	Date Training(s) Completed	If Training is a Non-EPA Training, Confirm that it Satisfies the Minimum Elements of CGP Part 6.3.b
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Insert Responsibility	Date: Click here to enter a date.	☐ Principles and practices of erosion and sediment control and pollution prevention practices at construction sites ☐ Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites ☐ Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Insert Responsibility	Date: Click here to enter a date.	☐ Principles and practices of erosion and sediment control and pollution prevention practices at construction sites ☐ Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites ☐ Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Insert Responsibility	Date: Click here to enter a date.	☐ Principles and practices of erosion and sediment control and pollution prevention practices at construction sites ☐ Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites ☐ Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4

[Insert or delete rows as necessary.]

SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING

2.1 Project/Site Information

Project Name and Address

Project/Site Name: I-5 88th Street NE Corridor Improvements
Street/Location: I-5 and 88th St NE Interchange
City: Tulalip/Marysville
State: Washington
ZIP Code: 98271
County or Similar Government Division: Snohomish County

Project Latitude/Longitude

Latitude: 48.075° N (decimal degrees)

Longitude: 122.184 ° W (decimal degrees)

Latitude/longitude data source: ☒ Map ☐ GPS ☐ Other (please specify): _____

Horizontal Reference Datum: ☐ NAD 27 ☒ NAD 83 ☐ WGS 84

Additional Site Information

Is your site located on Indian country lands, or on a property of religious or cultural significance to an Indian Tribe? ☒ Yes ☐ No

If yes, provide the name of the Indian Tribe associated with the area of Indian country (including the name of Indian reservation if applicable), or if not in Indian country, provide the name of the Indian Tribe associated with the property: The Tulalip Tribes of Washington

2.2 Discharge Information

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☒ Yes ☐ No

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? ☒ Yes ☐ No

For each point of discharge, provide a point of discharge ID (a unique 3-digit ID, e.g., 001, 002), the name of the first receiving water that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to, and the following receiving water information, if applicable:

Point of Discharge ID	Name of receiving water that receives stormwater discharge:	Is the receiving water impaired (on the CWA 303(d) list)?	If yes, list the pollutants that are causing the impairment:	Has a TMDL been completed for this receiving waterbody?	If yes, list TMDL Name and ID:	Pollutant(s) for which there is a TMDL:	Is this receiving water designated as a Tier 2, Tier 2.5, or Tier 3 water?	If yes, specify which Tier (2, 2.5, or 3)?
S006	Coho Creek	☐ Yes ☒ No		☐ Yes ☒ No			☐ Yes ☒ No	N/A
S007	Coho Creek	☐ Yes ☒ No		☐ Yes ☒ No			☐ Yes ☒ No	N/A
S008	Coho Creek	☐ Yes ☒ No		☐ Yes ☒ No			☐ Yes ☒ No	N/A
S009	Coho Creek	☐ Yes ☒ No		☐ Yes ☒ No			☐ Yes ☒ No	N/A
S010	Coho Creek	☐ Yes ☒ No		☐ Yes ☒ No			☐ Yes ☒ No	N/A
S011	Coho Creek	☐ Yes ☒ No		☐ Yes ☒ No			☐ Yes ☒ No	N/A
S012	Coho Creek	☐ Yes ☒ No		☐ Yes ☒ No			☐ Yes ☒ No	N/A
S013	Quilceda Creek	☒ Yes ☐ No	Dissolved Oxygen and bacteria – fecal coliform	☒ Yes ☐ No	Lower Snohomish River Tributaries Fecal Coliform Bacterial Total Maximum Daily Load: Detailed Implementation Plan, TH58TS	Fecal Coliform	☐ Yes ☒ No	N/A

Based on the receiving water information identified above, Coho Creek is not listed as impaired, and Quilceda Creek is listed as impaired for dissolved oxygen and bacteria/fecal coliform. The EPA CGP additional inspection and stabilization requirements for impaired waters apply where the site discharges to waters impaired for sediment, sediment-related parameters, or nutrients. Based on the listed impairments above, increased inspection frequency for sediment- or nutrient-impaired receiving waters is not triggered unless EPA directs otherwise. Construction-phase erosion, sediment, and pollution-prevention BMPs will be implemented to minimize discharges of sediment, turbidity, high-pH water, petroleum products, sanitary waste, nutrients, and other pollutants to receiving waters.

2.3 Nature of the Construction Activities

General Description of Project

The project will include corridor improvements along 88th Street NE as well as fish passage enhancements and stream habitat improvements at the 88th Street NE crossing of Coho Creek. Work includes replacing existing intersections with roundabouts and sidewalk systems; realigning connecting roads, on-ramps, and off-ramps; replacing a culvert with a bridge; grading, paving, retaining walls, utility modifications, illumination and signage; and constructing drainage, conveyance, and permanent stormwater BMPs.

Business days and hours for the project: Insert Text Here

Size of Construction Site

Size of Property	21.8 Acres (does not include staging areas)
Total Area Expected to be Disturbed by Construction Activities	12.84 acres EPA CGP-covered disturbed area on Tulalip Tribal lands. 15.5 acres total project disturbed area.
Maximum Area Expected to be Disturbed at Any One Time, Including On-site and Off-site Construction Support Areas	To be completed by Contractor prior to construction based on construction sequencing and proposed construction support areas.

Type of Construction Site *(check all that apply):*

☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial

☐ Institutional ☒ Highway or Road ☐ Utility ☐ Other _____

Will you be discharging dewatering water from your site? ☒ Yes ☐ No

If yes, will you be discharging dewatering water from a current or former Federal or State remediation site? ☐ Yes ☒ No

Pollutant-Generating Activities

List and describe all pollutant-generating activities and indicate for each activity the associated pollutants or pollutant constituents that could be discharged in stormwater from your construction site. Take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed during construction.

Pollutant-Generating Activity (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations)	**Pollutants or Pollutant Constituents** (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels)
Access road construction	Sediment
Grading	Sediment
Equipment/Vehicle operation	Fuel leaks
Equipment/Vehicle refueling operations	Fuel leaks and spills
Sawcutting and Surface Operations	Concrete washwater, high pH, sediment/slurry
Storm drain, utility, and conveyance installation	Sediment, turbidity
Bridge and concrete work	Concrete washwater, high pH, sediment
Material storage and stockpiles	Sediment, dust, fuels/oils/chemicals if exposed
Asphalt paving and tack coat application	Asphalt emulsions, oils, petroleum products
Landscaping and final stabilization	Fertilizer, mulch fines, sediment

Construction Support Activities *(only provide if applicable)*

Describe any construction support activities for the project (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas):

Construction support activities and locations shall be completed by the Contractor prior to use, if applicable.

Contact information for construction support activity:
Insert Name
Insert Telephone No.
Insert Email
Insert Address And/Or Latitude/Longitude

[Repeat as necessary.]

2.4 Sequence and Estimated Dates of Construction Activities

Dates shown in this section are planning-level estimates based on current TESC/staging information and shall be updated by the Contractor prior to construction and as work progresses.

Phase I

Site preparation and initial controls	
Estimated Start Date of Construction Activities for this Phase	8/1/2026
Estimated End Date of Construction Activities for this Phase	12/31/2026
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	*Provided by Contractor*
Estimated Date(s) when Stormwater Controls will be Removed	N/A for this phase (controls remain in place

Phase II

Drainage and vault installation	
Estimated Start Date of Construction Activities for this Phase	01/01/2027
Estimated End Date of Construction Activities for this Phase	06/30/2027
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	*Provided by Contractor*
Estimated Date(s) when Stormwater Controls will be Removed	*Provided by Contractor*

Phase III

Bridge/culvert replacement and grading	
Estimated Start Date of Construction Activities for this Phase	07/01/2027
Estimated End Date of Construction Activities for this Phase	06/30/2028
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	*Provided by Contractor*
Estimated Date(s) when Stormwater Controls will be Removed	*Provided by Contractor*

Phase IV

Roadway and intersection work	
Estimated Start Date of Construction Activities for this Phase	07/01/2028
Estimated End Date of Construction Activities for this Phase	03/31/2029
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	*Provided by Contractor*
Estimated Date(s) when Stormwater Controls will be Removed	*Provided by Contractor*

Phase V

Roadway and intersection work	
Estimated Start Date of Construction Activities for this Phase	04/1/2029
Estimated End Date of Construction Activities for this Phase	9/30/2029
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	*Provided by Contractor*
Estimated Date(s) when Stormwater Controls will be Removed	*Provided by Contractor*

Phase VI

Roadway and intersection work	
Estimated Start Date of Construction Activities for this Phase	10/01/2029
Estimated End Date of Construction Activities for this Phase	12/31/2029
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	*Provided by Contractor*
Estimated Date(s) when Stormwater Controls will be Removed	*Provided by Contractor*

Phase VII

Roadway and intersection work	
Estimated Start Date of Construction Activities for this Phase	01/01/2030
Estimated End Date of Construction Activities for this Phase	03/31/2030
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	*Provided by Contractor*
Estimated Date(s) when Stormwater Controls will be Removed	*Provided by Contractor*

Final Restoration

Roadway and intersection work	
Estimated Start Date of Construction Activities for this Phase	04/01/2030
Estimated End Date of Construction Activities for this Phase	06/30/2030
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	*Provided by Contractor*
Estimated Date(s) when Stormwater Controls will be Removed	*Provided by Contractor*

- Dates are estimated and will be updated by the Contractor within 10 days of NTP and ≥14 days before NOI submission.
- Stabilization timing follows EPA CGP Part 2.2.14 (7-day near waters; 14-day inactivity; 7-day after final grade).

Bridge/culvert replacement and stream-related work shall be scheduled consistent with applicable fish work windows, permit conditions, and contract requirements. The Contractor shall update the phase dates, stabilization dates, and stormwater control installation/removal dates based on the accepted construction schedule.

2.5 Authorized Non-Stormwater Discharges

List of Authorized Non-Stormwater Discharges Present at the Site

Authorized Non-Stormwater Discharge	Will or May Occur at Your Site?
Discharges from emergency fire-fighting activities	☐ Yes ☒ No
Fire hydrant flushings	☐ Yes ☒ No
Landscape irrigation	☒ Yes ☐ No
Water used to wash vehicles and equipment	☐ Yes ☒ No
Water used to control dust	☒ Yes ☐ No
Potable water including uncontaminated water line flushings	☒ Yes ☐ No
External building washdown (soaps/solvents are not used and external surfaces do not contain hazardous substances)	☐ Yes ☒ No
Pavement wash waters	☒ Yes ☐ No
Uncontaminated air conditioning or compressor condensate	☐ Yes ☒ No
Uncontaminated, non-turbid discharges of ground water or spring water	☐ Yes ☒ No
Foundation or footing drains	☒ Yes ☐ No
Uncontaminated construction dewatering water	☐ Yes ☒ No

(Note: You are required to identify the likely locations of these authorized non-stormwater discharges on your site map. See Section 2.6, below, of this SWPPP Template.)

The Contractor shall update this table and the site map if additional authorized non-stormwater discharges are proposed or become necessary during construction.

2.6 Site Maps

A project vicinity map and applicable site figures from the Ecology SWPPP are included in Appendix A for project-wide context and SWPPP documentation. The site figures included in Appendix A show the general project limits, drainage areas, discharge locations, sampling points, and temporary erosion and sediment control measures.

Final BMP locations, construction sequencing, and implementation details shall be governed by the approved contract plans, including the final TESC plan sheets and applicable standard details, which will be maintained with the SWPPP during construction.

The Contractor shall update the SWPPP site map as needed before use to show contractor-selected locations, including staging areas, stockpiles, material storage areas, waste storage areas, borrow/disposal areas, fueling and maintenance areas, concrete washout areas, sanitary facilities, vehicle/equipment storage areas, wheel wash areas, and dewatering discharge or disposal locations.

SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS

3.1 Endangered Species Protection

Instructions (see CGP Parts 1.1.5, 7.2.9.a, Appendix D, and the "Endangered Species Protection" section of the Appendix H – NOI Form and Instructions as well as resources available at www.epa.gov/npdes/construction-general-permit-cgp-threatened-and-endangered-species-eligibility):

Using the instructions in Appendix D of the permit, determine which criterion listed below (A-F) applies with respect to the protection of endangered species. To make this determination, you must use information from **BOTH** the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). Both the NMFS and USFWS maintain lists of Endangered Species Act-listed (ESA-listed) species and designated critical habitat. Operators must consult both when determining their eligibility.

- Check only 1 box, include the required information, and provide a sound basis for supporting the criterion selected. Select the most conservative criterion that applies.
- Include documentation supporting your determination of eligibility required in the Endangered Species Protection section of the NOI in NeT or the ESA worksheet in CGP Appendix D.

Eligibility Criterion

Following the process outlined in Appendix D, under which criterion are you eligible for coverage under this permit?

☐ **Criterion A**: No ESA-listed species and/or designated critical habitat present in action area. Using the process outlined in Appendix D of the CGP, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of the CGP. *Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.*

☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D (Note: reliance on State resources is not acceptable; see CGP Appendix D).

Documentation: Insert Text Here

☐ **Criterion B:** Eligibility requirements met by another operator under the 2022 CGP. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2022 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include in your NOI the NPDES ID from the other 2022 CGP operator's notification of authorization under this permit and list any measures that you must comply with. If your certification is based on another 2022 CGP operator's certification under criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C.

☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation: Insert Text Here

☐ **Criterion C:** Discharges not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat. ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, indicate 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in Appendix D of this permit; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how short- or long-term adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. (Note: You must include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with your NOI.)

☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation: Insert Text Here

☐ **Criterion D**: Coordination with USFWS and/or NMFS has successfully concluded.

Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written confirmation from USFWS and/or NMFS that the effects of your site's discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects. By certifying eligibility under this criterion, you agree to comply with any conditions you must meet for your site's discharges and discharge-related activities to not likely result in any short- or long-term adverse effects. You must include copies of the correspondence with the participating agencies in your SWPPP and this NOI.

☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation: Insert Text Here

☐ **Criterion E:** ESA Section 7 consultation has successfully concluded. Consultation between a Federal agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. Consultations can be either formal or informal, and would have occurred only as a result of a separate Federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and the consultation must have addressed the effects of your construction activity's discharges and discharge-related activities on all ESA-listed threatened or endangered species and all designated critical habitat under the jurisdiction of each Service, as appropriate, in your action area. The result of this consultation must be either:

i. A biological opinion currently in effect that determined that the action in question (taking into account the effects of your facility's discharges and discharge-related activities) is likely to adversely affect, but is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The biological opinion must have included the effects of your facility's discharges and discharge-related activities on all the listed species and designated critical habitat in your action area under the jurisdiction of each Service, as appropriate. To be eligible under (i), any reasonable and prudent measures specified in the incidental take statement must be implemented;

ii. Written concurrence (e.g., letter of concurrence) from the applicable Service(s) with a determination that your facility's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. The concurrence letter must have included the effects of your facility's discharges and discharge-related activities on all the ESA-listed species and/or designated critical habitat on your species list(s) acquired from USFWS and/or NMFS as part of this worksheet.

The consultation does not warrant reinitiation under 50 CFR §402.16; or, if reinitiation of consultation is required (e.g., due to a new species listing, critical habitat designation, or new information), the Federal action agency has reinitiated the consultation and the result of the consultation is consistent with the statements above. (Note: you must include any reinitiation documentation from the Services or consulting Federal agency with your NOI.)

☒ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation:

ESA Section 7 consultation has successfully concluded. Federal action: BIA ROW approvals on tribal land.

- USFWS: Letter of Concurrence, May 8, 2023, Ref. FWS/R1/2022-0053650.
- NMFS: Biological Opinion, March 21, 2025, WCRO-2022-02360, which addressed effects of the project, including stormwater treatment requirements.
- The NMFS Biological Opinion requires specific stormwater treatment measures, including GULD-certified Enhanced Treatment, Oil Control where practicable, minimizing open conveyance, and use of enclosed or inaccessible treatment units. These requirements are incorporated into the project design and this SWPPP.
- Documentation is provided in SWPPP Appendix K.

☐ **Criterion F:** Issuance of section 10 permit. Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI.

☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation: Insert Text Here

3.2 Historic Property Screening Process

Instructions (see CGP Part 1.1.6, 7.2.9.b, Appendix E, and the "Historic Preservation" section of the Appendix H – NOI Form and Instructions):

Follow the screening process in Appendix E of the permit to determine whether your installation of subsurface earth-disturbing stormwater controls will have an effect on historic properties.

- Include documentation supporting your determination of eligibility.
- To contact your applicable State historic preservation office, information is available at *https://ncshpo.org/directory/*
- To contact your applicable Tribal historic preservation office, information is available at *https://grantsdev.cr.nps.gov/THPO_Review/index.cfm*

Appendix E, Step 1

Do you plan on installing any stormwater controls that require subsurface earth disturbance, including, but not limited to, any of the following stormwater controls at your site? Check all that apply below, and proceed to Appendix E, Step 2.

☒ Dike

☒ Berm

☒ Catch Basin

☒ Pond

☒ Constructed Site Drainage Feature (e.g., ditch, trench, perimeter drain, swale, etc.)

☒ Culvert

☒ Channel

☒ Other type of ground-disturbing stormwater control: Proprietary stormwater treatment vaults and infiltration vaults

Appendix E, Step 2

If you answered yes in Step 1, have prior professional cultural resource surveys or other evaluations determined that historic properties do not exist, or have prior disturbances at the site have precluded the existence of historic properties? ☐ YES ☒ NO

- If yes, no further documentation is required for Section 3.2 of the Template and you may provide the prior documentation in your SWPPP.
- If no, proceed to Appendix E, Step 3.

Appendix E, Step 3

If you answered no in Step 2, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? ☒ YES ☐ NO

- If yes, provide documentation of the basis for your determination.
  - The Bureau of Indian Affairs (BIA) Northwest Regional Office (NWRO) conducted a National Historic Preservation Act (NHPA) Section 106 consultation and Cultural Resources Assessment (CRA) with the Washington State Historic Preservation Office (SHPO) and the Department of Archaeology and Historic Preservation (DAHP). As noted in the CRA, there are no known or identified archaeological or historic resources within the Area of Potential Effect (APE).
  - Therefore, the BIA, as per §36 CFR 800.5(b), determined that implementation of the project will result in a 'No Adverse Effect' to historic properties.
  - Documentation is provided in Appendix L.
- If no, proceed to Appendix E, Step 4.

Appendix E, Steps 4 and 5

If you answered no in Step 3, did the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Office (THPO), or other Tribal representative (whichever applies) respond to you within 15 calendar days to indicate their views as to the likelihood that historic properties are potentially present on your site and may be impacted by the installation of stormwater controls that require subsurface earth disturbance? ☐ YES ☒ NO

- If yes, describe the nature of their response:
  - ☐ Written indication that no historic properties will be affected by the installation of stormwater controls.
  - ☐ Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions.
  - ☐ No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls.
  - ☐ Other:
- If no, no further documentation is required for Section 3.2 of the Template.

3.3 Safe Drinking Water Act Underground Injection Control Requirements

Instructions (see CGP Part 7.2.9.c):

- If you will use any of the identified controls in this section, document any contact you have had with the applicable State agency or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR Parts 144-147.
- For State UIC program contacts, refer to the following EPA website: https://www.epa.gov/uic.

Do you plan to install any of the following controls? Check all that apply below.

☐ Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

☒ Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow

☐ Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

No EPA Region 10 UIC communications have occurred to date. Based on current design information, the project includes proprietary treatment units and infiltration facilities, including open-bottom infiltration vaults and/or ponds, but is not anticipated to include drywells, seepage pits, infiltration trenches with subsurface fluid distribution systems, or other Class V injection wells. The project is located on Tulalip Tribal land, where EPA Region 10 has UIC program authority. The Contractor shall update this SWPPP if construction changes introduce a UIC-regulated facility or if EPA determines that any proposed facility requires UIC inventory or authorization. If EPA Region 10 determines that UIC inventory, authorization, or other documentation is required, the Contractor shall submit the required information to EPA Region 10 and add related documentation to this SWPPP.

SECTION 4: EROSION AND SEDIMENT CONTROLS AND DEWATERING PRACTICES

4.1 Natural Buffers or Equivalent Sediment Controls

Buffer Compliance Alternatives

Are there any receiving waters within 50 feet of your project's earth disturbances? ☒ YES ☐ NO

Check the compliance alternative that you have chosen:

☐ (i) I will provide and maintain a 50-foot undisturbed natural buffer.

☐ (ii) I will provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by additional erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

☐ (iii) It is infeasible to provide and maintain an undisturbed natural buffer of any size, therefore I will implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

☒ I qualify for one of the exceptions in Part 2.2.1.b. (If you have checked this box, provide information on the applicable buffer exception that applies, below.)

Buffer Exceptions

Which of the following exceptions to the buffer requirements applies to your site?

☐ There is no discharge of stormwater to waters of the U.S. through the area between the disturbed portions of the site and any waters of the U.S. located within 50 feet of your site.

☐ No natural buffer exists due to preexisting development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for this project.

☒ For "linear construction sites" (defined in Appendix A), site constraints (e.g., limited right-of-way) make it infeasible to meet any of the CGP Part 2.2.1.a compliance alternatives, provided that, to the extent feasible, you limit disturbances within 50 feet of the receiving water.

This is a linear roadway, interchange, fish passage, and stream crossing project within constrained right-of-way adjacent to existing pavement, ramps, utilities, bridge/culvert work, tie-ins, access points, and Coho Creek. Site constraints make it infeasible to meet the CGP Part 2.2.1.a buffer compliance alternatives in all locations due to traffic control, safety, fixed roadway geometry, stream crossing work, utility conflicts, and constructability limits. Disturbance within 50 feet of receiving waters will be limited to the extent feasible. Where practicable, existing vegetation and undisturbed areas will be preserved and flagged. Where disturbance within 50 feet of receiving waters is unavoidable, erosion and sediment controls will be installed and maintained in accordance with the TESC plans and this SWPPP before earth-disturbing activities begin.

Controls may include silt fence, high-visibility fencing, wattles or compost socks, inlet protection, check dams, outlet protection, temporary cover, temporary seeding and mulch, stabilized construction entrances, wheel wash if needed, temporary sediment traps or ponds if shown on the TESC plans or required by field conditions, and other BMPs shown on the TESC plans or added by the Contractor as field conditions require.

☐ The project qualifies as "small residential lot" construction (defined in Appendix A as "a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre") (see Appendix F, Part F.3.2).

☐ Buffer disturbances are authorized under a CWA Section 404 permit.

☐ Buffer disturbances will occur for the construction of a water-dependent structure or water access area (e.g., pier, boat ramp, and trail).

4.2 Perimeter Controls

General
High-visibility construction fencing will be placed at or near buffer areas where earth disturbance will occur to prevent additional encroachment into the buffer. Silt fence will be installed on the construction side of the construction fencing in areas where slopes are gentle; wattles may be used where appropriate. Perimeter control descriptions are provided below, and perimeter control locations are shown on the TESC plan sheets included in Appendix A.

Specific Perimeter Controls

Silt Fence (BMP C233)	
Description	Install perimeter silt fence along down-slope limits of grading and along flow paths toward Coho/Quilceda. Use double-row at critical reaches and near the last 50 ft to waters. Make operational prior to earth disturbance.
Installation	Initial install Phase I; expand/relocate with Stage 4 and Stage 5 limits per TESC.
Maintenance Requirements	Inspect weekly and after ≥0.25" storms. Remove sediment at ½ the above-ground height (CGP 2.2.3.c.i). After storms, extend controls or repair undercut areas if there's evidence of bypass/undercutting (CGP 2.2.3.c.ii). Replace damaged fabric/posts same day.
Design Specifications	SWMMWW BMP C233; WSDOT Std. Specs 8-01; approved contract plans/details.

High-Visibility Silt Fence (BMP C231)	
Description	Perimeter control that doubles as a high-visibility limit (driveways/access tie-ins).
Installation	Install before earth-disturbing activities begin where needed to identify clearing limits, protect sensitive areas, and prevent encroachment outside approved work areas. Maintain, relocate, or remove as work progresses and as shown on the TESC plans.
Maintenance Requirements	Same as C233; keep fence taut/visible; repair flagging/stakes.
Design Specifications	SWMMWW BMP C231; WSDOT 8-01; approved contract plans/details.

Wattles / Compost Socks (BMP C235)	
Description	Install across slope breaks, at toe of fills, margins of temporary swales, and as supplemental inlet perimeter. Maintain continuous soil contact.
Installation	Install before or concurrent with grading where shown on the TESC plans or where needed across slope breaks, at toe of fills, along temporary swales, near inlets, or as supplemental perimeter control. Maintain continuous soil contact and adjust as work progresses.
Maintenance Requirements	Re-stake/replace after storms; repair gaps/undercut; remove accumulated sediment at ½ height.
Design Specifications	SWMMWW BMP C235; WSDOT 8-01; approved contract plans/details.

Inlet Protection (BMP C220)	
Description	Protect all active storm drain inlets within/adjacent to disturbed areas (temporary and newly activated). Use devices per detail; ensure safe bypass during large storms.
Installation	Install before runoff from disturbed areas is directed to active storm drain inlets. Maintain protection on existing and newly activated inlets within or adjacent to disturbed areas until contributing areas are stabilized or the Engineer approves removal.
Maintenance Requirements	Inspect after storms; remove sediment/debris; reset devices; prevent bypass/ponding hazards; replace damaged units.
Design Specifications	SWMMWW BMP C220; WSDOT 8-01; approved contract plans/details.

Check Dams (BMP C207)	
Description	Install in temporary ditches/swales to slow velocities and reduce transport to perimeter controls/outlets. Size/spacing per detail.
Installation	Install in temporary ditches, swales, or concentrated-flow paths where shown on the TESC plans or where needed to reduce flow velocity and sediment transport. Adjust spacing and location as grades and temporary drainage patterns change.
Maintenance Requirements	Maintain crest height/spacing; repair displaced rock/ECM; remove sediment when storage is reduced.
Design Specifications	SWMMWW BMP C207; WSDOT 8-01; approved contract plans/details.

Outlet Protection (BMP C209)	
Description	Riprap/energy dissipation at temporary pipe/swale outlets to prevent scour.
Installation	Install when temporary or permanent pipe, culvert, ditch, or swale outlets are constructed or activated and where shown on the TESC plans. Maintain outlet protection until contributing areas are stabilized or permanent outlet protection is complete.
Maintenance Requirements	Replace displaced rock; fix undercutting; keep apron length/width per detail; clear accumulated sediment.
Design Specifications	SWMMWW BMP C209; WSDOT 8-01; approved contract plans/details.

Temporary Sediment Trap (C240) / Pond (C241)	
Description	Provide temporary storage at TESC low points where specified or if field conditions warrant added capacity.
Installation	Install where shown on the TESC plans or where field conditions warrant additional temporary sediment storage. Maintain through active earthwork and remove only after contributing disturbed areas are stabilized and removal is approved.
Maintenance Requirements	Maintain outlet protection; dredge when ⅓ full; keep access for cleanout; repair embankments.
Design Specifications	SWMMWW BMP C240/C241; WSDOT 8-01; approved contract plans/details.

4.3 Sediment Track-Out

Instructions (see CGP Parts 2.2.4 and 7.2.6.b.iii):

- Describe stormwater controls that will be used to minimize sediment track-out.
- Describe location(s) of vehicle exit(s), procedures to remove accumulated sediment off-site (e.g., vehicle tracking), and stabilization practices (e.g., stone pads or wash racks or both) to minimize off-site vehicle tracking of sediment. Also include the design, installation, and maintenance specifications for each control.

General
Minimize vehicle tracking of sediment onto paved roads by: limiting egress points; using stabilized construction entrances and wheel wash where needed; stabilizing internal haul routes; and removing any track-out from public roads by the end of the same work day (or as soon as practicable for nighttime operations). Cover/secure loads; no washing into storm drains. Wheel-wash water is contained and managed per Section 5.4.

Specific Track-Out Controls

Stabilized Construction Entrance (BMP C105)	
Description	Rock pad and geotextile at each active site egress to paved roads; length/width and rock size per detail.
Installation	Install prior to use of active construction access points; adjust, relocate, or remove as access points change and as shown in the TESC plans.
Maintenance Requirements	Maintain thickness/cleanliness; add rock if mud pumps through; sweep any track-out on paved roads the same day; keep entrance free of ruts; repair geotextile as needed.
Design Specifications	SWMMWW BMP C105; WSDOT Std. Specs 8-01; approved contract plans/details.

Wheel Wash (BMP C106)	
Description	Fixed or portable wheel-wash at egress to remove soil from tires/undercarriages when C105 alone is insufficient.
Installation	Install with C105 where indicated on TESC or when Inspector/Engineer directs (typically wet season or heavy trucking).
Maintenance Requirements	Keep grates/pads clear; replace water as turbid; collect washwater in lined sump/portable unit and route to sediment trap or haul offsite—no discharge to storm drains/surface waters; inspect daily.
Design Specifications	SWMMWW BMP C106; WSDOT 8-01; see §5.4 for washwater handling; approved contract plans/details.

Construction Road/Parking Stabilization (BMP C107)	
Description	Crushed rock or equivalent surfacing on internal haul routes and staging to reduce mud tracking to egress points.
Installation	Install with initial site access; extend, maintain, or remove as work progresses and as shown in the TESC plans.
Maintenance Requirements	Maintain surfacing thickness; regrade ruts; add rock as needed; control dust.
Design Specifications	SWMMWW BMP C107; WSDOT 8-01; approved contract plans/details.

Street Cleaning (WSDOT 8-01.3(8))	
Description	Mechanical sweeping or vacuuming of paved public roads where any track-out occurs. No flushing to drains.
Installation	As soon as track-out is observed; keep equipment onsite during mass haul/earthwork.
Maintenance Requirements	Sweep by end of same work day (or as soon as practicable for nighttime shifts); dispose of collected material properly.
Design Specifications	WSDOT Std. Specs 8-01.3(8) ; approved contract plans/details.

4.4 Stockpiles or Land Clearing Debris Piles Comprised of Sediment or Soil

General

- Stabilize all exposed and unworked soils (including equipment staging area solids, material storage areas, and borrow areas) by applying effective BMPs that protect the soil from wind, raindrops, and flowing water. Selected soil stabilization measures must be appropriate for the time of year, site conditions, estimated duration of use, and the water quality impacts that stabilization agents may have on downstream waters or groundwater.

- In western Washington, cover exposed soil that is not being worked— whether at final grade or not—within the following time limits, using approved soil cover practices:
  - October 1 through April 30, 2 days maximum
  - May 1 through September 30, 7 days maximum

- Expose no more soil than can be covered within the above time limits. Construction activities shall not expose more erodible soil than can be stabilized within the required timeframes unless approved by the Engineer.

Specific Stockpile Controls

Plastic Covering (BMP C123)	
Description	Securely cover soil/sediment stockpiles with plastic sheeting to prevent erosion and windblown loss; weight/tie down all edges.
Installation	Before forecast rainfall and whenever piles will be inactive ≥24 hours.
Maintenance Requirements	Inspect daily in wet season and after ≥0.25" storms; repair tears, re-secure edges, remove ponded water; replace damaged sheets.
Design Specifications	SWMMWW BMP C123; WSDOT Std. Specs 8-01; approved contract plans/details.

Temporary Seeding & Mulch (BMP C120/C121)	
Description	Apply temporary seed and mulch to long-duration soil piles to provide stabilization when plastic cover is removed or impractical.
Installation	Within 14 days of inactivity (7 days if within 50 ft of waters) per §4.15.
Maintenance Requirements	Water/repair as needed; re-mulch bare areas; re-seed if germination fails.
Design Specifications	SWMMWW BMP C120/C121; WSDOT Std. Specs 8-01; approved contract plans/details.

Silt Fence – Stockpile Perimeter (BMP C233)	
Description	Place downslope of piles (ring or linear) to intercept sheet flow and capture sediment.
Installation	Before creating piles; extend/adjust as piles move/expand.
Maintenance Requirements	Inspect weekly and after storms; remove sediment at ½ fence height; repair tears/undercutting the same day (CGP 2.2.3.c).
Design Specifications	SWMMWW BMP C233; WSDOT Std. Specs 8-01; approved contract plans/details.

Wattles / Compost Socks – Stockpile Perimeter (BMP C235)	
Description	Install around piles or along flow paths; maintain continuous soil contact.
Installation	Before creating piles and as configurations change.
Maintenance Requirements	Re-stake/replace after storms; fix gaps/undercut; remove sediment at ½ device height.
Design Specifications	SWMMWW BMP C235; WSDOT Std. Specs 8-01; approved contract plans/details.

Storm Drain Inlet Protection – Near Piles (BMP C220)	
Description	Protect any active inlets within/adjacent to stockpile areas; ensure safe bypass for larger storms.
Installation	Before directing flow toward an inlet or when pile is within ~100 ft of a drain.
Maintenance Requirements	Clean/reshape after storms; remove accumulated sediment/debris; prevent bypass/ponding hazards.
Design Specifications	SWMMWW BMP C220; WSDOT Std. Specs 8-01; approved contract plans/details.

Run-On Diversion / Check Dams – Upslope of Piles (BMP C207)	
Description	Use temporary berms/swales with check dams to divert run-on away from piles and reduce velocities.
Installation	With pile setup or when upslope flow is identified.
Maintenance Requirements	Maintain crest height/spacing; repair displaced rock/ECM; remove accumulated sediment to restore storage.
Design Specifications	SWMMWW BMP C207; WSDOT Std. Specs 8-01; approved contract plans/details.

4.5 Minimize Dust

General
Implement dust control to prevent visible emissions leaving the site and to keep sediment from depositing on roads or entering drains. Limit exposed/disturbed areas, schedule earthwork to avoid high-wind periods when feasible, and use the following minimum practices: (1) maintain stabilized haul routes and construction entrances; (2) apply water to disturbed surfaces as needed without causing runoff; (3) cover/tarp loads and cover stockpiles; (4) enforce a site speed limit of ≤10 mph on unpaved routes; and (5) sweep/vacuum any deposited fines from paved roads the same day (no flushing to drains). Suspend or modify operations if dust cannot be controlled (e.g., sustained high winds) and document actions in the inspection log.

Specific Dust Controls

Dust Control – Water Application (BMP C140)	
Description	Apply water with trucks or fixed spray to exposed soils, haul roads, and staging areas to suppress dust; avoid runoff.
Installation	Establish water source and trucks before mass earthwork; use during dry/windy periods.
Maintenance Requirements	Re-apply as needed to keep surfaces visibly damp without runoff; adjust frequency based on weather/traffic.
Design Specifications	SWMMWW BMP C140; WSDOT Std. Specs 8-01; approved contract plans/details.

Construction Road/Parking Stabilization (BMP C107)	
Description	Crushed rock or equivalent surfacing on internal haul routes and staging to reduce dust generation.
Installation	With initial site access (Phase I); extend/maintain through Stages 4–5.
Maintenance Requirements	Maintain surfacing thickness; regrade ruts; add rock as needed; control dust at egress points.
Design Specifications	SWMMWW BMP C107; WSDOT 8-01; approved contract plans/details.

Cover and Secure Loads (per C140)	
Description	Cover/tarp trucks hauling fine materials; prevent windblown loss during transport; no material tracking.
Installation	At time of loading; required for all outbound loads of soil/fines.
Maintenance Requirements	Inspect/tighten covers; clean sideboards and tailgates before leaving site.
Design Specifications	SWMMWW BMP C140; WSDOT 8-01; approved contract plans/details.

4.6 Minimize Steep Slope Disturbances

General

Limit disturbance on steep slopes and long slope lengths; phase cuts/fills so slopes are exposed the shortest practicable time. Install slope BMPs **before** upslope grading (e.g., wattles, check dams, RECPs), break up slope lengths with benches/controls, and stabilize exposed soils per the 7-/14-day rules in §4.15. Repair any rills/gullies immediately and add redundant controls if runoff concentrates.

Specific Steep Slope Controls

Temporary and Permanent Seeding (BMP C120)	
Description	Apply seed to disturbed slopes as soon as practicable after grading to establish vegetation and prevent erosion. Use native seed mixes or approved temporary seed where permanent seeding is delayed.
Installation	Install with Stage 2 grading and extend through Stage 4 finishing; reseed during Stage 5 closeout where vegetation cover is < 70 percent. Apply temporary seed within 24 hours if work is paused > 7 days; follow seeding details per TESC.
Maintenance Requirements	Inspect weekly and within 24 hours of ≥ 0.5 in rain. Reseed areas where germination < 70 percent cover. Maintain irrigation or mulching until establishment.
Design Specifications	SWMMWW BMP C120; WSDOT Std. Specs 8-01; approved contract plans/details.

Mulching (BMP C121)	
Description	Apply straw, compost, or hydraulic mulch to temporarily exposed slopes and inactive disturbed areas to protect soil from raindrop impact and runoff.
Installation	Install with Stage 2 grading and after each seeding event in Stages 3–4; maintain coverage through Stage 5 until vegetation is established. Use bonded fiber matrix on slopes > 3H:1V per TESC.
Maintenance Requirements	Maintain 100 % ground coverage; re-apply mulch where bare soil or wash-off is observed. Remove and replace displaced material.
Design Specifications	SWMMWW BMP C121; WSDOT Std. Specs 8-01; approved contract plans/details.

Nets and Blankets (BMP C122)	
Description	Install biodegradable erosion-control blankets or jute netting on steep or highly erodible slopes to reinforce soil and protect seeded areas until vegetation is established.
Installation	Install with Stage 3 ramp and slope construction (≈ 5/2027); extend or replace with additional blanket areas in Stage 4 channel stabilization. Anchor and overlap per manufacturer and TESC detail.
Maintenance Requirements	Inspect weekly and after storms. Re-anchor loose edges and repair torn areas immediately. Replace damaged sections within 24 hours.
Design Specifications	SWMMWW BMP C122; WSDOT Std. Specs 8-01; approved contract plans/details.

Plastic Covering (BMP C123)	
Description	Use plastic sheeting to cover slopes temporarily during wet weather or work shutdowns to prevent erosion. Avoid long-term use to prevent soil sterilization.
Installation	Install with Stage 2 bridge approach work and as needed in Stages 3–4 wet-season grading; remove coverings at Stage 5 final stabilization per TESC.
Maintenance Requirements	Inspect before and after storms; repair tears and ensure overlaps are intact. Remove covering once permanent stabilization is established.
Design Specifications	SWMMWW BMP C123; WSDOT Std. Specs 8-01; approved contract plans/details.

Interceptor Dike and Swale (BMP C200)	
Description	Construct temporary diversion dikes or swales above disturbed slopes to intercept and redirect clean runoff away from exposed soils.
Installation	Install with Stage 2 bridge approach excavation and Stage 3 east-ramp grading before slope disturbance; maintain drainage until permanent conveyances are active in Stage 4; remove at Stage 5 closeout per TESC.
Maintenance Requirements	Inspect weekly and after each rain event; repair breaches, remove sediment, and maintain design grade.
Design Specifications	SWMMWW BMP C200; WSDOT Std. Specs 8-01; approved contract plans/details.

Grass-Lined Channels (BMP C201)	
Description	Construct shallow, vegetated channels on or adjacent to slopes to safely convey runoff without causing erosion. Grass cover slows flow velocity and filters sediment before discharge to outfalls or infiltration areas.
Installation	Install with Stage 3 grading of concentrated-flow areas and Stage 4 channel finishing; seed and mulch per BMP C120/C121 and TESC details; protect until vegetation establishes.
Maintenance Requirements	Inspect weekly and after ≥ 0.5 in rainfall; remove sediment deposits, repair erosion, and reseed bare areas as needed. Maintain grass height 3–6 in.
Design Specifications	SWMMWW BMP C201; WSDOT Std. Specs 8-01 & 8-15; approved contract plans/details.

Riprap Channel Lining (BMP C202)	
Description	Install riprap or quarry spalls at outlets, ditches, and slope bases where concentrated flow occurs to prevent scour and stabilize channels.
Installation	Install with Stage 3–4 drainage construction (≈ 2027–2028) immediately following slope-drain or outlet installation; extend to outfalls near Coho Creek prior to Stage 4 paving; verify placement per TESC detail.
Maintenance Requirements	Inspect weekly and after major storms; replace displaced rock and restore filter fabric as needed.
Design Specifications	SWMMWW BMP C202; WSDOT Std. Specs 8-15; approved contract plans/details.

Temporary Pipe Slope Drain (BMP C204)	
Description	Install flexible pipe drains or flumes to safely convey stormwater down steep slopes without causing erosion.
Installation	Install with Stage 2 bridge work and Stage 3 ramp grading to convey runoff down steep slopes; anchor per detail and discharge to stabilized outlet; remove or replace with permanent drain in Stage 4.
Maintenance Requirements	Inspect anchors, joints, and outlets weekly and after storms; repair leaks or displacement immediately.
Design Specifications	SWMMWW BMP C204; WSDOT Std. Specs 8-01 & 8-15; approved contract plans/details.

Check Dams (BMP C207)	
Description	Place rock, wattles, or sandbag check dams in temporary swales or ditches along slopes to slow runoff velocity and promote sediment deposition.
Installation	Install with Stage 2 temporary drainage swales and maintain through Stage 3 grading; adjust spacing in Stage 4 as slopes finalize; remove after vegetation establishment in Stage 5 per TESC.
Maintenance Requirements	Remove sediment when buildup reaches ½ height; replace displaced material.
Design Specifications	SWMMWW BMP C207; WSDOT Std. Specs 8-01 & 8-15; approved contract plans/details.

Triangular Silt Dike (BMP C208)	
Description	Install flexible, triangular-shaped sediment barriers (foam-filled fabric or equivalent) across shallow channels or slope drain paths to intercept and slow sheet flow, promote ponding, and capture sediment.
Installation	Install with Stage 2–3 temporary drainage setup across shallow channels or flow paths; anchor with stakes/sandbags; remove during Stage 5 closeout per TESC.
Maintenance Requirements	Inspect weekly and after storms; remove sediment when buildup reaches ⅓ height; restake or replace displaced sections immediately. Remove once permanent stabilization is achieved.
Design Specifications	SWMMWW BMP C208; WSDOT Std. Specs 8-01 & 8-15; approved contract plans/details.

Wattles / Compost Sock (BMP C235)	
Description	Install straw wattles or compost socks along slope contours and toes to intercept sheet flow and reduce velocity.
Installation	Install with Stage 2 grading along contour and slope toes; extend or relocate with Stage 3–4 work limits; remove after final seeding at Stage 5 closeout per TESC.
Maintenance Requirements	Inspect weekly and after storms; replace collapsed or undercut sections; remove sediment at ⅓ height.
Design Specifications	SWMMWW BMP C235; WSDOT Std. Specs 8-01; approved contract plans/details.

Compost Filter Berm (BMP C239)	
Description	Use compost filter berms at slope toes or discharge points to dissipate flow energy, filter sediment, and protect adjacent areas.
Installation	Install with Stage 2–3 grading before rainfall along slope toes and drainage perimeters; maintain through Stage 4 until vegetation is established; remove during Stage 5 final stabilization per TESC.
Maintenance Requirements	Remove and replace berms if eroded, undercut, or saturated. Remove accumulated sediment when ⅓ height is reached.
Design Specifications	SWMMWW BMP C239; WSDOT Std. Specs 8-01 & 8-15; approved contract plans/details.

4.7 Topsoil

General

Prior to commencing work, clearing limit boundaries will be clearly flagged to preserve as much native topsoil as feasible. Stockpile reusable topsoil and cover/protect per §4.4 until reuse. Re-spread topsoil in areas to be vegetated at the thickness shown on plans; amend as specified to support revegetation, then stabilize per §4.15.

Specific Topsoil Controls

Topsoil (BMP C125)	
Description	Strip reusable topsoil from grading areas and stockpile for reuse in permanent stabilization and revegetation. Protect topsoil stockpiles from erosion, compaction, and contamination.
Installation	Strip and stockpile reusable topsoil before earthwork begins in areas where topsoil will be reused. Locate stockpiles in stable areas away from drainage paths and surface waters where feasible. Install perimeter controls around stockpiles and cover, seed, mulch, or otherwise stabilize stockpiles as needed.
Maintenance Requirements	Inspect topsoil stockpiles weekly and after storms requiring inspection under the EPA CGP. Repair eroded areas, maintain perimeter controls, and replace covers or stabilization measures as needed. Remove accumulated sediment at stockpile toes and reapply stabilization if stockpiles become inactive or exposed.
Design Specifications	SWMMWW BMP C125; WSDOT Std. Specs 8-01.3(3); see Hydraulic Report § 2.4 (Soils) for reuse criteria; approved contract plans/details.

4.8 Soil Compaction

General
Minimize compaction outside structural areas by restricting equipment to designated routes and staging. Where soils in landscaped/vegetated areas become compacted, loosen/rip to the specified depth prior to topsoil placement, then seed/mulch per §4.15. Avoid re-compaction of prepared seedbeds and infiltration areas.

Construction Road / Parking Area Stabilization (BMP C107)	
Description	Provide crushed-rock or equivalent surfacing on interior haul routes, staging, and parking areas to confine traffic and reduce off-route compaction and rutting.
Installation	Install stabilized construction roads, access routes, staging areas, and parking areas where shown on the TESC plans or where needed to confine construction traffic and reduce off-route compaction, rutting, dust, and sediment tracking. Adjust, relocate, maintain, or remove stabilized areas as work progresses and after they are no longer needed.
Maintenance Requirements	Regrade ruts, add rock as needed, and sweep paved tie-ins to prevent fines migration. Inspect weekly and after storms; repair immediately if sediment tracking occurs.
Design Specifications	SWMMWW BMP C107; WSDOT Std. Specs 8-01; align with stabilized entrance (BMP C105) ; approved contract plans/details.

4.9 Storm Drain Inlets

General

- Protect all active inlets within or adjacent to disturbed areas **before** directing flow to them. Maintain inlet protection so it functions without creating flooding hazards; clean/reshape after storms and remove devices when contributing areas are stabilized. Device types and locations are shown in §4.2 and on the TESC plans in Appendix A.

Specific Storm Drain Inlet Controls

Storm Drain Inlet Protection (BMP C220)	
Description	Install inlet protection devices on or around catch basins and inlets receiving runoff from disturbed areas to capture sediment before it enters the storm system.
Installation	Install before directing runoff from disturbed areas to active inlets. Adjust, relocate, or remove inlet protection as work progresses and as shown in the TESC plans.
Maintenance Requirements	Inspect weekly and after storm events requiring inspection under the EPA CGP. Remove accumulated sediment and debris, reset displaced devices, and replace damaged materials as needed. Maintain bypass capacity to avoid flooding or traffic hazards.
Design Specifications	SWMMWW BMP C220; WSDOT Standard Specifications 8-01 and 8-15; approved contract plans/details.

Additional inlet protection or supplemental sediment controls, such as gravel-filled berms, wattles, compost socks, temporary sediment traps, or temporary sediment ponds, may be used where shown on the TESC plans or where required by field conditions.

4.10 Constructed Site Drainage Feature

General

- Stabilize newly constructed channels, swales, and temporary diversions prior to use with specified linings (e.g., RECPs, grass lining, riprap) and install outlet protection at discharges. Use check dams where needed to control velocity and sediment transport. Remove temporary conveyances at closeout and restore disturbed areas.

Specific Constructed Site Drainage Features

Check Dams (BMP C207)	
Description	Rock or bagged-gravel check dams placed perpendicular to flow in temporary swales/ditches to reduce velocities and promote sediment deposition before discharge to outfalls/inlets.
Installation	Install in temporary swales, ditches, or other constructed drainage features before they receive runoff from disturbed areas. Space and configure check dams as shown in the TESC plans and details. Adjust, repair, relocate, or remove check dams as drainage patterns change and as work progresses.
Maintenance Requirements	Inspect during/after each runoff event; remove sediment at ½ sump depth; repair bypass/undercutting and add armoring between dams if erosion occurs.
Design Specifications	SWMMWW BMP C207; WSDOT Std. Specs 8-01 & 8-15; see drainage plan/profiles for locations; approved contract plans/details.

Riprap Channel Lining (BMP C202)	
Description	Rock lining in channels/ditches to protect against erosion where concentrated flow/steeper slopes occur and at conveyance transitions.
Installation	Install riprap channel lining immediately after channel or ditch shaping and before concentrated flow is directed through the drainage feature. Place rock, filter material, and transitions as shown in the TESC plans, drainage plans, and applicable details. Maintain or adjust lining as needed until permanent stabilization is achieved.
Maintenance Requirements	Inspect weekly and after storms; replace displaced rock; restore underlayment where exposed.
Design Specifications	SWMMWW BMP C202; WSDOT Std. Specs 8-15; see Hydraulics plans/profiles; approved contract plans/details.

Outlet Protection (BMP C209 / WSDOT 8-01.3(11))	
Description	Energy dissipation/armoring at pipe and culvert discharges (rock pads, riprap basins, or manufactured dissipators) to prevent scour at outlets.
Installation	Install outlet protection before flow is directed to a pipe, culvert, ditch, swale, or temporary outlet. Provide energy dissipation and scour protection as shown in the TESC plans, drainage plans, and applicable details. Maintain outlet protection until the outlet and contributing areas are stabilized or until the permanent outlet condition is complete.
Maintenance Requirements	Inspect after runoff events; repair displacement/settlement; clear accumulated sediment that reduces function.
Design Specifications	SWMMWW BMP C209; WSDOT Std. Specs 8-01 & 8-15; see outfall details on drainage sheets; approved contract plans/details.

Grass-Lined Channels (BMP C201)	
Description	Vegetated channels used where conveyance velocities allow stabilization by grass cover; often follow temporary RECP lining until vegetation is established.
Installation	Install grass-lined channels after channel grading is complete and before the channel receives concentrated flow, unless temporary stabilization is provided. Seed, mulch, and protect the channel as shown in the TESC plans and applicable details. Maintain temporary protection until vegetation is established and the channel is stabilized.
Maintenance Requirements	Inspect weekly and after ≥0.5-in rain; reseed bare areas; remove sediment deposits and repair erosion; maintain grass at 3–6 in. height.
Design Specifications	SWMMWW BMP C201; WSDOT Std. Specs 8-01 & 8-15; approved contract plans/details.

Nets and Blankets / RECPs (BMP C122)	
Description	Biodegradable erosion-control blankets or turf reinforcement mats used to stabilize newly graded channels/slopes until vegetation is established.
Installation	Install nets, blankets, or rolled erosion control products after final or temporary grading and seeding of the channel or slope area. Anchor, overlap, and terminate products according to the TESC plans, manufacturer's recommendations, and applicable details. Maintain full contact with the soil surface until vegetation is established or the area is otherwise stabilized.
Maintenance Requirements	Inspect weekly and after storms; repair tears or loose edges immediately; replace damaged sections within 24 hours; maintain contact with soil.
Design Specifications	SWMMWW BMP C122; WSDOT Std. Specs 8-01; approved contract plans/details.

4.11 Sediment Basins or Similar Impoundments

Sediment basins are not proposed for this linear roadway project. If field conditions warrant additional sediment storage, temporary sediment traps or ponds, such as BMP C240/C241, may be used where shown on the TESC plans or where approved by the Engineer. Temporary sediment traps or ponds shall be sized, maintained, cleaned out, and removed in accordance with the TESC plans, applicable details, and permit requirements.

4.12 Chemical Treatment

No chemical stormwater treatment is proposed. Physical BMPs, including perimeter controls, inlet protection, sediment traps, temporary stabilization, and other controls shown on the TESC plans, will be used. If chemical treatment becomes necessary due to unforeseen conditions, the Contractor shall submit a written treatment plan for approval before use. The plan shall identify the proposed chemical, dosage, application area, monitoring procedures, discharge controls, and documentation requirements.

4.13 Dewatering Practices

Dewatering is not anticipated. If groundwater or accumulated stormwater is encountered and dewatering becomes necessary, the Contractor shall update this SWPPP before dewatering begins. Dewatering water shall be routed to appropriate sediment removal or treatment BMPs, such as a lined sump, dewatering bag, portable treatment unit, sediment trap, or approved disposal method. Dewatering discharges shall not cause erosion, shall not discharge sediment-laden water directly to storm drains or surface waters, and shall comply with applicable EPA CGP requirements. Dewatering activities and controls shall be documented in inspection records.

4.14 Other Stormwater Controls

No additional stormwater controls beyond those described in Sections 4.2 through 4.13 are anticipated. If site conditions require additional or alternate controls, the Contractor shall provide controls with equal or better performance, add them to the site map, and update this SWPPP accordingly.

4.15 Site Stabilization

Implement temporary and permanent stabilization to prevent erosion from disturbed areas. Initiate stabilization immediately where construction activities have permanently or temporarily ceased and will not resume within the applicable EPA CGP timeframes. Stabilization timeframes include 14 days for general inactive areas, 7 days for areas within 50 feet of receiving waters, and 7 days after final grade is reached. Stabilization methods may include seeding, mulching, erosion control blankets/RECPs, surface cover, landscaping, pavement, or other measures shown in the TESC plans (Appendix A). Maintain stabilization measures until vegetation is established or the area is otherwise stabilized.

Total Amount of Land Disturbance Occurring at Any One Time

☒ *Five Acres or less*

☐ *More than Five Acres*

SECTION 5: POLLUTION PREVENTION CONTROLS

5.1 Potential Sources of Pollution

Construction Site Pollutants

Pollutant-Generating Activity	Pollutants or Pollutant Constituents That Could Be Discharged if Exposed to Stormwater	Location on Site
Earthwork, grading, trenching, excavation, and fill placement	Sediment, turbidity, soil fines	Corridor-wide disturbed areas; see Appendix A – TESC plans
Storm drain, utility, and conveyance installation	Sediment, turbidity, soil fines, concrete or grout residues if used	Utility trenches, drainage structures, and conveyance work areas; see Appendix A – TESC plans
Bridge, wall, and concrete work	Concrete washwater, high pH water, cementitious materials, sediment, slurry	Bridge/wall/concrete work areas; washout locations to be added to SWPPP site map by Contractor before use
Sawcutting, grinding, and surface preparation	Concrete/asphalt slurry, high pH water, sediment/fines	Pavement tie-ins, roadway approaches, and structure work areas
Asphalt paving, tack coat, and pavement repair	Asphalt emulsions, oils, petroleum products, PAHs	Paving limits and paving staging areas
Soil, aggregate, and material stockpiles	Sediment, turbidity, dust, soil fines	Contractor-selected stockpile and material storage areas; to be added to SWPPP site map before use
Vehicle and equipment operation	Fuel, oil, hydraulic fluid, grease, antifreeze, metals from wear	Active construction areas, haul routes, staging areas, and equipment access routes
Vehicle and equipment fueling or maintenance	Diesel, gasoline, oil, hydraulic fluid, grease, antifreeze, solvents, absorbents	Contractor-selected fueling/maintenance areas; to be added to SWPPP site map before use
Track-out and construction access	Sediment, soil fines, dust	Construction entrances/exits and paved roadway tie-ins; see Appendix A – TESC plans
Wheel wash, if used	Sediment-laden washwater, turbidity	Contractor-selected wheel wash locations; to be added to SWPPP site map before use
Building products, chemicals, paints, coatings, adhesives, sealants, curing compounds, and form-release oils	VOCs, solvents, resin residues, petroleum products, chemical residues	Covered/contained material storage areas; to be added to SWPPP site map before use
Portable toilets and sanitary facilities	Sanitary waste, bacteria, nutrients	Contractor-selected sanitary facility locations; to be added to SWPPP site map before use

Pollutant-Generating Activity	Pollutants or Pollutant Constituents That Could Be Discharged if Exposed to Stormwater	Location on Site
Construction and domestic waste	Solid waste, floatables, leachate, sediment	Contractor-selected waste and recycling areas; to be added to SWPPP site map before use
Landscaping, planting, and final stabilization	Fertilizer, mulch fines, sediment, nutrients	Landscape/restoration areas and final stabilization areas
Dewatering, if required by field conditions	Turbidity, sediment, soil fines	Localized excavations or work areas where dewatering is required; SWPPP to be updated before dewatering begins

5.2 Spill Prevention and Response

If required by applicable regulations or contract requirements, the Contractor shall prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan or project-specific spill prevention plan. Spill prevention and response procedures shall be implemented for all construction activities involving fuels, oils, hydraulic fluids, concrete products, chemicals, paints, coatings, curing compounds, solvents, fertilizers, sanitary waste, or other materials that could contaminate stormwater.

Spill Prevention

The following practices will be implemented to prevent leaks and spills:

- Store fuel, oil, hydraulic fluids, chemicals, and other liquid materials in closed, sealed, and clearly labeled containers when not actively in use.
- Provide secondary containment for fuel, oil, chemical containers, and other liquid materials.
- Locate material storage, fueling, and maintenance areas away from storm drains, drainage ditches, and receiving waters to the extent feasible. Where 50-foot separation is not feasible, provide equivalent containment and protection.
- Maintain spill kits at fueling areas, maintenance areas, material storage areas, and other locations where spills could occur.
- Inspect vehicles, equipment, containers, and storage areas for leaks or damage.
- Clean up spills and leaks immediately using dry cleanup methods where feasible.
- Do not hose down or wash spills into storm drains, drainage ditches, surface waters, or receiving waters.
- Dispose of spill cleanup materials, contaminated soil, absorbents, and other waste in accordance with applicable federal, Tribal, state, local, and contract requirements.
- Train personnel who handle fuel, oil, chemicals, or other pollutant-generating materials in proper storage, handling, and spill response procedures.

Spill Response

In the event of a spill or release, the Contractor shall immediately implement the following response actions:

1. Stop the source of the spill if it can be done safely.
2. Contain the spill using absorbent pads, booms, berms, or other appropriate materials.
3. Protect storm drains, drainage ditches, surface waters, and receiving waters from the release.
4. Notify the Contractor's stormwater lead and appropriate project personnel.
5. Contact emergency services if the spill presents a threat to human health, safety, or the environment.
6. Report spills in accordance with applicable federal, Tribal, state, local, and contract notification requirements.
7. Remove and properly dispose of contaminated materials, absorbents, and cleanup waste.
8. Document the spill, response actions, notifications, and corrective actions in the SWPPP records.

Emergency and Spill Notification Contacts

- National Response Center, for reportable oil or hazardous material releases: (800) 424-8802
- EPA Region 10 Emergency Response: (206) 553-1263
- Tulalip Tribes Environmental Department: (360) 716-4000
- Contractor 24-hour emergency contact: To be completed by Contractor prior to construction

The Contractor shall update this section with project-specific spill response contacts, storage locations, fueling and maintenance areas, and spill kit locations prior to construction and as work progresses.

5.3 Fueling and Maintenance of Equipment or Vehicles

Fueling and maintenance areas shall be selected by the Contractor and located away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Fueling and maintenance areas shall include spill prevention and containment measures and shall be added to the SWPPP site map before use. The Contractor may document these locations by marking the field copy of the SWPPP site map or TESC plans and updating the SWPPP records.

Transfer Procedures:

- Check fuel container is on secondary containment and check the fill level or ensure the transport vehicle has capacity for the volume of material to be transferred.
- Access the fuel port.

- Place the nozzle into the fuel port.
- Turn on the pump.
- Slowly fill or empty the fuel container.
- Cease filling/ emptying when the container or transport vehicle is full.
- Turn off the pump.
- Remove nozzle from the fuel port.
- Close the fuel port.
- Observe tank and ground surface for any drips, leaks, or spills. If observed, use the spill kit to immediately clean up releases.

Fueling Procedures:

- Remove fuel cap from vehicle/equipment fuel port.
- Place fueling nozzle in fueling port, so nozzle is well seated.
- Stop fueling when vehicle/equipment tank is almost full.
- Remove fueling nozzle.
- Replace fuel cap on vehicle/equipment fuel port.
- Observe the ground surface for any drips, leaks, or spills. If observed, use the spill kit to immediately clean up releases.

Equipment and vehicle maintenance procedures shall be implemented to prevent discharge of spilled or leaked chemicals. Vehicle and equipment maintenance shall be performed off site where feasible. If maintenance must be performed on site, the work shall be conducted in a designated area with appropriate spill prevention, containment, and cleanup materials.

- Drips, pads, and/or absorbents shall be placed under or around leaking equipment and vehicles.
- Leaks or drips shall be cleaned up immediately using dry cleanup methods where feasible.
- Spill kits shall be maintained at fueling and maintenance areas and other locations where spills could occur. Spill kit locations shall be added to the SWPPP site map before use.
- Spill cleanup materials shall be disposed of in accordance with applicable federal, Tribal, state, local, and contract requirements.

5.4 Washing of Equipment and Vehicles

General

- Vehicle and equipment washing shall be conducted off site where feasible. If washing is performed on site, washing shall occur only in a designated area selected by the Contractor and added to the SWPPP site map before use.
- Wash water shall not be discharged directly to storm drains, drainage ditches, surface waters, or receiving waters. Wash areas shall be located away from storm drains, drainage ditches, and receiving waters to the extent feasible and shall include appropriate containment, sediment removal, and pollution prevention controls.

- Only non-detergent washing is allowed unless wash water is fully contained and disposed of properly. Wash water containing sediment, oil, grease, soap, solvents, or other pollutants shall be collected and disposed of in accordance with applicable federal, Tribal, state, local, and contract requirements.

Specific Pollution Prevention Practices

Wheel Wash (BMP C106)	
Description: Provide a stabilized wash facility to remove sediment from vehicle tires and undercarriages before vehicles exit the site, minimizing sediment track-out onto paved roads. Wheel-wash systems may include a wash rack, sump, or portable treatment unit that collects, settles, treats, or contains wash water prior to discharge or disposal.	
Implementation	Install where shown on the TESC plans or where needed at active construction entrances to control sediment track-out. Operate during earthwork or other activities with the potential to track sediment onto paved roads. Adjust, relocate, or remove wheel-wash facilities as access locations change and as work progresses. Wheel-wash locations shall be added to the SWPPP site map before use.
Maintenance Requirements	Maintain wheel-wash facilities in effective operating condition. Replace or manage wash water when it becomes sediment-laden. Inspect the sump, containment area, or treatment unit regularly and after storm events requiring inspection under the EPA CGP. Remove accumulated sediment and dispose of it in accordance with Section 5.5. Maintain racks, pumps, hoses, containment, and treatment components in good working order.
Design Specifications	SWMMWW BMP C106; WSDOT Standard Specification 8-01.3(1) ; approved contract plans/details.

5.5 Storage, Handling, and Disposal of Building Products, Materials, and Wastes

5.5.1 Building Materials and Building Products

General

Stormwater or groundwater that contacts curing concrete or cementitious materials must be managed to prevent discharge of high-pH water, slurry, sediment, or other pollutants to storm drains, drainage ditches, surface waters, or receiving waters. Process water from concrete handling, concrete washout, sawcutting, grinding, surfacing, and similar activities shall be contained and shall not be discharged directly to storm drains, surface waters, or receiving waters. Concrete, grout, and surfacing work shall comply with applicable WSDOT requirements and BMPs C151, C152, C153, and C154. Designated washout, containment, and storage locations shall be selected by the Contractor and added to the SWPPP site map before use.

Specific Pollution Prevention Practices

Concrete Handling (BMP C151)	
Description: Concrete work can generate process water and slurry with high pH and fine particulates that may violate water-quality standards. Prevent all concrete spillage or discharge to surface waters. Contain and collect all process water.	
Implementation	Install concrete handling and containment controls before concrete, grout, or cementitious work begins. Maintain controls during bridge, culvert, paving, sidewalk, curb, wall, and other concrete-related work. Provide designated washout or containment areas, or off-site facilities, for concrete trucks, pumps, tools, and equipment as needed. Mark and sign washout or containment locations before use.
Maintenance Requirements	Inspect daily during pours. Repair holes/tears in liners same day. Remove hardened concrete and replace liners when washout areas reach 75 % capacity. Ensure no runoff or leaks from containment.
Design Specifications	SWMMWW BMP C151 (Concrete Handling); WSDOT Std. Spec 5-1.1.7 and 1-07.15(1) (Concrete Handling and SPCC Plan) ; approved contract plans/details.

Sawcutting and Surfacing Pollution Prevention (BMP C152)	
Description: Sawcutting and surfacing generate slurry and process water with high pH and fine particles. Vacuum slurry and cuttings during operations; do not allow materials to enter storm drains or surface waters.	
Installation	Implement sawcutting, grinding, and surfacing pollution prevention controls before sawcutting or surface preparation begins. Collect slurry, cuttings, and process water using vacuum equipment, berms, portable barriers, absorbents, or other appropriate containment methods. Do not allow slurry, cuttings, or process water to enter storm drains, drainage ditches, surface waters, or receiving waters.
Maintenance Requirements	Continuously monitor operations for potential discharge. If slurry or cuttings approach storm inlets or waters, stop work and deploy vacuum equipment immediately. Inspect catch-basin plugs and barriers daily during activity.
Design Specifications	SWMMWW BMP C152 (Sawcutting and Surfacing Pollution Prevention); WSDOT Std. Spec 5-1.1.6; approved contract plans/details.

Concrete Washout Area (BMP C154)	
Description: Temporary washout facilities to contain all liquid and concrete waste from washout operations. Lined with ≥ 10-mil plastic and constructed to hold the expected volume from truck and equipment washouts. Post signage to direct drivers.	
Installation	Install concrete washout areas before concrete washout activities occur. Locate washout areas away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Washout locations shall be selected by the Contractor, signed in the field, and added to the SWPPP site map before use.
Maintenance Requirements	Inspect daily to ensure proper use and integrity of liners. Repair tears immediately. Clean out when filled to 75 % capacity. Harden waste, remove for off-site disposal, and replace plastic liner if damaged during removal.
Design Specifications	SWMMWW BMP C154 (Concrete Washout Area); WSDOT Std. Spec 8-01.3(1) (Temporary Erosion and Sediment Control); approved contract plans/details.

5.5.2 Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials

- Application of fertilizers, herbicides, pesticides, or other landscape chemicals will occur only during final stabilization to establish permanent vegetation.
- Follow manufacturer label requirements for application rates, methods, and weather limitations.
- Do not apply within 24 hours of forecasted rainfall or during active precipitation events. Store fertilizers and other landscape materials in covered, contained areas located away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible.
- Mixing and loading of fertilizers or pesticides will occur over impervious surfaces within bermed or curbed containment areas to prevent spills or stormwater contact.
- Collect and properly dispose of any excess or spilled materials. Do not rinse or wash materials into soil, storm drains, drainage ditches, surface waters, or receiving waters.
- Maintain Safety Data Sheets (SDS) for applicable landscape products kept on site.
- Document product types, application rates, and application dates in the SWPPP inspection log as part of final stabilization activities.

5.5.3 Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals

General
Fuel, oil, hydraulic fluid, petroleum products, and chemical handling shall comply with EPA CGP requirements, applicable contract requirements, and BMP C153. Petroleum products and chemicals shall be stored in covered or contained areas with appropriate secondary containment. Materials shall be kept in original, labeled containers with lids secured when not in use. Storage and handling areas shall be located away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Where separation is not feasible, equivalent containment and protection shall be provided. Drums and totes shall be located in contractor-selected storage areas and added to the SWPPP site map before use. Spill kits shall be maintained at fueling, maintenance, and chemical storage areas. Personnel handling petroleum products or chemicals shall be trained in spill prevention and response procedures.

Material Delivery, Storage and Containment (BMP C153)	
Description	Applies to material and chemical storage areas, including fuels, oils, asphalt emulsions, curing compounds, paints, adhesives, and other products requiring secondary containment or cover to prevent leaks, spills, or stormwater contact.
Installation	Install material storage and containment controls before petroleum products, chemicals, or other regulated materials are brought on site. Maintain containment and cover during active construction. Locate storage areas away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Storage locations shall be selected by the Contractor and added to the SWPPP site map before use. Remove containers and containment measures when materials are no longer needed.
Maintenance Requirements	Inspect containers and containment weekly and after storms. Repair cracks, replace liners, and remove accumulated liquids immediately. Dispose of absorbents and contaminated materials per § 5.5.4.
Design Specifications	SWMMWW BMP C153 (Material Delivery, Storage and Containment); WSDOT Std. Spec 1-07.15(1) (Spill Prevention and Remediation) ; approved contract plans/details.

Supplemental Requirements

- Use environmentally acceptable hydraulic fluids where required by the contract documents or applicable permits.
- Follow Section 5.2 for spill cleanup, notification, and disposal.
- Dispose of used oil, filters, and absorbents through licensed recycling or disposal vendors; retain disposal records in project files.
- Maintain SDS for stored chemicals and keep copies available on site.

5.5.4 Hazardous or Toxic Waste

No hazardous or toxic waste is expected to be generated or stored on site. If hazardous or toxic waste is encountered or generated, including contaminated soil, contaminated groundwater, solvents, paints, adhesives, petroleum-contaminated materials, or other regulated waste, the Contractor shall manage the material in accordance with applicable federal, Tribal, state, local, and contract requirements.

If contaminated soil, contaminated groundwater, or other suspect materials are discovered during construction, the Contractor shall stop work in the affected area, notify the appropriate project personnel, and coordinate characterization, handling, storage, transport, and disposal requirements before disturbing or removing the material. Contaminated materials shall be stored in covered or contained areas and disposed of at approved facilities.

Contingency Controls

- Maintain spill kits, absorbents, and waste drums for emergency containment and cleanup in accordance with Section 5.2.
- Label regulated-waste containers with accumulation start date and waste type, as applicable.
- Store drums, totes, or other containers under cover or in impervious containment areas away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Where separation is not feasible, equivalent containment and protection shall be provided.
- Inspect storage areas regularly and after storm events requiring inspection under the EPA CGP. Correct leaks, staining, damaged containers, or containment deficiencies immediately.
- Do not mix incompatible wastes.
- Maintain disposal manifests and records in the project environmental file
- Maintain spill kits, absorbents, and waste drums for emergency containment and cleanup per § 5.2.

5.5.5 Construction and Domestic Waste

Construction and domestic wastes will be minimized, contained, and removed regularly to prevent contact with stormwater.

- No bulk construction debris will be stored on site beyond short-term accumulation in covered bins.
- All waste containers will be leak-proof, covered, and clearly labeled; maintain lids closed except when adding or removing waste.
- Waste and recycling containers shall be located in contractor-selected areas away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Where separation is not feasible, equivalent containment and protection shall be provided. Locations shall be added to the SWPPP site map before use.

- Inspect containers weekly and after storms for leaks or overflow; repair or replace as necessary.
- Domestic (crew) waste will be bagged daily and placed in covered roll-offs for removal to an approved off-site facility.
- Recyclable materials (metal, asphalt, concrete) will be segregated where feasible.
- No waste burning or on-site burial is allowed.
- Spilled or scattered waste will be cleaned up immediately.
- If no construction or domestic waste is generated during specific project phases, document this in the SWPPP inspection log.

5.5.6 Sanitary Waste

Portable toilets may be used on site and shall be secured and located away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Where separation is not feasible, equivalent containment and protection shall be provided.

Toilets shall be placed on stable surfaces and secured to prevent tipping or movement. Locations shall be selected by the Contractor and added to the SWPPP site map before use.

- Units shall be inspected regularly and after storm events requiring inspection under the EPA CGP for leaks, damage, or tipping.
- Units shall be relocated or serviced immediately if damage or leaks are found.
- Toilets shall be maintained and pumped by a licensed supplier as needed to prevent overflow.
- Toilet doors shall be kept closed when not in use, and units shall be anchored or otherwise secured to prevent overturning during high winds.
- Spills or leaks shall be contained and cleaned up using absorbent materials and disposed of in accordance with Section 5.2.
- Used absorbents or contaminated soil shall be collected in sealed containers for proper disposal.

5.6 Washing of Applicators and Containers used for Stucco, Paint, Concrete, Form Release

Onsite washing of materials, tools, or equipment used for stucco, paint, concrete, form-release oils, cutting compounds, or similar substances is not allowed unless wash water is fully contained and properly managed.

If washing is required for bridge, structural, wall, sidewalk, curb, drainage structure, or concrete finishing, it shall be performed off site where feasible or within a lined, contained facility approved by the Engineer and designated by the Contractor. Wash water, rinse water, slurry, or process water shall not be discharged to soil, storm drains, drainage ditches, surface waters, receiving waters, or drainage systems.

Containers and applicators shall be wiped or scraped clean before rinsing where feasible. Disposable materials, including brushes, rags, liners, and related waste, shall be placed in solid-waste containers for off-site disposal in accordance with Section 5.5.

5.7 Application of Fertilizers

Fertilizers will be used only during final stabilization and landscape establishment in accordance with manufacturer label requirements and applicable planting and fertilizer specifications.

- Apply fertilizers at rates and by methods that prevent loss to storm drains, drainage ditches, surface waters, or receiving waters.
- Do not apply within 24 hours of forecasted rainfall, during active precipitation, or during saturated-soil conditions.
- Use slow-release or organic formulations where feasible to minimize nutrient leaching.
- Keep fertilizer storage and mixing areas under cover and located away from storm drains, drainage ditches, surface waters, and receiving waters to the extent feasible. Where separation is not feasible, equivalent containment and protection shall be provided.
- Sweep or vacuum fertilizer granules that spill onto pavement. Do not wash fertilizer to storm drains, drainage ditches, surface waters, or receiving waters.
- Record application dates, rates, and product types in the stabilization log or SWPPP records.

5.8 Other Pollution Prevention Practices

No additional pollution prevention practices beyond those already described are anticipated. If additional pollution prevention practices are implemented, the Contractor shall modify the SWPPP to include a description of the practice before implementation.

SECTION 6: INSPECTION, MAINTENANCE, AND CORRECTIVE ACTION

6.1 Inspection Personnel and Procedures

Site Inspection Schedule

Select the inspection frequency(ies) that applies, based on CGP Parts 4.2, 4.3, or 4.4

Standard Frequency:

☒ Every 7 calendar days

☐ Every 14 calendar days and within 24 hours of either:

- A storm event that produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), or
- A storm event that produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days (you conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event)), or
- A discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

Increased Frequency (if applicable): N/A

For areas of sites discharging to sediment or nutrient-impaired waters or to waters designated as Tier 2, Tier 2.5, or Tier 3

☐ Every 7 days and within 24 hours of either:

- A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
- A discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

Reduced Frequency (if applicable): N/A

For stabilized areas

☐ Twice during first month, no more than 14 calendar days apart; then once per month after first month until permit coverage is terminated consistent with Part 9 in any area of your site where the stabilization steps in 2.2.14.a have been completed.

- SPECIFY LOCATIONS WHERE STABILIZATION STEPS HAVE BEEN COMPLETED
- Insert date that they were completed

(Note: It is likely that you will not be able to include this in your initial SWPPP. If you qualify for this reduction (see CGP Part 4.4.1), you will need to modify your SWPPP to include this information. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable.)

For stabilized areas on "linear construction sites" (as defined in Appendix A)

☐ Twice during first month, no more than 14 calendar days apart; then once more within 24 hours of a storm event that produces 0.25 inches or more of rain within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period

- SPECIFY LOCATIONS WHERE STABILIZATION STEPS HAVE BEEN COMPLETED
- Insert date that they were completed

(Note: It is likely that you will not be able to include this in your initial SWPPP. If you qualify for this reduction (see CGP Part 4.4.1), you will need to modify your SWPPP to include this information.)

For arid, semi-arid, or drought-stricken areas during seasonally dry periods or during drought

☐ Once per month and within 24 hours of either:

- A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
- A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

Insert beginning and ending month identified as the seasonally dry period for your area or the valid period of drought:

- Beginning month of the seasonally dry period: Insert approximate date
- Ending month of the seasonally dry period: Insert approximate date

For frozen conditions where construction activities are being conducted

☐ Once per month

Insert beginning and ending dates of frozen conditions on your site:

- Beginning date of frozen conditions: Insert approximate date
- Ending date of frozen conditions: Insert approximate date

For frozen conditions where construction activities are suspended

☐ Inspections are temporarily suspended

Insert beginning and ending dates of frozen conditions on your site:

- Beginning date of frozen conditions: Insert approximate date
- Ending date of frozen conditions: Insert approximate date

Dewatering Inspection Schedule

Dewatering is not anticipated. If dewatering becomes necessary, the Contractor shall update the SWPPP before dewatering begins and shall conduct dewatering inspections in accordance with the EPA CGP, including once per day on which a dewatering discharge occurs.

Rain Gauge Location (if applicable)

There is a rain gauge located within 1 mile of the project site at 9519 35th Ave NE that should be used for inspection on this site. Data can be found at https://www.wunderground.com/dashboard/pws/KWAMARYS242
Data is also provided in Appendix M – Rainfall Gauge Recording.

Inspection Report Forms

A blank inspection form is included in Appendix D. A dewatering inspection form shall also be included or added if dewatering occurs.

6.2 Corrective Action

Personnel Responsible for Corrective Actions

The Stormwater Team, as identified in Section 1.2, is responsible for ensuring corrective actions are identified, completed, documented, and maintained in accordance with CGP Part 5. The Contractor shall identify the specific personnel responsible for implementing corrective actions before construction begins.

Corrective Action Logs

A corrective action log detailing the date and time the corrective action condition was identified, the required corrective action, the date the corrective action was completed, and the person responsible for completion is included in Appendix E. The corrective action log shall be kept on site, or in an easily accessible location, and retained for a minimum of 3 years after permit coverage ends.

6.3 Delegation of Authority

Duly Authorized Representative(s) or Position(s):

Insert Company or Organization Name
Insert Name
Insert Position
Insert Address
Insert City, State, Zip Code
Insert Telephone Number
Insert Fax/Email

A blank Delegation of Authority letter is provided in Appendix J.

SECTION 7: TURBIDITY BENCHMARK MONITORING FOR DEWATERING DISCHARGES

Turbidity benchmark monitoring is not required unless construction dewatering discharge occurs. If dewatering is required, the Contractor shall update this SWPPP before dewatering begins and shall conduct turbidity benchmark monitoring in accordance with EPA CGP Part 3.3 and applicable permit requirements.

Dewatering discharge locations, treatment controls, inspection requirements, turbidity monitoring procedures, and related documentation shall be added to the SWPPP records. If a turbidity meter is used, the applicable manufacturer's instructions or manual shall be included in Appendix N.

SECTION 8: CERTIFICATION AND NOTIFICATION

I certify under penalty of law that this document and all Appendices were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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.

Name: _____ Title: _____

Signature: _____ Date: _____

[Repeat as needed for multiple construction operators at the site.]

SWPPP APPENDICES

Attach the following documentation to the SWPPP:

Appendix A – Site Maps

Appendix B – Copy of 2022 CGP

Appendix C – NOI and EPA Authorization Email

Appendix D – Site Inspection Form and Dewatering Inspection Form (if applicable)

Appendix E – Corrective Action Log

Appendix F – SWPPP Amendment Log (Provided By Contractor)

Appendix G – Subcontractor Certifications/Agreements (Provided By Contractor)

Appendix H – Grading and Stabilization Activities Log (Provided By Contractor)

Appendix I – Training Documentation

Appendix J – Delegation of Authority (Provided By Contractor)

Appendix K – Endangered Species Documentation

Appendix L – Historic Preservation Documentation

Appendix M – Rainfall Gauge Recording (Provided By Contractor)

Appendix N – Turbidity Meter Manual and Manufacturer's Instructions (if needed)

Appendix A – Site Maps

Appendix B – Copy of 2022 CGP

Appendix C – Copy of NOI and EPA Authorization Email

Appendix D – Copy of Site Inspection Form

Appendix E – Copy of Corrective Action Log

Appendix F – SWPPP Amendment Log

Instructions (see CGP Part 7.4):

- Create a log here of changes and updates to the SWPPP. You may use the table below to track these modifications.
- SWPPP modifications are required pursuant to CGP Part 7.4.1 in the following circumstances:
  - ✓ Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP (this includes changes made in response to corrective actions triggered under CGP Part 5);
  - ✓ To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
  - ✓ If inspections or investigations determine that SWPPP modifications are necessary for compliance with this permit;
  - ✓ Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet requirements of the permit;
  - ✓ To reflect any revisions to applicable Federal, State, Tribal, or local requirements that affect the stormwater control measures implemented at the site; and
  - ✓ If applicable, if a change in chemical treatment systems or chemically-enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]
1	Prepared draft of SWPPP in accordance with CGP Part 7	6/23/2025	Parametrix
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	

Appendix G – Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN

Project Number: _____

Project Title: _____

Operator(s): _____

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the practices described in the SWPPP.

This certification is hereby signed in reference to the above named project:

Company: _____

Address: _____

Telephone Number: _____

Type of construction service to be provided: _____

_____

_____

Signature: _____

Title: _____

Date: _____

Appendix H – Grading and Stabilization Activities Log

Date Grading Activity Initiated	**Description of Grading Activity**	**Description of Stabilization Measure and Location**	**Date Grading Activity Ceased** (Indicate Temporary or Permanent)	**Date When Stabilization Measures Initiated**
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE

Appendix I – Training Documentation

Appendix J – Delegation of Authority Form

Delegation of Authority

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the EPA's Construction General Permit (CGP), at the _____ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

_____ (name of person or position)
_____ (company)
_____ (address)
_____ (city, State, zip)
_____ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix G of EPA's CGP, and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix G.

I certify under penalty of law that this document and all Appendices were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

Appendix K – Endangered Species Documentation

Appendix L – Historic Properties Documentation

Appendix M – Rainfall Gauge Recording

Use the table below to record the rainfall gauge readings at the beginning and end of each work day. An example table follows.

Month/Year			Month/Year			Month/Year		
Day	Start time	End time	Day	Start time	End time	Day	Start time	End time
1			1			1		
2			2			2		
3			3			3		
4			4			4		
5			5			5		
6			6			6		
7			7			7		
8			8			8		
9			9			9		
10			10			10		
11			11			11		
12			12			12		
13			13			13		
14			14			14		
15			15			15		
16			16			16		
17			17			17		
18			18			18		
19			19			19		
20			20			20		
21			21			21		
22			22			22		
23			23			23		
24			24			24		
25			25			25		
26			26			26		
27			27			27		
28			28			28		
29			29			29		
30			30			30		
31			31			31		

Example Rainfall Gauge Recording

April 2017			May 2017			June 2022		
Day	7:00 am	4:400 pm	Day	7:00 am	4:00 pm	Day	7:00 am	4:00 pm
1	--	--	1	0.2	0	1	0	0.4
2	--	--	2	0	0	2	0	0
3	0	0	3	0.1	0.3	3	--	--
4	0	0.3	4	0	0	4	--	--
5	0	0	5	0	0	5	0	0

In this example (for only partial months), 0.25-inch rainfall inspections would have been conducted on April 4 and June 1.

Appendix N – Turbidity Meter Manual and Manufacturer's Instructions (if needed)

SWPPP APPENDICES

Attach the following documentation to the SWPPP:

Appendix A – Site Maps

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Appendix I – Training Documentation

Appendix J – Delegation of Authority (Provided By Contractor)

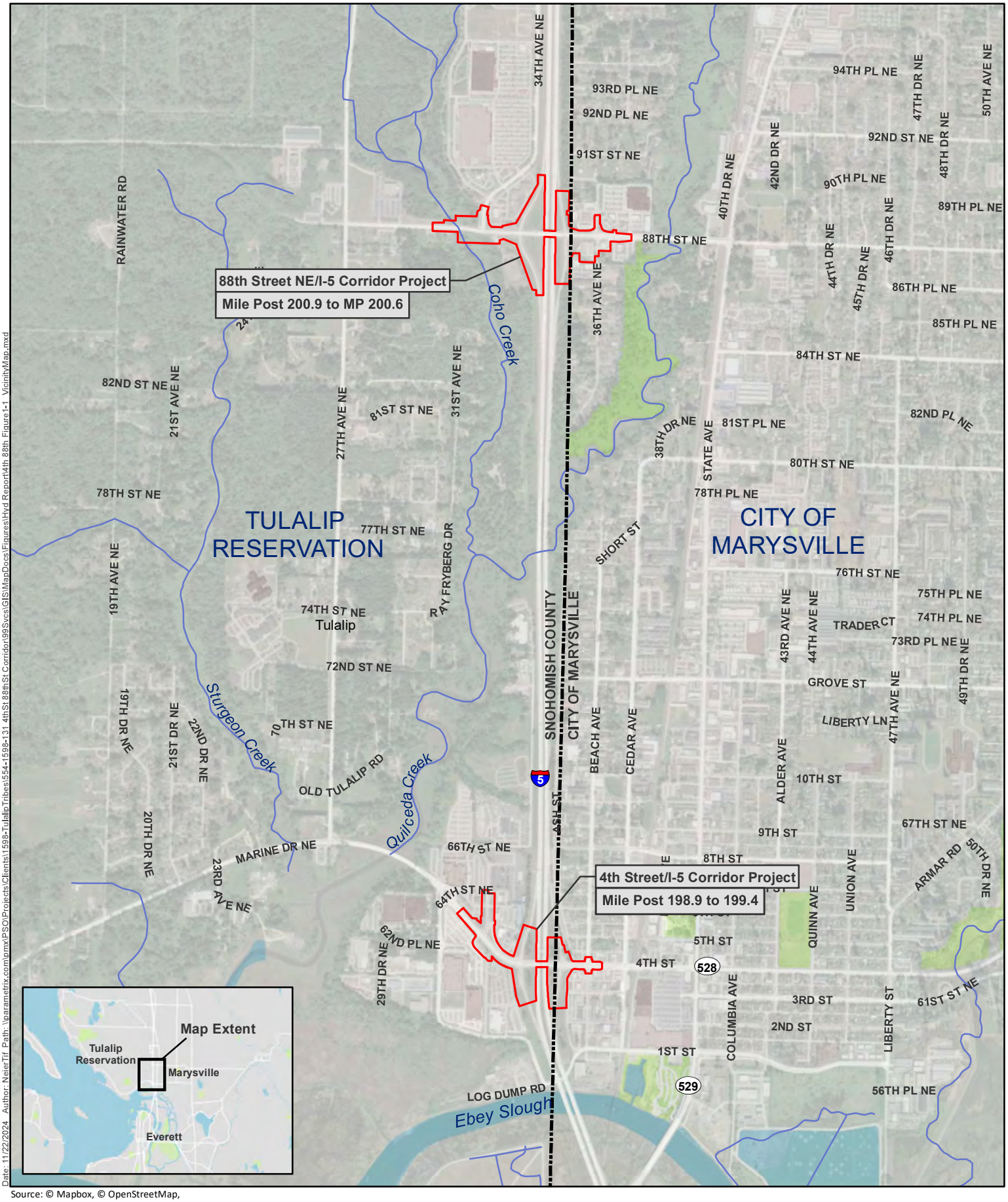
Appendix K – Endangered Species Documentation

Appendix L – Historic Preservation Documentation

Appendix M – Rainfall Gauge Recording (Provided By Contractor)

Appendix N – Turbidity Meter Manual and Manufacturer's Instructions (if needed)

Appendix A – Site Maps



Date: 11/22/2024 Author: NeierTif Path: \\parametrix.com\pmx\PSO\Projects\Clients\1598-TulalipTribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\GIS\MapDocs\Figures\Hyd Report\4th 88th Figure1-1_VicinityMap.mxd

Source: © Mapbox, © OpenStreetMap, ESRI, WDNR

Project Limits

Streams

0 500 1,000 2,000 Feet

Figure 1. Vicinity Map

I-5/4th Street and 88th Street NE Corridor Improvements

Snohomish County, WA

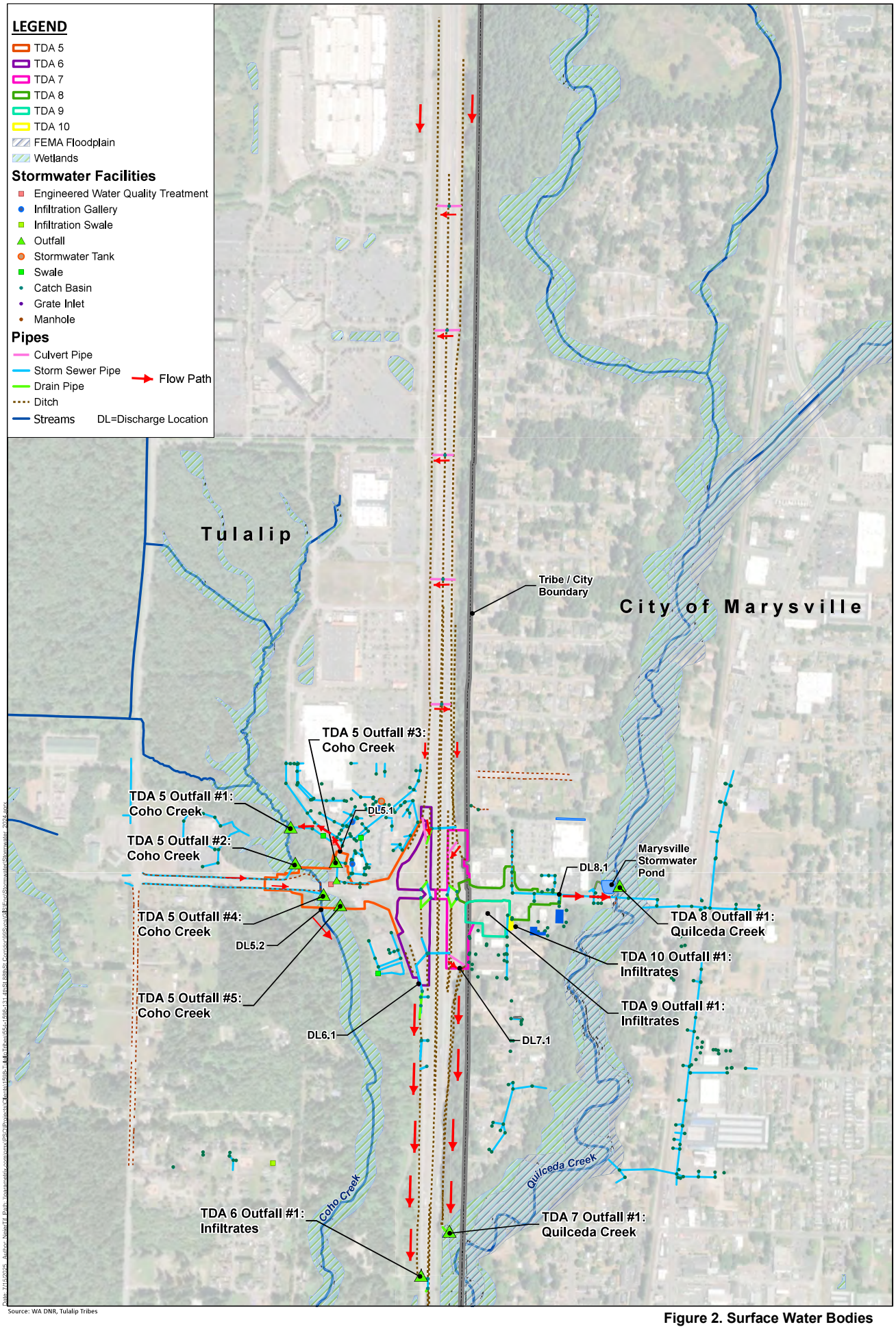
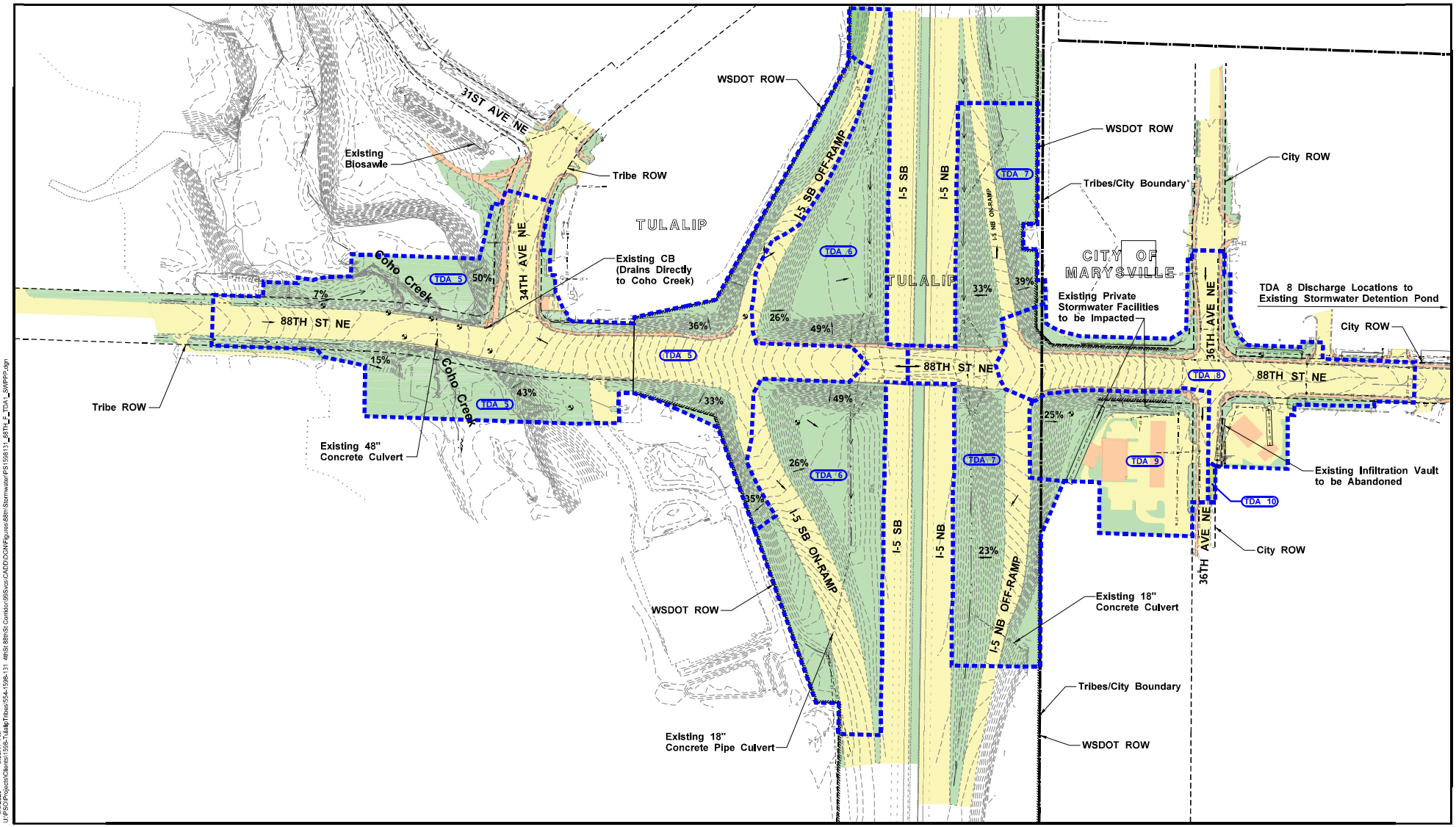


Figure 2. Surface Water Bodies and Discharge Locations
88th Street NE Corridor

Snohomish County, WA



Parametrix

N

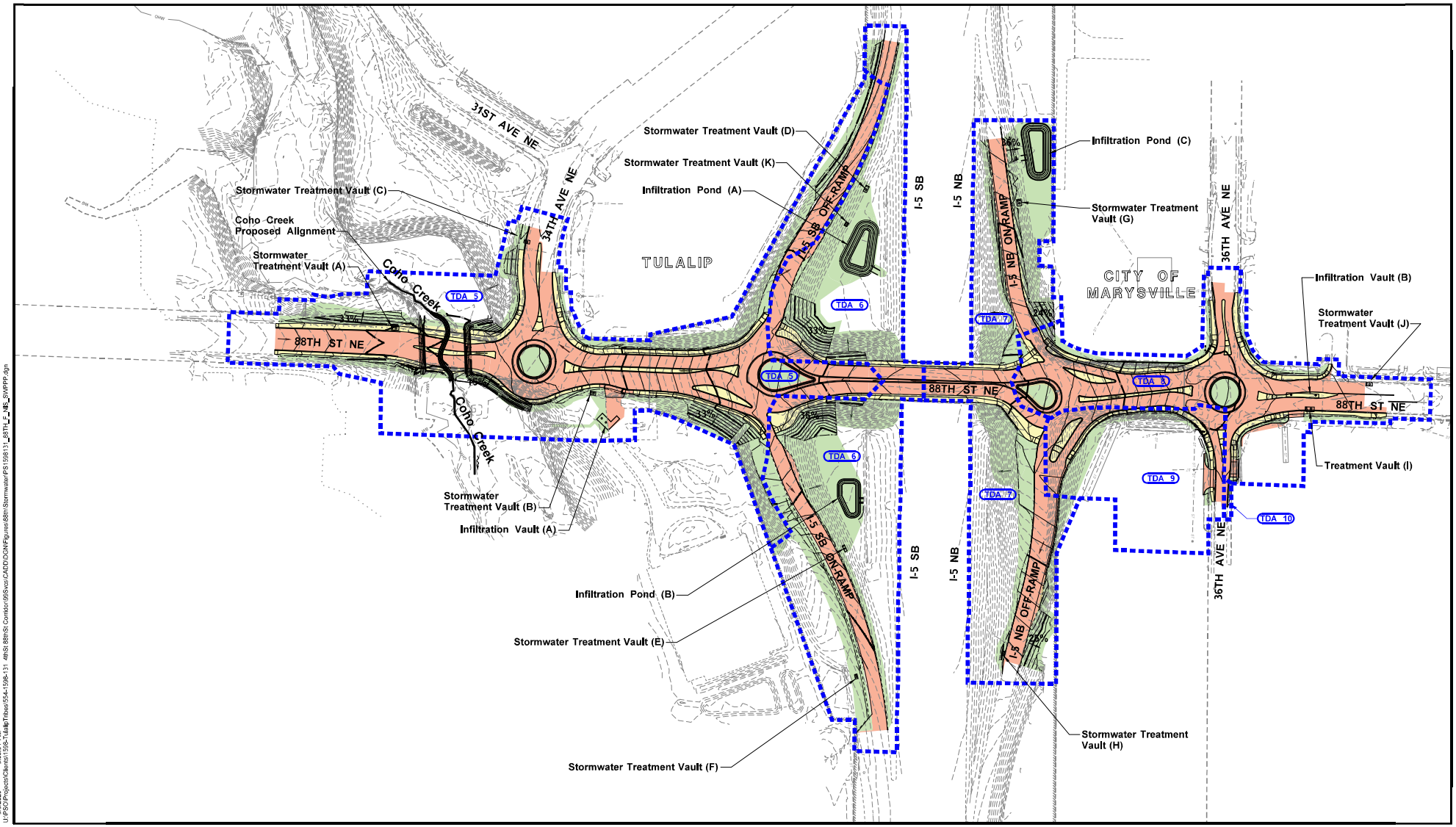
0 180

SCALE IN FEET

Legend:

- TDA Boundary
- Ditch Flow Line
- Coho Creek
- Existing Wetland
- Creek Flow Direction
- Flow Path
- Soil Boring
- Existing Major Contour
- Existing Minor Contour
- Existing Culvert
- Existing Storm Sewer
- Existing Catch Basin
- Existing Pervious
- Existing PGIS
- Existing NPGIS

Figure 3
Existing Conditions
88th Street NE Corridor



Parametrix

N

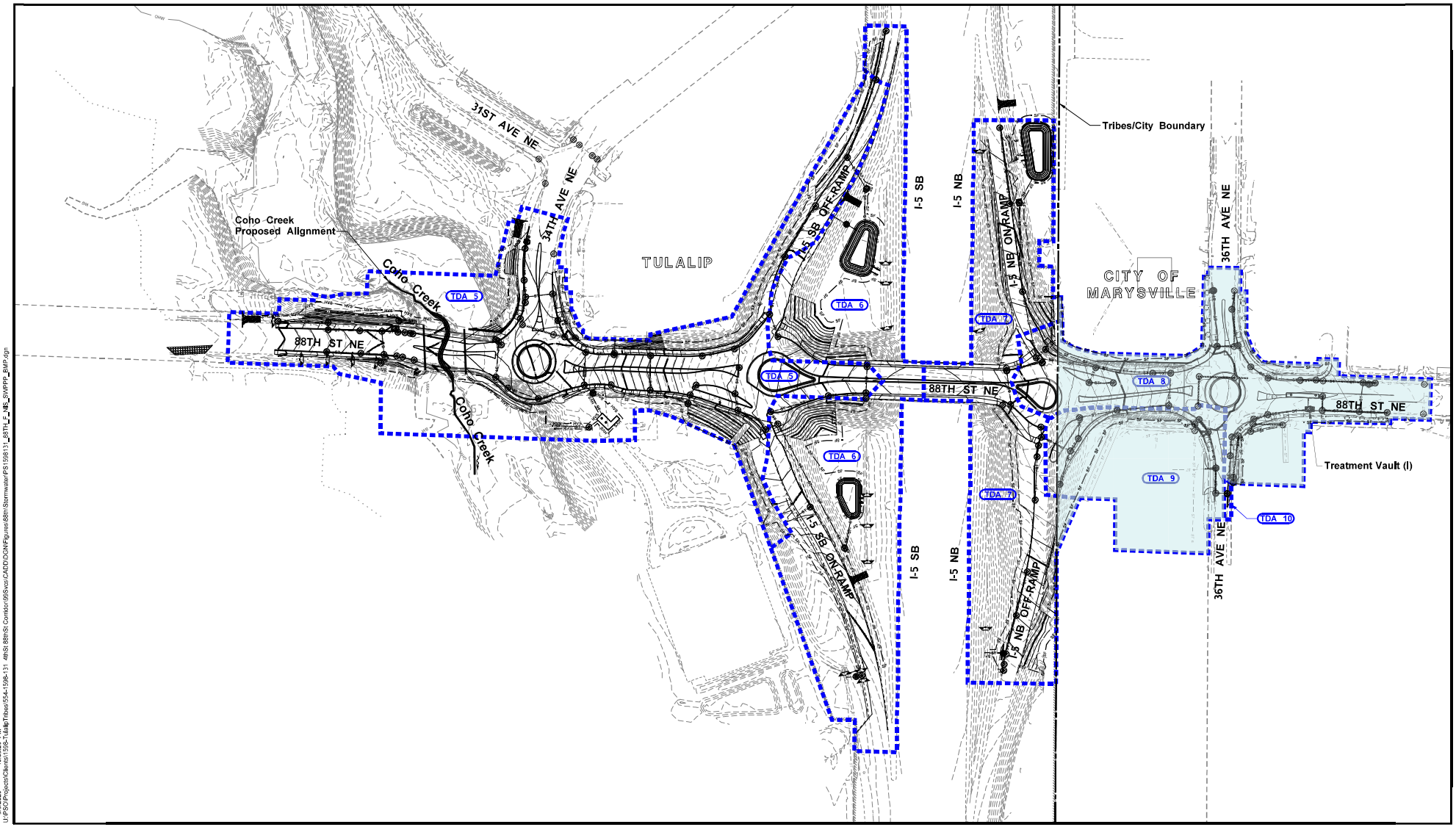
0 180

SCALE IN FEET

Legend:

- TDA Boundary
- Ditch Flow Line
- Coho Creek
- Existing Wetland
- Creek Flow Direction
- Existing Culvert
- Existing Storm Sewer
- Proposed Storm Sewer
- Pervious
- Pollution Generating Impervious Surface
- Non-pollution Generating Impervious Surface

Figure 4
Proposed Development
88th Street NE Corridor



Parametrix

0 180
N
SCALE IN FEET

Legend:

- TDA Boundary
- Ditch Flow Line
- Coho Creek
- Existing Wetland
- Creek Flow Direction
- Existing Culvert
- Existing Storm Sewer
- Proposed Storm Sewer
- High Visibility Fence
- High Visibility Silt Fence
- Silt Fence
- Inlet Protection
- Check Dam
- Wattle
- Compost Sock
- Covered under Ecology's Construction Stormwater General Permit

Figure 5
Temporary Erosion and Sediment Control Measures
88th Street NE Corridor

Appendix B – Copy of 2022 CGP

National Pollutant Discharge Elimination System (NPDES)
Construction General Permit (CGP) for Stormwater Discharges from Construction Activities

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA), as amended by the Water Quality Act of 1987, P.L. 100-4, "operators" of construction activities (defined in Appendix A) that meet the requirements of Part 1.1 of this National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP), are authorized to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of construction activities" (see Appendix A) until one of the conditions for terminating CGP coverage has been met (see Part 8.2).

This permit becomes effective on 12:00 am, February 17, 2022.

This permit and the authorization to discharge expire at 11:59pm, February 16, 2027.

Signed and issued this 18 day of January 2022

DEBORAH SZARO
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Deborah Szaro,
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1 HOW TO OBTAIN COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT (CGP)

To be covered under this permit, you must meet the eligibility conditions and follow the requirements for obtaining permit coverage in this Part.

1.1 ELIGIBILITY CONDITIONS

1.1.1 You are an "operator" of a construction site for which discharges will be covered under this permit. For the purposes of this permit and in the context of stormwater discharges associated with construction activity, an "operator" is any party associated with a construction project that meets either of the following two criteria:

a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

b. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Where there are multiple operators associated with the same project, all operators must obtain permit coverage.[1] Subcontractors generally are not considered operators for the purposes of this permit.

1.1.2 Your site's construction activities:

a. Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale (as defined in Appendix A) that will ultimately disturb one or more acres of land; or

b. Have been designated by EPA as needing permit coverage under 40 CFR § 122.26(a)(1)(v) or 40 CFR § 122.26(b)(15)(ii);

1.1.3 Your site is located in an area where EPA is the permitting authority and where coverage under this permit is available (see Appendix B);

1.1.4 Discharges from your site are not:

a. Already covered by a different NPDES permit for the same discharge; or

b. In the process of having coverage under a different NPDES permit for the same discharge denied, terminated, or revoked.[2, 3]

1.1.5 You can demonstrate you meet one of the criteria in the Endangered Species Protection section of the Notice of Intent (NOI) that you submit for coverage under this permit, per Part 1.4, with respect to the protection of Federally listed endangered or threatened species and Federally designated critical habitat under the Endangered Species Act

[1] If the operator of a "construction support activity" (see Part 1.2.1c) is different than the operator of the main site, that operator must also obtain permit coverage. See Part 7.1 for clarification on the sharing of permit-related functions between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site.

[2] Parts 1.1.4a and 1.1.4b do not include sites currently covered under the 2017 CGP that are in the process of obtaining coverage under this permit, nor sites covered under this permit that are transferring coverage to a different operator.

[3] Notwithstanding a site being made ineligible for coverage under this permit because it falls under the description of Parts 1.1.4a or 1.1.4b, above, EPA may waive the applicable eligibility requirement after specific review if it determines that coverage under this permit is appropriate.

(ESA). If the EPA Regional Office grants you a waiver from electronic reporting per Part 1.4.2, you must complete the ESA worksheet in Appendix D to demonstrate you meet one of the criteria and submit it with your paper NOI (Appendix I).

1.1.6 You have completed the screening process in Appendix E relating to the protection of historic properties; and

1.1.7 You have complied with all requirements in Part 9 imposed by the applicable State, Indian Tribe, or Territory in which your construction activities and/or discharge will occur.

1.1.8 For "new sources" (as defined in Appendix A) only:

a. EPA has not, prior to authorization under this permit, determined that discharges from your site will not meet applicable water quality standards. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3, will result in discharges that meet applicable water quality standards.

b. Discharges from your site to a Tier 2, Tier 2.5, or Tier 3 water[4] will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not lower the water quality of such waters.

1.1.9 If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your NOI until you notify your applicable EPA Regional Office (see Appendix J) in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will result in discharges that meet applicable water quality standards.

[4] Note: Your site will be considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first receiving water to which you discharge is identified by a State, Tribe, or EPA as a Tier 2, Tier 2.5, or Tier 3 water. For discharges that enter a storm sewer system prior to discharge, the first receiving water to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. The current list of Tier 2, Tier 2.5, and Tier 3 waters located in the areas eligible for coverage under this permit can be found at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates. You can also use EPA's Discharge Mapping Tool (https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools) to assist you in identifying whether any receiving waters to which you discharge are listed as impaired (and the pollutant for which it is impaired) and whether an approved total maximum daily load (TMDL) exists for that waterbody.

1.2 TYPES OF DISCHARGES AUTHORIZED[5]

1.2.1 The following stormwater discharges are authorized under this permit provided that appropriate stormwater controls are designed, installed, and maintained (see Parts 2 and 3):

- **a.** Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity under 40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i);
- **b.** Stormwater discharges designated by EPA as needing a permit under 40 CFR §122.26(a)(1)(v) or § 122.26(b)(15)(ii);
- **c.** Stormwater discharges from on or off-site construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:
  - **i.** The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;
  - **ii.** The support activity is not a commercial operation, nor does it serve multiple unrelated construction sites;
  - **iii.** The support activity does not continue to operate beyond the completion of the construction activity at the site it supports; and
  - **iv.** Stormwater controls are implemented in accordance with Part 2 and Part 3 for discharges from the support activity areas; and
- **d.** Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining.

1.2.2 The following non-stormwater discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Parts 2 and 3:

- **a.** Discharges from emergency fire-fighting activities;
- **b.** Fire hydrant flushings;
- **c.** Landscape irrigation;
- **d.** Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
- **e.** Water used to control dust;
- **f.** Potable water including uncontaminated water line flushings;

[5] See "Discharge" as defined in Appendix A. Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA Section 402(k) by disclosure to EPA, State, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, or during an inspection.

g. External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) (e.g., paint or caulk containing polychlorinated biphenyls (PCBs));

h. Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly into any receiving water, storm drain inlet, or constructed or natural site drainage features, unless the feature is connected to a sediment basin, sediment trap, or similarly effective control;

i. Uncontaminated air conditioning or compressor condensate;

j. Uncontaminated, non-turbid discharges of ground water or spring water;

k. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and

l. Uncontaminated construction dewatering water[6] discharged in accordance with Part 2.4.

1.2.3 Also authorized under this permit are discharges of stormwater listed above in Part 1.2.1, or authorized non-stormwater discharges listed above in Part 1.2.2, commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

1.3 PROHIBITED DISCHARGES[7]

The discharges listed in this Part are prohibited outright or authorized only under the identified conditions. To prevent the discharges in Parts 1.3.1 through 1.3.5, operators must comply with the applicable pollution prevention requirements in Part 2.3 or ensure the discharge is authorized by another NPDES permit consistent with Part 1.2.3 for commingled discharges.

1.3.1 Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.3.4;

1.3.2 Wastewater from washout and/or cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

1.3.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

1.3.4 Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and

1.3.5 Toxic or hazardous substances from a spill or other release.

[6] EPA notes that operators may need to comply with additional procedures to verify that the dewatering discharge is uncontaminated. Operators should review Part 9 to determine if any of these requirements apply to their discharge and should ensure that they have complied with any State, Tribal, or local dewatering requirements that apply.

[7] EPA includes these prohibited non-stormwater discharges here as a reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2. Any unauthorized non-stormwater discharges must be covered under an individual permit or alternative general permit.

1.4 SUBMITTING YOUR NOTICE OF INTENT (NOI)

All "operators" (as defined in Appendix A) associated with your construction site who meet the Part 1.1 eligibility conditions, and who seek coverage under this permit, must submit to EPA a complete and accurate NOI in accordance with the deadlines in Table 1 prior to commencement of construction activities (as defined in Appendix A).

Exception: If you are conducting construction activities in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, you may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities (see Table 1) establishing that you are eligible for coverage under this permit. You must also provide documentation in your Stormwater Pollution Prevention Plan (SWPPP) to substantiate the occurrence of the public emergency pursuant to Part 7.2.3i.

1.4.1 Prerequisite for Submitting Your NOI

You must develop a SWPPP consistent with Part 7 before submitting your NOI for coverage under this permit.

1.4.2 How to Submit Your NOI

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit your NOI for coverage under the 2022 CGP unless you received a waiver from your applicable EPA Regional Office.

To access NeT, go to https://cdx.epa.gov/cdx.

Waivers from electronic reporting may be granted based on one of the following conditions:

a. If your operational headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or

b. If you have limitations regarding available computer access or computer capability.

If the EPA Regional Office grants you approval to use a paper NOI, and you elect to use it, you must complete the form in Appendix H.

1.4.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Table 1 provides the deadlines for submitting your NOI and the official start date of your permit coverage, which differ depending on when you commence construction activities.

Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.

Type of Operator	NOI Submittal Deadline[8]	Permit Authorization Date[9]
Operator of a new site (i.e., a site where construction activities commence on or after February 17, 2022)	At least 14 calendar days before commencing construction activities.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an existing site (i.e., a site with 2017 CGP coverage where construction activities commenced prior to February 17, 2022)	No later than May 18, 2022.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied. Provided you submit your NOI no later than May 18, 2022, your authorization under the 2017 CGP is automatically continued until you have been granted coverage under this permit or an alternative NPDES permit, or coverage is otherwise terminated.
New operator of a permitted site (i.e., an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site")	At least 14 calendar days before the date the transfer to the new operator will take place.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an "emergency-related project" (i.e., a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services)	No later than 30 calendar days after commencing construction activities.	You are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.

[8] If you miss the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

[9] Discharges are not authorized if your NOI is incomplete or inaccurate or if you are not eligible for permit coverage.

1.4.4 Modifying your NOI

If after submitting your NOI you need to correct or update any fields, you may do so by submitting a "Change NOI" form using NeT. Waivers from electronic reporting may be granted as specified in Part 1.4.2. If the EPA Regional Office has granted you approval to submit a paper NOI modification, you may indicate any NOI changes on the same NOI form in Appendix H.

When there is a change to the site's operator, the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT) form as specified in Part 8.3.

The following modifications to an NOI form will result in a 14-day review process:

- Changes to the name of the operator;
- Changes to the project or site name;
- Changes to the estimated area to be disturbed;
- Changes to the name of the receiving water[10], or additions to the applicable receiving waters;
- Changes to eligibility information related to endangered species protection or historic preservation;
- Changes to information provided related to the use of chemical treatment at your site; and
- Changes to answers provided regarding the demolition of structures over 10,000 square feet of floor space built or renovated before January 1, 1980.

During the 14-day review process, you may continue to operate based on the information provided in your original NOI, but you must wait until the review period has ended before you may commence or continue activities on any portion of your site that would be affected by any of the above modifications, unless EPA notifies you that the authorization is delayed or denied.

1.4.5 Your Official End Date of Permit Coverage

Once covered under this permit, your coverage will last until the date that:

a. You terminate permit coverage consistent with Part 8; or

b. You receive permit coverage under a different NPDES permit or a reissued or replacement version of this permit after expiring on February 16, 2027; or

c. You fail to submit an NOI for coverage under a reissued or replacement version of this permit before the deadline for existing construction sites where construction activities continue after this permit has expired.

1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so it is visible from the public road that is nearest to the active part of the construction

[10] As defined in Appendix A, a "receiving water" is "a "Water of the United States" as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

site, and it must use a font large enough to be readily viewed from a public right-of-way.[11] At a minimum, the notice must include:

a. The NPDES ID (i.e., permit tracking number assigned to your NOI and the EPA webpage where a copy of the NOI can be found (https://permitsearch.epa.gov/epermit-search/ui/search));

b. A contact name and phone number for obtaining additional construction site information;

c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: "If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [*include the appropriate CGP Regional Office contact information found at* https://www.epa.gov/npdes/contact-us-stormwater#regional];" and

d. The following statement "If you observe indicators of stormwater pollutants in the discharge or in the receiving water, contact the EPA through the following website: https://www.epa.gov/enforcement/report-environmental-violations."

2 TECHNOLOGY-BASED EFFLUENT LIMITATIONS

You must comply with the following technology-based effluent limitations in this Part for all authorized discharges.[12]

2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

You must design, install, and maintain stormwater controls required in Parts 2.2, 2.3, and 2.4 to minimize the discharge of pollutants in stormwater from construction activities.[13] To meet this requirement, you must:

2.1.1 Account for the following factors in designing your stormwater controls:

a. The expected amount, frequency, intensity, and duration of precipitation;[14]

b. The nature of stormwater runoff (i.e., flow) and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and

c. The soil type and range of soil particle sizes expected to be present on the site.

[11] If the active part of the construction site is not visible from a public road, then place the notice of permit coverage in a position that is visible from the nearest public road and as close as possible to the construction site.

[12] For each of the effluent limits in Part 2, as applicable to your site, you must include in your SWPPP (1) a description of the specific control(s) to be implemented to meet the effluent limit; (2) any applicable design specifications; (3) routine maintenance specifications; and (4) the projected schedule for installation/implementation. See Part 7.2.6.

[13] The permit does not recommend or endorse specific products or vendors.

[14] Stormwater controls must be designed using the most recent data available to account for recent precipitation patterns and trends.

If your site is exposed to or has previously experienced major storms, such as hurricanes, storm surge, extreme/heavy precipitation, and flood events, you should also include consideration of and contingencies for whether implementing structural improvements, enhanced/resilient stormwater controls, and other mitigation measures may help minimize impacts from stormwater discharges from such major storm events.

2.1.2 Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.[15]

2.1.3 Complete installation of stormwater controls by the time each phase of construction activities has begun.

a. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities.[16]

b. Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth-disturbing activities.

2.1.4 Ensure all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.[17]

b. If at any time you find that a stormwater control needs routine maintenance (i.e., minor repairs or other upkeep performed to ensure the site's stormwater controls remain in effective operating condition, not including significant repairs or the need to install a new or replacement control), you must immediately initiate the needed work, and complete such work by the close of the next business day. If it is infeasible to complete the routine maintenance by the close of the next business day, you must document why this is the case and why the repair or other upkeep to be performed should still be considered routine maintenance in your inspection report under Part 4.7.1c and complete such work no later than seven (7) calendar days from the time of discovery of the condition requiring maintenance.

c. If you must repeatedly (i.e., three (3) or more times) make the same routine maintenance fixes to the same control at the same location, even if the fix can be completed by the close of the next business day, you must either:

   i. Complete work to fix any subsequent repeat occurrences of this same problem under the corrective action procedures in Part 5, including keeping any records

[15] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practices and must be explained in your SWPPP. You must also comply with any additional design and installation requirements specified for the effluent limits in Parts 2.2, 2.3, and 2.4.

[16] Note that the requirement to install stormwater controls prior to each phase of construction activities for the site does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutants during the installation of stormwater controls.

[17] Any departures from such maintenance recommendations made by the manufacturer must reflect good engineering practices and must be explained in your SWPPP.

of the condition and how it was corrected under Part 5.4; or

ii. Document in your inspection report under Part 4.7.1c why the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under this Part.[18]

d. If at any time you find that a stormwater control needs a significant repair or that a new or replacement control is needed, you must comply with the corrective action deadlines for completing such work in in Part 5.2.1c.

2.2 EROSION AND SEDIMENT CONTROL REQUIREMENTS

You must implement erosion and sediment controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater from construction activities.

2.2.1 Provide and maintain natural buffers and/or equivalent erosion and sediment controls for discharges to any receiving waters that is located within 50 feet of the site's earth disturbances.

a. **Compliance Alternatives.** For any discharges to receiving waters located within 50 feet of your site's earth disturbances, you must comply with one of the following alternatives:

i. Provide and maintain a 50-foot undisturbed natural buffer; or

ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or

iii. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

See Appendix F, Part F.2 for additional conditions applicable to each compliance alternative.

b. **Exceptions.** See Appendix F, Part F.2 for exceptions to the compliance alternatives.

2.2.2 Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infiltration would be inadvisable due to the underlying geology (e.g., karst topography) and ground water contamination concerns, or infeasible due to site conditions.[19]

[18] Such documentation could include, for example, that minor repairs completed within the required timeframe are all that is necessary to ensure that the stormwater control continues to operate as designed and installed and that the stormwater control remains appropriate for the flow reaching it.

[19] Operators should consider whether factors such as specific contaminant concerns from the construction site, the underlying soils or geology, hydrology, depth to the ground water table, or proximity to source water or wellhead protection area(s) make the site unsuitable for infiltrating construction stormwater. Site conditions that may be of particular concern include proximity to: a current or future drinking water aquifer; a drinking water well or spring (including private/household wells); highly conductive geology such as karst; known pollutant hot spots, such as hazardous waste sites, landfills, gas stations, brownfields; an on-site sewage system or underground storage tank; or soils that do not allow for infiltration. Operators may find it helpful to consult EPA's Drinking Water Mapping Application to Protect Source Waters (DWMAPS). DWMAPS is an online mapping tool that can be used to locate drinking water providers, potential sources of contamination, polluted waterways, and information on protection initiatives in the site area.

2.2.3 Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas.[20]

a. The perimeter control must be installed upgradient of any natural buffers established under Part 2.2.1, unless the control is being implemented pursuant to Part 2.2.1a.ii-iii;

b. To prevent stormwater from circumventing the edge of the perimeter control, install the perimeter control on the contour of the slope and extend both ends of the control up slope (e.g., at 45 degrees) forming a crescent rather than a straight line;

c. After installation, to ensure that perimeter controls continue to work effectively:

   i. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control; and

   ii. After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem.

d. **Exception**. For areas at "linear construction sites" (as defined in Appendix A) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

2.2.4 Minimize sediment track-out.

a. Restrict vehicle use to properly designated exit points;

b. Use appropriate stabilization techniques[21] at all points that exit onto paved roads;

   i. **Exception**: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls[22] are implemented to minimize sediment track-out;

c. Implement additional track-out controls[23] as necessary to ensure that sediment removal occurs prior to vehicle exit; and

d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out

[20] Examples of perimeter controls include filter berms; different types of silt fence such as wire-backed silt fence, super silt fence, or multi-layer geotextile silt fence; compost filter socks; gravel barriers; and temporary diversion dikes.

[21] Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

[22] Examples of other exit point controls include preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas (e.g., *karst areas; steep slopes)*.

[23] Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.

sediment into any constructed or natural site drainage feature, storm drain inlet, or receiving water.[24]

2.2.5 Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:[25]

a. Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any constructed or natural site drainage features, storm drain inlets, and areas where stormwater flow is concentrated;

b. Install a sediment barrier along all downgradient perimeter areas of stockpiled soil or land clearing debris piles;[26]

c. For piles that will be unused for 14 or more days, provide cover[27] or appropriate temporary stabilization (consistent with Part 2.2.14);

d. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any constructed or natural site drainage feature, storm drain inlet, or receiving water.

2.2.6 Minimize dust. On areas of exposed soil, minimize dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site.

2.2.7 Minimize steep slope disturbances. Minimize the disturbance of "steep slopes" (as defined in Appendix A).[28]

2.2.8 Preserve native topsoil, unless infeasible.[29]

2.2.9 Minimize soil compaction.[30] In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed:

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[24] Fine grains that remain visible (e.g., staining) on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of Part 2.2.4.

[25] The requirements in Part 2.2.5 do not apply to the storage of rock, such as rip rap, landscape rock, pipe bedding gravel, and boulders. Refer to Part 2.3.3a for the requirements that apply to these types of materials.

[26] Examples of sediment barriers include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale.

[27] Examples of cover include tarps, blown straw and hydroseeding.

[28] Where disturbance to steep slopes cannot be avoided, operators should consider implementing controls suitable for steep slope disturbances that are effective at minimizing erosion and sediment discharge (e.g., preservation of existing vegetation, hydraulic mulch, geotextiles and mats, compost blankets, earth dikes or drainage swales, terraces, velocity dissipation devices). To identify slopes and soil types that are of comparatively higher risk for sediment discharge in areas of the country where the CGP is in effect, operators can use the tables in Appendix F (see Tables F-2 thru F-6).

[29] Stockpiling topsoil at off-site locations, or transferring topsoil to other locations, is an example of a practice that is consistent with the requirements in Part 2.2.8. Preserving native topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. For example, some sites may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain, or may not have space to stockpile native topsoil on site for later use, in which case it may not be feasible to preserve topsoil.

[30] Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.

a. Restrict vehicle and equipment use in these locations to avoid soil compaction; and

b. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

2.2.10 Protect storm drain inlets.

a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater from your site to a receiving water, provided you have authority to access the storm drain inlet.[31] Inlet protection measures are not required for storm drain inlets that are conveyed to a sediment basin, sediment trap, or similarly effective control; and

b. Clean, or remove and replace, the inlet protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

2.2.11 Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.[32]

2.2.12 If you install a sediment basin or similar impoundment:

a. Situate the basin or impoundment outside of any receiving water. and any natural buffers established under Part 2.2.1;

b. Design the basin or impoundment to avoid collecting water from wetlands;

c. Design the basin or impoundment to provide storage for either:

   i. The calculated volume of runoff from a 2-year, 24-hour storm;[33] or

   ii. 3,600 cubic feet per acre drained.

d. Utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;[34]

e. Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and

[31] Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

[32] Examples of stormwater controls that can be used to comply with this requirement include the use of erosion controls and/or velocity dissipation devices (e.g., check dams, sediment traps), within and along the length of a constructed site drainage feature and at the outfall to slow down stormwater.

[33] Operators may refer to https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates for guidance on determining the volume of precipitation associated with their site's local 2-year, 24-hour storm event.

[34] The circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include areas with extended cold weather, where using surface outlets may not be feasible during certain time periods (although they must be used during other periods). If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

f. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

2.2.13 If using treatment chemicals (e.g., *polymers, flocculants, coagulants*):

a. **Use conventional erosion and sediment controls before and after the application of treatment chemicals.** Chemicals may only be applied where treated stormwater is directed to a sediment control *(*e.g., *sediment basin, perimeter control)* before discharge.

b. **Select appropriate treatment chemicals***.* Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated *(*i.e., *the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area)*.

c. **Minimize discharge risk from stored chemicals.** Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures *(*e.g., *spill berms, dikes, spill containment pallets),* or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means *(*e.g., *storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill)*.

d. **Comply with State/local requirements.** Comply with applicable State and local requirements regarding the use of treatment chemicals.

e. **Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier.** Use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice.

f. **Ensure proper training.** Ensure all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training prior to beginning application of treatment chemicals. Among other things, the training must cover proper dosing requirements.

g. **Perform additional measures specified by the EPA Regional Office for the authorized use of cationic chemicals.** If you have been authorized to use cationic chemicals at your site pursuant to Part 1.1.9, you must perform all additional measures as conditioned by your authorization to ensure the use of such chemicals will not result in discharges that do not meet water quality standards.

2.2.14 Stabilize exposed portions of the site. Implement and maintain stabilization measures (*e.g., seeding protected by erosion controls until vegetation is established,*[35] *sodding, mulching, erosion control blankets, hydromulch, gravel*) that minimize erosion from any areas of exposed soil on the site in accordance with Part.

[35] If you will be evaluating the use of some type of erosion control netting to the site as part of your site stabilization, EPA encourages you to consider employing products that have been shown to minimize

a. Stabilization Deadlines:[36]

Table 2 Deadlines for Initiating and Completing Site Stabilization.

Total Amount of Land Disturbance Occurring At Any One Time[37]	Deadline
i. Five acres or less (≤5.0) **Note: this includes sites disturbing more than five acres (>5.0) total over the course of a project, but that limit disturbance at any one time (i.e., *phase the disturbance*) to five acres or less (≤5.0)**	• Initiate the installation of stabilization measures immediately[38] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[39] and • Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days

impacts on wildlife. For instance, the U.S. Fish & Wildlife Service provides recommendations on the type of netting practices that are considered "wildlife friendly," including those that use natural fiber or 100 percent biodegradable materials and that use a loose weave with a non-welded, movable jointed netting, as well as those products that are not wildlife friendly including square plastic netting that are degradable (e.g., photodegradable, UV-degradable, oxo-degradable), netting made from polypropylene, nylon, polyethylene, or polyester. Other recommendations include removing the netting product when it is no longer needed. See https://www.fws.gov/midwest/eastlansing/library/pdf/WildlifeFriendlyErosionControlProducts_revised.pdf for further information. There also may be State, Tribal, or local requirements about using wildlife friendly erosion control products.

[36] EPA may determine, based on an inspection carried out under Part 4.8 and corrective actions required under Part 5.3, that the level of sediment discharge on the site makes it necessary to require a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing stormwater controls, EPA may require stabilization to correct this problem.

[37] Limiting disturbances to five (5) acres or less at any one time means that at no time during the project do the cumulative earth disturbances exceed five (5) acres. The following examples would qualify as limiting disturbances at any one time to five (5) acres or less:

1. The total area of disturbance for a project is five (5) acres or less.
2. The total area of disturbance for a project will exceed five (5) acres, but the operator ensures that no more than five (5) acres will be disturbed at any one time through implementation of stabilization measures. In this way, site stabilization can be used to "free up" land that can be disturbed without exceeding the five (5)-acre cap to qualify for the 14-day stabilization deadline. For instance, if an operator completes stabilization of two (2) acres of land on a five (5)-acre disturbance, then two (2) additional acres could be disturbed while still qualifying for the longer 14-day stabilization deadline.

[38] The following are examples of activities that would constitute the immediate initiation of stabilization:

1. Prepping the soil for vegetative or non-vegetative stabilization as long as seeding, planting, and/or installation of non-vegetative stabilization products takes place as soon as practicable, but no later than one (1) calendar day of completing soil preparation;
2. Applying mulch or other non-vegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the entire area that will be stabilized; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the deadlines for completing stabilization.

[39] The requirement to initiate stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for 14 or more days, or as soon as you know that construction work is permanently ceased. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.

Total Amount of Land Disturbance Occurring At Any One Time[37]	Deadline
	after stabilization has been initiated.[40]
ii. More than five acres (>5.0)	• Initiate the installation of stabilization measures immediately[41] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[42] and • Complete the installation of stabilization measures as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.[43]

b. Exceptions:

i. Arid, semi-arid, and drought-stricken areas (as defined in Appendix A)**.** If it is the seasonally dry period (as defined in Appendix A)[44] or a period in which drought is occurring, and vegetative stabilization measures are being used:

(a) Immediately initiate and, within 14 calendar days of temporary or permanent cessation of work in any portion of your site, complete the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion;

(b) As soon as practicable, given conditions or circumstances on the site, complete all activities necessary to seed or plant the area to be stabilized; and

(c) If construction is occurring during the seasonally dry period, indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions. Also include the schedule you will follow for initiating and completing vegetative stabilization.

ii. Unforeseen circumstances. Operators that are affected by unforeseen circumstances[45] that delay the initiation and/or completion of vegetative stabilization:

[40] If vegetative stabilization measures are being implemented, stabilization is considered "installed" when all activities necessary to seed or plant the area are completed, including the application of any non-vegetative protective cover (e.g., mulch, erosion control blanket), if applicable. If non-vegetative stabilization measures are being implemented, stabilization is considered "installed" when all such measures are implemented or applied.

[41] See footnote 38.

[42] See footnote 39.

[43] See footnote 40.

[44] The term "seasonally dry period" as defined in Appendix A refers to a month in which the long-term average total precipitation is less than or equal to 0.5 inches. Refer to EPA's Seasonally Dry Period Locator Tool at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates and supporting maps for assistance in determining whether a site is operating during a seasonally dry period for the area.

[45] Examples include problems with the supply of seed stock or with the availability of specialized equipment and unsuitability of soil conditions due to excessive precipitation and/or flooding.

(a) Immediately initiate and, within 14 calendar days, complete the installation of temporary non-vegetative stabilization measures to prevent erosion;

(b) Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and

(c) Document in the SWPPP the circumstances that prevent you from meeting the deadlines in Part 2.2.14a and the schedule you will follow for initiating and completing stabilization.

iii. **Discharges to a sediment- or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.** Complete stabilization as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.

c. **Final Stabilization Criteria** (for any areas not covered by permanent structures)**:**

i. Establish uniform, perennial vegetation *(*i.e.*, evenly distributed, without large bare areas)* to provide 70 percent or more of the vegetative cover native to local undisturbed areas; and/or

ii. Implement permanent non-vegetative stabilization measures[46] to provide effective cover of any areas of exposed soil.

iii. **Exceptions:**

(a) **Arid, semi-arid, and drought-stricken areas** (as defined in Appendix A). Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the vegetative cover native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied to provide cover for at least three years without active maintenance.

(b) **Disturbed areas on agricultural land that are restored to their preconstruction agricultural use.** The Part 2.2.14c final stabilization criteria do not apply.

(c) **Areas that need to remain disturbed.** In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed *(*e.g.*, dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials)*.

2.3 POLLUTION PREVENTION REQUIREMENTS[47]

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

[46] Examples of permanent non-vegetative stabilization measures include riprap, gravel, gabions, and geotextiles.

[47] Under this permit, you are not required to minimize exposure for any products or materials where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

2.3.1 For equipment and vehicle fueling and maintenance:

a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;[48]

b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;

c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;

d. Use drip pans and absorbents under or around leaky vehicles;

e. Dispose of or recycle oil and oily wastes in accordance with other Federal, State, Tribal, or local requirements; and

f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

2.3.2 For equipment and vehicle washing:

a. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;[49]

b. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and

c. For storage of soaps, detergents, or solvents, provide either (1) cover *(*e.g., *plastic sheeting, temporary roofs)* to minimize the exposure of these detergents to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

2.3.3 For storage, handling, and disposal of building products, materials, and wastes:[50]

a. *For building materials and building products*,[51] provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these products to

[48] Examples of effective means include:

- Locating activities away from receiving waters, storm drain inlets, and constructed or natural site drainage feature so that stormwater coming into contact with these activities cannot reach waters of the U.S.;
- Providing secondary containment (e.g., *spill berms, dikes, spill containment pallets*) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

[49] Examples of effective means include locating activities away from receiving waters and storm drain inlets or constructed or natural site drainage features and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

[50] Compliance with the requirements of this permit does not relieve compliance requirements with respect to Federal, State, or local laws and regulations governing the storage, handling, and disposal of solid, hazardous, or toxic wastes and materials.

[51] Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

Exception: Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

b. *For pesticides, herbicides, insecticides, fertilizers, and landscape materials:*

i. In storage areas, provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these chemicals to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas; and

ii. Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part 2.3.5).

c. *For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:* The following requirements apply to the storage and handling of chemicals on your site. If you are already implementing controls as part of an SPCC or other spill prevention plan that meet or exceed the requirements of this Part, you may continue to do so and be considered in compliance with these provisions provided you reference the applicable parts of the SPCC or other plans in your SWPPP as required in Part 7.2.6b.viii.

i. If any chemical container has a storage capacity of less than 55 gallons:

(a) The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;

(b) If stored outside, use a spill containment pallet or similar device to capture small leaks or spills; and

(c) Have a spill kit available on site that is in good working condition (i.e., not damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill.

ii. If any chemical container has a storage capacity of 55 gallons or more:

(a) The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;

(b) Store containers a minimum of 50 feet from receiving waters, constructed or natural site drainage features, and storm drain inlets. If infeasible due to site constraints, store containers as far away from these features as the site permits. If site constraints prevent you from storing containers 50 feet away from receiving waters or the other features identified, you must document in your SWPPP the specific reasons why the 50-foot setback is infeasible, and how you will store containers as far away as the site permits;

(c) Provide either (1) cover (e.g., temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or (2) secondary containment (e.g., curbing, spill berms, dikes, spill containment pallets, double-wall, above-ground storage tank); and

(d) Have a spill kit available on site that is in good working condition (i.e., not

damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill. Additional secondary containment measures are listed at 40 CFR § 112.7(c)(1).

iii. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

d. *For hazardous or toxic wastes:*[52]

i. Separate hazardous or toxic waste from construction and domestic waste;

ii. Store waste in sealed containers, constructed of suitable materials to prevent leakage and corrosion, and labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable Federal, State, Tribal, or local requirements;

iii. Store all outside containers within appropriately-sized secondary containment (e.g., *spill berms, dikes, spill containment pallets*) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas *(*e.g., *storing chemicals in a covered area, having a spill kit available on site);*

iv. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with Federal, State, Tribal, and local requirements;

v. Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and

vi. Follow all other Federal, State, Tribal, and local requirements regarding hazardous or toxic waste.

e. *For construction and domestic wastes:*[53]

i. Provide waste containers *(*e.g., *dumpster, trash receptacle)* of sufficient size and number to contain construction and domestic wastes;

(a) For waste containers with lids, keep waste container lids closed when not in use, and close lids at the end of the business day and during storm events. For waste containers without lids, provide either (1) cover *(*e.g., *a tarp, plastic sheeting, temporary roof)* to minimize exposure of wastes to precipitation, or (2) a similarly effective means designed to minimize the discharge of pollutants *(*e.g., *secondary containment)*;

(b) On business days, clean up and dispose of waste in designated waste

[52] Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

[53] Examples of construction and domestic wastes include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris; and other trash or discarded materials.

containers; and

(c) Clean up immediately if containers overflow, and if there is litter elsewhere on the site from escaped trash.

ii. Waste containers are not required for the waste remnant or unused portions of construction materials or final products that are covered by the exception in Part 2.2.3a provided that:

(a) These wastes are stored separately from other construction or domestic wastes addressed by Part 2.3.3e.i (i.e., wastes not covered by the exception in Part 2.3.3a). If the wastes are mixed, they must be stored in waste containers as required in Part 2.3.3e.i; and

(b) These wastes are stored in designated areas of the site, the wastes are described in the SWPPP (see Part 7.2.6b.ix), and identified in the site plan (see Part 7.2.4i).

f. *For sanitary waste*, position portable toilets so they are secure and will not be tipped or knocked over, and are located away from receiving waters, storm drain inlets, and constructed or natural site drainage features.

2.3.4 For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:

a. Direct wash water into a leak-proof container or leak-proof and lined pit designed so no overflows can occur due to inadequate sizing or precipitation;

b. Handle washout or cleanout wastes as follows:

i. For liquid wastes:

(a) Do not dump liquid wastes or allow them to enter into constructed or natural site drainage features, storm inlets, or receiving waters;

(b) Do not allow liquid wastes to be disposed of through infiltration or to otherwise be disposed of on the ground;

(c) Comply with applicable State, Tribal, or local requirements for disposal

ii. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3e; and

c. Locate any washout or cleanout activities as far away as possible from receiving waters, constructed or natural site drainage features, and storm drain inlets, and, to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.

2.3.5 For the application of fertilizers:

a. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part 7.2.6b.x;

b. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;

c. Avoid applying before heavy rains that could cause excess nutrients to be discharged;

d. Never apply to frozen ground;

e. Never apply to constructed or natural site drainage features; and

f. Follow all other Federal, State, Tribal, and local requirements regarding fertilizer application.

2.3.6 Emergency Spill Notification Requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Part 1.3.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR part 110, 40 CFR part 117, and 40 CFR part 302 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, Tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

2.4 CONSTRUCTION DEWATERING REQUIREMENTS

Comply with the following requirements to minimize the discharge of pollutants from dewatering[54] operations.

2.4.1 Route dewatering water through a sediment control (e.g., sediment trap or basin, pumped water filter bag) designed to prevent discharges with visual turbidity; [55]

2.4.2 Do not discharge visible floating solids or foam;

2.4.3 The discharge must not cause the formation of a visible sheen on the water surface, or visible oily deposits on the bottom or shoreline of the receiving water. Use an oil-water separator or suitable filtration device (such as a cartridge filter) designed to remove oil, grease, or other products if dewatering water is found to or expected to contain these materials;

2.4.4 To the extent feasible, use well-vegetated (e.g., grassy or wooded), upland areas of the site to infiltrate dewatering water before discharge.[56] You are prohibited from using receiving waters as part of the treatment area;

2.4.5 To prevent dewatering-related erosion and related sediment discharges:

a. Use stable, erosion-resistant surfaces (e.g., well-vegetated grassy areas, clean filter stone, geotextile underlayment) to discharge from dewatering controls;

[54] "Dewatering" is defined in Appendix A as "the act of draining accumulated stormwater and/or ground water from building foundations, vaults, and trenches, or other similar points of accumulation."

[55] For the purposes of this permit, visual turbidity is present where there is a sediment plume in the discharge or the discharge appears cloudy, or opaque, or has a visible contrast that can be identified by an observer.

[56] See footnote 19.

b. Do not place dewatering controls, such as pumped water filter bags, on steep slopes (as defined in Appendix A); and

c. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11.

2.4.6 For backwash water, either haul it away for disposal or return it to the beginning of the treatment process;

2.4.7 Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications; and

2.4.8 Comply with dewatering-specific inspection requirements in Part 4.

3 WATER QUALITY-BASED EFFLUENT LIMITATIONS

3.1 GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS

Discharges must be controlled as necessary to meet applicable water quality standards. Discharges must also comply with any additional State or Tribal requirements that are in Part 9.

In the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4.

EPA may insist that you install additional controls (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA-established or approved TMDL.

If during your coverage under a previous permit, you were required to install and maintain stormwater controls specifically to meet the assumptions and requirements of an EPA-approved or established TMDL (for any parameter) or to otherwise control your discharge to meet water quality standards, you must continue to implement such controls as part of your coverage under this permit.

3.2 WATER QUALITY-BASED CONDITIONS FOR SITES DISCHARGING TO CERTAIN IMPAIRED AND HIGH QUALITY RECEIVING WATERS

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes,[57] you must comply with the inspection frequency specified in Part 4.3 and you must comply with the stabilization deadline specified in Part 2.2.14b.iii.[58]

[57] Refer to Appendix A for definitions of "impaired water" and "Tier 2," "Tier 2.5," and "Tier 3" waters. For assistance in determining whether your site discharges to impaired waters, EPA has developed a tool that is available at https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools. For assistance in determining whether your site discharges to a Tier 2, 2.5, or 3 water, refer to the list of such waters at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates.

[58] If you qualify for any of the reduced inspection frequencies in Part 4.4, you may conduct inspections in

If you discharge to a water that is impaired for a parameter other than a sediment-related parameter or nutrients, EPA will inform you if any additional controls are necessary for your discharge to be controlled as necessary to meet water quality standards. These controls might include those necessary for your discharge to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL. In addition, EPA may require you to apply for and obtain coverage under an individual NPDES permit.

In addition, on a case-by-case basis, EPA may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, stormwater controls, and/or other measures are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

a. Implement controls[59] to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater; and

b. Ensure that disposal of such materials is performed in compliance with applicable State, Federal, and local laws.

3.3 TURBIDITY BENCHMARK MONITORING FOR SITES DISCHARGING DEWATERING WATER TO PROTECT THE WATER QUALITY OF SENSITIVE WATERS

For sites discharging dewatering water to "sensitive waters" (i.e., receiving waters listed as impaired for sediment or a sediment-related parameter (as defined in Appendix A), or receiving waters designated as a Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes) you are required to comply with the benchmark monitoring requirements in this Part and document the procedures you will use at your site in your SWPPP pursuant to Part 7.2.8. A summary of these requirements is included in Table 1.

EPA notes that the benchmark threshold is not an effluent limitation, rather it is an indicator that the dewatering controls may not be working to protect water quality, which the operator must investigate and correct as appropriate. A benchmark exceedance is not a permit violation. However, if a benchmark exceedance triggers corrective action in Part 5.1.5a, failure to conduct any required action is a permit violation.

Where there are multiple operators associated with the same site, the operators may coordinate with one another to carry out the monitoring requirements of this Part in order to avoid duplicating efforts. Such coordinating arrangements must be described in the SWPPP consistent with Part 7.2.8. Regardless of how the operators divide the

accordance with Part 4.4 for any portion of your site that discharges to a sensitive water.

[59] Examples of controls to minimize exposure of PCBs to precipitation and stormwater include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, constructing a containment area so that all dust or debris generated by the work remains within the protected area, and using tools that minimize dust and heat (<212°F). For additional information, refer to Part 2.3.3 of the CGP Fact Sheet.

responsibilities for monitoring and reporting, each operator remains responsible for compliance with these requirements.[60]

3.3.1 Turbidity monitoring requirements[61]

a. **Sampling frequency.** You must collect at least one turbidity sample from your dewatering discharge each day a discharge occurs.

b. **Sampling location.** Samples must be taken at all points where dewatering water is discharged. Samples must be taken after the dewatering water has been treated by installed treatment devices pursuant to Parts 2.4.1 and 2.4.3 and prior to its discharge off site into a receiving water, constructed or natural site drainage feature, or storm drain inlet.

c. **Representative samples.** Samples taken must be representative of the dewatering discharge for any given day as required in Appendix G (standard permit conditions), Part G.10.2.

d. **Test methods.** Samples must be measured using a turbidity meter that reports results in nephelometric turbidity units (NTUs) and conforms with a Part 136-approved method (e.g., methods 180.1 and 2130). You are required to use the meter, and conduct a calibration verification prior to each day's use, consistent with the manufacturer's instructions.

3.3.2 Turbidity benchmark

a. The benchmark threshold for turbidity for this permit is 50 NTUs (referred to elsewhere in this permit as the "standard 50 NTU benchmark") unless EPA has authorized the use of an alternate benchmark in accordance with Part 3.3.2b.

b. **Request for alternate benchmark threshold.**

i. At any time prior to or during your coverage under this permit, you may request that EPA approve a benchmark for your site that is higher than 50 NTUs if you have information demonstrating the higher number is the same as your receiving water's water quality standard for turbidity. Unless EPA approves an alternate benchmark, you will be required to use the standard 50 NTU benchmark. To request approval of an alternate benchmark, you must submit the following information to your applicable EPA Regional Office (see Appendix K):
(a) The current turbidity water quality standard that applies to your receiving

[60] For instance, if Operator A relies on Operator B to meet the Part 3.3.1 turbidity monitoring requirements, the Part 3.3.4 reporting and recordkeeping requirements, and the Part 5.2.2 corrective action provisions when applicable, Operator A does not have to duplicate these same functions if Operator B is implementing them for both operators to be in compliance with the permit. However, Operator A remains responsible for complying with these permit requirements if Operator B fails to take actions that were necessary for Operator A to comply with the permit. See also footnote 83. EPA notes that both Operator A and B are required to submit turbidity monitoring reports as required under Part 3.3.4, however, Operator A's report does not need to include the data collected by Operator B as long as Operator B submits the required data and Operator A's report indicates that it is relying on Operator B to report the data. See Part 3.3.4a.

[61] Operators may find it useful to consult EPA's *Monitoring and Inspection Guide for Construction Dewatering*, available at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates, which provides guidelines on how to correctly monitor for turbidity, determine if the weekly average exceeds the benchmark, and, if so, how to proceed with corrective action.

water and the source/citation.[62]

(b) If the applicable turbidity water quality standard requires information on natural or background turbidity levels (e.g., "no more than 10 NTU above natural turbidity levels") to determine the specific standard for the receiving water, include available data that can be used to establish the natural turbidity levels of your receiving water (including literature studies or Federal, State, Tribal, or local government data). Data must be representative of the natural turbidity levels of your specific receiving water. Identify the source(s) of all data provided, including if the data are from samples you collected of the receiving water.

ii. EPA will inform you of its decision on whether to approve the requested alternate benchmark within 30 days. EPA may approve your request, request additional time (e.g., if additional information is needed to substantiate the data you provided), or deny your request. Unless and until EPA approves your request to use an alternate benchmark, you are required to use the standard benchmark of 50 NTUs and take any required corrective actions if an exceedance occurs.

3.3.3 Comparison of turbidity samples to benchmark. Compare the weekly average[63] of your turbidity monitoring results to the standard 50 NTU benchmark, or alternate benchmark if approved by EPA.

a. If the weekly average of your turbidity monitoring results exceeds the standard benchmark (or your approved alternate benchmark), you are required to conduct follow-up corrective action in accordance with Part 5.2.2 and document any corrective action taken in your corrective action log in accordance with Part 5.4.

b. For averaging purposes, a "monitoring week" starts with a Monday and ends on Sunday. Once a new monitoring week starts, you will need to calculate a new average for that week of turbidity monitoring results.[64] A weekly average may consist of one or more turbidity monitoring results.

c. Although you are not required to collect and analyze more than one turbidity sample per day from your dewatering discharge, if you do collect and analyze more than one sample on any given day, you must include any additional results in the

[62] For instance, if your site is located in Washington, DC, and you are discharging to a Class B water, for which the water quality standard is that turbidity may not increase above ambient levels by more than 20 percent, you would reference "Water Quality Standards for the District of Columbia, Chapter 11, Section 1104.8."

[63] A "weekly average" is defined as the sum of all of the turbidity samples taken during a "monitoring week" divided by the number of samples measured during that week. Average values should be calculated to the nearest whole number.

[64] For example, if turbidity samples from your dewatering discharge in week 1 result in values of 30 NTU on Tuesday, 40 NTU on Wednesday, and 45 NTU on Thursday, your weekly average turbidity value would be 38.33 NTU ((30+40+45) ÷ 3 = 38 NTU). If in week 2, your turbidity samples resulted in values of 45 NTU on Monday, 30 NTU on Tuesday, 25 NTU on Wednesday, and 15 NTU on Thursday, you would calculate a new average for that week, which would yield an average turbidity value of 28.75 NTU ((45+30+25+15) ÷ 4 = 29 NTU). By comparison, if your samples on consecutive days from Friday to Monday were 60 NTU, 45 NTU, 40 NTU, and 43 NTU, respectively, and there are no other dewatering discharges for the remainder of the week, you would calculate one weekly average for the Friday to Sunday to be 48 NTU ((60+45+40) ÷ 3 = 48 NTU), and a separate weekly average for the one Monday to be 43 NTU (43 ÷ 1 = 43 NTU).

calculation of your weekly average (i.e., add all individual results for that monitoring week and divide by the total number of samples).[65]

d. If you are conducting turbidity monitoring for more than one dewatering discharge point, you must calculate a weekly average turbidity value for each discharge point and compare each to the turbidity benchmark.

3.3.4 Reporting and recordkeeping.

a. You must submit reports of your weekly average turbidity data to EPA no later than 30 days following the end of each monitoring quarter. If there are monitoring weeks in which there was no dewatering discharge, or if there is a monitoring quarter with no dewatering discharge, indicate this in your turbidity monitoring report. If another operator associated with your same site is conducting turbidity monitoring on your behalf pursuant to Part 3.3, indicate this in your turbidity monitoring report.

b. For the purposes of this permit, the following monitoring quarters and reporting deadlines apply:

Table 3. Monitoring Quarters and Deadlines for Reporting Turbidity Benchmark Monitoring Data.

Monitoring Quarter #	**Months**	**Reporting Deadline** (no later than 30 days after end of the monitoring quarter)
1	January 1 – March 31	April 30
2	April 1 – June 30	July 30
3	July 1 – September 30	October 30
4	October 1 – December 31	January 30

c. You must use EPA's NPDES eReporting Tool (NeT) to electronically submit your quarterly turbidity data, unless, consistent with Part 1.4.2, you received a waiver from your applicable EPA Regional Office. If the EPA Regional Office grants you approval to use a paper turbidity monitoring report form, and you elect to use it, you must complete the form in Appendix K. If EPA approves of your request to use an alternate turbidity benchmark pursuant to Part 3.3.2b, EPA will substitute the alternate benchmark in your NeT account.

d. For each day in which you are required to monitor, you must record the monitoring information required by Appendix G, Parts G.10.2 and G.10.3 and retain all such information for a period of at least three years from the date this permit expires or from the date your authorization is terminated.

[65] For example, if during a monitoring week you take two turbidity samples on Tuesday with a value of 30 NTU and 35 NTU, three samples on Wednesday with a value of 40 NTU, 45 NTU, and 48 NTU, and one sample on Thursday with a value of 45 NTU, your weekly average turbidity value for this week would be 41 NTU ((30+35+40+45+48+45) ÷ 6 = 41 NTU).

Table 4. Summary of Turbidity Benchmark Monitoring Requirements.

Applicability	Sampling Requirement	Turbidity Benchmark	Corrective Action	Reporting
Sites discharging dewatering water to a sediment-impaired water or to a water designated as a Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.	Collect at least one turbidity sample per day, from each discharge point, on any day there is a dewatering discharge. Use turbidity sampling procedures specified in Part 3.3.1.	Compare the weekly average of your turbidity monitoring results to the 50 NTU benchmark (or alternate benchmark if approved by EPA).	If the weekly average of turbidity monitoring results exceeds the 50 NTU turbidity benchmark (or alternate benchmark if approved by EPA), you are required to take follow-up corrective action in accordance with Part 5.2.2.	Report all weekly average turbidity monitoring results on a quarterly basis via NeT-CGP (unless use of the paper monitoring form in Appendix K is approved by EPA) no later than 30 days following the end of each monitoring quarter.

4 INSPECTION REQUIREMENTS

4.1 PERSON(S) RESPONSIBLE FOR CONDUCTING SITE AND DEWATERING INSPECTIONS

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that any person conducting inspections pursuant to this Part is a "qualified person." A qualified person is someone who has completed the training required by Part 6.3.

4.2 FREQUENCY OF INSPECTIONS.[66]

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to the Part 4.3 site inspection frequency for discharges to sediment or nutrient-impaired or high quality waters, or qualify for a Part 4.4 reduction in the inspection frequency:

4.2.1 At least once every seven (7) calendar days; *or*

4.2.2 Once every 14 calendar days *and* within 24 hours[67] of the occurrence of:

- **a.** A storm event that produces 0.25 inches or more of rain within a 24-hour period.
  - **i.** If a storm event produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.25 inches of rain or more has fallen.

[66] Inspections are only required during the site's normal working hours.

[67] For the purposes of the inspection requirements in this Part, conducting an inspection "within 24 hours" means that once either of the two conditions in Parts 4.2.2a or 4.2.2b are met you have 24 hours from that time to conduct an inspection. For clarification, the 24 hours is counted as a continuous passage of time, and not counted by business hours (e.g., 3 business days of 8 hours each). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

ii. If a storm event produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event).[68]

b. A discharge caused by snowmelt from a storm event that produces 3.25 inches[69] or more of snow within a 24-hour period. You are required to conduct one inspection once the discharge of snowmelt from a 3.25-inch or more snow accumulation occurs. Additional snowmelt inspections are only required if following the discharge from the first snowmelt, there is a discharge from a separate storm event that produces 3.25 inches or more of snow.

4.2.3 To determine whether a storm event meets either of the thresholds in Parts 4.2.2a or 4.2.2b:

a. For rain, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any 24-hour period during which there is 0.25 inches or more of rainfall, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

b. For snow, you must either take measurements of snowfall at your site,[70] or rely on similar information from a local weather forecasting provider that is representative of your location.

4.3 INCREASE IN INSPECTION FREQUENCY FOR CERTAIN SITES.

The increased inspection frequencies established in this Part take the place of the Part 4.2 inspection frequencies for the portion of the site affected.

4.3.1 For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.2), you must conduct an once every seven (7) calendar days *and* within 24 hours of the occurrence of a storm event that produces 0.25 inches or more of rain within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

[68] For example, if 0.30 inches of rain falls on Day 1, 0.25 inches of rain falls on Day 2, and 0.10 inches of rain fall on Day 3, you would be required to conduct a first inspection within 24 hours of the Day 1 rainfall and a second inspection within 24 hours of the Day 2 rainfall, but a third inspection would not be required within 24 hours of the Day 3 rainfall.

[69] This is the amount of snow that is equivalent to 0.25 inches of rain, based on information from the National Oceanic and Atmospheric Administration (NOAA) indicating that 13 inches of snow is, on average, equivalent to 1 inch of rain. See https://www.nssl.noaa.gov/education/svrwx101/winter/faq/.

[70] For snowfall measurements, EPA suggests use of NOAA's National Weather Service guidelines at https://www.weather.gov/jkl/snow_measurement. These guidelines recommend use of a "snowboard" (a piece of wood about 16 inches by 16 inches) that is placed in an unobstructed part of the site on a hard surface.

Refer to Parts 4.2.3a and 4.2.3b for the requirements to determine if a storm event produces enough rain or snow to trigger the inspection requirement.

4.3.2 For sites discharging dewatering water, you must conduct an inspection in accordance with Part 4.6.3 during the discharge once per day on which the discharge occurs. The Part 4.2 inspection frequency still applies to all other portions of the site, unless the site is affected by either the increased frequency in Part 4.3.1 or the reduced frequency in Part 4.4.

4.4 REDUCTIONS IN INSPECTION FREQUENCY

4.4.1 Stabilized areas.

a. You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month until permit coverage is terminated consistent with Part 8 in any area of your site where the stabilization steps in Part 2.2.14a have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.

b. **Exception.** For "linear construction sites" (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in Part 2.2.14a have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event that produces 0.25 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If "wash-out" of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part 4.4.1a. Inspections must continue until final stabilization is visually confirmed following a storm event that produces 0.25 inches of rain or more within a 24-hour period.

4.4.2 Arid, semi-arid, or drought-stricken areas (as defined in Appendix A). If it is the seasonally dry period[71] or a period in which drought is occurring, you may reduce the frequency of inspections to once per month and within 24 hours of the occurrence of a storm event that produces 0.25 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. You must document that you are using this reduced schedule and the beginning and ending dates of the seasonally dry period in your SWPPP. Follow the procedures in Part 4.2.3a and 4.2.3b, accordingly, to determine if a storm event occurs that produces 0.25 inches or more of rain or 3.25 inches or more of snow within a 24-hour period. For any 24-hour period during which there is 0.25 inches or more of rainfall, or 3.25 inches or more of snow, you must record the total rainfall or snow measured for that day in accordance with Part 4.7.1d.

[71] See footnote 44.

4.4.3 Frozen conditions:

a. If you are suspending construction activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (as defined in Appendix A) begin to occur if:

   i. Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages.[72] If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable;

   ii. Land disturbances have been suspended; and

   iii. All disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

b. If you are still conducting construction activities during frozen conditions, you may reduce your inspection frequency to once per month if:

   i. Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable; and

   ii. Except for areas in which you are actively conducting construction activities, disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

You must document the beginning and ending dates of this period in your SWPPP.

4.5 AREAS THAT MUST BE INSPECTED

During your site inspection, you must at a minimum inspect the following areas of your site:

4.5.1 All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2.14a;

4.5.2 All stormwater controls, including pollution prevention controls, installed at the site to comply with this permit;[73]

4.5.3 Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;

4.5.4 All areas where stormwater typically flows within the site, including constructed or natural site drainage features designed to divert, convey, and/or treat stormwater;

4.5.5 All areas where construction dewatering is taking place, including controls to treat the dewatering discharge and any channelized flow of water to and from those controls;

[72] Use data sets that include the most recent data available to account for recent precipitation patterns and trends.

[73] This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part 2.2.4.

4.5.6 All points of discharge from the site; and

4.5.7 All locations where stabilization measures have been implemented.

You are not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

4.6 REQUIREMENTS FOR INSPECTIONS

4.6.1 During each site inspection, you must at a minimum:

a. Check whether all stormwater controls *(*i.e.*, erosion and sediment controls and pollution prevention controls)* are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges.

b. Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site.

c. Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 2 and/or 3.

d. Check for signs of visible erosion and sedimentation *(*i.e.*, sediment deposits)* that have occurred and are attributable to your discharge at points of discharge and, if applicable, on the banks of any receiving waters flowing within or immediately adjacent to the site;

e. Check for signs of sediment deposition that are visible from your site and attributable to your discharge (e.g., sand bars with no vegetation growing on top in receiving waters or in other constructed or natural site drainage features, or the buildup of sediment deposits on nearby streets, curbs, or open conveyance channels).

f. Identify any incidents of noncompliance observed.

4.6.2 If a discharge is occurring during your inspection:

a. Identify all discharge points at the site; and

b. Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants. Check also for signs of these same pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.

4.6.3 For dewatering inspections conducted pursuant to Parts 4.3.2, record the following in a report within 24 hours of completing the inspection:

a. The inspection date;

b. Names and titles of personnel making the inspection;

c. Approximate times that the dewatering discharge began and ended on the day of inspection;[74]

d. Estimates of the rate (in gallons per day) of discharge on the day of inspection;

[74] If the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous.

e. Whether or not any of the following indications of pollutant discharge were observed at the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features or storm drain inlets:[75]

   i. a sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; and/or

   ii. a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water; and

f. Photographs of (1) the dewatering water prior to treatment by a dewatering control(s) and the final discharge after treatment; (2) the dewatering control(s); and (3) the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features, storm drain inlets, and other conveyances to receiving waters.

You must also comply with the Part 4.7.2, 4.7.3, and 4.7.4 requirements for signing the reports, keeping them available on site, and retaining copies.

4.6.4 Based on the results of your inspection:

a. Complete any necessary maintenance repairs or replacements under Part 2.1.4 or under Part 5, whichever applies; and

b. Modify your SWPPP site map in accordance with Part 7.4.1 to reflect changes to your stormwater controls that are no longer accurately reflected on the current site map.

4.7 INSPECTION REPORT

4.7.1 You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report (except for dewatering inspection reports, which are covered in Part 4.6.3) must include the following:

a. The inspection date;

b. Names and titles of personnel making the inspection;

c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.6, including any problems found during your inspection that make it necessary to perform routine maintenance pursuant to Part 2.1.4b or corrective action pursuant to Part 5. Include also any documentation as to why the corrective action procedures under Part 5 are unnecessary to fix a problem that repeatedly occurs as described in Part 2.1.4c;

d. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.1b, and you conducted an inspection because of a storm event that produced rainfall measuring 0.25 inches or more within a 24-hour period, you must include the applicable rain gauge or weather station readings that triggered the inspection. Similarly, if you conducted an inspection because of a snowmelt discharge from a storm event that produced 3.25 inches or more of snow within a 24-hour period, you must include any measurements taken of snowfall at your site, or weather station information you relied on; and

[75] If the operator observes any of these indicators of pollutant discharge, corrective action is required consistent with Parts 5.1.5b and 5.2.2.

e. If you determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.

4.7.2 Each inspection report must be signed by the operator's signatory in accordance with Appendix G, Part G.11 of this permit.

4.7.3 You must keep a copy of all inspection reports at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.[76]

4.7.4 You must retain all inspection reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

4.8 INSPECTIONS BY EPA

You must allow EPA, or an authorized representative of EPA, to conduct the following activities at reasonable times. To the extent that you are utilizing shared controls, that are not on site, to comply with this permit, you must make arrangements for EPA to have access at all reasonable times to those areas where the shared controls are located.

4.8.1 Enter onto all areas of the site, including any construction support activity areas covered by this permit, any off-site areas where shared controls are utilized to comply with this permit, discharge locations, adjoining waterbodies, and locations where records are kept under the conditions of this permit;

4.8.2 Access and copy any records that must be kept under the conditions of this permit;

4.8.3 Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.2.1c), any stormwater controls installed and maintained at the site, and any off-site shared controls utilized to comply with this permit; and

4.8.4 Sample or monitor for the purpose of ensuring compliance.

5 CORRECTIVE ACTIONS

5.1 CONDITIONS TRIGGERING CORRECTIVE ACTION.

You must take corrective action to address any of the following conditions identified at your site:

5.1.1 A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4c, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part 2.1.4); or

5.1.2 A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or

[76] Inspection reports may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of inspection report records, refer to the Fact Sheet discussion related to Part 4.7.3.

5.1.3 Your discharges are not meeting applicable water quality standards;

5.1.4 A prohibited discharge has occurred (see Part 1.3); or

5.1.5 During discharge from site dewatering activities:

a. The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part 3.3.2b); or

b. You observe or you are informed by EPA, State, or local authorities of the presence of the conditions specified in Part 4.6.3e.

5.2 CORRECTIVE ACTION DEADLINES

5.2.1 If responding to any of the Part 5.1.1, 5.1.2, 5.1.3, or 5.1.4 triggering conditions, you must:

a. Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events; and

b. When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day; or

c. When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.

5.2.2 If responding to either of the Part 5.1.5 triggering conditions related to site dewatering activities, you must:

a. Immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a solution, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition[77] taking safety considerations into account;

b. Determine whether the dewatering controls are operating effectively and whether they are causing the conditions; and

c. Make any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

[77] For instance, if the weekly average of your turbidity monitoring results or a single sample is extremely high (e.g., a single turbidity sample results in 355 NTUs or higher), you should take action to safely shut off the discharge so that you can evaluate the cause of the high turbidity. Note: A single turbidity sample of 355 NTUs or higher means that the weekly average turbidity value will exceed 50 NTU regardless of the turbidity values the other days during the week.

When you have completed these steps and made any changes deemed necessary, you may resume discharging from your dewatering activities.

5.3 CORRECTIVE ACTION REQUIRED BY EPA

You must comply with any corrective actions required by EPA as a result of permit violations found during an inspection carried out under Part 4.8.

5.4 CORRECTIVE ACTION LOG

5.4.1 For each corrective action taken in accordance with this Part, you must record the following in a corrective action log:

a. Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.

b. Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.

5.4.2 Each entry into the corrective action log, consisting of the information required by both Parts 5.4.1a and 5.4.1b, must be signed by the operator's signatory in accordance with Appendix G, Part G.11.2 of this permit.

5.4.3 You must keep a copy of the corrective action log at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.[78]

5.4.4 You must retain the corrective action log for at least three (3) years from the date that your permit coverage expires or is terminated.

6 STORMWATER TEAM FORMATION/STAFF TRAINING REQUIREMENTS

6.1 STORMWATER TEAM

Each operator, or group of multiple operators, must assemble a "stormwater team" that will be responsible for carrying out activities necessary to comply with this permit. The stormwater team must include the following people:

a. Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);

b. Personnel responsible for the application and storage of treatment chemicals (if applicable);

c. Personnel who are responsible for conducting inspections as required in Part 4.1; and

d. Personnel who are responsible for taking corrective actions as required in Part 5.

Members of the stormwater team must be identified in the SWPPP pursuant to Part 7.2.2.

[78] The corrective action log may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of corrective action log records, refer to the Fact Sheet discussion related to Part 4.7.3.

6.2 GENERAL TRAINING REQUIREMENTS FOR STORMWATER TEAM MEMBERS

Prior to the commencement of construction activities, you must ensure that all persons[79] assigned to the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements, including the following related to the scope of their job duties:

a. The permit requirements and deadlines associated with installation, maintenance, and removal of stormwater controls, as well as site stabilization;

b. The location of all stormwater controls on the site required by this permit and how they are to be maintained;

c. The proper procedures to follow with respect to the permit's pollution prevention requirements; and

d. When and how to conduct inspections, record applicable findings, and take corrective actions. Specific training requirements for persons conducting site inspections are included in Part 6.3.

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers (unless the subcontractors or outside service providers are responsible for conducting the inspections required in Part 4, in which case you must provide such documentation consistent with Part 7.2.2), but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

6.3 TRAINING REQUIREMENTS FOR PERSONS CONDUCTING INSPECTIONS

For projects that receive coverage under this permit on or after February 17, 2023, to be considered a qualified person under Part 4.1 for conducting inspections under Part 4, you must, at a minimum, either:

a. Have completed the EPA construction inspection course developed for this permit and have passed the exam; or

b. Hold a current valid construction inspection certification or license from a program that, at a minimum, covers the following:[80]

   i. Principles and practices of erosion and sediment control and pollution prevention practices at construction sites;

   ii. Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites; and

   iii. Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4.

[79] If the person requiring training is a new employee who starts after you commence construction activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit. For emergency-related projects, the requirement to train personnel prior to commencement of construction activities does not apply, however, such personnel must have the required training prior to NOI submission.

[80] If one of the following topics (e.g., installation and maintenance of pollution prevention practices) is not covered by the non-EPA training program, you may consider supplementing the training with the analogous module of the EPA course (e.g., Module 4) that covers the missing topic.

For projects that receive coverage under this permit prior to February 17, 2023, any personnel conducting site inspections pursuant to Part 4 on your site must, at a minimum, be a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.[81]

6.4 STORMWATER TEAM'S ACCESS TO PERMIT DOCUMENTS

Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

7 STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

7.1 GENERAL REQUIREMENTS

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.[82, 83, 84] The SWPPP must be kept up-to-date throughout coverage under this permit.

If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.

7.2 SWPPP CONTENTS

At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit.

7.2.1 All Site Operators. Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.

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[81] If you receive coverage for a project prior to February 17, 2023, and construction activities for the same project will continue after February 17, 2023, the personnel conducting inspections do not need to take the additional training specified in Parts 6.3a and 6.3b for inspections conducted on the project site. If the same operator obtains coverage for a different project on or after February 17, 2023, personnel conducting inspections would be required to meet the requirements for a qualified person by completing the training in either Part 6.3a or Part 6.3b.

[82] The SWPPP does not establish the effluent limits and/or other permit terms and conditions that apply to your site's discharges; these limits, terms, and conditions are established in this permit.

[83] Where there are multiple operators associated with the same site, they may develop a group SWPPP instead of multiple individual SWPPPs. Regardless of whether there is a group SWPPP or multiple individual SWPPPs, each operator is responsible for compliance with the permit's terms and conditions. In other words, if Operator A relies on Operator B to satisfy its permit obligations, Operator A does not have to duplicate those permit-related functions if Operator B is implementing them such that both operators are in compliance with the permit. However, Operator A remains responsible for permit compliance if Operator B fails to take actions necessary for Operator A to comply with the permit. In addition, all operators must ensure, either directly or through coordination with other operators, that their activities do not cause a violation or compromise any other operators' controls and/or any shared controls. See also footnote 60.

[84] There are a number of commercially available products to assist operators in developing the SWPPP, as well as companies that can be hired to help develop a site-specific SWPPP. The permit does not state which are recommended, nor does EPA endorse any specific products or vendors. Where operators choose to rely on these products or services, the choice of which ones to use to comply with the requirements of this Part is a decision for the operator alone.

7.2.2 Stormwater Team. Identify the personnel (by name and position) that you have made part of the stormwater team pursuant to Part 6.1, as well as their individual responsibilities, including which members are responsible for conducting inspections.

Include verification that each member of the stormwater team has received the training required by Part 6.2. Include documentation that members of the stormwater team responsible for conducting inspections pursuant to Part 4 have received the training required by Part 6.3. If personnel on your team elect to complete the EPA inspector training program pursuant to Part 6.3a, you must include copies of the certificate showing that the relevant personnel have completed the training and passed the exam. If personnel on your team elect to complete a non-EPA inspector training program pursuant to Part 6.3b, you must include documentation showing that these persons have successfully completed the program and their certification or license is still current. You must also confirm that the non-EPA inspector training program satisfies the minimum elements for such programs in Part 6.3b.

7.2.3 Nature of Construction Activities. Include the following:

- **a.** A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;
- **b.** The size of the property (in acres or length in miles if a linear construction site);
- **c.** The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);
- **d.** A description of any on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c);
- **e.** The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;
- **f.** A description and projected schedule for the following:[85]
  - **i.** Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
  - **ii.** Temporary or permanent cessation of construction activities in each portion of the site;
  - **iii.** Temporary or final stabilization of exposed areas for each portion of the site; and
  - **iv.** Removal of temporary stormwater controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

[85] If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to "lock in" the operator to meeting these dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

g. A list and description of all pollutant-generating activities[86] on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (e.g., *sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels*) associated with that activity, which could be discharged in stormwater from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;

h. Business days and hours for the project;

i. If you are conducting construction activities in response to a public emergency (see Part 1.4), a description of the cause of the public emergency (e.g., *mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services)*, information substantiating its occurrence (e.g., *State disaster declaration or similar State or local declaration)*, and a description of the construction necessary to reestablish affected public services.

7.2.4 Site Map. Include a legible map, or series of maps, showing the following features of the site:

a. Boundaries of the property;

b. Locations where construction activities will occur, including:

i. Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;

ii. Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));

iii. Locations where sediment, soil, or other construction materials will be stockpiled;

iv. Any receiving water crossings;

v. Designated points where vehicles will exit onto paved roads;

vi. Locations of structures and other impervious surfaces upon completion of construction; and

vii. Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).

c. Locations of any receiving waters within the site and all receiving waters within one mile downstream of the site's discharge point(s). Also identify if any of these receiving waters are listed as impaired or are identified as a Tier 2, Tier 2.5, or Tier 3 water;

d. Any areas of Federally listed critical habitat within the action area of the site as defined in Appendix A;

e. Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);

f. Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;

[86] Examples of pollutant-generating activities include paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering activities.

g. Stormwater and authorized non-stormwater discharge locations, including:

i. Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets, including a notation of whether the inlet conveys stormwater to a sediment basin, sediment trap, or similarly effective control;[87]

ii. Locations where stormwater or authorized non-stormwater will be discharged directly to receiving waters (i.e., not via a storm drain inlet); and

iii. Locations where turbidity benchmark monitoring will take place to comply with Part 3.3, if applicable to your site.

h. Locations of all potential pollutant-generating activities identified in Part 7.2.3g;

i. Designated areas where construction wastes that are covered by the exception in Part 2.3.3e.ii because they are not pollutant-generating will be stored;

j. Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and

k. Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

7.2.5 Non-Stormwater Discharges. Identify all authorized non-stormwater discharges in Part 1.2.2 that will or may occur.

7.2.6 Description of Stormwater Controls.

a. For each of the Part 2.2 erosion and sediment control requirements, Part 2.3 pollution prevention requirements, and Part 2.4 construction dewatering requirements, as applicable to your site, you must include the following:

i. A description of the specific control(s) to be implemented to meet these requirements;

ii. The design specifications for controls described in Part 7.2.6a.i (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);[88]

iii. Routine stormwater control maintenance specifications; and

iv. The projected schedule for stormwater control installation/implementation.

b. You must also include any of the following additional information as applicable.

i. **Natural buffers and/or equivalent sediment controls** (see Part 2.2.1 and Appendix F). You must include the following:

(a) The compliance alternative to be implemented;

(b) If complying with alternative 2, the width of natural buffer retained;

[87] The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

[88] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.

(c) If complying with alternative 2 or 3, the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;

(d) If complying with alternative 3, a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size;

(e) For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and

(f) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a receiving water.

ii. **Perimeter controls for a "linear construction site"** (see Part 2.2.3d). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to minimize discharges of pollutants in stormwater associated with construction activities.

Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part 2.2.3c.i requirement that sediment be removed before it has accumulated to one-half of the above-ground height of any perimeter control.

iii. **Sediment track-out controls** (see Parts 2.2.4b and 2.2.4c). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.

iv. **Inlet protection measures** (see Part 2.2.10a). Where inlet protection measures are not required because the storm drain inlets to which your site discharges are conveyed to a sediment basin, sediment trap, or similarly effective control, include a short description of the control that receives the stormwater flow from the site.

v. **Sediment basins** (see Part 2.2.12). In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, include documentation to support this determination, including the specific conditions or time periods when this exception will apply.

vi. **Treatment chemicals** (see Part 2.2.13), you must include the following:

(a) A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction;

(b) A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;

(c) If the applicable EPA Regional Office authorized you to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic

treatment chemicals will not lead to a discharge that does not meet water quality standards;

(d) The dosage of all treatment chemicals to be used at the site or the methodology to be used to determine dosage;

(e) Information from any applicable Safety Data Sheet (SDS);

(f) Schematic drawings of any chemically enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;

(g) A description of how chemicals will be stored consistent with Part 2.2.13c;

(h) References to applicable State or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and

(i) A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.

vii. Stabilization measures (see Part 2.2.14). You must include the following:

(a) The specific vegetative and/or non-vegetative practices that will be used;

(b) The stabilization deadline that will be met in accordance with Part 2.2.14;

(c) If complying with the deadlines for sites in arid, semi-arid, or drought-stricken areas, the beginning and ending dates of the seasonally dry period (as defined in Appendix A)[89] and the schedule you will follow for initiating and completing vegetative stabilization; and

(d) If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.

viii. Spill prevention and response procedures (see Parts 1.3.5, 2.3.3c, 2.3.3d, and 2.3.6). You must include the following:

(a) Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and

(b) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302, occurs

[89] See footnote 44.

during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

You may also reference the existence of SPCC plans developed for the construction activity under Section 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan on site.[90]

ix. **Waste management procedures** (see Part 2.3.3). Describe the procedures you will follow for handling, storing, and disposing of all wastes generated at your site consistent with all applicable Federal, State, Tribal, and local requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste. You must also include the following additional information:

(a) If site constraints prevent you from storing chemical containers 50 feet away from receiving waters or the other site drainage features as required in Part 2.3.3c.ii(b), document in your SWPPP the specific reasons why the 50-foot setback is not feasible, and how you will store containers as far away as the site permits; and

(b) If there are construction wastes that are subject to the exception in Part 2.3.3e.ii, describe the specific wastes that will be stored on your site.

x. **Application of fertilizers** (see Part 2.3.5). Document any departures from the manufacturer specifications where appropriate.

7.2.7 Procedures for Inspection, Maintenance, and Corrective Action. Describe the procedures you will follow for maintaining your stormwater controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.4, Part 4, and Part 5 of this permit, accordingly. Also include:

a. The inspection schedule you will follow, which is based on whether your site is subject to Part 4.2 or Part 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Part 4.4;

b. If you will be conducting inspections in accordance with the inspection schedule in Part 4.2.2, Part 4.3, or Part 4.4.1b, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data;

c. If you will be reducing your inspection frequency in accordance with Part 4.4.1b, the beginning and ending dates of the seasonally defined arid period for your area or the valid period of drought;

d. If you will be reducing your inspection frequency in accordance with Part 4.4.3, the beginning and ending dates of frozen conditions on your site; and

e. Any maintenance or inspection checklists or other forms that will be used.

7.2.8 Procedures for Turbidity Benchmark Monitoring from Dewatering Discharges (if applicable). If you are required to comply with the Part 3.3 turbidity benchmark

[90] Even if you already have an SPCC or other spill prevention plan in existence, your plans will only be considered adequate if they meet all of the requirements of this Part, either as part of your existing plan or supplemented as part of the SWPPP.

monitoring requirements, describe the procedures you will follow to collect and evaluate samples, report results to EPA and keep records of monitoring information, and take corrective action when necessary. Include the specific type of turbidity meter you will use for monitoring, as well as any manuals or manufacturer instructions on how to operate and calibrate the meter. Describe any coordinating arrangement you may have with any other permitted operators on the same site with respect to compliance with the turbidity monitoring requirements, including which parties are tasked with specific responsibilities. If EPA has approved of an alternate turbidity benchmark pursuant to Part 3.3.2b, include any data and other documentation you relied on to request use of the specific alternative benchmark.

7.2.9 Compliance with Other Requirements.

a. **Threatened and Endangered Species Protection.** Include documentation required in the Endangered Species Protection section of the NOI in NeT, or the ESA worksheet in Appendix D, supporting your eligibility with regard to the protection of threatened and endangered species and designated critical habitat.

b. **Historic Properties.** Include documentation required in Appendix E supporting your eligibility with regard to the protection of historic properties.

c. **Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls.** If you are using any of the following stormwater controls at your site, document any contact you have had with the applicable State agency[91] or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR § 144 -147. Such controls would generally be considered Class V UIC wells:

   i. Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);

   ii. Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and

   iii. Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

7.2.10 SWPPP Certification. Your signatory must sign and date your SWPPP in accordance with Appendix G, Part G.11.

7.2.11 Post-Authorization Additions to the SWPPP. Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:

a. A copy of your NOI submitted to EPA along with any correspondence exchanged between you and EPA related to coverage under this permit;

b. A copy of the acknowledgment letter you receive from NeT assigning your NPDES ID (i.e*., permit tracking number*);

[91] For State UIC program contacts, refer to the following EPA website: https://www.epa.gov/uic.

c. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

7.3 ON-SITE AVAILABILITY OF YOUR SWPPP

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a State, Tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).[92]

EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.[93]

If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

7.4 SWPPP MODIFICATIONS

7.4.1 You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

a. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.2.3f change during the course of construction;

b. To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;

c. If inspections or investigations by EPA or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;

d. Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:

   i. A copy of any correspondence describing such measures and requirements; and

[92] The SWPPP may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of the SWPPP, refer to the Fact Sheet discussion related to Part 4.7.3.

[93] Information covered by a claim of confidentiality will be disclosed by EPA only to the extent of, and by means of, the procedures set forth in 40 CFR part 2, Subpart B. In general, submitted information protected by a business confidentiality claim may be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

ii. A description of the controls that will be used to meet such requirements.

e. To reflect any revisions to applicable Federal, State, Tribal, or local requirements that affect the stormwater controls implemented at the site; and

f. If applicable, if a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

7.4.2 You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.9 above) and a brief summary of all changes.

7.4.3 All modifications made to the SWPPP consistent with Part 7.4 must be authorized by a person identified in Appendix G, Part G.11.b.

7.4.4 Upon determining that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

8 HOW TO TERMINATE COVERAGE

Until you terminate coverage under this permit, you must comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to EPA a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part 8.

8.1 MINIMUM INFORMATION REQUIRED IN NOT

8.1.1 NPDES ID (i.e*., permit tracking number)* provided by EPA when you received coverage under this permit;

8.1.2 Basis for submission of the NOT (see Part 8.2);

8.1.3 Operator contact information;

8.1.4 Name of site and address (or a description of location if no street address is available); and

8.1.5 NOT certification.

8.2 CONDITIONS FOR TERMINATING CGP COVERAGE

You may terminate CGP coverage only if one or more of the conditions in Parts 8.2.1, 8.2.2, or 8.2.3 has occurred. Until your termination is effective consistent with Part 8.5, you must continue to comply with the conditions of this permit.

8.2.1 You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.2.1c), and you have met all of the following requirements:

a. For any areas that (1) were disturbed during construction, (2) are not covered by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.14c.

To document that you have met these stabilization requirements, you must take either ground or aerial photographs that show your site's compliance with the Part 2.2.14 stabilization requirements and submit them with your NOT. If any portion of your

site is covered by one of the exceptions in Part 2.2.14c.iii, indicate which exception applies and include a supplementary explanation with your photographs that provides the necessary context for why this portion of the site is in compliance with the final stabilization criteria even though it appears to be unstabilized. You are not required to take photographs of every distinct part of your site that is being stabilized, however, the conditions of the site portrayed in any photographs that are submitted must be substantially similar[94] to those of the areas that are not photographed. You must also comply with the following related to these photographs:

i. Take photographs both before and after the site has met the final stabilization criteria in Part 2.2.14c;

ii. All photographs must be clear and in focus, and in the original format and resolution; and

iii. Include the date each photograph was taken, and a brief description of the area of the site captured by the photograph (e.g., photo shows application of seed and erosion control mats to remaining exposed surfaces on northeast corner of site).

b. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;

c. You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable (as defined in Appendix A); and

d. You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of permit coverage; or

8.2.2 You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or

8.2.3 Coverage under an individual or alternative general NPDES permit has been obtained.

8.3 HOW TO SUBMIT YOUR NOT

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit an NOT for the 2022 CGP.

To access NeT, go to https://cdx.epa.gov/cdx.

Waivers from electronic reporting may be granted as specified in Part 1.4.2. If the EPA Regional Office grants you approval to use a paper NOT, and you elect to use it, you must complete the form in Appendix I.

[94] Stabilization conditions that are substantially similar would include areas that are using the same type of stabilization measures and that have similar slopes, soils, and topography, and have achieved the same level of stabilization.

8.4 DEADLINE FOR SUBMITTING THE NOT

You must submit an NOT within 30 calendar days after any one of the conditions in Part 8.2 occurs.

8.5 EFFECTIVE DATE OF TERMINATION OF COVERAGE

Your authorization to discharge under this permit terminates at midnight of the calendar day that a complete NOT is submitted to EPA.

9 PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY LANDS, OR TERRITORIES

The provisions in this Part provide additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the State or Tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific States, Indian country, and areas in certain States with Federal Facilities or areas subject to construction projects by Federal Operators. States, Indian country, and other areas not included in this Part do not have any additions to the applicable conditions of this permit.

9.1 EPA REGION 1

9.1.1 NHR100000 State of New Hampshire

a. Should the permit coverage for an individual applicant be insufficient to achieve water quality standards, the New Hampshire Department of Environmental Services (NHDES) may prepare additional 401 certification conditions for that applicant. Any additional 401 certification conditions will follow all required NHDES public participation requirements.

b. If you disturb 100,000 square feet or more of contiguous area, you must also comply with RSA 485-A:17 and Env-Wq 1500, and, unless exempt, apply for an Alteration of Terrain (AoT) permit from NHDES. This requirement also applies to a lower disturbance threshold of 50,000 square feet or more when construction occurs within the protected shoreline under the Shoreland Water Quality Protection Act (see RSA 483-B and Env-Wq 1400). A permit application must also be filed if your project disturbs an area of greater than 2,500 square feet, is within 50 feet of any surface water, and has a flow path of 50 feet or longer disturbing a grade of 25 percent or greater. Project sites with disturbances smaller than those discussed above, that have the potential to adversely affect state surface waters, are subject to the conditions of an AoT General Permit by Rule (Env-Wq 1503.03).

c. You must determine that any excavation dewatering discharges are not contaminated before they will be authorized as an allowable non-stormwater discharge under this permit (see Part 1.2.2 of the Construction General Permit or CGP). In the absence of information demonstrating otherwise, the water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the groundwater dewatering location. Information on groundwater contamination can be generated over the Internet via the NHDES web site http:// des.nh.gov/ by using the One Stop Data Mapper. For a toxic substance included in the New Hampshire surface water quality standards, see Env-Wq 1703.21 (see https://www.des.nh.gov/sites/g/fi1es/ehbemt 341/files/documents/2020-01/Env-Wg

1700.pdf). If it is determined that the groundwater to be dewatered is near a remediation or other waste site, you must apply for the Remediation General Permit (see https://www3.epa.gov/region1/npdes/rgp.html)

d. As a minimum, you must treat any uncontaminated excavation "dewatering" discharges and "stormwater" discharges, as those terms are defined in Appendix A of the CGP, as necessary, to remove suspended solids and turbidity so that the surface waters receiving the construction discharges[95] meet New Hampshire surface water quality standards for turbidity (Env-Wq 1703.11 and Env-Wq 1703.03(c)(1)c), benthic deposits (Env-Wq 1703.03(c)(1)a), and Env-Wq 1703.08) and foam, debris, scum or other visible substances (i.e., plumes or visual turbidity)[96] (Env-Wq 1703.03(c)(1)b).

i. For all Construction Activities covered under this CGP, the following shall apply to ensure compliance with the aforementioned regulations for turbidity, benthic deposits and visible substances:

Unless otherwise specified, site inspection requirements shall comply with Part 4 of the CGP. As a minimum site inspection frequency shall be in accordance with Part 4.2.2 of the CGP (and Part 4.3.2 of the CGP for sites discharging dewatering water). Site inspection frequency may be reduced in accordance with Part 4.4 of the CGP (Reductions in Inspection Frequency). Monitoring of the receiving water for visible turbidity and benthic sediment deposits shall be conducted each site inspection and results reported in the Inspection Report required in Part 4.7 of the CGP. Should visible turbidity or benthic sediment deposits attributable or partly attributable to your construction activities be present in the receiving water, the "Corrective Actions" specified in Part 5 shall be immediately implemented to correct the water quality standard violations. In addition, daily monitoring (including photographs) of the receiving water shall be conducted until there is no visible turbidity or benthic deposits. Inspection Reports required in Part 4.7 of the CGP shall include, but not be limited to, the distance downstream and the percent of the river width[97] where visible turbidity was observed, and the period of time that the visible turbidity persisted. A copy of the Inspection Report(s) shall be made available to NHDES within 24 hours of receiving a written request from NHDES.

ii. For Construction Activities, disturbing 5 acres or more of land at any one time (excluding areas that have been completely stabilized in accordance with the final stabilization criteria specified in Part 2.2.14.c of the CGP), the following shall

[95] Construction Discharges include uncontaminated "dewatering" and "stormwater" discharges as those terms are defined in Appendix A of the CGP. Controlled construction discharges are construction discharges where the rate of flow can be regulated such as from a construction settling basin or NHDES approved flocculation system.

[96] For the definition of visual turbidity, see the definition for "Non-Turbid" in Appendix A of the CGP, which states the following:" "Non-Turbid" - a discharge that is free from visual turbidity. For the purposes of this permit, visual turbidity refers to a sediment plume or other cloudiness in the water caused by sediment that can be identified by an observer." *[EPA interprets the text of this footnote as intending to reference the Appendix A definitions of "visual turbidity" and "non-turbid" in the final permit.]*

[97] The distance downstream and the percent of river width where visible turbidity (i.e., plume) is observed is required to determine the extent of the river affected and to determine if there was a "zone of passage" (i.e., a portion of the receiving water where there was no visible turbidity where mobile organisms could pass without being adversely impacted). The percent of river width affected is equal 100 multiplied by the width of the plume (in feet) divided by the width of the receiving water (in feet).

apply to ensure compliance with the aforementioned regulations for turbidity, benthic deposits and visible substances.

Item 9.1.1.d.i) above shall apply to all construction discharges and the minimum site inspection frequency shall comply with Part 4.3.1 of the CGP (and Part 4.3.2 of the CGP for sites discharging dewatering water). Site inspection frequency may be reduced in accordance with Part 4.4 of the CGP (Reductions in Inspection Frequency).

With regards to controlled construction discharges, if there is no visible turbidity (i.e., plumes) or benthic deposits, and, in the absence of information demonstrating otherwise, turbidity measurements of less than or equal to 50 nephelometric turbidity units (NTU) in the controlled construction discharges at the outlet prior to mixing with the receiving surface waters, shall be presumed to meet New Hampshire surface water quality standards for the parameters listed above. As a minimum, the controlled construction discharges must be sampled at each site inspection.

If any controlled construction discharge exceeds 50 NTU, or if visible turbidity or benthic sediment deposits attributable or partly attributable to any construction discharge are observed in the receiving water, then the "Corrective Actions" specified in Part 5 of the CGP shall be immediately implemented.

In addition, should such violation occur, and, in order to determine compliance with surface water quality standards for turbidity (Env-Wq 1703.11 and Env-Wq 1703.03(c)(1)c), benthic deposits (Env-Wq 1703.03(c)(1)a), and Env-Wq 1703.08) and foam, debris, scum or other visible substances (Env-Wq 1703.03(c)(1)b)), turbidity monitoring shall be immediately implemented as specified below:

Turbidity samples of the receiving water shall be immediately taken in the receiving water upstream and beyond the influence of the construction activity, and, unless a mixing zone[98] is approved by NHDES, no more than 75 feet downstream of each controlled construction discharge that exceeded 50 NTU and no more than 75 feet downstream of each construction discharge that caused visible turbidity.

Downstream samples shall be taken at locations in the receiving water that are most likely influenced by the discharge (e.g., if visible turbidity (i.e., a plume) is present, the sample shall be taken in the plume). Samples shall be collected a minimum of 2 times per day during the daylight hours at times when construction activities are most likely to cause turbidity in the receiving water and shall continue until the turbidity water quality standards are met in the receiving water (i.e., the difference between the upstream and downstream turbidity level is no greater than 10 NTU).

[98] Permittees may request a distance greater than 75 feet downstream of a construction discharge for determining compliance with turbidity standards in Class B surface waters, by submitting a mixing zone request to NHDES that complies with Env-Wq 1707.02. If a mixing zone is approved, NHDES is required to include conditions to ensure that the criteria on which the approval is based are met (Env-Wq 1707.03).

If water quality standards are not met during daylight hours on any day, sampling shall resume the next day and continue no fewer than 2 times per day until water quality standards are met. The date, time, location and results of turbidity measurements, as well as a summary identifying the cause of the violations, corrective actions that were implemented, the period of time that the receiving water exceeded turbidity standards and the distance downstream and the percent of the river width where visible turbidity was observed, and the period of time that the visible turbidity persisted, shall be recorded and included in the Inspection Report required in Part 4.7 of the CGP. Turbidity measurements shall be conducted via a field meter in accordance with the requirements for turbidity specified in Table 1B in 40 CFR 136.3 (see 40 CFR §136.3 Identification of test procedures - Code of Federal Regulations ecfr.io). Field meters shall be calibrated every day sampling is conducted and prior to the first sample.

e. Construction site owners and operators are encouraged to consider opportunities for post- construction groundwater recharge using infiltration best management practices (BMPs) during site design and preparation of the SWPPP in order to assure compliance with Env-Wq 1703.03 and Env-Wq 1703.11. If your construction site is in a town that is required to obtain coverage under the NPDES General Permit for discharges from Municipal Separate Storm Sewer Systems (MS4) you may be required to use such practices. The SWPPP must include a description of any on-site infiltration that will be installed as a post-construction stormwater management measure or reasons for not employing such measures such as 1) The facility is located in a wellhead protection area as defined in RSA 485- C:2; or 2) The facility is located in an area where groundwater has been reclassified to GAA, GA1 or GA2 pursuant to RSA 485-C and Env-DW 901; or 3) Any areas that would be exempt from the groundwater recharge requirements contained in Env-Wq 1507.04, including all land uses or activities considered to be a "High-load Area" (see Env-Wq 1502.30). For design considerations for infiltration measures see Env-Wq 1508.06. Note that there may be additional local requirements that fall under the NH MS4 permittee's Authorization to Discharge Permit for those regulated areas.

f. Appendix F of the CGP contains information regarding Tier 2, or high quality waters in the various states. ***[EPA notes that this information has now been moved to https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates]*** Although there is no official list of tier 2 waters for New Hampshire, it can be assumed that all New Hampshire surface waters are tier 2 for turbidity unless 1) the surface water that you are proposing to discharge into is listed as impaired for turbidity in the states listing of impaired waters (see https://nhdes-surface-water-quality-assessment-site-nhdes.hub.arcgis.com/) or 2) sampling upstream of the proposed discharge location shows turbidity values greater than 10 NTU (Env-Wq 1703.11). A single grab sample collected during dry weather (no precipitation within 48 hours) is acceptable.

g. To ensure compliance with RSA 485-C, RSA 485-A, RSA 485-A:13, I(a), Env-Wq 1700 and Env-Wq 302, the following information may be requested by NHDES. This information must be kept on site unless you receive a written request from NHDES that it be sent to the address shown below in 9.1.1.h.

i. A list of all non-stormwater discharges that occur at the facility, including their source locations and the control measures being used (see Part 1.2.2 of the CGP).

ii. Records of sampling and analysis required for construction dewatering and stormwater discharges (see 9.1.1.d above).

h. All required or requested documents must be sent to: NH Department of Environmental Services, Watershed Management Bureau, P.O. Box 95 Concord, NH 03302-0095.

9.1.2 MAR100000 Commonwealth of Massachusetts (except Indian country)

a. All discharges covered by the Construction General Permit shall comply with the provisions pursuant to 314 CMR 3.00, 314 CMR 4.00, 314 CMR 9.00, including applicable construction stormwater standards and 310 CMR 10.00.

b. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, permittees are prohibited from discharging dewatering water under the CGP from sites that are designated as Superfund/CERCLA or RCRA, and must make accommodations to dispose of the dewatering discharges appropriately, such as coverage under the Remediation General Permit (RGP).

c. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to protect Outstanding Resource Waters under 314 CMR 4.04(3), applicants seeking coverage under the 2022 CGP that propose to carry out construction activities near Outstanding Resource Waters as identified in 314 CMR 4.06, shall submit to MassDEP for review:

i. a copy of the Stormwater Pollution Prevention Plan (SWPPP),

ii. a copy of the EPA NOI, and

iii. MassDEP's Stormwater BMP Checklist.

For purposes of this review, the permittee shall submit these documents to MassDEP at the same time they are submitted to EPA. Instructions on how to submit these documents to MassDEP and where to find the MassDEP Stormwater BMP Checklist and obtain authorization to discharge can be found here: https://www.mass.gov/how-to/wm-15-npdes-general-permit-notice-of- intent.

d. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, applicants that propose to dewater under the 2022 CGP and plan to discharge to certain waters as described below, shall determine that any dewatering discharges are not contaminated by testing the proposed discharge as described below as part of the application for WM15 authorization. Unless otherwise specified, testing described in this section should be conducted using the methods in 40 CFR 136.

i. Applicants for sites that plan to discharge to Outstanding Resource Waters as identified in 314 CMR 4.06 shall test one sample of the proposed dewatering discharge water for pH, E. Coli (for discharges to freshwater), fecal coliform (for

discharges to salt water), Enterococci (for discharges to salt water), total suspended solids, oil and grease, total nitrogen, total phosphorus, and all parameters with numeric criteria listed in the Massachusetts Surface Water Quality Standards at 314 CMR 4.05(e). Results shall be reported to MassDEP as part of the WM15 application. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit.

ii. Applicants for sites that propose to discharge to Public Water Supplies (314 CMR 4.06(1)(d)1) shall also test one sample of the proposed dewatering discharge water for per- and polyfluoroalkyl substances (PFAS), as outlined in the table below. Results shall be reported to MassDEP as part of the WM15 application. If any PFAS compounds are detected, the applicant shall apply for coverage under the NPDES Remediation General Permit for Massachusetts if required.

PFAS Testing Parameters for Discharges to Public Drinking Water Supplies[99]	
Perfluorohexanesulfonic acid (PFHxS), grab	Report ng/L
Perfluoroheptanoic acid (PFHpA), grab	Report ng/L
Perfluorononanoic acid (PFNA), grab	Report ng/L
Perfluorooctanesulfonic acid (PFOS), grab	Report ng/L
Perfluorooctanoic acid (PFOA), grab	Report ng/L
Perfluorodecanoic acid (PFDA), grab	Report ng/L

iii. Applicants for sites that propose to discharge to an impaired water as identified in the most recent final Massachusetts Integrated List of Waters,shall test one sample of the proposed dewatering discharge water for the parameter(s) for which the waterbody is impaired. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation GeneralPermit and shall apply for RGP coverage if required.

iv. For dewatering discharges to all other waters, if any pollutants are knownor believed present in the proposed dewatering discharge water, the applicant shall apply for coverage under the NPDES Remediation General Permit for Massachusetts if required. For the purposes of this condition, a pollutant is "known present" if measured above the analytical detection limit using a sufficiently sensitive test method in an environmental sample, and "believed present" if a pollutant has not been measured in an environmental sample but will be added or generated prior to discharge, such as through a treatment process. Consequently, a pollutant is "known absent" if measured as non-detect relative to the analytical detection limit using a sufficiently sensitive test method in an environmental sample, and "believed absent" if a pollutant has not been measured in an environmentalsample but will not be added or generated prior to discharge and is not a parameter that applies to the applicable activity category for a site. If any pollutants are known or believed present in the

[99] PFAS testing shall follow established EPA methods 537 or 537.1 for drinking water until EPA Method 3512 for non-potable water becomes available.

proposed dewatering discharge water, the applicant shall test one sample of the proposed dewatering discharge water for the pollutants known or believed to be present. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit.

e. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to protect Outstanding Resource Waters under 314 CMR 4.04(3), applicants that propose to dewater under the 2022 CGP and discharge to Outstanding Resource Waters as identified in 314 CMR 4.06, shall submit the SWPPP and associated documents to MassDEP to review. MassDEP shall complete review within 30 daysof receipt.

f. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05 to maintain surface waters free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the waterbody, permittees that have been authorized to dewater under the 2022 CGP and that discharge to Outstanding Resource Waters as identified in 314 CMR 4.06 shall carry out daily benchmark monitoring for turbidity[100] for the duration of dewatering. Permittees shall compare the weekly average of the turbidity monitoring results with the established benchmark turbidity value of 25 Nephelometric Turbidity Units (NTU). If a permittee's weekly average turbidity results exceed the benchmark, the operator shall conduct follow-up corrective action to determine the source of the problem and to make any necessary repairs or upgrades to the dewatering controls to lower the turbidity levels. The permittee shall document any corrective action taken in its corrective action log. Furthermore, permittees at these sites shall carry out inspections at higher frequency, specifically, daily inspections of the dewatering discharge treatment for the duration of the discharge. The permittee shall inspect the site for sediment plume or whether a hydrocarbon sheen is visible at the point of discharge, estimate the flow rate at the point of discharge, and inspect the site downstream to assess whether sedimentation is attributable to the dewatering discharges.

g. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05 to maintain surface waters free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the waterbody, permittees shall store materials outside the Base Flood Elevation[101] when feasible to prevent displacing runoff and erosion.

h. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to maintain surface waters free from nutrients in concentrations that would cause or contribute to impairment of existing or designated uses under 314 CMR 4.05(5)(c), all applicants who apply for coverage under the 2022 CGP shall follow guidelines on fertilizer application, including use of fertilizer containing no phosphorus, in accordance with 330 CMR 31.00 Plant Nutrient Application Requirements for

[100] Applicants shall follow EPA Method 180.1 to monitor for turbidity

[101] Base Flood Elevation (BFE) is the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE. (Source: https://www.fema.gov/node/404233).

Agricultural Land and Non-Agricultural Turf and Lawns. Further, fertilizer shall never be applied to a site when a rain event greater than 0.5 inches is forecast in the next 48 hours.

i. Pursuant to 314 CMR 3.11 (2)(a), all applicants who apply for coverage under the 2022 CGP and elect to carry out site inspections every 14 days shall also inspect sites within 24 hours of 0.25 inches of precipitation events or greater over 24 hours,or within 24 hours of a discharge that occurred due to snowmelt from 3.25 inches or greater of snow accumulation.[102] During the high flow periods in spring (i.e., months of April to June), inspection frequency shall be increased to once per week for all sites.

   i. To determine whether 3.25 inches or greater of snow accumulation has occurred at a site, snowfall measurements can be taken at the site,[103] or theoperator can rely on similar information from a local weather forecast.

j. Implementing structural improvements, enhanced/resilient pollution prevention measures, and other mitigation measures can help to minimize impacts from stormwater discharges from major storm events such as hurricanes, storm surge, extreme/heavy precipitation,[104] and flood events. Pursuant to 314 CMR 3.11 (2)(a), if such stormwater control measures are already in place due to existing requirements mandated by other state, local or federal agencies, the SWPPP shall include a brief description of the controls and a reference to the existing requirement(s). If the site may be exposed to or has previously experienced suchmajor storm events[105], additional stormwater control measures that may be considered, and implemented as necessary, include, but are not limited to:

   i. Reinforce materials storage structures to withstand flooding and additional exertion of force;

   ii. Prevent floating of semi-stationary structures by elevating to the Base Flood Elevation (BFE) level or securing with non-corrosive device;

   iii. When a delivery of exposed materials is expected, and a storm is anticipated within 48 hours, delay delivery until after the storm or storematerials as appropriate (refer to emergency procedures);

[102] This is the amount of snow that is equivalent to 0.25 inches of rain, based on information from the National Oceanic and Atmospheric Administration (NOAA) indicating that 13 inches of snow is, on average, equivalent to 1 inch of rain. See https://www.nssl.noaa.gov/education/svrwx101/winter/faq/.

[103] NOAA's National Weather Service has guidelines on snowfall measurements at https://www.weather.gov/jkl/snow_measurement. These guidelines recommend use of a "snowboard" (a piece of wood about 16 inches by 16 inches) that is placed in an unobstructed part of the site on a hard surface.

[104] Heavy precipitation refers to instances during which the amount of rain or snow experienced in a location substantially exceeds what is normal. What constitutes a period of heavy precipitation varies according to location and season. Heavy precipitation does not necessarily mean the total amount of precipitation at a location has increased— just that precipitation is occurring in more intense or more frequent events.

[105] To determine if your facility is susceptible to an increased frequency of major storm events that could impact the discharge of pollutants in stormwater, you may reference FEMA, NOAA, or USGS flood map products at https://www.usgs.gov/faqs/where-can-i-find-flood-maps?qt-news_science_products=0#qtnews_science_products.

iv. Temporarily store materials and waste above the Base Flood Elevation ***[EPA notes that it has deleted a footnote reference to the term "Base Flood Elevation" since the same footnote is already included in Part 9.1.2.g, above.]*** level;

v. Temporarily reduce or eliminate outdoor storage;

vi. Temporarily relocate any mobile vehicles and equipment to higher ground;

vii. Develop scenario-based emergency procedures for major storms that are complementary to regular stormwater pollution prevention planning andidentify emergency contacts for staff and contractors; and

viii. Conduct staff training for implementing your emergency procedures atregular intervals.

k. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, permittees who seek coverage under the 2022 CGP and anticipate to carry out dust control shall limit their dust control methodology to using water only and specifically avoid using other techniques, such as solutions containing calcium chloride.

l. If MassDEP requests a copy of the Stormwater Pollution Prevention Plan (SWPPP) for any construction site at any time, the permittee shall submit the SWPPP to MassDEP within 14 days of such a request. MassDEP may conduct an inspection of any site covered by this permit to ensure compliance with state lawrequirements, including state water quality standards.

9.1.3 MTR10F000 Areas in the State of Vermont located at a federal facility

a. Earth disturbance at any one time is limited to five acres.

b. All areas of earth disturbance must have temporary or final stabilization within 14 days of the initial disturbance. After this time, disturbed areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. Temporary stabilization is not required if precipitation is not forecast and work is to continue in the next 24-hours or if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of two feet or greater (e.g. house foundation excavation, utility trenches). Areas of a construction site that drain to sediment basins are not considered eligible for this exemption, and the exemption applies only to the excavated area itself.

c. Site inspections on active construction sites shall be conducted daily during the period from October 15 through April 15.

d. The use of chemical treatments (e.g. polymers, flocculants, and coagulants) for the settling and/or removal of sediment from stormwater runoff associated with construction and construction-related activities requires prior written approval and an approved site and project-specific plan, from the Vermont Agency of Natural Resources. In addition, the use of cationic polymers is prohibited unless approved by the Vermont Agency of Natural Resources under a site and project-specific plan.

e. Any applicant under EPA's CGP shall allow authorized Vermont Agency of Natural Resources representatives, at reasonable times and upon presentation of credentials, to enter upon the project site for purposes of inspecting the project and determining

compliance with this Certification.

f. The Vermont Agency of Natural Resources may reopen and alter or amend the conditions of this Certification over the life of the EPA 2022 Construction General Permit when such action is necessary to assure compliance with the VWQS.

9.2 EPA REGION 2

9.2.1 NYR10I000 Indian country within the State of New York

a. Saint Regis Mohawk Tribe

i. Any Responsible-Person/Decision-Maker required under the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must concurrently submit an electronic copy of the NOI to the SRMT Environmental Division, Water Resource Program Manager. Additionally, an electronic copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be electronically provided to the following addresses:

Mr. Tieman W. Smith
Water Resources Program Manager Saint Regis Mohawk Tribe
449 Frogtown Road
Akwesasne, NY 13655 Tiernan.Smith@srmt-nsn.gov 518.358.2272 ext. 5073

ii. Any Responsible-Person/Decision-Maker that is required as part of the CGP to prepare a Discharge Management Plan (OMP) or Storm Water Management Plan (SWMP) and/or Storm Water Pollution Prevention Plan (SWPPP) must submit an electronic copy of the DMP, SWMP and/or SWPPP to the SRMT Environment Division, Water Resources Program Manager IO business days prior to the start of construction of any work to be conducted under the CGP. The applicable documents must be provided to the electronic address listed above.

iii. Any Responsible-Person/Decision-Maker that is required under the CGP to submit an annual report to EPA must submit an electronic copy of the annual report concurrently to the SRMT Water Resource Program. Additionally, any correspondences between the applicant and EPA related to analytical data, written reports, corrective action, enforcement, monitoring, or an adverse incident must likewise be routed to the SRMT Water Resources Program at the above electronic address.

iv. An "Authorization to Proceed Letter" with site-specific mitigation requirements may be sent out to the permittee when a review of the NOI and OMP, SWMP and /or SWPPP on a case-by-case basis, is completed by the SRMT Environment Division, Water Resource Program. This approval will allow the application to proceed if all mitigation requirements are met.

b. Seneca Nation

i. Under Part 1.1.5 of the CGP, the Seneca Nation requests that an applicant must demonstrate that they meet the eligibility criteria listed in Appendix D (certify in your Notice of Intent (NOI) that you meet one of the eligibility criteria [Criterion A-F]) as well as species and critical habitats that are listed under the Seneca Nation's "Fishing and Conservation Laws" and the "Seneca Nation of Indians Comprehensive Conservation Law".

ii. The Tribal Historic Preservation Office (THPO) was established in 2000 after the Seneca Nation received a recognition letter from the National Park Service (NPS); therefore under Part 1.1.6 of the CGP (Appendix E) and prior to submitting a Notice of Intent (NOI) operators must complete the Nation's TPHO, Project Review Form (https://sni.org/media/246603/sni-thpo-project-review-form.pdf) and submit the completed form with associated information to the Tribal Historic Preservation Officer at 90 Ohi:yo' Way, Salamanca, NY 14779. Federal agencies engaging in construction activities must provide for construction review by a certified construction reviewer in accordance with 7 Del. C. §§4010 & 4013 and 7 DE Admin. Code 5101, subsection 6.1.6.

iii. Under Part 1.2 of the CGP, discharges must also follow the Section 13 of the Guide for Construction (Seneca Nation of Indians Source Water Code) and respectively, Council Resolution, dated April 13, 2013 (CN: R-04-13-13-11) to ensure that the health, safety and welfare of the citizens of the Seneca Nation, and all other within the Lands and Territories of the Seneca Nation of Indians, and to facilitate the adequate provisions of water through the elimination or prevention of ground water contamination in the vicinity of wells that supply drinking water for the Nation. The area is known as the Source Water Protection Area (SWPA) and specified activities are regulated within this SWPA, as cited in Section 13 of the Guide for Construction and Section VI, of CN: R-04-13-13-11.

iv. Under Part 1.4, any operator who seeks coverage of the CGP, and is required to submit a notice of intent NOI and Notice of Termination (NOT) (as necessary) to the EPA for coverage, under Part 1.4.2 must also submit a copy of the NOI to the Seneca Nation's Environmental Protection Department (EPD) within three business days of submittal to the EPA, (address shown below). Respectively, a copy of the NOT (as described under Part 8.3 of the CGP), which certifies that you have met the requirements of Part 8, must be provided within three business days after electronic confirmation is received from the EPA that the NOT has been accepted. In addition to a NOI and NOT, the Seneca Nation (Environmental Protection Department [EPD]) would require an Environmental Impact Assessment (EA) (Long Form), as shown in Section 2 of the Seneca Nation of Indians Laws, Ordinances & Policies (Guide for Construction), to be completed and submitted to the EPD prior to any project to determine whether the impacts from a project would create significant and detrimental effects to the Nation's lands, water (violate WQS), and environment. The NOI, NOT, and EA must be submitted electronically to epd@sni.org and provided to the following address:

    Seneca Nation
    Environmental Protection Department (EPD) Attn: Director of EPD
    12837 Route 438
    Irving, NY 14081

v. Under Part 3.0 of the CGP, discharges must be controlled as necessary to meet applicable WQS. The Seneca Nation is working actively towards finalizing and implementing the; therefore, the EPD would require an applicant to submit or grant access to the permit to obtain information on the impact of effluents on receiving waters, including the capability of receiving waters to support future designated uses and achieve the WQS of the Nation; and to advise prospective dischargers of discharge requirements, and coordinate with the appropriate

permitting agencies. As stated in the Decision Document, under Section 303(c) of the CWA, 33 U.S.C. § 1313(c), states develop, review, and revise (as appropriate) water quality standards for surface waters of the United States. At a minimum, such standards are to include designated water uses, water quality criteria to protect such uses, and an antidegradation policy. 40 C.F.R. § 131.6. In addition, under Section 401 of the CWA states may grant, condition, or deny "certification" for federally permitted or licensed activities that may result in a discharge to the waters of the United States 33 U.S.C. § 1341.

vi. Under Part 7.2.8(a)(b)(c) and for Part 9 of the CGP, the following Sections of the Seneca Nation's Guide for Construction shall be considered, in conjunction with the CGP:

(a) Section 1. Executive Order - To Establish a Policy for Governing Access to Nation Territories and Facilities by Officials of Foreign Government, dated March 31, 2011

(b) Section 3. Natural Resources Committee, Sand and Gravel Law (CN: R-06-24-05-08)

(c) Section 4. Fishing and Conservation Laws - Part 1.1.5 of the CGP

(d) Section 5. Seneca Nation of Indians Comprehensive Conservation Law, adopted January 14, 2012

(e) Section 9. Food is Our Medicine (FIOM) Program/Native Planting Policy (CN: R-03- 08-14-14)

(f) Section 10. Forestry Management Plan (CN: R-08-14-10-23)

(g) Section 11. Timber Ordinance #411-092, dated May 8, 1982

(h) Section 14. Flood Damage Prevention Local Law, dated September 27, 1988

(i) Section 16. Utilities Ordinance No. 87-100

(j) Authorizing Emergency Action and Contingency Plan to Restrain Pollution of Nations Waters, (Council Resolution: R-03-01-18-10), dated March 10, 2018 Seneca Nation of Indians Permit Application for Construction within Waterways Permit, Form NR98-01.00

9.3 EPA REGION 3

9.3.1 DCR100000 District of Columbia

a. Discharges authorized by this permit shall comply with the District of Columbia Water Pollution Control Act of 1984, as amended (DC Official Code § 8-103.01 and § 8-103.06, et seq.) to ensure that District of Columbia waters, waters in adjacent and downstream states, and the beneficial uses of these waters will not be harmed or degraded by the discharges.

b. Discharges authorized by this permit must comply with §§ 1104.1 and 1104.8 of Chapter 11 and the provisions of Chapter 19 of Title 21of District of Columbia Municipal Regulations in order to attain and maintain designated uses of the District of Columbia waters.

c. The permittee shall comply with the District of Columbia Stormwater Management and Soil Erosion and Sediment Control regulations in Chapter 5 of Title 21 of the District of Columbia Municipal Regulations.

d. The permittee shall comply with the District of Columbia Flood Management Control regulations in Chapter 31 of Title 20 of the District of Columbia Municipal Regulations.

e. The permittee shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Regulatory Review Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002, during the review and approval of the permittee's DOEE Erosion and Sediment Control Plan in accordance with the provisions of Chapter 542 of Title 21 of the District of Columbia Municipal Regulations.

f. Upon request, the permittee shall submit all inspection and monitoring reports as required by this permit and 40 CFR § 122.41 to the Associate Director, Inspection and Enforcement Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002; telephone (202) 535-2226, or by email at Joshua.Rodriguez@dc.gov.

g. In the event the permittee intends to discharge dewatering water, groundwater, or groundwater comingled with stormwater from a known contaminated site, the permittee shall contact the Regulatory Review Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002; telephone (202) 535-2600, or by email at MS4DischargeAuthorization@dc.gov to request authorization to discharge dewatering water, groundwater, or groundwater comingled with stormwater to the District's Municipal Separate Storm Sewer System (MS4) or to a surface water body pursuant to §§ 8-103.02, 8-103.06, and 8-103.07 of the District of Columbia Water Pollution Control Act of 1984, as amended.

9.3.2 DER10F000 Areas in the State of Delaware located at a federal facility (as defined in Appendix A)

a. Federal agencies must submit a sediment and stormwater management plan (SSMP) and receive Department approval prior to undertaking any land clearing, soil movement or construction activity unless conducting an exempt activity.

b. Federal construction activities are required to have a third-party Certified Construction Reviewer (CCR) perform weekly reviews to ensure the adequacy of construction activities pursuant to the approved SSMP and regulations.

Implementation of approved SSMPs requires the daily oversight of construction activity by certified responsible personnel.

c. Implementation of approved SSMPs requires the daily oversight of construction activity by certified responsible personnel.

d. A current copy of the SSMP must be maintained at the construction site.

e. Unless authorized by the Department, not more than 20 acres may be disturbed at any one time.

9.4 EPA REGION 4

No additional conditions

9.5 EPA REGION 5

9.5.1 MIR10I000 Indian country within the State of Minnesota

a. Fond du Lac Reservation

i. New dischargers wishing to discharge to an Outstanding Reservation Resource Water (ORRW)[106] must obtain an individual permit from EPA for storm water discharges from large and small construction activities.

ii. A copy of the Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Office of Water Protection at least fifteen (15) days in advance of sending the Notice of Intent to EPA. The SWPPP can be submitted electronically to richardgitar@FDLREZ.com or by hardcopy sent to:

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

iii. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the Fond du Lac Office of Water Protection at the same time they are submitted to EPA. [The condition helps the Office of Water Protection keep track of when a project is about to start and when it has ended. FDL Water Quality Certification Ordinance, Section 204 (a) (2)).

iv. If the project will entail a discharge to any watercourse or open water body, the turbidity limit shall NOT exceed 10% of natural background within the receiving water(s) as determined by Office of Water Protection staff. For such discharges, turbidity sampling must take place within 24 hours of a ½-inch or greater rainfall event. The results of the sampling must be reported to the Office of Water Protection within 7 days of the sample collection. All sample reporting must include the date and time, location (GPS: UTM/Zone 15), and NTU. CGP applicants are encouraged to work with the Office of Water Protection in determining the most appropriate location(s) for sampling. [This condition helps both the Office of Water Protection and the project proponent in knowing whether or not their erosion control efforts are effective. FDL Water Quality Certification, Section 204 (b) (1)).

v. Receiving waters with open water must be sampled for turbidity prior to any authorized discharge as determined by Office of Water Protection staff. This requirement only applies to receiving waters which no ambient turbidity data exists. [This condition allows the Office of Water Protection to obtain a baseline turbidity sample in which to compare to other samples. FDL Water Quality Certification Ordinance, Section 204 (b) (2)].

vi. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in the Water Quality Standards of the Fond du Lac Reservation, Ordinance #12/98, as amended. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of water of the Fond du Lac

[106] Although additional waters may be designated in the future, currently Perch Lake, Rice Portage Lake, Miller Lake, Deadfish Lake, and Jaskari Lake are designated as ORRWs.

Reservation for any of the uses designated in the Water Quality Standards of the Fond du Lac Reservation. These uses include wildlife, aquatic life, warm water fisheries, cold water fisheries, subsistence fishing (netting), primary contact recreation, secondary contact recreation, cultural, wild rice areas, aesthetic waters, agriculture, navigation, commercial and wetlands. It also includes the designated uses of wetlands including, but not limited to, baseflow discharge, cultural opportunities, flood flow attenuation, groundwater recharge, indigenous floral and fauna) diversity and abundance, nutrient cycling, organic carbon export/cycling, protection of downstream water quality, recreation, resilience against climactic effects, sediment/shoreline stabilization, surface water storage, wild rice, and water dependent wildlife. [In addition to listing the designated uses of waters of the Fond du Lac Reservation, this condition also limits the project proponent to discharges that will not violate our Water Quality Standards. FDL Water Quality Certification Ordinance, Section 204 (a) (7)).

vii. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the Fond du Lac Reservation. All spills must be reported to the appropriate emergency management Agency (National Response Center AND the State Duty Officer), and measures shall be taken immediately to prevent the pollution of waters of the Fond du Lac Reservation, including groundwater. The Fond du Lac Office of Water Protection must also be notified immediately of any spill regardless of size. [This condition helps protect water quality and also reminds project proponents of their responsibility in reporting spill events. FDL Water Quality Certification Ordinance, Section 204 (b) (3)).

viii. All seed mixes, whether used for temporary stabilization or permanent seeding, shall NOT contain any annual ryegrass (Lolium species). Wild rye (Elymus species) or Oats (Avena species) may be used as a replacement in seed mixes. [This condition prevents the use of annual ryegrass on the Reservation. Annual ryegrass is allelopathic, which means it produces biochemical in its roots that inhibit the growth of native plants. If used in seed mixes, annual ryegrass could contribute to erosion, especially on slopes. However, the condition also specifies substitute grasses that germinate almost as fast as annual ryegrass for use as a cover crop to help prevent erosion. FDL Water Quality Certification Ordinance, Section 204 (t) (1)).

ix. To prevent the introduction of invasive species, ALL contractors and subcontractors MUST disclose information stating prior equipment location(s) and ALL known invasive species potentially being transported from said location(s). All equipment MUST undergo a high pressure wash (including any equipment mats) BEFORE ENTERING the Fond du Lac Reservation. Personal equipment such as work boots, gloves, vest, etc. MUST be clean of debris, dirt and plant and animal material BEFORE ENTERING the Fond du Lac Reservation. Equipment being transported from known infested areas MUST undergo a high pressure wash as soon as possible after leaving the infested site and again BEFORE ENTERING the Fond du Lac Reservation, to avoid transport of invasive species into areas surrounding the Reservation. Written certification of equipment cleaning MUST be provided to the Fond du Lac Office of Water Protection. Upon arrival, ALL contractor and subcontractor equipment will be inspected by appointed Fond du Lac staff. If equipment is deemed unsatisfactory, the equipment MUST

undergo a high pressure washing until the equipment is cleared by the inspector, until such time, minimal travel will be allowed through the Reservation. The contractor shall be held responsible for the control of any invasive species introduced as a result of their project. [This condition requires the project proponent to prevent the inadvertent introduction of invasive species by taking an active role in cleaning all vehicles, equipment, and equipment mats before entering the Reservation. This condition has been placed in certifications since 2012, due to the introduction of Wild Parsnip in 2011 from a pipeline contractor. It is much easier to prevent the introduction of an invasive species than it is to eradicate it once it has been introduced. Many invasive plant species form monocultures, preventing native plants from growing. This situation often leads to cases of erosion, which in turn effects water quality. FOL Water Quality Certification Ordinance, Section 204 (g) (1)].

x. A copy of this certification MUST be kept by the contractor on-site at all times and be available for viewing by all personnel, including inspectors. [This condition ensures that the information contained in the certification, especially the conditions, is readily available onsite for reference. FOL Water Quality Certification Ordinance, Section 204 (a) (9)].

b. The Grand Portage Band of Lake Superior Chippewa

i. The CGP authorization is for construction activities that may occur within the exterior boundaries of the Grand Portage Reservation in accordance to the Grand Portage Land Use Ordinance. The CGP regulates stormwater discharges associated with construction sites of one acre or more in size. Only those activities specifically authorized by the CGP are authorized by this certification (the "Certification").

ii. All construction stormwater discharges authorized by the CGP must comply with the Water Quality Standards and Water Resources Ordinance, as well as Applicable Federal Standards (as defined in the Water Resources Ordinance).

iii. All appropriate steps must be taken to ensure that petroleum products or other chemical pollutants are prevented from entering the Waters of the Reservation. All spills must be reported to the appropriate emergency-management agency, and measures must be taken to prevent the pollution of the Waters of the Reservation, including groundwater.

iv. The 2022 CGP requires inspections and monitoring reports of the construction site stormwater discharges by a qualified person. Monitoring and inspection reports must comply with the minimum requirements contained in the 2022 CGP. The monitoring plan must be prepared and incorporated into the Storm Water Pollution Prevention Plan (the "SWPP"). A copy of the SWPP must be submitted to the Board at least 30 days in advance of sending the requisite Notice of Intent to EPA. The SWPP should be sent to:

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

Copies of the Notice of Intent and Notice of Termination required under the General Permit must be submitted to the Board at the address above at the same time they are submitted to the EPA.

v. If requested by the Grand Portage Environmental Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Water Quality Standards and any Applicable Federal Standards. The burden is on the applicant to demonstrate compliance with the Water Quality Standards, the Water Resources Ordinance, and Applicable Federal Standards whether or not the application is ultimately eligible for the CGP.

vi. CGP discharges must not cause nuisance conditions as defined in Grand Portage Water Quality Standards.

vii. The Board retains full authority to ensure compliance with and to enforce the provisions of the Water Resource Ordinance and Water Quality Standards, Applicable Federal Standards, and these Certification conditions. Nothing herein affects the scope or applicability of other controlling tribal or federal requirements, including but not limited to impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, 54 U.S.C. §§ 300101 et seq.

viii. Appeals related to Board actions taken in accordance with any of the preceding conditions may be heard by the Grand Portage Tribal Court.

c. Leech Lake Band of Ojibwe

i. The water quality standards that apply to the construction site are the standards at the time the operator submits its Notice of Intent (NOI) to EPA and the LLBO WRP (see conditions # 2 and # 3).

ii. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the LLBO WRP at least 30 days in advance of sending the NOI for the project to EPA. See attached LLBO 401 Water Quality Certification Ordinance. Section 304(a)(1). The SWPPP should be submitted electronically to Jeff.Harper@llojibwe.net and by hardcopy sent to:

Leech Lake Band of Ojibwe
ATTN: Water Resources Program - 401 Cert
Division of Resource Management
190 Sailstar Drive NW
Cass Lake, Minnesota 56633

iii. Copies of the NOI and the Notice of Termination (NOT) must be submitted to the LLBO WRP at the same time they are submitted to EPA. See attached LLBO 401 Water Quality Certification Ordinance, Section 304(a)(2). The NOI and NOT should be submitted electronically to Jeff.Harper@llojibwe.net and sent by hardcopy to the address cited in condition # 2.

iv. Any and all other conditions listed in Section 304 of the attached LLBO 401 Water Quality Certification Ordinance shall be observed unless the LLBO WRP deems that certain conditions therein are not applicable to the project in need of a permit under this certification.

v. A copy of this certification MUST be kept by the contractor on-site at all times and be available for viewing by all personnel, including inspectors.

vi. Upon consideration of the NOI, if the LLBO WRP finds that the discharge will not be controlled as necessary to meet applicable water quality standards, the LLBO WRP may insist, consistent with Part 3.1 of the CGP, that additional controls are installed to meet applicable water quality standards, or recommend to EPA that the operator obtain coverage under an individual permit.

9.5.2 WIR10I000 Indian country within the State of Wisconsin

a. Bad River Band of Lake Superior Tribe of Chippewa Indians

i. Only those activities specifically authorized by the CGP are authorized by this Certification. This Certification does not authorize impacts to cultural properties, orhistorical sites, or properties that may be eligible for listing as such.

ii. All projects which are eligible for coverage under the CGP and are located within the exterior boundaries of the Bad River Reservation shall be implemented in such a manner that is consistent with the Tribe's Water Quality Standards (WQS). The Tribe's WQS can be viewed at: http://www.badriver-nsn.gov/wp-content/uploads/2020/01/NRD_WaterQualityStandards_2011.pdf

iii. Operators are not eligible to obtain authorization under the CGP for all new discharges to an Outstanding Tribal Resource Water (OTRW or Tier 3 water). OTRWs, or Tier 3 waters, include the following: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River. OTRWs can be viewed at: https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c 7c7c5

iv. An operator proposing to discharge to an Outstanding Resource Water (ORW or Tier 2.5 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. ORWs, or Tier 2.5 waters, include the following: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweiler River, Tyler Forks, Bell Creek, and Vaughn Creek. ORWs can be viewed at: https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c 7c7c5. The antidegradation demonstration materials described in provision E.4.iii., and included on the antidegradation demonstration template found at: https://www.badriver-nsn.gov/natural-resources/projectreviews/, must be submitted to the following address:

Bad River Tribe's Natural Resources Department

Attn: Water Regulatory Specialist

P.O. Box 39 Odanah, WI 54861

WaterReg@badriver-nsn.gov

v. An operator proposing to discharge to an Exceptional Resource Water (ERW or Tier 2 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. ERWs, or Tier 2 waters, include the following: any surface water within the exterior boundaries of the Reservation that is not specifically classified as an Outstanding Resource Water (Tier 2.5 water) or an Outstanding Tribal Resource Water (Tier 3 water). ERWs can be viewed at:

https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c 7c7c5. The antidegradation demonstration materials described in provision E.4.ii., and included on the antidegradation demonstration template found at: https://www.badriver-nsn.gov/natural-resources/projectreviews/, must be submitted to the following address:

Bad River Tribe's Natural Resources Department
Attn: Water Regulatory Specialist
P.O. Box 39 Odanah, WI 54861
WaterReg@badriver-nsn.gov

vi. Projects utilizing cationic treatment chemicals within the Bad River Reservation boundaries are not eligible for coverage under the CGP.

vii. A discharge to a surface water within the Bad River Reservation boundaries shall not cause or contribute to an exceedance of the turbidity criterion included in the Tribe's WQS, which states: Turbidity shall not exceed 5 NTU over natural background turbidity when the background turbidity is 50 NTU or less, or turbidity shall not increase more than 10% when the background turbidity is more than 50 NTU.

viii. All projects which are eligible for coverage under the CGP within the exterior boundaries of the Bad River Reservation must comply with the Bad River Reservation Wetland and Watercourse Protection Ordinance, or Chapter 323 of the Bad River Tribal Ordinances, including the erosion and sedimentation control, natural buffer, and stabilization requirements. Questions regarding Chapter 323 and requests for permit applications can be directed to the Wetlands Specialist in the Tribe's Natural Resources Department at (715) 682-7123 or wetlands@badriver-nsn.gov.

ix. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must notify the Tribe prior to the commencing earth-disturbing activities. The operator must submit a copy of the Notice of Intent (NOI) to the following addresses at the same time it is submitted to the U.S. EPA:

Bad River Tribe's Natural Resources Department
Attn: Water Regulatory Specialist
P.O. Box 39 Odanah, WI 54861
WaterReg@badriver-nsn.gov

Bad River Tribe's Natural Resources Department
Attn: Tribal Historic Preservation Officer (THPO)
P.O. Box 39 Odanah, WI 54861
THPO@badriver-nsn.gov

The operator must also submit a copy of the Notice of Termination (NOT) to the above addresses at the same time it is submitted to the U.S. EPA. Photographs showing the current site conditions must be included as part of the NOT to document the stabilization requirements have been met.

x. The THPO must be provided 30 days to comment on the project.

xi. The operator must obtain THPO concurrence in writing. This written concurrence will outline measures to be taken to prevent or mitigate effects to historic properties. For more information regarding the specifics of the cultural resources process, see 36 CFR Part 800. A best practice for an operator is to consult with the THPO during the planning stages of an undertaking.

xii. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the following address at the same time as submitting the NOI:

Bad River Tribe's Natural Resources Department

Attn: Water Regulatory Specialist

P.O. Box 39 Odanah, WI 54861

WaterReg@badriver-nsn.gov

xiii. Any corrective action reports that are required under the CGP must be submitted to the following address within one (1) working day of the report completion:

Bad River Tribe's Natural Resources Department

P.O. Box 39 Odanah, WI 54861

WaterReg@badriver-nsn.gov

xiv. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copies of the inspection reports (including photographs) to the following address within 24 hours of completing any site inspection required:

Bad River Tribe's Natural Resources Department Attn: Water Regulatory Specialist

P.O. Box 39 Odanah, WI 54861

WaterReg@badriver-nsn.gov

xv. An operator shall be responsible for meeting any additional permit requirements imposed by the U.S. EPA necessary to comply with the Tribe's antidegradation policies if the discharge point is located upstream of waters designated by the Tribe.

9.6 EPA REGION 6

9.6.1 NMR100000 State of New Mexico, except Indian country

a. In Outstanding National Resource Waters (ONRWs) in New Mexico, no degradation is permitted except in limited, specifically defined instances. Therefore, Operators are not eligible to obtain authorization under this general permit for stormwater discharges to waters classified as ONRWs listed in Paragraph D of 20.6.4.9 New Mexico Administrative Code (NMAC), also referred to as "Tier 3 waters" as defined in Appendix A of this permit. Exception: When construction activities are in response to a public emergency (e.g., wildfire, extreme flooding, etc.) and the related work requires immediate authorization to avoid a threat to public health or safety.

i. Operators who conduct construction activities in response to a public emergency to mitigate an immediate threat to public health or safety shall

adhere to the requirements in 20.6.4.8(A)(3)(c) NMAC, including notifying the New Mexico Environment Department (NMED) within seven days of initiation of the emergency action and providing NMED with a summary of the action taken within 30 days of initiation of the emergency action.

ii. For all other scenarios, Operators with proposed discharges to ONRWs in New Mexico shall obtain coverage from EPA under an NPDES Individual Permit and will comply with the additional standards and regulations related to discharges to ONRWs in 20.6.4.8(A) NMAC. Additional information is available from:

New Mexico Environment Department Surface Water Quality Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469 Telephone: 505-827-0187
https://www.env.nm.gov/surface-water-quality/wqs/
https://gis.web.env.nm.gov/oem/?map=swqb

b. If construction dewatering activities are anticipated at a construction site and non-stormwater discharges of groundwater, subsurface water, spring water, and/or other dewatering water are anticipated, the Operators/Permittees must complete the following steps:

1. Review the state's Ground Water Quality Bureau Mapper (https://gis.web.env.nm.gov/GWQB/) and Petroleum Storage Tank Bureau Mapper (https://gis.web.env.nm.gov/GWQB/).

   Check if the following sources are located within the noted distance from the anticipated construction dewatering activity. At a minimum, a list of the following potential sources of contaminants and pollutants at the noted distance is to be kept in the SWPPP.

Source of Potential Contamination or Pollutants*	Constituents likely to be required for testing*
Within 0.5 mile of an open Leaking Underground Storage Tank (LUST) site	BTEX (Benzene, Toluene, Ethylbenzene, and Xylene) plus additional parameters depending on site conditions**
Within 0.5 mile of an open Voluntary Remediation site	All applicable parameters or pollutants listed in 20.6.4.13, 20.6.4.52, 20.6.4.54, 20.6.4.97 thru 20.6.4.99, 20.6.4.101 through 20.6.4.899, and 20.6.4.900 NMAC (or an alternate list approved by the NMED-SWQB)*
Within 0.5 mile of an open RCRA Corrective Action Site	
Within 0.5 mile of an open Abatement Site	
Within 0.5 mile of an open Brownfield Site	
Within 1.0 mile or more of a Superfund site or National Priorities List (NPL) site with associated groundwater contamination.	
Construction activity contaminants and/or natural water pollutants	Additional parameters depending on site activities and conditions (Contact NMED- SWQB for an alternate list)*

*For further assistance determining whether dewatering may encounter contaminated sources, please contact the NMED Ground Water Quality Bureau at 505-827-2965 or NMED Surface Water Quality Bureau (SWQB) at 505-827-0187.

** EPA approved sufficiently sensitive methods must be used. For known PCB sources and analysis, EPA Method 1668C must be used (see https://www.epa.gov/cwa-methods).

2. If dewatering activities are anticipated, information on the flow rate and potential to encounter contaminated groundwater, subsurface water, spring water, or dewatering water must be provideddirectly to NMED at the following address:

   NMED Surface Water Quality Bureau

   Program Manager, Point Source Regulation
   SectionPO Box 5469, Santa Fe, NM 87502

   Please call the SWQB to obtain the appropriate email address (505-827-0187).

3. In addition, the Operator/Permittee must characterize the quality of the groundwater and subsurface water, spring water, or dewatering water being considered for discharge according to the table above and including dissolved hardness and pH. Considering the contaminant sources listed in the table above, water quality data may already be available. For further assistance, contactthe

NMED Surface Water Quality Bureau (505-827-0187), Ground Water Quality Bureau (505-827- 2965), Petroleum Storage Tank Bureau (505-476-4397), or Hazardous Waste Bureau (505-476- 6000).

i. The Operator/Permittee must submit recent analytical test results (i.e., within the past 5 years) according to the table above, and including dissolved hardness and pH, to the EPA Region 6 Stormwater Permit Contact and the NMED Surface Water Quality Bureau (see contact information in #2 above). If the test data exceed applicable water quality standards, then the groundwater, subsurface water, spring water, or dewatering water cannot be discharged into surface waters under this general permit. Operators/Permittees may submit an NPDES Individual Permit application to treat and discharge to waters of the U.S. or find alternative disposal measures. No discharges to surface waters are allowed until authorized.

ii. If the discharge has the potential to affect groundwater (e.g., land application), the Operator/Permittee must submit an NOI to the NMED Ground Water Quality Bureau (see 20.6.2.1201 NMAC – Notice of Intent to Discharge).

4. The Operator/Permittee must document any findings and all correspondence with NMED and EPA in the SWPPP.

c. Operators who intend to obtain authorization under this permit for new and existing storm water dischargesfrom construction sites must satisfy the following condition:

i. The SWPPP must include site-specific interim and permanent stabilization, managerial, and structural solids, erosion and sediment control best management practices (BMPs) and/or other controls that are designed to prevent to the maximum extent practicable an increase in the sediment yield and flow velocity from pre-construction, pre-development conditions to assure thatapplicable standards in 20.6.4 NMAC, including the antidegradation policy, and TMDL waste load allocations (WLAs) are met. This requirement applies to discharges both during construction and after construction operations have been completed. The SWPPP must identify and document the rationale for selecting these BMPs and/or other controls. The SWPPP must also describe design specifications, construction specifications, maintenance schedules (including a long-term maintenance plan), criteria for inspections, and expected performance and longevity of these BMPs.For sites greater than 5 acres in size, BMP selection must be made based on the use of appropriatesoil loss prediction models (i.e. SEDCAD, RUSLE, SEDIMOT, MULTISED, etc.) OR equivalent generallyaccepted (by professional erosion control specialists) soil loss prediction tools.

ii. For all sites, the Operator(s) must demonstrate, and include documentation in the SWPPP, that implementation of the site-specific practices will ensure that the applicable standards and TMDL WLAs are met, and will result in sediment yields and flow velocities that, to the maximum extent practicable, will not be greater than the sediment yield levels and flow velocities from preconstruction, pre-development conditions.

iii. All SWPPPs must be prepared in accordance with good engineering practices by qualified (e.g., CPESC certified, engineers with appropriate training) erosion control specialists familiar with the use of soil loss prediction models and design of erosion and sediment control systems based on these models (or equivalent soil

loss prediction tools). Qualifications of the preparer (e.g., professional certifications, description of appropriate training) must be documented in the SWPPP.The Operator(s) must design, implement, and maintain BMPs in the manner specified in the SWPPP.

NMED supports the use of EPA's small residential lot template if a site qualifies to use it as explained inthe permit, as long as it is consistent with the above requirements. NMED's requirement does not preclude small residential sites from using the template, but it may require an additional short paragraphto justify the selection of specific BMPs for the site.

d. Operators must notify NMED when discharges of toxic or hazardous substances or oil from a spill or other release occurs - see Emergency Spill Notification Requirements, Part 2.3.6 of the permit. For emergencies, Operators can call 505-827-9329 at any time. For non-emergencies, Operators can call 866-428-6535 (voice mail 24-hours per day) or 505-476-6000 during business hours from 8am-5pm, Monday through Friday. Operators can also call the NMED Surface Water Quality Bureau directly at 505-827-0187.

e. Operators of small construction activities (i.e., 1-5 acres) are not eligible to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on Item C.3 of Appendix C (Equivalent Analysis Waiver) in the State of New Mexico.

9.6.2 NMR10I000 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. Nambe Pueblo

i. The operator must provide a copy of the Notice of Intent (NOI) and Notice of Termination (NOT) to the Nambe Pueblo Governor's Office at the same time it is provided to the US Environmental Protection Agency. The NOI and NOT should be provided to the following address:

Office of the Governor Nambe Pueblo

!SA NPI02 WEST

Nambe Pueblo, New Mexico 87506

ii. The operator must provide a copy of the Storm Water Pollution Prevention Plan (SWPPP) to Nambe Pueblo at the same time it is submitted to the EPA, either by email to governor@nambepueblo.org or mailed to the above address.

iii. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings, upon request by the Nambe Pueblo Department of Environmental and Natural Resources or Nam be Governor.

b. Ohkay Owingeh Tribe

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Ohkay Owingeh Office of Environmental Affairs, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Naomi L. Archuleta - Environmental Programs Manager Ohkay Owingeh Office of Environmental Affairs
P.O. Box 717
Ohkay Owingeh, NM 87566
naomi.archuleta@ohkay.org

Noah Kaniatobe - Environmental Specialist Ohkay Owingeh, Office of Environmental Affairs
P.O. Box 717
Ohkay Owingeh, NM 87566
noah.kaniatohe@ohkay.org

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Storm Water Pollution Prevention Plan (SWPPP) to Ohkay Owingeh Office of Environmental Affairsat the same time that the NOI is submitted to the tribe (see contact information listed above).

iii. Following each incident where the operator takes a corrective action the operator must provide thecorrective action log to the Ohkay Owingeh Office of Environmental Affairs.

iv. The operator must notify Ohkay Owingeh Office of Environmental Affairs within 24 hours, in the event of an emergency spill in addition to the notification requirements at Part 2.3.6 of the CGP. Please contact: Ohkay Owingeh Tribal Police Department at 505.852.2757.

Please contact:
Ohkay Owingeh
Tribal Police Department
505.852.2757

c. Pueblo of Isleta

i. All operators obtaining permit coverage under the EPA CGP must submit a copy of the certified Notice ofIntent (NOI) to the Pueblo of Isleta at the same time it is submitted to EPA for projects occurring within the exterior boundaries of the Pueblo of Isleta. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The Notices must be provided to the following address:

Water Quality Control OfficerPueblo of Isleta
Environment DepartmentPO Box 1270
Isleta NM 87022
505-869-7565
WQCO@isletapueblo.com

ii. The operator must notify the Pueblo of Isleta's Dispatch at 505-869-3030 as soon as possible and thePueblo of Isleta Water Quality Control Officer within 10 hours, in the event of a spill of hazardous ortoxic substances or if health or the

environment become endangered in addition to the notification requirements at Part 2.3.6 and at I.12.6.1 of the CGP.

iii. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Isleta Water Quality Control Officer atthe above address, 30 days prior to submitting the certified NOI to EPA. If the electronic file is too largeto send through e-mail, a zip file or flash drive may be submitted.

iv. All operators obtaining permit coverage under the EPA CGP must give 2 days advance notice to the Pueblo of Isleta Water Quality Control Officer of any planned changes in the permitted activity whichmay result in noncompliance with permit requirements.

v. All operators obtaining permit coverage under the EPA CGP must post a sign or other notice of permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice mustbe located so that it is visible from the public road or tribal road that is nearest to the active part of the construction site. The sign must be maintained on-site from the time construction activities begin until final stabilization is met.

vi. Erosion and sediment controls shall be designed to retain sediment on-site and project-generatedwaste materials that have the potential to discharge pollutants shall not be placed on open soil oron a surface that is not stabilized. Volumes of sediment over five (5) cubic yards must be removed from the active construction site; additionally, if sediment is placed for disposal withinthe exterior boundaries of the Pueblo of Isleta, disposal must be within a tribally approved sediment disposal site.

d. **Pueblo of Laguna**

i. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Laguna's Environmental & Natural Resources Department (ENRD) within three business days of submittal to the EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after the EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be electronically submitted to info.environmental@pol-nsn.gov.

ii. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Laguna's ENRD 14 days prior to the submittal of the NOI (see contact information listed above).

iii. The operator must provide copies of corrective actions logs and modifications made to the SWPPP as a result of inspection findings to the Pueblo of Laguna ENRD (see contact information above).

iv. In addition to the notification requirements of Part 2.3.6 of the CPG ***[EPA interprets this intending to refer to the CGP]***, the operator must notify the Pueblo of Laguna ENRD at 505-552-7512 in the event of an emergency spill as soon as possible.

e. **Pueblo of Sandia. The following conditions apply only to discharges on the Pueblo of Sandia Reservation:**

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Sandia Environment Department concurrently with submittal to the EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided concurrently with submittal to the EPA. The NOI and NOT must be provided electronically to the following addresses:

Electronic Addresses:

Amy Rosebrough (Water Quality Manager): rosebrough@sanidapueblo.nsn.us
Greg Kaufman (Environment Director):gkaufman@sandiapueblo.nsn.us

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Sandia Environment. Department at least 14 days prior to submittal of the NOI to the Pueblo (see contact information listed above).

iii. If requested by the Pueblo of Sandia Environment Department, the permittee must provide additional information necessary on a case-by-case basis to assure compliance with the Pueblo of Sandia Water Quality Standards and/or applicable Federal Standards.

iv. An "Authorization to Proceed Letter" with site specific mitigation requirements may be sent out to the permittee when a review of the NOI and SWPPP, on a case-by-case basis, is completed by the Pueblo of Sandia Environment Department. This approval will allow the application to proceed if all mitigation requirements are met.

v. The Pueblo of Sandia will not allow Small Construction Waivers (Appendix C) to be granted for any small construction activities.

vi. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings to the Pueblo of Sandia Environment Department upon request. An inspection report and corrective action log must be submitted to the Pueblo within 3 days of any inspection that results in corrective action (see contact information listed above).

vii. The operator must notify the Pueblo of Sandia within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the COP (see contact information listed above).

viii. Before submitting a Notice of Termination (NOT) to the EPA, permittees must clearly demonstrate to the Pueblo of Sandia Environment Department through a site visit or documentation that requirements for site stabilization have been met and any temporary erosion control structures have been removed. A short letter stating that the NOT is acceptable and all requirements have been met will be sent to the permittee to add to the permittee's NOT submission to the EPA.

f. **Pueblo of Santa Ana. The following conditions apply only to discharges on the Pueblo of Santa Ana Reservation:**

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo's Department of Natural Resources within three business days of submittal to EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be

provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Regular U.S. Delivery Mail:
Pueblo of Santa Ana
Department of Natural Resources Water Resources Division
Attn: Andrew Sweetman 02 Dove Rd
Santa Ana Pueblo, NM 87004

Electronically:
Andrew Sweetman
Water Resources Division Manager Andrew.Sweetman@santaana-nsn.gov
Tammy Montoya Hydrologist
Tammy.Montoya@santaana-nsn.gov

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copyof the Stormwater Pollution Prevention Plan (SWPPP) to the to the Pueblo's Department of Natural Resources at the same time that the NOI is submitted to the tribe (see contact information listed above).

iii. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings, upon request by the Pueblo's Department of Natural Resources.

iv. The operator must notify the Pueblo's Department of Natural Resources within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP.

g. Pueblo of Taos

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOi) to the Taos Pueblo Environmental Office and Taos Pueblo Governor's Office within three business days of submittal to EPA. Additionally, a copy of NOi modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOi and NOTmust be provided to the following addresses:

Honorable Governor of Taos Pueblo PO Box 1846
Taos, New Mexico 87571

Taos Pueblo Environmental Office PO Box 1846
Taos, New Mexico 87571

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of theStormwater Pollution Prevention Plan (SWPPP) to the Taos Pueblo Environmental Office when the NOI is submitted to the tribe. Electronic copy of SWPPP downloaded on flash drive may be sent to the above address for the Taos Pueblo Environmental Office.

iii. The operator must provide a copy of the corrective action log following each corrective action undertaken and modifications made to the SWPPP as a result of

a corrective action to the Taos Pueblo Environmental Office at address listed above.

h. Pueblo of Tesuque.

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Tesuque Department of Environment and Natural Resources (DENR) and the Pueblo's Governor within three business days of submittal to EPA. Additionally, a copy of any NOi modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Governor Mark Mitchell Pueblo of Tesuque
20 TP 828
Santa Fe, NM 87506 governor@puebloftesuque.org

Sage Mountain.flower Pueblo of Tesuque
Department of Environment and Natural Resources Director
20 TP 828

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copyof the Stormwater Pollution Prevention Plan (SWPPP) to Pueblo of Tesuque DENR and the Pueblo's Governor at the same time that the NO! is submitted to the EPA (see contact information listed above).

iii. The operator must provide a copy of the corrective action log, and any modifications made tothe SWPPP as a result of inspection findings, or upon request by the Pueblo of Tesuque DENR.

iv. The operator must notify the Pueblo of Tesuque DENR within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP (seecontact information listed above).

i. Santa Clara Indian Pueblo.

i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Santa Clara Pueblo Office of Environmental Affairs at the same time the NOI is submitted to the U.S. EPA. Additionally, a copy of the NOI modifications and the Notice of Termination (NOT), must be provided at the same time after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT shall be provided to the following address in electronic format:

Dino Chavarria,
Santa Clara Pueblo
Office of Environmental Affairs
dinoc@santaclarapueblo.org

ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan to the Santa Clara Pueblo Office of Environmental Affairs at the same time the NOI is submitted to the U.S. EPA (see contact information listed above).

iii. The operator must notify the Santa Clara Pueblo Office of Environmental Affairs at the address above within 24 hours, in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP

9.6.3 OKR10I000 Indian country within the State of Oklahoma, except areas of Indian country covered by an extension of state program authority pursuant to Section 10211 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA).

a. Pawnee Nation. The following conditions apply only to discharges within Pawnee Indian country:

i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pawnee Nation at the same time it is submitted to the Environmental Protection Agency to the following address:

Pawnee Nation Department of Environmental Conservation and Safety
P.O. Box 470
Pawnee, OK 74058
Or email to dnrs@pawneenation.org

ii. An electronic copy of the Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Pawnee Nation Department of Environmental Conservation and Safety at the same time the NOI is submitted.

iii. The operator must provide access to the site for inspections and for copies of inspection reports, copy of the corrective action log and modifications, made to the SWPPP because of inspection findings, upon request by the Pawnee Nation DECS.

iv. The Pawnee Nation Department of Environmental Conservation and Safety must be notified at 918.762.3655 immediately upon discovery of any noncompliance with any provision of the permit conditions.

9.6.4 OKR10F000 Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, or the Oklahoma Department of Agriculture and Forestry 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. 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 Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, this permit may only be used to authorize discharges from temporary construction activities. Certification is denied for any on-going activities such as sand and gravel mining or any other mineral mining.

b. 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 Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, certification is denied for any discharges originating from support activities, including, but not limited to, concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, or borrow areas.

c. Dewatering discharges into sediment or nutrient-impaired waters, and waters identified as Tier 2, Tier 2.5, or Tier 3 (OAC 785:46-13) shall be controlled to meet water quality standards for turbidity in those waters as follows:

i. Cool Water Aquatic Community/Trout Fisheries: 10 NTUs (OAC 785: 45-5-12(f)(7)(A)(i)

ii. Lakes: 25 NTUs (OAC 785: 45-5-12(f)(7)(A)(ii)

iii. In waters where background turbidity exceeds these values, turbidity from dewatering discharges should be restricted to not exceed ambient levels (OAC 785: 45-5-12(f)(7)(B)

9.7 EPA REGION 7

No additional conditions.

9.8 EPA REGION 8

9.8.1 MTR10I000 Indian country within the State of Montana

a. **Blackfeet Nation.**

i. The Applicant and applicants for projects authorized under the NWPs should obtain all other permits, licenses, and certifications that may be required by federal, state, or tribal authority. Primary relevant tribal permit will be ALPO (Ordinance 117). Others may apply. It is the applicant's responsibility to know the tribal and local ordinances and complete all necessary permissions before they can commence work.

ii. If a project is unable to meet the enclosed conditions, or if certification is denied for an applicable NWP, the Applicant may request an individual certification from Blackfeet. An individual certification request must follow the requirements outlined in 40 CFR 121.5 of EPA's CWA § 401 Certification Rule, effective September 11, 2020.

iii. Copies of this certification should be kept on the job site and readily available for reference.

iv. If the project is constructed and/or operated in a manner not consistent with the applicable NWP, general conditions, or regional conditions, the permittee may be in violation of this certification.

v. Blackfeet and EPA representatives may inspect the authorized activity and any mitigation areas to determine compliance with the terms and conditions of the NWP.

vi. This NWP Reissuance does not reduce Tribal authority under any other rule.

vii. The project, including any stream relocations and restoration, must be built as shown and as otherwise described in the application, the construction plans, cross sections, mitigation plans and other supporting documents submitted to this office. Impacts to aquatic systems and restoration efforts will be monitored by an appropriate aquatic resource professional to ensure that disturbed areas are restored to at least their original condition.

viii. All existing water uses will be fully maintained during and after the completion of the project. (If applicable)

ix. Where practicable, perform all in-channel and wetland work during periods of low flow or drawn—down or when dry

x. Equipment staging areas must be located out of all delineated wetlands

xi. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during and immediately after construction, and all exposed soil and other fills, as well as any work below the ordinary high-water mark or in a wetland, must be permanently stabilized as soon as possible

xii. Materials such as piling, culverts, sandbags, fabric, mats, timbers used for temporary facilities in wetlands or below the high- water mark of Waters of the US must be free from oil, gas, excess dirt, loose paint and other pollutants.

xiii. Equipment staging areas in wetlands or in stream or river channels must be placed on mats, or other measures must be taken to minimize soil disturbance and compaction.

xiv. Clearing of riparian or wetland vegetation for the sole purpose of constructing work bridges, detours, staging areas or other temporary facilities must be limited to the absolute minimum necessary. When temporary impacts to native riparian or wetland vegetation are unavoidable, it must be mowed or cut above ground with the topsoil and root mass left intact.

xv. Remove all temporary fills and structures in the entirety when they are no longer needed. Restore affected areas to the appropriate original and planned contours where possible. Re-vegetate disturbed areas with appropriate native species when native species are impacted.

xvi. Construction methods and best management practices (BMPs) must minimize aquatic resource impacts to the maximum extent possible. Any BMPs described in the Joint Application must be followed. BMPs should include installation and maintenance of sediment control measures; separation, storage and reuse of any topsoil; and recovery of all disturbed areas where possible. All best management practices must in place prior to the onset of construction or as soon as practicable during the construction process.

xvii. Best available technology and/or best management practices must be utilized to protect existing water uses and maintain turbidity and sedimentation at the lowest practical level.

xviii. Applicant/contractor should manage disturbed streambank topsoil in a manner that optimizes plant establishment for the site.

xix. When operating equipment or otherwise undertaking construction in wetlands and water bodies the following conditions apply:

(a) Work should be done in dry conditions if possible.

(b) All equipment is to be inspected for oil, gas, diesel, anti-freeze, hydraulic fluid or other petroleum leaks. All such leaks will be properly repaired and equipment cleaned prior to being allowed on the project site. Leaks that occur after the equipment is moved to the project site will be fixed the same day or the next day or removed from the project area. The equipment is not allowed to continue operation once a leak is discovered.

(c) All equipment is to be inspected and cleaned before and after use to minimize the spread or introduction of invasive or undesirable species.

(d) Construction equipment shall not operate below the existing water surface except as follows:

- Impacts from construction should be minimized through the use of best management practices submitted in the permit application.
- Essential work below the waterline shall be done in a manner to minimize impacts to aquatic system and water quality.

(e) Containment booms and/or absorbent material must be available onsite. Any spills of petroleum products must be reported to the Army Corps, Blackfeet Nation BEO Office and the US EPA within 24 hours.

xx. Upland, riparian and in-stream vegetation should be protected except where its removal is necessary for completion of work. Revegetation should be completed as soon as possible. Applicant/contractor should revegetate disturbed soil in a manner that optimizes plant establishment for the site. Revegetation must include topsoil replacement, planting, seeding, fertilization, liming and weed-free mulching as necessary. Applicant must use native plant material and soils where appropriate and feasible. This certification does not allow for the introduction of non-native flora and fauna. All disturbed surface areas must be restored to pre-construction contours and elevation.

xxi. Spoils piles should not be placed or stored within the delineated wetlands or streams unless protected by a temporary structure designed to divert and handle high flows that can be anticipated during permit activity. Spoils piles should be placed on landscaping fabric or some other material to separate spoils material and allow retrieval of spoils material with minimal impact.

xxii. Impacts to wetlands shall not exceed 4.92 acres.

xxiii. Any unexpected and additional impacts to waters of the US should be reported to the

xxiv. Army Corps, Blackfeet Environmental Office Water Quality Coordinator and the US EPA.

xxv. All instream and stream channel reconstruction work must be completed before the stream is diverted into the new channel.

xxvi. Any temporary crossings, bridge supports, cofferdams, or other structures that are necessary during permit activity should be designed to handle high flows that can be anticipated during permit activity. All temporary structures should be completely removed from the water body at the conclusion of the permitted activity and the area restored to a natural function and appearance.

xxvii. The certification does not authorize any unconfined discharge of liquid cement into the waters of the United States. Grouting riprap must occur under dry conditions with no exposure of wet concrete to the water body.

xxviii. BMPs shall include application of certified weed-free straw or hay across all disturbed wetland areas that are temporarily impacted; installation and maintenance of sediment control measures during construction and if necessary, after construction is completed; use of heavy mud mats if necessary; separation,

storage and reuse of all streambank topsoil and wetland topsoil, as appropriate; and recovery of all disturbed wetland and streambank areas where possible. All conditions set by the Blackfeet Tribe and US Army Corps must be followed.

xxix. All applicants, including federal agencies, must notify EPA and the Blackfeet Environmental Office of the use of all NWPs for which certification has been granted prior to commencing work on the project. Notifications must include:

(a) project location (lat. Long., exact point on map);

(b) NWP that will be used and the specific activity that will be authorized under the NWP;

(c) amount of permanent and temporary fills;

(d) a short summary of the proposed activity, and all other federal, state, tribal or local permits or licenses required for the project;

(e) complete contact information of both the applicant and contractor (name, name of the company or property if applicable, telephone, mobile, and email); and,

(f) Summary of best management practices that will be used.

(g) A summary of communications with the affected Tribe's water quality staff regarding the project, including any concerns or issues.

(h) Notify Blackfeet and EPA at least 7 days before the completion of construction and operations begin.

xxx. Point source discharges may not occur: (1) in fens, bogs or other peatlands; (2) within 100 feet of the point of discharge of a known natural spring source; or (3) hanging gardens.

xxxi. Except as specified in the application, no debris, silt, sand, cement, concrete, oil or petroleum, organic material, or other construction related materials or wastes shall be allowed to enter into or be stored where it may enter into waters of the U.S.

xxxii. Silt fences, straw wattles, and other techniques shall be employed as appropriate to protect waters of the U.S. from sedimentation and other pollutants.

xxxiii. Water used in dust suppression shall not contain contaminants that could violate water quality standards.

xxxiv. Erosion control matting that is either biodegradable blankets or loose-weave mesh must be used to the maximum extent practicable.

xxxv. All equipment used in waters of the U.S. must be inspected for fluid leaks and invasive species prior to use on a project. All fluid leaks shall be repaired and cleaned prior to use or when discovered, or if the fluid leak can't be repaired, the equipment shall not be used on site. Equipment used in waters with the possibility of aquatic nuisance species infestation must be thoroughly cleaned and effectively decontaminated before they are used on the project.

xxxvi. Vegetation should be protected except where its removal is necessary for completion of the work. Locations disturbed by construction activities should be revegetated with appropriate native vegetation in a manner that optimizes plant establishment for the specific site.

xxxvii. Revegetation may include topsoil replacement, planting, seeding, fertilization, liming, and weed-free mulching, as necessary. Where practical, stockpile weed- seed-free topsoil and replace it on disturbed areas. All revegetation materials, including plants and plant seed shall be on site or scheduled for delivery prior to or upon completion of the earth moving activities.

xxxviii. Activities may not result in any unconfined discharge of liquid cement into waters of the U.S. Grouting riprap must occur under dry conditions with no exposure of wet concrete to the waterbody.

xxxix. Activities that may result in a point source discharge shall occur during seasonal low flow or no flow periods to the extent practicable.

xl. The placement of material (discharge) for the construction of new dams is not certified, except for stream restoration projects.

xli. Any decision-maker that is required under 7.0 of the CGP to prepare a Stormwater Pollution Prevention Plan (SWPPP), must submit an electronic copy of the SWPPP to the Blackfeet Environmental Office at least 30 days before construction starts for review and approval. Any modifications to the SWPPP should be submitted to the Blackfeet Environmental Office.

xlii. Any Decision-maker required under Part 1.4 of the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must submit a copy of the NOI to the Blackfeet Environmental Office within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address Gerald Wagner, Blackfeet Environmental Office Director.

62 Hospital Drive, Browning, MT 59417

beo.director@gmail.com

b. Fort Peck Tribes.

i. Any Decision-maker required under Part 1.4 of the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must submit a copy of the NOI to the Fort Peck Tribes Office of Environmental Protection within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address:

Martina Wilson, Office of Environmental Protection Director

501 Medicine Bear Rd Poplar, MT 59255

martinawilson@fortpecktribes.net

ii. Any Decision-maker that is required under Part 7.0 of the CGP to prepare a Stormwater Pollution Prevention Plan (SWPPP), must submit an electronic copy of the SWPPP to the Fort Peck Tribes Office of Environmental Protection at least 30 days before construction starts for review and approval. Any modifications to the

SWPPP should be submitted to the Fort Peck Tribes Office of Environmental Protection.

iii. Any Decision-maker that is required under Part 8.0 of the CGP to submit a weekly, bi-weekly, and/or annual report to EPA, must submit an electronic copy of the annual report to the Fort Peck Tribes Office of Environmental Protection within three business days after submittal to EPA.

9.9 EPA REGION 9

9.9.1 CAR10I000 Indian country within the State of California

a. Morongo Band of Mission Indians

i. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted (either mailed or electronically) to the MEPD no less than thirty (30) days before commencing construction activities:

Morongo Band of Mission Indians
Environmental Protection Department
12700 Pumarra Road
Banning, CA 92220
Email: epd@morongo-nsn.gov

ii. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the MEPD at the same time they are submitted to EPA.

iii. Operators of an "emergency-related project" must submit notice to the MEPD within twenty- four (24) hours after commencing construction activities.

iv. Spills, leaks, or unpermitted discharges must be reported to the MEPD within twenty-four (24) hours of the incident, in addition to the reporting requirements of the CGP.

v. Projects utilizing cationic treatment chemicals (as defined in Appendix A of the CGP) within the Morongo Reservation are not eligible for coverage under this certification of the CGP.

vi. Facilities covered under the CGP will be subject to compliance inspections by MEPD staff, including compliance with final site stabilization criteria prior to submitting an NOI ***[EPA assumes this intended to refer to an NOT]***.

9.9.2 GUR100000 Island of Guam

a. For purposes of this Order, the term "Project Proponent" shall mean U.S. Environmental Protection Agency, and its agents, assignees, and contractors.

b. For purposes of this Order, the permit "Operator" shall mean any party associated with a construction project that meets either of the following two criteria:

i. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. in most cases this is the owner of the site); or

ii. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor of the project).

Subcontractors generally are not considered operators for the purposes of this permit.

c. The Project Proponent shall enforce the proposed 2022 CGP and ensure that the Operator complies with the conditions of the permit at all times.[107] (40 CFR §121.11(c))

d. All submittals required by this Order shall be sent to the Guam Environmental Protection Agency Attn: 401 Federal Permit Manager, Non-Point Source Program, EMAS Division, 3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913, AND via email to jesse.cruz@epa.guam.gov. The submittals shall be identified with WQC Order #2021- 04 and include the COP Permit Number, certifying representative's name, title, mailing address and phone number. (§51060)(4) 2017 GWQS)

e. A copy of the Operator's signed Stormwater Pollution Prevention Plan (SWPPP) and signed Notice of Intent (NOI) and Notice of Termination (NOT) submitted to EPA for review and approval, shall concurrently be submitted to Guam EPA, consistent with condition A4. Coordination with Guam EPA is encouraged when the receiving water(s) for the proposed discharge is/are being identified. (§10105.B.5.d.) GSESCR; (§51060)(4) 2017 GWQS)

f. The Operator must comply with the conditions and requirements set forth in 22 GAR 10, Guam Soil Erosion and Sediment Control Regulations (GSESCR).

g. Before submitting the NOT to EPA, Operators shall comply with GSESC regulations at §10105.B10. (Stabilization of Affected Areas) and §10107.B. {Final Inspection and Approval)

h. All operators/owners shall comply with the general design criteria for best management practices (BMPs) acceptable for meeting the Construction and Post-construction stormwater criteria in the 2006 CNMI and Guam Stormwater Management Manual. (E.O. 2012-02)

i. Operating reports and monitoring and analytical data (e.g. Discharge Monitoring Reports (DMRs), follow-up monitoring reports, Exceedance Reports for Numerical Effluent Limits, etc.) submitted to EPA shall be concurrently submitted to Guam EPA, consistent with condition A4. §51060)(4) 2017 GWQS

j. The Operators who install a sediment basin or similar impoundment shall maintain the storage capacity of five thousand cubic feet {5,000 cu. ft.) per acre of project area tributary to the basin. (§10105.B.5.i.) GSESCR

k. (1) This Order does not authorize EPA to qualify Rainfall Erosivity Waivers to stormwater discharges associated with small construction activities (i.e. 1-5 acres). Operators are required to apply for an NOI for those projects eligible for coverage under the proposed 2022 CGP. An Erosion and Sediment Control Plan is required for every site that would be covered by the proposed 2022 CGP. (22 GAR §10104) The average annual rainfall for Guam and the CNMI exceeds I00 inches per year in many locations. These climatic conditions combined with the region's unique limestone, volcanic geologic formations, sensitive water resources and significant land

[107] By incorporating this condition into the permit, EPA acknowledges receipt of Guam's certification conditions.

development forces make stormwater discharges a very significant environmental and economic issue. (2006 CNMJ/Guam Stormwater Management Manual) E.O. 2012-02

(2) This Order does not authorize EPA to approve a Sediment TMDL Waiver for the Ugum River. Operators of construction activities eligible for a TMDL Waiver in lieu of coverage under the proposed 2022 CGP, shall submit a complete and accurate waiver certification as described in C.2., Appendix C - (Small Construction Waivers) to Guam EPA per condition A4., prior to notifying EPA of its intention to obtain a waiver. §51060)(4) 2017 GWQS

l. The Project Proponent shall submit to Guam EPA a signed Statement of Understanding of Water Quality Certification Conditions.[108] (see Attachment A for an example) per condition A4. §51060)(4) 2017 GWQS

m. The Operator shall comply with applicable provisions of the Guam Pesticides Act of2007 (10 GCA Chapter 50) and implementing regulations at Title 22 GAR Chapter 15 for any use and application of pesticides.

n. Point source discharge(s) to waterbodies under the jurisdiction of Guam EPA must be consistent with the antidegradation policy in 22 GAR §510l(b).

o. The operator shall carry out construction activities in such a manner that will not violate Guam Water Quality Standards (GWQS). Proposed 2022 CGP discharges are prohibited as follows:

- **i.** In Marine Waters, Category M-1 Excellent 22 GAR Chapter 5 §5102(b)(I); and
- **ii.** In Surface Waters, Category S-1 High 22 GAR Chapter 5 §5102(c)(I)

p. In addition to complying with construction dewatering requirements in Part 2.4 and site inspection requirements for all areas where construction dewatering is taking place in Part 4 of the proposed 2022 CGP, Operators shall comply with all dewatering conditions and requirements set forth in 22 GAR 7, Water Resources Development and Operating Regulations, to include securing Guam EPA permits prior to any dewatering activities.

q. The Operator shall develop and implement a Spill Prevention and Containment Plan.

r. The Operator shall have adequate and appropriate spill response materials on hand to respond to emergency release of oil, petroleum or any other material into waters of the territory.

s. Any unpermitted discharge into territorial waters or onto land with a potential for entry into territorial waters, is prohibited. If this occurs, the Operator shall immediately take the following actions:

- **i.** Cease operations at the location of the violation or spill.
- **ii.** Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
- **iii.** Notify Guam EPA of the failure to comply. All petroleum spills shall be reported immediately to:

[108] By incorporating this condition into the permit, EPA acknowledges receipt of Guam's certification conditions.

(a) Guam's Emergency 911 system

(b) Guam EPA's 24-Hour Spill Response Team at (671) 888-6488 or during working hours (671) 300-4751

(c) US Coast Guard Sector Guam (671) 355-4824

(d) National Response Center 1-800-424-8802

iv. Submit a detailed written report to Guam EPA within five days of noncompliance that describes the nature of the event corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

t. Compliance with this condition does not relieve the Operator from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

u. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.

v. This Order is valid for five (5) Years from Date of Certification, unless otherwise approved by the Guam EPA Administrator.

w. The Operator shall be required to adhere to the current Guam Coral Spawning Moratorium dates for both hard and soft corals where in-water activities and/or construction activity in close proximity with marine waters may impair water quality. These dates can be obtained from the Guam Department of Agriculture, Division of Aquatic and Wildlife Resources, or the NOAA NMFS Pacific Islands Regional Office Habitat Conservation Division.

x. The Operator shall provide notice to Guam EPA consistent with Condition A4:

(a) Immediately upon discovery of noncompliance with the provisions of this Order.

y. A Notice of Violation/Work Stop Order will be issued if certification conditions are not adhered to or when significant or sustained water quality degradation occurs. Work or discharge shall be suspended or halted until the Operator addresses environmental problems/concerns to Guam EPA's satisfaction. Guam EPA may also levy penalties and fines (10 GCA §47111). Invalidity or enforceability of one or more provisions of this certification shall not affect any other provision of this certification.

9.10 EPA REGION 10

9.10.1 IDR10I000 Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)

a. Shoshone-Bannock Tribes

i. Copies of the following information must be sent to the SBT-WRD:

(a) Notice of Intents (NOI)

The Notice of Intent shall be forwarded to the SBT-WRD within thirty (30) days of receipt of submitting NOI to the USEPA.

Shoshone-Bannock Tribes Water Resources Department
PO Box 306 Pima Drive
Fort Hall, ID 83203 Phone: (208) 239-4582
Fax: (208) 239-4592
Or Email ctanaka@sbtribes.com

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

9.10.2 ORR10I000 Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)

a. Confederated Tribes of Coos, Lower Umpqua, and Siuslaw

i. No activities allowed under the CGP shall result in the degradation of any Tribal waters or affect resident aquatic communities or resident or migratory wildlife species at any life stage.

ii. The operator shall be responsible for achieving compliance with CTCLUSI Water Quality Standards and all other tribal codes, regulations, and laws as they exist at the time that the permit is submitted.

iii. The operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTCLUSI Water Quality Program before, or at the same time as, it is submitted to EPA.

iv. The operator shall be responsible for submitting all Stormwater Pollution Prevention Plans (SWPPP) required under this general permit to the CTCLUSI Water Quality Program for review and determination that the SWPPP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.

v. The operator shall be responsible for reporting an exceedance to Tribal Water Quality Standards to the CTCLUSI Water Quality Program at the same time it is reported to EPA.

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

vii. If the project is an undertaking, a cultural resource assessment must occur. All fieldwork must be permitted by the THPO (as appropriate), conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; http://www.nps.gov/history/local-law/arch_stnds_O.htm) and documented according to Oregon Reporting Standards (Reporting_Guidelines.pdf) (oregon.gov). The resulting report must be submitted to the THPO and the THPO must concur with the finding of effect and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.

viii. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate adverse effects to historic properties.

b. Confederated Tribes 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 a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTUIR Water Resources Program at the address below, at the same time it is submitted to EPA.

iii. The operator shall be responsible for submitting all Stormwater Pollution Prevention Plans (SWPPP) required under this general permit to the CTUIR Water Resources Program for review and determination that the SWPPP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.

iv. The operator shall be responsible for reporting an exceedance to Tribal Water QualityStandards to the CTUIR Water Resources Program at the same time it is reported to EPA.

Confederated Tribes of the Umatilla Indian Reservation
Water Resources Program
46411 Timíne Way
Pendleton, OR 97801
(541) 429-7200

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

vi. If the project is an undertaking, a cultural resource assessment must occur. All fieldwork must be permitted by the Tribal Historic Preservation Office (as appropriate), conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; http://www.nps.gov/history/local-law/arch_stnds_0.htm) and documented according to Oregon Reporting Standards (Reporting_Guidelines.pdf (oregon.gov). The resulting report must be submitted to the THPO and the THPO must concur with the finding of effect and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.

vii. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate adverse effects to historic properties.

9.10.3 WAR10F000 Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator

a. For purposes of this Order, the term "Project Proponent" shall mean those that are seeking coverage under this permit, and its agents, assignees and contractors.

b. The Federal Agency shall mean the US Environmental Protection Agency. The Federal Agency shall enforce the permit and ensure that the Project Proponent complies with the conditions of the permits at all times.

c. Failure of any person or entity to comply with this Certification may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Certification.

d. The Certification conditions within this Order must be incorporated into EPA's final NPDES permit. Per 40 CFR 121.10(a), all certification conditions herein that satisfy the

requirements of 40 CFR 121.7(d) must be incorporated into the permit. Per 40 CFR 121.10(b), the permit must clearly identify all certification conditions.

e. This Certification does not authorize exceedances of water quality standards established in chapter 173-201A WAC.

f. Discharges from construction activity must not cause or contribute to violations of the Water Quality Standards for Surface Water of the State of Washington (chapter 173-201A WAC), Ground Water Quality Standards (chapter 173- 200 WAC), Sediment Management Standards (chapter 173-204 WAC), and standards in the EPA's Revision of certain Federal water quality criteria applicable to Washington (40 CFR 131.45). Discharges that do not comply with these standards are prohibited.

g. Prior to discharge of stormwater and non-stormwater to waters of the State, the Permittee must apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate Best Management Practices (BMPs) installed and maintained in accordance with the SWPPP and the terms and conditions of the permit.

i. BMPs must be consistent with:

(a) The Stormwater Management Manual for Western Washington (most current approved edition at the time this permit was issued), for sites west of the crest of the Cascade Mountains; or

(b) The Stormwater Management Manual for Eastern Washington (most current approved edition at the time this permit was issued), for sites east of the crest of the Cascade Mountains; or

(c) Revisions to either manual, or other stormwater management guidance documents or manuals which provide equivalent level of pollution prevention, that are approved by Ecology and incorporated into this permit in accordance with the permit modification requirements of WAC 173-226-230. (For purposes of this section, the stormwater manuals listed in Appendix 10 of the Phase I Municipal Stormwater Permit are approved by Ecology); or

(d) Documentation in the SWPPP that the BMPs selected provided an equivalent level of pollution prevention, compared to the applicable stormwater management manuals, including:

- The technical basis for the selection of all stormwater BMPs (scientific, technical studies, and/or modeling) that support the performance claims for the BMPs being selected.
- An assessment of how the selected BMP will satisfy AKART requirements and the applicable federal technology-based treatment requirements under 40 CFR part 125.3.

The Stormwater Management Manuals for Eastern and Western Washington can be found at: https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals.

ii. An adequate SWPPP must include a narrative and drawings. All BMPs must be clearly referenced in the narrative and marked on the drawings. The SWPPP

narrative must include documentation to explain and justify the pollution prevention decisions made for the project. Documentation must include:

(a) Information about existing site conditions (topography, drainage, soils, vegetation, etc.).

(b) Potential erosion problem areas.

(c) The 13 elements of a SWPPP, including BMPs used to address each element. Unless site conditions render the element unnecessary and the exemption is clearly justified in the SWPPP, the 13 elements are as follows:

- Preserve Vegetation/Mark Clearing Limits
- Establish Construction Access
- Control Flow Rates
- Install Sediment Controls
- Stabilize Soils
- Protect Slopes
- Protect Drain Inlets
- Stabilize Channels and Outlets
- Control Pollutants
- Control Dewatering
- Maintain BMPs
- Manage the Project
- Protect Low Impact Development (LID) BMPs

h. Discharges of stormwater and authorized non-stormwater must be monitored for turbidity (or transparency) and, in the event of significant concrete work or engineered soils, pH must also be monitored. As applicable based on project specifics, monitoring, benchmarks, and reporting requirements contained in Condition S.4. (pp.10-16) of the Washington State Construction Stormwater General Permit, effective January 1, 2021, shall apply.

i. Discharges to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, phosphorus, or pH must comply with the following numeric effluent limits:

Parameter identified in 303(d) listing	Parameter Sampled	Unit	Analytical Method	Numeric Effluent Limit
• Turbidity • Fine Sediment • Phosphorus	Turbidity	NTU	SM2130	25 NTUs at the point where the stormwater is discharged from the site.
High pH	pH	su	pH meter	In the range of 6.5 – 8.5

All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current EPA-approved listing of impaired waters that exists on the

effective date of the permit, or the date when the operator's complete permit application is received by EPA, whichever is later.

The EPA approved WQ Assessment can be found at: https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d

j. Discharges to a waterbody that is subject to a Total Maximum Daily Load (TMDL) for turbidity, fine sediment, high pH, or phosphorus must be consistent with the TMDL.

- **i.** Where an applicable TMDL sets specific waste load allocations or requirements for discharges covered by this permit, discharges shall be consistent with any specific waste load allocations or requirements established by the applicable TMDL.
- **ii.** Where an applicable TMDL has established a general waste load allocation for construction stormwater discharges, but no specific requirements have been identified, compliance with this permit will be assumed to be consistent with the approved TMDL.
- **iii.** Where an applicable TMDL has not specified a waste load allocation for construction stormwater discharges, but has not excluded these discharges, compliance with this permit will be assumed to be consistent with the approved TMDL.
- **iv.** Where an applicable TMDL specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.

Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus which has been completed and approved by EPA as of the effective date of the permit, or prior to the date of the operator's complete application for permit coverage is received by EPA, whichever is later.

k. Discharges to waters of the state from the following activities are prohibited:

- **i.** Concrete wastewater.
- **ii.** Wastewater from washout and clean-up of stucco, paint, form release oils, curing compounds and other construction materials.
- **iii.** Process wastewater as defined by 40 Code of Federal Regulations (CFR) 122.2.
- **iv.** Slurry materials and waste from shaft drilling, including process wastewater from shaft drilling for construction of building, road, and bridge foundations unless managed to prevent discharge to surface water.
- **v.** Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
- **vi.** Soaps or solvents used in vehicle and equipment washing.
- **vii.** Wheel wash wastewater, unless managed to prevent discharge to surface water.
- **viii.** Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed according to appropriate controls described within the permit.

l. This Certification is valid until the expiration date including any administrative extension or termination date of the NPDES 2022 Construction General Permit. (40 CFR § 122.46)

m. The Federal Agency shall enforce and the Project Proponent must comply with all the reporting and notification conditions of the NPDES 2022 Construction General Permit in order to comply with this Order and the certification conditions herein (40 CFR § 121.11).

n. You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 **Pollution Control Hearings Board** 1111 Israel RD SW STE 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Noel Tamboer
Department of Ecology
P.O. Box 47600
Olympia, WA 98503-7600

(360) 701-6171
noel.tamboer@ecy.wa.gov

9.10.4 WAR10I000 Indian country within the State of Washington

a. Lummi Nation

i. This certification does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal and Lummi tribal agencies. Pursuant to Lummi Code of Laws (LCL) 17.05.020(a), the operator must also obtaina land use permit from the Lummi Planning Department as provided in Title 15 of theLummi Code of Laws and regulations adopted thereunder.

ii. Pursuant to LCL 17.05.020(a), each operator shall develop and submit a Storm WaterPollution Prevention Plan to the Lummi Water Resources Division for review and approval by the Water Resources Manager prior to beginning any discharge activities.

iii. Pursuant to LCL Title 17, each operator shall be responsible for achieving compliance with the Water Quality Standards for Surface Waters of the Lummi

iv. Indian Reservation (Lummi Administrative Regulations [LAR] 17 LAR 07.010 through 17 LAR 07.210 together with supplements and amendments thereto).

v. Each operator shall submit a signed copy of the Notice of Intent (NOI) to the Lummi Water Resources Division at the same time it is submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Lummi Water Resources Division the acknowledgement of receipt of the NOI from the EPA and the associated NPDES tracking number provided by the EPA within 7 calendar days of receipt from the EPA.

vi. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the Lummi Water Resources Division at the same time it is submitted electronically to the EPA and shall provide the Lummi Water Resources Division the EPA acknowledgement of receipt of the NOT.

vii. Storm Water Pollution Prevention Plans, Notice of Intent, Notice of Termination and associated correspondence with the EPA shall be submitted to:

Lummi Natural Resources Department
ATTN: Water Resources Manager 2665 Kwina Road
Bellingham, WA 98226-9298

b. Port Gamble S'Klallam Tribe

i. No discharge from the project site shall cause exceedances of Port Gamble S'KlallamSurface Water Quality Standards narrative or numeric criteria in Tribal waters. This includes activities outside of Tribal lands that occur upstream of Tribal waters.

(a) If any exceedance of these water quality standards occurred, the Natural Resources Department shall be notified immediately.

- The Department shall additionally be provided a complete draft of the proposed corrective action within a reasonable timeframe and its approval will be required before any corrective action may be taken.

ii. Operators performing activities under the CGP that may affect Tribal waters will requirea permit and shall submit their plans to the Port Gamble S'Klallam Natural Resources Department for review.

- The Department has the right to require conditions outside of this Water QualityCertification prior to permit approval.

iii. No activities allowed under the CGP shall result in the degradation of any Tribal watersor change in designated uses.

iv. No activities allowed under the CGP shall affect resident aquatic communities or resident/migratory wildlife species at any life stage.
- Biological assessment methods used to determine the effect of an activity allowedunder the CGP shall be approved by the PGST Natural Resources Department.

v. No activities allowed under the CGP shall be conducted within wetland and stream bufferzones, nor shall said activities affect in any way wetland or stream buffers, as defined by *PGST Law and Order Code 24.08.01(c)*.

vi. Concentrations for substances listed within the table in *Water Quality Standards for Surface Waters* sec. 7(7) shall not be exceeded by activities allowed under the CGP.

c. Spokane Tribe of Indians

i. Pursuant to Tribal Law and Order Code (TLOC) Chapter 30 each operator shall be responsible for achieving compliance with the Surface Water Quality Standards of the Spokane Tribe. The operator shall notify the Spokane Tribe, Water Control Board (WCB) of any spills of hazardous material and;

ii. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the WCB at the same time it is submitted to EPA.

iii. The permittee shall allow the Tribal Water Control Board or its designee to inspect and sample at the construction site as needed.

iv. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the WCB at the same time it is submitted to EPA

The correspondence address for the Spokane Tribe Water Control Board is:

Water Control Board c/o Brian Crossley PO Box480
Wellpinit WA 99040
(509)626-4409
crossley@spokanetribe.com

d. Swinomish Tribe

i. Owners and operators seeking coverage under this permit must submit a copy of the Notice of Intent (NOI) to the DEP at the same time the NOI is submitted to EPA.

ii. Owners and operators must also submit to the DEP changes in NOI and/or Notices of Termination at the same time they are submitted to EPA.

iii. Owners and operators seeking coverage under this permit must also submit a Stormwater Pollution Prevention Plan to the DEP for review and approval by DEP prior to beginning any discharge activities.

e. Tulalip Tribes

i. Submission of NOI: Copies of the Notice of Intent (NOI),) Certification shall be submitted to the Tribe's Natural Resources Department to notify the Tribes of the

pending project and in order for the Tribes to review the projects potential impacts to endangered or threatened species.

ii. Submission of SWPPP: A copy of the Stormwater Pollution Plans (SWPPPs) shall be submitted to the Tribe's Natural Resources Department along with the NOI during the 30 day waiting period.

iii. Submission of Monitoring Data and Reports: The results of any monitoring required by this permit and reports must be sent to the Tribe's Natural Resources Depa1tment,

iv. The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.

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

vi. Authorization to Inspect: The Tribe's Natural Resources Department may conduct an inspection of any facility covered by this permit to ensure compliance with tribal water quality standards. The Department may enforce its certification conditions.

vii. Submission of Inspection Reports: Inspection reports must be sent to the Tribe's Natural Resources Department, including a description of the corrective actions required and undertaken to meet effluent limits or benchmarks (as applicable).

viii. Permits on-site: A copy of the pe1mit shall be kept on the job site and readily available for reference by the construction supervisor, construction managers and foreman, and Tribal inspectors.

ix. Project Management: The applicant shall ensure that project managers, construction managers and foreman, and other responsible parties have read and understand conditions of the permit, this certification, and other relevant documents, to avoid violations or noncompliance with this certification.

x. Emergency Spill Notification Requirements: In the event of a spill or the contractor shall immediately take action to stop the violation and correct the problem, and immediately repo1t spill to the Tulalip Tribes Police Department (425) 508-1565. Compliance with this condition does not relieve the applicant from responsibility to maintain continuous compliance with the tem1S and conditions of this certification or the resulting liability from failure to comply.

xi. Discharges to CERCLA Sites: This permit does not autho1ize direct stormwater discharges to certain sites undergoing remedial cleanup actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) unless first approved by the appropriate EPA Regional office. In the case of the Tulalip Landfill site (WAD980639256), the Tulalip Tribes also requests notification by the facility and consultation with EPA prior to discharge. Contaminants at this site may include but are not limited to: dioxins, furans, arsenic, copper, lead, zinc, 4- methyl-phenol, Hex-CB, HPAHs, PCBs, PCE, cadmium, mercury, and LPAHs.

xii. Discharge-related Activities that have Potential to Cause an Adverse Effect on Historic Properties: Installation of stormwater controls that involve subsurface disturbances may potentially have an adverse impact on historic properties.

xiii. Procedures detailed in the permit shall be completed. Richard Young, of the Tulalip Tribe's Cultural Resources Department shall be contacted prior to initiating discharge- related activities that may have an impact on historic properties. His contact information is (360) 716-2652, ryoung@tulaliptribes-nsn.gov.

xiv. Invalidation: This certification will cease to be valid if the project is constructed and/or operated in a manner not consistent with the project description contained in

xv. the permit. This certification will also cease to be valid and the applicant must reapply with an updated application if info1mation contained in the permit is voided by subsequent submittals.

xvi. Modification: Nothing in this certification waives the Tulalip Tribes of Washington's authority to issue modifications to this ce1iification if additional impacts due to operational changes are identified, or if additional conditions are necessary to protect water quality or further protect the Tribal Communities interest.

xvii. incorporation by reference: TI1is certification does not exempt the applicant from compliance with other statues and codes administered by the Tribes, county, state and federal agencies.

xviii. Compliance with Tribe's I996 Water Quality Standards: Each permittee shall be responsible for controlling discharges and achieving compliance with the T1ibe's Water Quality Standards.

xix. Compliant with Tulalip Tribes Tidelands Management Policy: Permittee shall be responsible for achieving compliance with applicable sections of the Tulalip Tribe's Tidelands Management Policy. (Tulalip Tribal Code Title 8 Chapter 8.30).

xx. Compliant with Tulalip Tribes Environmental Infractions: Permittee shall be responsible for achieving compliance with applicable sections of the Tulalip Tribe's Environmental Infractions. (Tulalip Tribal Code Title 8 Chapter 8.20).

xxi. Where to Submit information and for further Coordination: All requested documents should be sent to the: Tulalip Tribes Natural Resources Environmental Department c/o Kurt Nelson and Valerie Streeter, 6704 Marine Drive, Tulalip, Washington 98271. For further 40 I Certification coordination with the Tulalip Tribes Natural Resources Department, please contact Mr. Kurt Nelson (360) 716-4617 knelson@tu1aliptribes- nsn.gov. 6406 Marine Dr., Tulalip WA 98271.

f. Makah Tribe

i. The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Makah Tribe's Water Quality Standards if the discharge point is located within the Makah's U&A treaty reserved areas.

ii. Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Makah Fisheries Management, Water Quality Department at the address listed below at the same time it is submitted to the EPA.

Makah Water Quality
Makah Fisheries Management (MFM)
ray.colby@makah.com

PO Box 115
Neah bay, WA 98357

iii. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to the Tribe's Habitat programs for their review.

iv. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Assistant Fisheries Director, ray.colby@makah.com.

v. The permittee shall submit all Stormwater Pollution Prevention plan (SWPP) to MFM for review and approval prior to beginning any activities resulting in a discharge to Makah tribal waters.

vi. The permittee shall notify Ray Colby, ray.colby@makah.com (360) 645-3150 prior to conducting inspections at construction sites generating stormwater discharges to tribal waters.

vii. The operator shall treat dewatering discharges with controls necessary to minimize discharges of pollutants to surface waters, or ground waters, and from stormwater runoff onsite from excavations, trenches, foundations, or storage areas. To the extent feasible, at all points where dewatering is discharged, comply with the velocity dissipation using check dams, sediment traps, and grouted outlets.

g. Puyallup Tribe of Indians

i. The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Puyallup Tribe's antidegradation procedures.

ii. Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Char Naylor, Tribal Water Quality Manager at the following e-mail address: (char.naylor@puyalluptribe-nsn.gov) at the same time it is submitted to EPA.

iii. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to Char Naylor, Tribal Water Quality Manager/Assistant Fisheries Director (char.naylor@puyalluptribe-nsn.gov) for review.

iv. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Char Naylor at the email address listed above.

v. The permittee shall submit all stormwater pollution prevention plans to Char Naylor for review and approval prior to beginning any activities resulting in a discharge to Puyallup tribal waters.

vi. The permittee shall contact Brandon Reynon (Brandon.reynon@puyalluptribe-nsn-gov), Tribe's Historic Preservation Officer or Jennifer Keating (Jennifer.keating@puyalluptribe-nsn.gov), Tribe's Assistant Historic Preservation Officer regarding historic properties and cultural resources.

vii. To minimize the discharge of pollutants to groundwater or surface waters from stormwater that is removed from excavations, trenches, foundations, vaults, or

other storage areas, treat dewatering discharges with controls necessary to minimize discharges of pollutants. Examples of appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, and filtration systems (e.g., bag or sand filters) that are designed to remove sediment.

To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. At all points where dewatering water is discharged, utilize velocity dissipation controls. Examples of velocity dissipation devices include check dams, sediment traps, riprap, and grouted riprap at outlets.

viii. The permittee shall provide and maintain natural buffers to the maximum extent possible (and/or equivalent erosion and sediment controls) when tribal waters are located within 100 feet of the boundaries. If infeasible to provide and maintain an undisturbed 100 foot natural buffer, erosion and sediment controls to achieve the sediment load reduction equivalent to a 100-foot undisturbed natural buffer shall be required.

List of Tier 3, Tier 2, and Tier 2.5 Waters

EPA's CGP includes additional requirements for discharges to waters that are designated by state or tribal authorities as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes. See Parts 1.1.8 and 3.2.

EPA's antidegradation regulation, at 40 CFR 131.12, provides a framework for maintaining and protecting water quality for: (1) existing uses (known as "Tier 1"); (2) high quality waters by establishing a process for authorizing the lowering of water quality where existing water quality exceeds levels needed to support propagation of fish, shellfish, and wildlife and recreation in and on the water (known as "Tier 2"); and (3) for Outstanding National Resource Waters (known as "Tier 3"). While EPA's antidegradation regulation only outlines three levels of antidegradation protection, some states and tribes include an additional level of antidegradation protection between Tier 2 and Tier 3 (sometimes known as "Tier 2.5").

High quality (Tier 2) waters may be identified on a parameter-by-parameter basis or on a water body-by-water body basis consistent with the requirements of 40 CFR 131.12(a)(2). States and tribes using a parameter-by-parameter basis (sometimes called a "pollutant-by-pollutant approach") do not maintain a list of Tier 2 waters, but instead identify a high quality water at the time an entity proposes an activity that would lower water quality. In contrast, states and tribes using a water body-by-water body basis typically identify high quality waters in advance on a list by weighing a variety of factors (*e.g.*, chemical, physical, biological, and other information) to classify a water body's overall quality.

The list below is provided as a resource for operators who must determine whether they discharge to a Tier 2, Tier 2.5, or Tier 3 water. Where available, the table lists waters specifically identified for Tier 2, Tier 2.5, or Tier 3 protection by a water quality standard authority (*e.g.*, a state or tribe). Operators should not assume that a water does not receive Tier 2, Tier 2.5, or Tier 3 protection solely based on the absence of information in this table. Evaluation regarding antidegradation protections for a specific water may need to be done on a case-by-case basis, especially where the state or tribe uses the parameter-by-parameter approach to identify whether water quality is better than necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
MAR100000	**Commonwealth of Massachusetts, except Indian Country lands**	
	Tier 2, Tier 2.5, and 3 waters are identified and listed in the Massachusetts Water Quality Standards 314 CMR 4.00. Surface water qualifiers that correspond with Tier classifications are defined at 314 CMR 4.06(1)(d) and listed in tables and figures at the end of 314 CMR 4.06. See MassDEP's web page at: http://www.mass.gov/eea/agencies/massdep/water/regulations/314-cmr-4-00-mass-surface-water-quality-standards.html. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-massachusetts	
	Tier 2	Listed as "High Quality Waters", and all wetlands that are not designated as an Outstanding Resource Water.
	Tier 2.5	Listed as "Outstanding Resource Water", "Public Water Supply", "Tributary to Public Water Supply", all wetlands bordering Outstanding Resource Waters, and vernal pools.
	Tier 3	Defined as "Special Resource Water". Note: No waters have been identified as a Special Resource Water as of the issuance of this permit.
NHR100000	**State of New Hampshire**	
	Tier 2 waters are identified on a parameter-by-parameter basis. Tier 2.5 and 3 waters are identified and listed in the New Hampshire Water Quality Standards Chapter Env-Wq 1700. Description of the antidegradation tiers are included at Chapter Env-Wq 1708. New dischargers and new sources should contact EPA Region 1's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-new-hampshire	
	Tier 3	Env-Ws 1708.05(a) Surface waters of national forests and surface waters designated as "natural" under RSA 483:7-a, I shall be considered outstanding resource waters (ORW). "Natural waters" are listed at http://www.gencourt.state.nh.us/rsa/html/L/483/483-15.htm. Surface waters of national forests are not included in an official list. For further questions, new dischargers and new sources should contact EPA Region 1's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional.
NYR10I000	**Saint Regis Mohawk Tribe (NY)**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Saint Regis Mohawk Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/sites/production/files/2014-12/documents/stregis-tribe.pdf	

	Tier 3	Outstanding Resource Waters. Those waters designated as such by the Tribe. The Waters that may be considered for designation as Outstanding Resource Waters include, but are not limited to, water bodies that are recognized as: (i) Important because of protection through official action, such as Tribal, Federal or State law, Presidential or secretarial action, international treaty, or interstate compact; (ii) Having exceptional recreational significance; (iii) Having exceptional ecological significance; (iv) Having other special environmental, recreational, religious or ecological attributes; or waters whose designation as Outstanding Resource Waters is reasonably necessary for the protection of other waters so designated. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional.
PRR100000	**Commonwealth of Puerto Rico**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Puerto Rico Water Quality Standards. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-puerto-rico	
	Tier 3	Tier III waters are those which are classified as either Class SA or Class SE. Class SA waters are defined as "Coastal waters and estuarine waters of high quality and/or exceptional ecological or recreational value whose existing characteristics shall not be altered, except by natural causes, in order to preserve the existing natural phenomena." Class SA waters include bioluminiscent lagoons and bays such as La Parguera and Monsio José in Lajas, Laguna Joyuda in Cabo Rojo, Laguna Grande in Fajardo, Bahía de Mosquito in Vieques, and any other coastal or estuarine waters of exceptional quality of high ecological value or recreational which may be designated by Puerto Rico, through Resolution, as requiring this classification for protection of the waters. Class SE waters are defined as "Surface waters and wetlands of exceptional ecological value, whose existing characteristics should not be altered in order to preserve the existing natural phenomena." Class SE waters include Laguna Tortuguero, Laguna Cartagena and any other surface water bodies of exceptional ecological value as may be designated by Puerto Rico through Resolution.
DCR100000	**District of Columbia**	
	New dischargers and new sources should contact EPA Region 3's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. Tier 2.5 waters are identified and listed in the District of Columbia Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-washington-dc	
	Tier 2.5	Rule 1102.4 SPECIAL WATERS OF THE DISTRICT OF COLUMBIA (SWDC): Any segment or segments of the surface waters of the District that are of water quality better than needed for the current use or have scenic or aesthetic importance shall be designated as Special Waters of the District of Columbia (SWDC). Rock Creek and its tributaries and Battery

		Kemble Creek and its tributaries are considered Special Waters of the District of Columbia (SWDC) under its antidegradation program.
FLR10I000	**Miccosukee Tribe (FL)**	
	New dischargers and new sources should contact EPA Region 4's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. The Miccosukee Tribe Water Quality Standards includes an additional tier of protection between Tier 2 and 3 that is referred as Tier 2 ¾ for Outstanding Miccosukee Waters. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-miccosukee-tribe-indians-florida	
	Tier 2	Where existing quality exceeds the level of protection necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the Tribe finds, after full satisfaction of inter-governmental and public participation requirements, that allowing lower water quality is necessary to accommodate important economic and social development in the area in which the waters are located. In allowing such degradation or lower water quality the Tribal shall assure water quality which is adequate to protect existing uses fully. Further, the Tribe shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost effective and reasonable best management practices for non-point source control.
	Tier 2 ¾	Outstanding Miccosukee Waters (OMW): The Miccosukee Tribe recognizes that the waters of its Federal Reservation which are contained within Water Conservation Area 3-A and the Miccosukee Reserved Area constitute the Tribe's highest quality waters and must be preserved in as pristine a condition as possible while at the same time allowing for the activities of man. These ecologically important waters are essential to the survival of the Miccosukee Tribe, therefore: The Miccosukee Tribe hereby designates the waters of its Federal Reservation which are contained within Water Conservation Area 3-A (North Grass, South Grass, Gap) and Miccosukee Reserved Area as Class III-A and Outstanding Miccosukee waters (OMW). The North Grass is defined as that area bounded by the northern boundary of the reservation, the eastern edge of the L-28 levee (which is east of the L-28 canal), the southern edge of the C-60 Canal, and the eastern boundary of the reservation. The South Grass is defined as the area bounded by southern edge of the C-60 canal, the eastern boundary of the reservation, the southern boundary of the reservation, the eastern edge of the L-28 canal (which is south of the L-28 Tieback Canal), a line running north from the L-28 Canal (where the L-28 Canal turns northwest to become the L-28 Tieback Canal) until this line intersects the oil pipeline, the center of the oil pipeline until the oil pipeline intercepts the L-28 Interceptor Canal, and the eastern edge of the L-28 levee (which is east of the L-28 Canal). The Gap is defined as that area which is bounded by the southern boundary of the reservation, the western boundary of the reservation, the northeastern edge of the L-28 Interceptor Canal, the oil pipeline which runs generally south from the L-28 Interceptor Canal until the pipeline intercepts a line running north from the L-28 Canal where the L-28

		canal turns northwest to become the L-28 Tieback Canal, and the eastern edge of the L-28 canal (which is south of the L-28 Tieback Canal).
	Tier 3	Tier 3: Outstanding Natural Resource Waters (ONRW): Where high quality waters constitute an Outstanding Tribal resource such as waters of parks and wildlife refuges and waters of exceptional ecological and recreational significance, that water quality shall be maintained and protected. These waters shall be designated as Outstanding Natural Resource Waters (ONRW). Currently, no Tribal waters are designated as ONRW.
	Seminole Tribe (FL)	
	New dischargers and new sources should contact EPA Region 4's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/seminole_floridawqs.pdf	
MNR10I000	**Fond du Lac Band of Lake Superior Chippewa**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Fond du Lac Band of MN Chippewa Water Quality Standards. New dischargers and new sources should contact EPA Region 5's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-fond-du-lac-band-minnesota-chippewa-tribe	
	Tier 3	Six Lakes are presently identified as Tier 3/Outstanding Reservation Resource Waters (ORRW): (1) Dead Fish Lake; (2) Jaskari Lake; (3) Miller (Mud) Lake; (4) Perch Lake; (5) Rice Portage Lake; (6) Wild Rice Lake.
	Grand Portage Band of Lake Superior Chippewa	
	Tier 2 waters are identified on a parameter-by-parameter basis. Two subcategories of protection (referred to as outstanding tribal water resource (OTWR)) exist in the Grand Portage Band of MN Chippewa Water Quality Standards as follows: (a) OTWR-Restricted (lowered water quality may be allowed under limited circumstances); (b) OTWR-Prohibited (Discharges and permanent lowering of water quality are prohibited). New dischargers and new sources should contact EPA Region 5's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-grand-portage-band-minnesota-chippewa-tribe	
	Tier 2	OTWR-Restricted: All waters, not already classified as Tier 3, are high quality Tier 2 waters (see Grand Portage Reservation Water Quality Standards, Section VI & VII, Pages 14-16).
	Tier 3	OTWR-Prohibited: "The portion of Lake Superior north of latitude 47 degrees, 57 minutes, 13 seconds, east of Hat Point, south of the Minnesota-Ontario boundary, and west of the Minnesota-Michigan boundary" (see Section VII, Page 16).
	Sokaogon Chippewa Community	
	All waters other than 1, "Wetland 22" are Tier 3 waters. For all Tribal Waters classified Tier 3 ONRW a short-term, temporary (weeks or months) lowering of	

	water quality may be permitted by Tribal Authorities for activities meant to protect public health, increase the social and economic welfare of the tribe, or result in future higher water quality in the ONRW. New dischargers and new sources should contact EPA Region 5's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/sites/default/files/2014-12/documents/molelakeband-wqs.pdf	
	Tier 2.9	EHQW Classification: Wetland 22 is classified as EHQW. It is a high-quality water body of significant cultural, religious, social, ecological and recreational attributes.
	Tier 3	All other Tribal Waters are classified as Outstanding National Resource Waters (ONRW). Prohibitions: No human activity may directly or indirectly discharge, release or emit pollutants into Tribal ONRW Waters, except on a short-term, temporary basis as described in Section IV B [151.31] Antidegradation Implementation. All Non-aberrational, indigenous species, and supporting ecological parameters, shall be protected regardless or prevalence, condition or use. Quality of these waters shall be unadulterated. There shall be no signs of ecological stress or impairment
WIR10I000	**Bad River Band of Lake Superior Chippewa (WI)**	
	Tier 2 waters are identified on a water body-by-water body basis. Tier 2, 2.5, and 3 classifications are included in the Bad River Band of Lake Superior Chippewa Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-bad-river-band-lake-superior-chippewa-tribe	
	Tier 2	Any surface water not specifically classified as Outstanding Tribal Resource Water or Outstanding Resource Water is classified as Exceptional Resource Water (Anishinaabosibiing).
	Tier 2.5	Outstanding Resource Waters: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweiler River, Tyler Forks, Bell Creek, and Vaughn Creek.
	Tier 3	Outstanding Tribal Resource Waters: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River.
	Lac du Flambeau Band of the Lake Superior Chippewa	
	Tier 2 waters are identified on a water body-by-water body basis. Tier 2, 2.5, and 3 classifications are included in the Lac du Flambeau Band of the Lake Superior Chippewa Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-lac-du-flambeau-band-lake-superior-chippewa-tribe	
	Tier 2	All named waters, including wetlands, not specified under an Antidegradation classification are classified as Tribal Resource Water (Tier 2). Unclassified Named Waters (Tier 2): Buckskin Lake; Flambeau Lake; Long (Interlaken) Lake); Marland's Lake (Sec. 13, T40NR4E); Moss Lake; Pokegema Lake.

	Tier 2.5	Exceptional Tribal Resource Waters: Bills Lake, Birch Lake, Bobidosh Lake, Bog Lake (SE SE Sec. 31, T40NR6E), Bolton Lake, Broken Bow Lake, Chewalah Lake, Clear Lake (Sec. 2, T39NR4E), Corn Great, Great, Corn Lake, Little "Least/Lesser", Crawling Stone Lake, Big, Crawling Stone Lake, Little, Crescent Lake, Crooked Lake, Big, David Lake, Ellerson Lake, Middle, Ellerson Lake, West, Elsie Lake "Boundary Lake", Fat Lake, Fence Lake, Gresham Creek, Green Lake (NW NW Sec. 19, T41R6E), Grey Lake, Gunlock Lake, Haskell Lake, Headflyer Lake (Sec. 19, T41NR5E), Highway Lake (NW NW Sec. 19, T41NR5E), Horsehead Lake (SE SW Sec. 9, T40NR5E), Hutton's Creek, Ike Walton Lake, Lily Lake (SE SW Sec. 35, T40NR5E), Little Ten Lake, Lodge Lake "L. Rice" (NW NW Sec. 8, T41NR6E), Lucy Lake, Mindys Lake (Sec. 8, T40NR5E), Minette Lake, Mitten Lake, Monk's Lake (Sec. 13, T40NR5E), Moving Cloud Lake, Mud Creek, Muskesin Lake, Patterson Lake, Placid Twin Lake (North), Placid Twin Lake (South), Plummer Lake, Poupart Lake, Prairie Lake (NE SW Sec. 13, T40NR4E), Raven Lake, Ross Allen Lake, Sand Lake, Little, Scott Lake (Sec. 22, T40N, R4E), Shishebogama Lake, Signal Lake, Snort Lake (Sec. 5, T41N, R6E), Spring Lake "Jerms", Squirrel Lake, Statenaker Lake "Hollow", Stearns Lake "Hourglass", Sugarbush "Hidden Lake" (NW NW Sec. 17, T41NR5E), Sugarbush Creek, Sugarbush Lake, Little, Sugarbush Lake, Lower, Sugarbush Lake, Middle, Sugarbush Lake, Upper, Sunfish Lake, Tippecanoe Lake, Tomahawk River, To-To Tom Lake, Toulish Lake, Trout River, Warrior Lake, White Sand Lake, Whitefish Lake "Cattail Lake" (Sec. 34, T40N5R), Wishow Lake, Wyandock Lake.
	Tier 3	Outstanding Tribal Resource Waters: Bear River (1st bridge to Reservation boundary), Big Springs (Sec. 25, T40NR4E), Black Lake, Cranberry Lake, Doud Lake, Eagle Lake, Gene Lake, Johnson Springs, Little Trout Lake, Lost Lake (Sect. 1, T41NR4E), Mishonagon Creek, Munnomin (Jesse, Duck) Lake, Negani (Hegani) Lake, Reservation Line Lake, Spring Creek, Tank Lake, Thomas Lake, Wild Rice Lake, Zee Lake.
NMR100000	**State of New Mexico**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the State of New Mexico Water Quality Standards. New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-new-mexico	
	Tier 2	If you need assistance determining if your discharge is to a Tier 2 waterbody, please contact the NMED Surface Water Quality Bureau's Stormwater Program at https://www.env.nm.gov/surface-water-quality/
	Tier 3	For a current list of NMED's Tier 3/Outstanding National Resource Waters, see New Mexico's Water Quality Standards at 20.6.4.9.D NMAC.
NMR10I000	**Ohkay Owingeh (NM) (formerly the Pueblo of San Juan)**	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also:	

	https://www.epa.gov/wqs-tech/water-quality-standards-regulations-ohkay-owingeh-pueblo-formerly-pueblo-san-juan
	Pueblo of Acoma (NM)
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-acoma
	Pueblo of Laguna (NM)
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-laguna
	Tier 3 | Mountain Streams & Springs, Rio Paguate Above the Jack Pile Mine, Water Canyon Creek, and Encinal Creek.
	Pueblo of Isleta (NM)
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-isleta
	Pueblo of Nambe (NM)
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-nambe
	Pueblo of Picuris (NM)
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. Tier 2, 2.5, and 3 classifications are included in the Pueblo of Picuris Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-picuris
	Pueblo of Pojoaque (NM)
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-pojoaque
	Pueblo of Sandia (NM)
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-sandia
	Pueblo of Santa Ana (NM)

	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-santa-ana	
	Pueblo of Santa Clara (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-santa-clara	
	Pueblo of Taos (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-taos	
	Tier 3	Outstanding Tribal Resource Waters: Mountain Lakes; Mountain Streams & Springs;
	Pueblo of Tesuque (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-tesuque	
COR10F000	**State of Colorado (except areas located on Indian country, subject to construction activity by a Federal Operator)**	
	Tier 2 (or "reviewable") waters include the waterbody segments that do not have either an Outstanding Waters or Use Protected designation assigned. Outstanding Waters and Use Protected antidegradation designations are assigned on a segment-by-segment basis in the basin-specific WQS regulations (Regulations 32 – 38).	
	Tier 3	Tier 3 waters include the waterbody segments with an Outstanding Waters designation assigned. These are assigned on a segment-by-segment basis in the basin-specific water standards regulations (Regulations 32 – 38).
	https://cdphe.colorado.gov/wqcc-regulations-and-policies	
COR10I000	**Ute Mountain Ute Tribe**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Ute Mountain Ute Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-ute-mountain-ute-tribe	
	Tier 3	Outstanding Tribal Resource Waters: 1. Ute Spring and unnamed creek from Ute Spring downstream within Section 12, TWP35N R18W (Colorado). 2. Allen Canyon Creek, Sections 17, 20, 29, 30, 31, TWP 35S, R21E (Utah) 3. "Lopez" Spring and unnamed creek tributary to and downstream from the spring, within Section 35, TWP 34N, R18W

<table>
<tr><td rowspan="8">MTR10I000</td><td colspan="2">Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation (MT)</td></tr>
<tr><td colspan="2">Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-assiniboine-and-sioux-tribes-fort-peck-indian</td></tr>
<tr><td>Tier 2</td><td>Most Tribal Waters will qualify as Tier 2 waters. Unless the water body is not attaining the Clean Water Act Section 101(a)(2) goals, the water body has received an OTRW designation, or there is no assimilative capacity for pollutants to protect existing and designated uses, it is likely that the water body will receive Tier 2 protection.</td></tr>
<tr><td colspan="2">Confederated Salish and Kootenai Tribes of the Flathead Reservation (MT)</td></tr>
<tr><td colspan="2">Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Confederated Salish and Kootenai Tribes of the Flathead Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-salish-and-kootenai-tribes-flathead</td></tr>
<tr><td>Tier 3</td><td>The following are Tier 3 waters: All waters located within Tribally designated primitive or wilderness areas.</td></tr>
<tr><td colspan="2">Northern Cheyenne (MT)</td></tr>
<tr><td colspan="2">Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Northern Cheyenne Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-northern-cheyenne-tribe-northern-cheyenne-reservation</td></tr>
<tr><td>ASR100000</td><td colspan="2">Island of American Samoa</td></tr>
<tr><td></td><td colspan="2">New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf</td></tr>
<tr><td rowspan="4">AZR10I000</td><td colspan="2">Hopi Tribe (AZ)</td></tr>
<tr><td colspan="2">Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Hopi Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hopi-tribe</td></tr>
<tr><td>Tier 3</td><td>Unique Waters: In the Moencopi Wash watershed, from Blue Canyon Springs to the confluence of Begashibito Wash.</td></tr>
<tr><td colspan="2">Hualapai Indian Tribe (AZ)</td></tr>
</table>

	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Hualapai Indian Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hualapai-tribe	
	Tier 3	Segments assigned as Tier 3: Spencer; Meriwhitica; Willow Spring; Upper Milkweed Spring; Bridge Canyon; Travertine Spring; Travertine Falls; Diamond Creek; Diamond Creek Spring; Blue Mountain; Metuck; Peach Springs Spring; Westwater; Clay Tank; Hocky Puck; Pocamote Spring; Mohawk Spring; Granite Spring; Three Spring; Warm Spring; Honga Spring; National Canyon Spring; National Canyon; Moss Spring.
	Navajo Nation (AZ, NM, UT)	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-navajo-nation	
	White Mountain Apache Tribe (AZ)	
	Tier 2 waters are identified on a water body-by-water body basis. Tier classifications are identified in Appendix B of the White Mountain Apache Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-white-mountain-apache-tribe	
	Tier 2	High Quality Waters: East Fork White River, above R52 Road; Paradise Creek, above Wohlenberg; Ord Creek; Smith Cienega; Bull Cienega; Smith Creek; Big Bonito; Tonto Creek, below Y47 Crossing; Crooked Creek; Boggy Creek; Little Bonito Creek, above Y55 Crossing; Flash Creek; Squaw Creek; Hurricane Lake; Hurricane Creek; Hughey Creek; Bonito Cienega; West Fork Black River; Hall Cienega; Purcell Cienega; Thompson Creek; Cibecue Creek in Box Canyon to Salt river; Rock Springs Creek; Willow Creek (Lower Canyon Cr.). Sensitive Waters (treated the same manner as Tier 2): East Fork White River below R52 Road, above Rock Cr; Lofer Cienega Creek; Carrizo Creek above Corduroy; Cedar Creek; Big Canyon (E. Cedar Creek); Middle Cedar Creek; West Cedar Creek; Cibecue Creek, Box Canyon up to Confluence with Salt Creek; Spring Creek; Salt Creek; Cibecue Creek, from confluence w/Salt Cr. To Big Springs; Cibecue Creek, above Big Springs; Salt Draw; Canyon Creek S. of Chediski Farms; Oak Creek; Canyon Creek, N. of Chediski Farms.
	Tier 3	Outstanding Waters: East Fork White River, in Wilderness area; Pumpkin Lake.
CAR10I000	**Big Pine Band of Owens Valley (CA)**	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also:	

	https://www.epa.gov/wqs-tech/water-quality-standards-regulations-big-pine-paiute-tribe-owens-valley
	Hoopa Valley Tribe (CA)
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hoopa-valley-tribe
	Paiute-Shoshone Indians of the Bishop Community (CA)
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-bishop-paiute-tribe
	Twenty-Nine Palms (CA)
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-twenty-nine-palms-band-mission-indians
GUR100000	**Island of Guam**
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf
JAR100000	**Johnston Atoll**
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional
MPR100000	**Commonwealth of the Northern Mariana Islands**
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf
MWR100000	**Midway Island and Wake Island**
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional
NVR10000I	**Pyramid Lake Paiute (NV)**
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pyramid-lake-paiute-tribe
IDR10I000	**Coeur D'Alene Tribe (ID)**

	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Coeur D'Alene Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-coeur-dalene-tribe-indians
ORR10I000	**Confederated Tribes of the Warm Springs Reservation (OR)**
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-warm-springs-indian-reservation
	Confederated Tribes of Umatilla (OR)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-umatilla-indian-reservation-oregon
WAR10I000	**Confederated Tribes of the Chehalis Reservation (WA)**
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Confederated Tribes of the Chehalis Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-chehalis-reservation
	Confederated Tribes of the Colville Reservation (WA)
	EPA established federal water quality standards for the Confederated Tribes of the Colville Reservation at 40 CFR 131.35. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-colville-reservation
	Kalispel Indian Community (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-kalispel-indian-community-kalispel-reservation
	Lummi Tribe (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-lummi-nation
	Makah Indian Nation (WA)

	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-makah-indian-nation
	Port Gamble S'Klallam (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-port-gamble-sklallam-tribe
	Puyallup Tribe of Indians (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-puyallup-tribe-indians
	Spokane Tribe of Indians (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also:
	https://www.epa.gov/wqs-tech/water-quality-standards-regulations-spokane-tribe-indians

Appendix C – Copy of NOI and EPA Authorization Email

Katheryn Seckel

From: no-reply@epacdx.net
Sent: Monday, April 27, 2026 3:00 PM
Subject: EPA NeT CGP Requirements when Discharging to Impaired Waters - I-5/4th Street and 88th Street NE Corridor Improvements Project, NPDES ID: WAR10I045

Follow Up Flag: Follow up
Flag Status: Flagged

External email

2026-04-27

Dear NeT User,

You have indicated in your NOI that you discharge to at least one water of the U.S. that is listed as impaired by the state or tribe in which your project is located. If your site discharges to one or more waters of the U.S. that are impaired for sediment or a sediment-related parameter (e.g., total suspended solids or turbidity) or nutrients (e.g., nitrogen or phosphorus), you are required to comply with additional stormwater control requirements pertaining to the deadline to complete site stabilization in Part 2.2.14(b)(iii) and site inspections in Part 4.3.1. If your site discharges to waters of the U.S. that are impaired for pollutants other than a sediment or nutrients, or related pollutants, you are only subject to additional measures or controls if EPA informs you separately of such.

From: no-reply@epacdx.net
Subject: EPA NeT CGP Requirements when Waters of the U.S. are Within or Adjacent to the Construction Site - I-5/4th Street and 88th Street NE Corridor Improvements Project, NPDES ID: WAR10I045
Date: Monday, April 27, 2026 3:00:34 PM
Attachments: shield-advisory.png
chevron-light.png

External email

2026-04-27

Dear NeT User,

You have indicated in your NOI that there are waters of the U.S. that exist within or immediately adjacent to your site. Because of the proximity of these waters to your construction activities, be advised that you are required to comply with the buffer requirements in Part 2.2.1. This provision requires that you comply with one of the following three compliance alternatives:

- Provide and maintain a 50-foot undisturbed natural buffer; or
- Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
- If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

You must document the compliance alternative you have selected in your SWPPP, and comply with the applicable additional requirements described in CGP Appendix F.

Katheryn Seckel

From: no-reply@epacdx.net
Sent: Monday, April 27, 2026 3:00 PM
Subject: EPA NeT CGP Coverage Status: Active: I-5/4th Street and 88th Street NE Corridor Improvements Project, NPDES ID: WAR10I045

Follow Up Flag: Follow up
Flag Status: Flagged



2026-04-27

Dear NeT User,

Coverage status has changed for a project / site under the CGP.

NPDES ID	Form Type	Coverage Status	Operator	Project/Site Name	EPA Comment
WAR10I045	NOI	Active	Tulalip Tribes of Washington	I-5/4th Street and 88th Street NE Corridor Improvements Project	

Your Notice of Intent (NOI) requesting coverage under EPA's Construction General Permit (CGP) has been accepted and authorization to discharge under the CGP became effective on 04/27/2026 and will expire on 02/16/2027 .

Please note that this email does not represent a determination by EPA regarding the validity of the information you provided in your NOI or LEW. Your eligibility for coverage under this permit is based on the validity of the certification you provided. Your electronic signature on the NOI or LEW form certifies that you have read, understood, and are implementing all of the applicable requirements. An important aspect of this certification requires that you have correctly determined whether you are eligible for coverage under this permit.

The CGP requires you to have developed a Stormwater Pollution Prevention Plan (SWPPP) prior to submitting your NOI. The CGP also includes specific requirements for erosion and sediment controls, pollution prevention controls, conducting self-inspections, taking corrective actions, and conducting staff training. You must comply with any state, tribal, or territory-specific requirements in Part 9 (see https://www.epa.gov/npdes/stormwater-discharges-construction-activities#cgp).

A copy of the submission can be found here.

If you have questions about this email or about NeT CGP, please refer to NeT Support or e-mail NPDESereporting@epa.gov for assistance.

This is an automated notification; please do not reply to this email.

Appendix D – Copy of Site Inspection Form

Project Name: _____
NPDES ID Number: _____

Section A – General Information (If necessary, complete additional inspection reports for each separate inspection location.)	
Inspector Information	
Inspector Name:	**Title:**
Company Name:	**Email:**
Address:	**Phone Number:**
Inspection Details	
Inspection Date:	**Inspection Location:**
Inspection Start Time:	**Inspection End Time:**
Current Phase of Construction:	**Weather Conditions During Inspection:**

Did you determine that any portion of your site was unsafe for inspection per CGP Part 4.5? ☐ Yes ☐ No

If "Yes," provide the following information:

Location of unsafe conditions:

The conditions that prevented you inspecting this location:

Indicate the required inspection frequency: (Check all that apply. You may be subject to different inspection frequencies in different areas of the site.)

Standard Frequency (CGP Part 4.2):

☐ At least once every 7 calendar days; **OR**

☐ Once every 14 calendar days *and* within 24 hours of the occurrence of either:

- A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
- A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period

Increased Frequency (CGP Part 4.3.1) (If site discharges to sediment or nutrient-impaired waters or to waters designated as Tier 2, Tier 2.5, or Tier 3):

☐ Once every 7 calendar days *and* within 24 hours of the occurrence of either:

- A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
- A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period

Reduced Frequency (CGP Part 4.4):

- ☐ For stabilized areas: Twice during first month, no more than 14 calendar days apart; then once per month after first month until permit coverage is terminated
- ☐ For stabilized areas on "linear construction sites": Twice during first month, no more than 14 calendar days apart; then once more within 24 hours of the occurrence of either:
  - A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
  - A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period
- ☐ For arid, semi-arid, or drought-stricken areas during seasonally dry periods or during drought: Once per month and within 24 hours of the occurrence of either:
  - A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
  - A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period
- ☐ For frozen conditions where construction activities are being conducted: Once per month

Was this inspection triggered by a storm event producing 0.25 inches or more of rain within a 24-hour period? ☐ Yes ☐ No

If "Yes," how did you determine whether the storm produced 0.25 inches or more of rain?

- ☐ On-site rain gauge
- ☐ Weather station representative of site.
  Weather station location:

Total rainfall amount that triggered the inspection (inches):

Was this inspection triggered by a snowmelt discharge from a storm event producing 3.25 inches or more of snow within a 24-hour period? ☐ Yes ☐ No

If "Yes," how did you determine whether the storm produced 3.25 inches or more of snow?

- ☐ On-site rain gauge
- ☐ Weather station representative of site.
  Weather station location:

Total snowfall amount that triggered the inspection (inches):

Section B – Condition and Effectiveness of Erosion and Sediment (E&S) Controls (CGP Part 2.2) (Insert additional rows if needed)					
Type and Location of E&S Control	**Conditions Requiring Routine Maintenance?[1]**	**If "Yes," How Many Times (Including This Occurrence) Has This Condition Been Identified?**	**Conditions Requiring Corrective Action?[2, 3]**	**Date on Which Condition First Observed (If Applicable)?**	**Description of Conditions Observed**
1.	☐ Yes ☐ No		☐ Yes ☐ No		
2.	☐ Yes ☐ No		☐ Yes ☐ No		
3.	☐ Yes ☐ No		☐ Yes ☐ No		
4.	☐ Yes ☐ No		☐ Yes ☐ No		
5.	☐ Yes ☐ No		☐ Yes ☐ No		
If the same routine maintenance was found to be necessary three or more times for the same control at the same location (including this occurrence), follow the corrective action requirements and record the required information in your corrective action log, or describe here why you believe the specific condition should still be addressed as routine maintenance:					

[1] Routine maintenance includes minor repairs or other upkeep performed to ensure that the site's stormwater controls remain in effective operating condition, not including significant repairs or the need to install a new or replacement control. Routine maintenance is also required for specific conditions: (1) for perimeter controls, whenever sediment has accumulated to half or more the above-ground height of the control (CGP Part 2.2.3.c.i); (2) where sediment has been tracked-out from the site onto paved roads, sidewalks, or other paved areas (CGP Part 2.2.4.d); (3) for inlet protection measures, when sediment accumulates, the filter becomes clogged, and/or performance is compromised (CGP Part 2.2.10.b); and (4) for sediment basins, as necessary to maintain at least half of the design capacity of the basin (CGP Part 2.2.12.f)

[2] Corrective actions are triggered only for specific conditions (CGP Part 5.1):

1. A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4.c, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1.c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under 2.1.4); or
2. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or
3. Your discharges are not meeting applicable water quality standards; or
4. A prohibited discharge has occurred (see CGP Part 1.3); or
5. During the discharge from site dewatering activities:
   a. The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part 3.3.2.b); or
   b. You observe or you are informed by EPA, State, or local authorities of the presence of the conditions specified in Part 4.6.3.e.

[3] If a condition on your site requires a corrective action, you must also fill out a corrective action log found at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates. See CGP Part 5.4 for more information.

Project Name: _____
NPDES ID Number: _____

Section C – Condition and Effectiveness of Pollution Prevention (P2) Practices and Controls (CGP Part 2.3) (Insert additional rows if needed)					
Type and Location of P2 Practices and Controls	**Conditions Requiring Routine Maintenance?[1]**	**If "Yes," How Many Times (Including This Occurrence) Has This Condition Been Identified?**	**Conditions Requiring Corrective Action?[2, 3]**	**Date on Which Condition First Observed (If Applicable)?**	**Description of Conditions Observed**
1.	☐ Yes ☐ No		☐ Yes ☐ No		
2.	☐ Yes ☐ No		☐ Yes ☐ No		
3.	☐ Yes ☐ No		☐ Yes ☐ No		
4.	☐ Yes ☐ No		☐ Yes ☐ No		
5.	☐ Yes ☐ No		☐ Yes ☐ No		
If the same routine maintenance was found to be necessary three or more times for the same control at the same location (including this occurrence), follow the corrective action requirements and record the required information in your corrective action log, or describe here why you believe the specific condition should still be addressed as routine maintenance:					

Project Name: _____
NPDES ID Number: _____

Section D – Stabilization of Exposed Soil (CGP Part 2.2.14) (Insert additional rows if needed)					
Specific Location That Has Been or Will Be Stabilized	**Stabilization Method and Applicable Deadline**	**Stabilization Initiated?**	**Final Stabilization Criteria Met?**	**Final Stabilization Photos Taken?**	**Notes**
1.		☐ Yes ☐ No If "Yes," date initiated:	☐ Yes ☐ No If "Yes," date criteria met:	☐ Yes ☐ No	
2.		☐ Yes ☐ No If "Yes," date initiated:	☐ Yes ☐ No If "Yes," date criteria met:	☐ Yes ☐ No	
3.		☐ Yes ☐ No If "Yes," date initiated:	☐ Yes ☐ No If "Yes," date criteria met:	☐ Yes ☐ No	
4.		☐ Yes ☐ No If "Yes," date initiated:	☐ Yes ☐ No If "Yes," date criteria met:	☐ Yes ☐ No	
5.		☐ Yes ☐ No If "Yes," date initiated:	☐ Yes ☐ No If "Yes," date criteria met:	☐ Yes ☐ No	

Section E – Description of Discharges (CGP Part 4.6.2) (Insert additional rows if needed)	
Was a discharge (not including dewatering) occurring from any part of your site at the time of the inspection?[4] ☐ Yes ☐ No **If "Yes," for each point of discharge, document the following:** • The visual quality of the discharge. • The characteristics of the discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants. • Signs of the above pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.	
Discharge Location	**Observations**
1.	
2.	
3.	
4.	
5.	

[4] If a dewatering discharge was occurring, you must conduct a dewatering inspection pursuant to CGP Part 4.3.2 and complete a separate dewatering inspection report.

Section F – Signature and Certification (CGP Part 4.7.2)	
"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 gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained 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."	
MANDATORY: Signature of Operator or "Duly Authorized Representative:"	
Signature:	**Date:**
Printed Name:	**Affiliation:**
OPTIONAL: Signature of Contractor or Subcontractor	
Signature:	**Date:**
Printed Name:	**Affiliation:**

General Tips for Using This Template

This Site Inspection Report Template is provided to assist you in preparing site inspection reports for EPA's 2022 Construction General Permit (CGP). If you are covered under the 2022 CGP, you can use this template to create a site inspection report form that is customized to the specific circumstances of your site and that complies with the minimum reporting requirements of Part 4.7 of the permit. Note that the use of this form is optional; you may use your own site inspection report form provided it includes the minimum information required in Part 4.7 of the CGP.

This template does not address the CGP's inspection reporting requirements related to dewatering activities. A separate inspection template has been developed specifically for dewatering activities and is available at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates.

Keep in mind that this document is a template and not an "off-the-shelf" inspection report that is ready to use without some modification. You must first customize this form to include the specifics of your project in order for it to be useable for your inspection reports. Once you have entered all of your site-specific information into the blank fields, you may use this form to complete inspection reports.

The following tips for using this template will help you ensure that the minimum permit requirements are met:

- **Review the inspection requirements.** Before you start developing your inspection report form, read the CGP's Part 4 inspection requirements. This will ensure that you have a working understanding of the permit's underlying inspection requirements.
- **Complete all required blank fields.** Fill out all blank fields. Only by filling out all fields will the template be compliant with the requirements of the permit. (Note: Where you do not need the number of rows provided in the template form for your inspection, you may delete these or cross them off as you see fit. Or, if you need more space to document your findings, you may insert additional rows in the electronic version of this form or use the bottom of the page in the field version of this form.)
- **Use your site map to document inspection findings.** In several places in the template, you are directed to specify the location of certain features of your site, including where stormwater controls are installed and where you will be stabilizing exposed soil. You are also asked to fill in location information for unsafe conditions and the locations of any discharges occurring during your inspections. Where you are asked for location information, EPA encourages you to reference the point on your SWPPP site map that corresponds to the requested location on the inspection form. Using the site map as a tool in this way will help you conduct efficient inspections, will assist you in evaluating problems found, and will ensure proper documentation.
- **Complete the inspection report within 24 hours of completing a site inspection.** You must complete an inspection report in accordance with Part 4.7.1 of the CGP.
- **Include the inspection form with your SWPPP.** Once your form is complete, make sure to include a copy of the inspection form in your SWPPP in accordance with Part 7.2.7.e of the CGP.
- **Retain copies of all inspection reports with your records.** You must also retain in your records copies of all inspection reports in accordance with the requirements in Part 4.7.3 of the CGP. These reports must be retained for at least 3 years from the date your permit coverage expires or is terminated in accordance with the requirements in Part 4.7.4 of the CGP.

Instructions for Section A

Inspector Name

Enter the name of the person that conducted the inspection. Include the person's contact information (title, affiliated company name, address, email, and phone number).

Inspection Date and Time

Enter the date you performed the inspection and the time you started and ended the inspection.

Weather Conditions During Inspection

Enter the weather conditions occurring during the inspection, e.g., sunny, overcast, light rain, heavy rain, snowing, icy, windy.

Current Phase of Construction
If this project is being completed in more than one phase, indicate which phase it is currently in.

Inspection Location
If your project has multiple locations where you conduct separate inspections, specify the location where this inspection is being conducted. If only one inspection is conducted for your entire project, enter "Entire Site." If necessary, complete additional inspection report forms for each separate inspection location.

Unsafe Conditions for Inspection (CGP Part 4.5.7)
Inspections are not required where a portion of the site or the entire site is subject to unsafe conditions. These conditions should not regularly occur and should not be consistently present on a site. Generally, unsafe conditions are those that render the site (or a portion of it) inaccessible or that would pose a significant probability of injury to applicable personnel. Examples could include severe storm or flood conditions, high winds, and downed electrical wires.

If your site, or a portion of it, is affected by unsafe conditions during the time of your inspection, provide a description of the conditions that prevented you from conducting the inspection and what parts of the site were affected. If the entire site was considered unsafe, specify the location as "Entire Site."

Inspection Frequency
Check all the inspection frequencies that apply to your project. Note that you may be subject to different inspection frequencies in different areas of your site.

Inspection Triggered by a Storm Event
If you were required to conduct this inspection because of a storm event that produced 0.25 inches or more of rain within a 24-hour period, indicate whether you relied on an on-site rain gauge or a nearby weather station (and where the weather station is located). Also, specify the total amount of rainfall for this specific storm event.

If you were required to conduct this inspection because of a snowmelt discharge from a storm event that produced 3.25 inches or more of snow within a 24-hour period, then indicate whether you relied on an on-site measurement or a nearby weather station (and where the weather station is located). Also, specify the total amount of snowfall for this specific storm event.

Instructions for Section B

Type and Location of Erosion and Sediment (E&S) Controls
Provide a list of all erosion and sediment (E&S) controls that your SWPPP indicates will be installed and implemented at your site. This list must include at a minimum all E&S controls required by CGP Part 2.2. Include also any natural buffers established under CGP Part 2.2.1. Buffer requirements apply if your project's earth-disturbing activities will occur within 50 feet of a discharge to receiving water. You may group your E&S controls on your form if you have several of the same type of controls (e.g., you may group "Inlet Protection Measures," "Perimeter Controls," and "Stockpile Controls" together on one line), but if there are any problems with a specific control, you must separately identify the location of the control, whether routine maintenance or corrective action is necessary, and in the notes section you must describe the specifics about the problem you observed.

Conditions Requiring Routine Maintenance?
Answer "Yes" if the E&S control requires routine maintenance as defined in footnote 1 of this template. Note that in many cases, "Yes" answers are expected and indicate a project with an active operation and maintenance program. You should also answer "Yes" if work to fix the problem is still ongoing from the previous inspection, though necessary work must be initiated immediately and completed by the end of the next business day or within seven calendar days if documented in accordance with CGP Part 2.1.4.b.

If "Yes," How Many Times (Including this Occurrence) Has this Condition Been Identified?
Indicate how many times the routine maintenance has been required for the same control at the same location.

Conditions Requiring Corrective Action?
Answer "Yes" if you found any of the conditions listed in footnote 2 in this template to be present during your inspection (CGP Part 5.1). If you answer "Yes," you must take corrective action and complete a corrective action log, found at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates. You should also answer "Yes" if work to fix the problem from a previous inspection is still ongoing, though the operator must comply with the corrective action deadlines in CGP Part 5.2.

Date on Which Condition First Observed (If Applicable)?
Provide the date on which the condition that triggered the need for routine maintenance or corrective action was first identified. If the condition was just discovered during this inspection, enter the inspection date. If the condition is a carryover from a previous inspection, enter the original date of the condition's discovery.

Description of Conditions Observed
For each E&S control and the area immediately surrounding it, describe whether the control is properly installed and whether it appears to be working to minimize sediment discharge. Indicate also whether a new or modified control is necessary to comply with the permit. Describe any problem condition(s) you observed such as the following:

1. Failure to install or to properly install a required E&S control
2. Damage or destruction to an E&S control caused by vehicles, equipment, or personnel, a storm event, or other event
3. Mud or sediment deposits found downslope from E&S controls, including in receiving waters, or on nearby streets, curbs, or open conveyance channels
4. Sediment tracked out onto paved areas by vehicles leaving construction site
5. Noticeable erosion or sedimentation at discharge outlets or at adjacent streambanks or channels
6. Erosion of the site's sloped areas (e.g., formation of rills or gullies)
7. E&S control is no longer working due to lack of maintenance
8. Other incidents of noncompliance

Describe also why you think the problem condition(s) occurred as well as actions (e.g., routine maintenance or corrective action) you will take or have taken to fix the problem.

For buffer areas, make note of whether they are marked off as required, whether there are signs of construction disturbance within the buffer, which is prohibited under the CGP, and whether there are visible signs of erosion resulting from discharges through the area.

If routine maintenance or corrective action is required, briefly note the reason. If routine maintenance or corrective action has been completed, make a note of the date it was completed and what was done. *If corrective action is required, note that you will need to complete a separate corrective action log describing the condition and your work to fix the problem*.

Routine Maintenance Need Has Been Found to be Necessary Three (3) or More Times for the Same Control at the Same Location (Including this Occurrence)
If routine maintenance has been required three (3) or more times for the same control at the same location, the permit requires (CGP Part 2.1.4.c) you to fix the problem using the corrective action procedures in CGP Part 5 or to document why you believe the reoccurring problem can be addressed as a routine maintenance fix. If you believe the problem can continue to be fixed as routine maintenance, describe why you believe the specific condition should still be addressed as routine maintenance.

Instructions for Section C

Type and Location of Pollution Prevention (P2) Practices and Controls
Provide a list of all pollution prevention (P2) practices and controls that are implemented at your site. This list must include all P2 practices and controls required by CGP Part 2.3 and those that are described in your SWPPP.

Conditions Requiring Routine Maintenance?
Answer "Yes" if the P2 practice or control requires routine maintenance as defined in footnote 1of this template. Note that in many cases, "Yes" answers are expected and indicate a project with an active operation and maintenance program. You should also answer "Yes" if work to fix the problem is still ongoing

from the previous inspection, though necessary work must be initiated immediately and completed by the end of the next business day or within seven calendar days if documented in accordance with CGP Part 2.1.4.b.

If "Yes," How Many Times (Including this Occurrence) Has this Condition Been Identified?
Indicate how many times the routine maintenance has been required for the same practice or control at the same location.

Conditions Requiring Corrective Action?
Answer "Yes" if you found any of the conditions listed in footnote 2 in this template to be present during your inspection (CGP Part 5.1). If you answer "Yes," you must take corrective action and complete a corrective action log, found at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates. You should also answer "Yes" if work to fix the problem from a previous inspection is still ongoing, though the operator must comply with the corrective action deadlines in CGP Part 5.2.

Date on Which Condition First Observed (If Applicable)?
Provide the date on which the condition that triggered the need for maintenance or corrective action was first identified. If the condition was just discovered during this inspection, enter the inspection date. If the condition is a carryover from a previous inspection, enter the original date of the condition's discovery.

Description of Conditions Observed
For each P2 control and the area immediately surrounding it, describe whether the control is properly installed, and whether it appears to be working to minimize or eliminate pollutant discharges. Indicate also whether a new or modified control is necessary to comply with the permit. Describe any problem condition(s) you observed such as the following:

1. Failure to install or to properly install a required P2 control
2. Damage or destruction to a P2 control caused by vehicles, equipment, or personnel, or a storm event
3. Evidence of a spill, leak, or other type of pollutant discharge, or failure to have properly cleaned up a previous spill, leak, or other type of pollutant discharge
4. Spill response supplies are absent, insufficient, or not where they are supposed to be located
5. Improper storage, handling, or disposal of chemicals, building materials or products, fuels, or wastes
6. P2 control is no longer working due to lack of maintenance
7. Other incidents of noncompliance

Describe also why you think the problem condition(s) occurred as well as actions (e.g., routine maintenance or corrective action) you will take or have taken to fix the problem.

If routine maintenance or corrective action is required, briefly note the reason. If routine maintenance or corrective action has been completed, make a note of the date it was completed and what was done. *If corrective action is required, note that you will need to complete a separate corrective action log describing the condition and your work to fix the problem*.

Routine Maintenance Need Was Found to be Necessary Three (3) or More Times for the Same Control at the Same Location (Including this Occurrence)
If routine maintenance has been required three (3) or more times for the same control at the same location, the permit requires (CGP Part 2.1.4.c) you to fix the problem using the corrective action procedures in CGP Part 5 or to document why you believe the reoccurring problem can be addressed as a routine maintenance fix. If you believe the problem can continue to be fixed as routine maintenance, describe why you believe the specific condition should still be addressed as routine maintenance.

Instructions for Section D

Specific Location That Has Been or Will Be Stabilized
List all areas where soil stabilization is required to begin because construction work in that area has permanently stopped or temporarily stopped (i.e., work will stop for 14 or more days), and all areas where stabilization has been implemented (CGP Part 2.2.14).

Stabilization Method and Applicable Deadline
For each area, specify the method of stabilization (e.g., hydroseed, sod, planted vegetation, erosion control blanket, mulch, rock).

Specify also which of the following stabilization deadlines apply to this location:

1. 5 acres or less of land disturbance occurring at any one time at site: Complete no later than 14 calendar days after stabilization initiated.
2. More than 5 acres of land disturbance occurring at any one time at site: Complete no later than 7 calendar days after stabilization initiated.
3. Arid, semi-arid, and drought-stricken areas: See CGP Part 2.2.14.b.i.
4. Unforeseen circumstances: See CGP Part 2.2.14.b.ii.
5. Discharges to a sediment- or nutrient-impaired water or to a water identified as Tier 2, 2.5, or 3 for antidegradation purposes: Complete no later than 7 days after stabilization initiated.

Stabilization Initiated?
For each area, indicate whether stabilization has been initiated. If "Yes," then enter the date stabilization was initiated.

Final Stabilization Criteria Met?
For each area, indicate whether the final stabilization criteria in CGP Part 2.2.14.c have been met. If "Yes," then enter the date final stabilization criteria were met.

Final Stabilization Photos Taken?
Answer "Yes" if you have taken photos before and after meeting the stabilization criteria as required in CGP Part 8.2.1.a.

Notes
For each area where stabilization has been initiated, describe the progress that has been made and what additional actions are necessary to complete stabilization. Note the effectiveness of stabilization in preventing erosion. If stabilization has been initiated but not completed, make a note of the date it is to be completed. If stabilization has been completed, make a note of the date it was completed. If stabilization has not yet been initiated, make a note of the date it is to be initiated and the date it is to be completed.

Instructions for Section E

You are only required to complete this section if a discharge is occurring at the time of the inspection (CGP Part 4.6.2).

Was a discharge (not including dewatering) occurring from any part of your site at the time of the inspection?
During your inspection, examine all points of discharge from your site, and determine whether a discharge is occurring. If a dewatering discharge was occurring, you must conduct a dewatering inspection pursuant to CGP Part 4.3.2. If there is a discharge, answer "Yes" and complete the questions below regarding the specific discharge. If there is not a discharge, answer "No" and skip to the next page.

Discharge Location (Repeat as necessary if there are multiple points of discharge.)
Specify the location on your site where the discharge is occurring. The location may be an outlet from a stormwater control or constructed stormwater channel, a discharge into a storm sewer inlet, or a specific point on the site. Be as specific as possible; it is recommended that you refer to a precise point on your site map.

Observations
Document the visual quality of the discharge and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oily sheen; and other indicators of stormwater pollutants. Also, document signs of these same pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.

Instructions for Section F

Each inspection report must be signed and certified to be considered complete (CGP Part 4.7.2).

Operator or "Duly Authorized Representative" – MANDATORY (CGP Appendix G Part G.11.2 and CGP Appendix H Section X)
At a minimum, the site inspection report must be signed by either (1) the person who signed the NOI, or (2) a duly authorized representative of that person. The following requirements apply:

If the signatory will be the person who signed the NOI for permit coverage, as a reminder, that person must be one of the following types of individuals:

- *For a corporation*: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- *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. For purposes of this subsection, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

If the signatory will be a duly authorized representative, the following requirements must be met:

- The authorization is made in writing by the person who signed the NOI (see above);
- 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, 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
- The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

Sign, date and print your name and affiliation.

Contractor or Subcontractor - OPTIONAL
Where you rely on a contractor or subcontractor to complete the site inspection report, you should consider requiring the individual(s) to sign and certify each report. Note that this does not relieve you, the permitted operator, of the requirement to sign and certify the site inspection report as well. If applicable, sign, date, and print your name and affiliation.

Note

While EPA has made every effort to ensure the accuracy of all instructions contained in this template, it is the permit, not this template, that determines the actual obligations of regulated construction stormwater discharges. In the event of a conflict between this template and any corresponding provision of the CGP, you must abide by the requirements in the permit. EPA welcomes comments on this Site Inspection Report Template at any time and will consider those comments in any future revision. You may contact EPA for CGP-related inquiries at cgp@epa.gov

Appendix E – Copy of Corrective Action Log

2022 CGP Corrective Action Log
Project Name: _____
NPDES ID Number: _____

Section A – Individual Completing this Log	
Name:	**Title:**
Company Name:	**Email:**
Address:	**Phone Number:**
Section B – Details of the Problem (CGP Part 5.4.1.a) Complete this section within 24 hours of discovering the condition that triggered corrective action.	
Date problem was first identified:	**Time problem was first identified**:
What site conditions triggered this corrective action? *(Check the box that applies. See instructions for a description of each triggering condition (1 thru 6).)* ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5a ☐ 5b ☐ 6	
Specific location where problem identified:	
Provide a description of the specific condition that triggered the need for corrective action and the cause (if identifiable):	
Section C – Corrective Action Completion (CGP Part 5.4.1.b) Complete this section within 24 hours after completing the corrective action.	
For site condition # 1, 2, 3, 4, or 6 (those not related to a dewatering discharge) confirm that you met the following deadlines (CGP Part 5.2.1):	
☐ Immediately took all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events. **AND**	
☐ Completed corrective action by the close of the next business day, unless a new or replacement control, or significant repair, was required. **OR**	
☐ Completed corrective action within seven (7) calendar days from the time of discovery because a new or replacement control, or significant repair, was necessary to complete the installation of the new or modified control or complete the repair. **OR**	
☐ It was infeasible to complete the installation or repair within 7 calendar days from the time of discovery. Provide the following additional information: Explain why 7 calendar days was infeasible to complete the installation or repair:	
Provide your schedule for installing the stormwater control and making it operational as soon as feasible after the 7 calendar days:	

For site condition # 5a, 5b, or 6 (those related to a dewatering discharge), confirm that you met the following deadlines:

- ☐ Immediately took all reasonable steps to minimize or prevent the discharge of pollutants until a solution could be implemented, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition taking safety considerations into account.
- ☐ Determined whether the dewatering controls were operating effectively and whether they were causing the conditions.
- ☐ Made any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

Describe any modification(s) made as part of corrective action: (Insert additional rows below if applicable)	**Date of completion:**	**SWPPP update necessary?**	**If yes, date SWPPP was updated:**
1.		☐ Yes ☐ No	
2.		☐ Yes ☐ No	

Section D - Signature and Certification (CGP Part 5.4.2)

"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 gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained 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."

MANDATORY: Signature of Operator or "Duly Authorized Representative:"	
Signature:	**Date:**
Printed Name:	**Affiliation:**
OPTIONAL: Signature of Contractor or Subcontractor	
Signature:	**Date:**
Printed Name:	**Affiliation:**

General Instructions

This Corrective Action Log Template is provided to assist you creating a corrective action log that complies with the minimum reporting requirements of Part 5.4 of the EPA's Construction General Permit (CGP). For each triggering condition on your site, you will need to fill out a separate corrective action log.

The entire form must be completed to be compliant with the requirements of the permit. (Note: In Section C, if you do not need the number of rows provided in the corrective action log, you may delete these or cross them off. Alternatively, if you need more space to describe any modifications, you may insert additional rows in the electronic version of this form or use the bottom of the page in the field version of this form.)

If you are covered under a State CGP, this template may be helpful in developing a log that can be used for that permit; however, you will likely need to modify this form to meet the specific requirements of any State-issued permit. If your permitting authority requires you to use a specific corrective action log, you should not use this template.

Instructions for Section A

Individual completing this form Enter the name of the person completing this log. Include the person's contact information (title, affiliated company name, address, email, and phone number).

Instructions for Section B

You must complete Section B within 24 hours of discovering the condition that triggered corrective action. (CGP Part 5.4)

When was the problem first discovered?
Specify the date and time when the triggering condition was first discovered.

What site conditions triggered this corrective action? (CGP Parts 5.1 and 5.3)
Check the box corresponding to the numbered triggering condition below that applies to your site.

1. A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4c, you find it necessary to repeatedly (i.e., 3 or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part 2.1.4);
2. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly;
3. Your discharges are not meeting applicable water quality standards;
4. A prohibited discharge has occurred (see Part 1.3);
5. During discharge from site dewatering activities:
    a. The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part 3.3.2b); or
    b. You observe or you are informed by EPA, State, or local authorities of the presence of any of the following at the point of discharge to a receiving water flowing through or immediately adjacent to your site and/or to constructed or natural site drainage features or storm drain inlets:
        - sediment plume
        - suspended solids
        - unusual color
        - presence of odor
        - decreased clarity
        - presence of foam
        - visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water
6. EPA requires corrective action as a result of permit violations found during an inspection carried out under Part 4.8.

Provide a description of the problem (CGP Part 5.4.1.a)

Provide a summary description of the condition you found that triggered corrective action, the cause of the problem (if identifiable), and the specific location where it was found. Be as specific as possible about the location; it is recommended that you refer to a precise point on your site map.

Instructions for Section C

You must complete Section C within 24 hours after completing the correction action. (CGP Part 5.4)

Deadlines for completing corrective action for condition # 1, 2, 3, 4, or 6 (if not relating to a dewatering discharge) (CGP Part 5.2.1)
Check the box to confirm that you met the deadlines that apply to each triggering condition. You are always required to check the first box (i.e., Immediately took all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events.). Only one of the next three boxes should be checked depending on the situation that applies to this corrective action.

Check the second box if the corrective action for this particular triggering condition does not require a new or replacement control, or a significant repair. These actions must be completed by the close of the next business day from the time of discovery of the condition.

Check the third box if the corrective action for this particular triggering condition requires a new or replacement control, or a significant repair. These actions must be completed by no later than seven calendar days from the time of discover of the condition.

Check the fourth box if the corrective action for this particular triggering condition requires a new or replacement control, or a significant repair, and if it is infeasible to complete the work within seven calendar days. Additionally, you will need to fill out the table below the checkbox that requires:

1. An explanation as to why it was infeasible to complete the installation or repair within seven calendar days of discovering the condition.
2. Provide the schedule you will adhere to for installing the stormwater control and making it operational as soon as feasible after the seventh day following discovery.

Note: Per Part 5.2.1.c, where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven calendar days of completing this work.

Deadlines for completing corrective action for condition # 5a, 5b, or 6 related to a dewatering discharge (CGP Part 5.2.2)
These deadlines apply to conditions relating to construction dewatering activities. Check the box to confirm that you met the deadlines that apply to each triggering condition. You are required to check all of the boxes in this section to indicate your compliance with the corrective action deadlines.

List of modification(s) to correct problem
Provide a list of modifications you completed to correct the problem.

Date of completion
Enter the date you completed the modification. The work must be completed by the deadline you indicated above.

SWPPP update necessary?
Check "Yes" or "No" to indicate if a SWPPP update is necessary consistent with Part 7.4.1.a in order to reflect changes implemented at your site. If "Yes," then enter the date you updated your SWPPP. The SWPPP updates must be made within seven calendar days of completing a corrective action. (CGP Part 5.2.1.c)

Instructions for Section D

Each corrective action log entry must be signed and certified following completion of Section D to be considered complete. (CGP Part 5.4.2)

Operator or "Duly Authorized Representative" – MANDATORY (CGP Appendix G Part G.11.2 and CGP Appendix H Section X)
At a minimum, the corrective action log must be signed by either (1) the person who signed the NOI, or (2) a duly authorized representative of that person. The following requirements apply:

If the signatory will be the person who signed the NOI for permit coverage, as a reminder, that person must be one of the following types of individuals:

- *For a corporation*: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- *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. For purposes of this subsection, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

If the signatory will be a duly authorized representative, the following requirements must be met:

- The authorization is made in writing by the person who signed the NOI (see above);
- 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, 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
- The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

Sign, date and print your name and affiliation.

Contractor or Subcontractor - OPTIONAL
Where you rely on a contractor or subcontractor to complete this log and the associated corrective action, you should consider requiring the individual(s) to sign and certify each log entry. Note that this does not relieve you, the permitted operator, of the requirement to sign and certify the log as well. If applicable, sign, date, and print your name and affiliation.

Recordkeeping

Logs must be retained for at least 3 years from the date your permit coverage expires or is terminated. (CGP Part 5.4.4)

Keep copies of your signed corrective action log entries at the site or at an easily accessible location so that it can be made immediately available at the time of an on-site inspection or upon request by EPA. (CGP Part 5.4.3) Include a copy of the corrective action log in your SWPPP. (CGP Part 7.2.7.e)

Note

While EPA has made every effort to ensure the accuracy of all instructions contained in this template, it is the permit, not this template, that determines the actual obligations of regulated construction stormwater discharges. In the event of a conflict between this template and any corresponding provision of the CGP, you must abide by the requirements in the permit. EPA welcomes comments on this Corrective Action Log Template at any time and will consider those comments in any future revision. You may contact EPA for CGP-related inquiries at cgp@epa.gov

Appendix F – SWPPP Amendment Log

Instructions (see CGP Part 7.4):

- Create a log here of changes and updates to the SWPPP. You may use the table below to track these modifications.
- SWPPP modifications are required pursuant to CGP Part 7.4.1 in the following circumstances:
  - ✓ Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP (this includes changes made in response to corrective actions triggered under CGP Part 5);
  - ✓ To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
  - ✓ If inspections or investigations determine that SWPPP modifications are necessary for compliance with this permit;
  - ✓ Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet requirements of the permit;
  - ✓ To reflect any revisions to applicable Federal, State, Tribal, or local requirements that affect the stormwater control measures implemented at the site; and
  - ✓ If applicable, if a change in chemical treatment systems or chemically-enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]
1	Prepared draft of SWPPP in accordance with CGP Part 7	6/23/2025	Parametrix
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	

Appendix G – Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN

Project Number: _____

Project Title: _____

Operator(s): _____

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the practices described in the SWPPP.

This certification is hereby signed in reference to the above named project:

Company: _____

Address: _____

Telephone Number: _____

Type of construction service to be provided: _____

_____

_____

Signature: _____

Title: _____

Date: _____

Appendix H – Grading and Stabilization Activities Log

Date Grading Activity Initiated	**Description of Grading Activity**	**Description of Stabilization Measure and Location**	**Date Grading Activity Ceased** (Indicate Temporary or Permanent)	**Date When Stabilization Measures Initiated**
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE

Appendix I – Training Documentation

Stormwater Pollution Prevention Plan Training Documentation

I-5 88th Street NE Corridor Improvements

The content of the training includes:

- Review of the Construction General Permit (CGP):
    - Ensure understanding of requirements and deadlines associated with installation, maintenance, and removal of stormwater controls, as well as site stabilization;
- Review of the Stormwater Pollution Prevention Plan (SWPPP):
    - Ensure understanding of location of all stormwater controls on the site required by the CGP and how they are maintained;
    - Review proper procedures to follow with respect to CGP pollution prevention requirements;
    - Ensure understand of when and how to conduct inspections, record applicable findings, and take corrective actions.

Trainees:

Name	Date

Appendix J – Delegation of Authority Form

Delegation of Authority

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the EPA's Construction General Permit (CGP), at the _____ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

_____ (name of person or position)
_____ (company)
_____ (address)
_____ (city, State, zip)
_____ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix G of EPA's CGP, and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix G.

I certify under penalty of law that this document and all Appendixs were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

Appendix K – Endangered Species Documentation

Eligibility Worksheet Relating to Threatened and Endangered Species Protection

D.1 Introduction

This appendix provides a printable worksheet that can be helpful in selecting and documenting your eligibility criteria with respect to the protection of Federally listed threatened or endangered species and Federally designated "critical habitat" under the Endangered Species Act (ESA) [hereinafter "ESA-listed species and designated critical habitat(s)"] from discharges and discharge-related activities authorized under this permit. This is important because Section 9 of the ESA prohibits all persons and agencies from "taking" threatened and endangered species (16 U.S.C. § 1532(19)).

While coordination between you and the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) (together, referred to as the "Services") may not be required in all cases, EPA encourages you to coordinate with the Services, to document that coordination, and to do so early in the planning process prior to submitting your NOI.

D.2 Certifying ESA Eligibility Criterion for the CGP

To be eligible for coverage under the CGP, you must certify that you meet one of the criteria listed in this worksheet (Section D.5), which is then submitted with your NOI for coverage under this permit. If you do not meet one of the ESA eligibility criteria outlined in the worksheet below, you are not eligible for coverage under this permit. These criteria ensure that coverage is available only for discharges and discharge-related activities that (1) avoid or eliminate any short- or long-term adverse effects to ESA-listed species and designated critical habitat(s), or (2) may result in any short- or long-term adverse effects that result in incidental take addressed under the incidental take statement of a biological opinion or permit for take issued under Section 10 of the ESA.

As part of your determination of eligibility, EPA has developed a worksheet that assists operators in arriving at the correct criterion. The following requirements apply to the completion of the worksheet depending on how you are submitting your NOI for permit coverage:

1. If the EPA Regional Office grants you a waiver from electronic reporting, in accordance with Part 1.1.5 of the CGP, you must complete the worksheet in section D.4 of this appendix to provide all information as required on your NOI that supports the eligibility criterion you qualify under per Part 1.1.5 of the permit. **You must submit the worksheet with your NOI. If you do not submit the worksheet with your NOI, your NOI will be considered incomplete.**
2. If you do not have a waiver from electronic reporting, you must **complete your eligibility criteria selection outlined in the Endangered Species Protection section of the NOI in the NPDES eReporting Tool (NeT-CGP)** and provide all information as required on your NOI that supports the eligibility criterion you qualify under per Part 1.1.5 of the permit. The printable worksheet in this appendix may be helpful to you in preparing to submit your NOI, but you do not have to use it.

D.3 What to Expect Once you Submit your NOI

After you submit your NOI and before your NOI is authorized, EPA may notify you if any additional controls are necessary to ensure your discharges are not likely to result in any short- or long-term adverse effects on ESA-listed species and critical habitat.

The Services have the opportunity, within 14 days of submission of the NOI, to advise EPA whether either agency believes the planned discharges meet the selected eligibility criterion; whether the eligibility criterion could be met with additional conditions; or whether the eligibility criterion is not met. With respect to ESA issues, EPA recognizes the Services' expertise and will carefully consider their conclusion(s) in identifying eligibility for authorization, either with or without additional conditions. In the event EPA has placed a hold on your NOI based on NMFS or USFWS' recommendation, EPA will notify you as to whether your discharges are authorized or whether an individual permit will be required. If you do not hear from EPA within 14 days, you may assume that your discharge is authorized without further conditions.

D.4 Worksheet Instructions

Follow the instructions within the worksheet below to determine which criterion you are eligible for coverage under this permit. Check only 1 criterion, answer the required questions, and include the required information.

Please keep the following in mind as you complete the worksheet:

- The worksheet requires that you answer questions in a sequential order so that you can select the correct eligibility criterion. The worksheet does not go through each criterion alphabetically, but rather is organized in a way that allows you to eliminate those criteria that do not apply to your site. For instance, Step 1 of the worksheet requires you to determine whether criterion B, E, or F applies first, in that order, before proceeding to determining whether criterion A applies in Step 2.
- You must consider ESA-listed species and/or designated critical habitat(s) under the jurisdiction of both the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) and select the criterion that best applies to your site. You must comply with any applicable terms, conditions, or other requirements developed in theprocess of meeting one of the eligibility criteria in this section to remain eligible for coverage under this permit.
- When evaluating the potential effects of your activities, you must consider effects to listed species or critical habitats within the "action area" of your construction activity, as identified by the USFWS IPaC and/or the NOAA website resources on page D-10 through D-11 of this appendix. Please Note: *NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.* The definition of "action area," which is contained in Appendix A, is repeated below forconvenience.

"Action Area" – all areas to be affected directly or indirectly by the federal action and not merely theimmediate area involved in the action. See 50 CFR part 402. For the purposes of this permit and for application of the Endangered Species Act requirements, the following areas are included in the definition of action area:

- The **areas on the construction site** where stormwater discharges originate and flow toward the point of discharge into the receiving waters. This includes:
  - areas on the construction site where excavation, site development, or other ground disturbance activities occur, and
  - areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls.
- The areas **in the vicinity of the construction site** where stormwater discharges flow from the construction site to one or more points of discharge into receiving waters. (Example: Where stormwater flows into an off-site ditch, swale, or gully that leads to receiving waters.)
- **The extent of the receiving water** potentially affected by stormwater discharges from your construction site through alteration of water chemistry, turbidity, temperature, or bank structure (i.e., erosive flow), regardless of whether the construction site is adjacent to the receiving water.

D.5 Worksheet

Step 1 – Determine if You Meet the Eligibility Requirements of Criterion B, E, or F

Instructions

- First determine whether you are eligible under Criterion B by reviewing the eligibility requirements below.
- If you determine that your facility does not meet Criterion B (e.g., due to difference in action area described, lack of analysis of appropriate effects, new listings or designation of critical habitat), proceed to check if you meet the requirements for Criterion E or F.

Criterion B Eligibility Requirements

If your discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility under the current 2022 CGP that included your action area (e.g., a general contractor or developer may have completed and filed an NOI for the entire action area with the necessary ESA certifications (Criterion A, C, D, E, or F)), you may be eligible under Criterion B. In order to be eligible for coverage, you must confirm that **all** three of the following are true (**check all that apply**):

☐ I have confirmed that the other operator's certification of eligibility accounted for my action area and that the eligibility certification was valid.

☐ There has been no lapse of NPDES permit coverage in the other operator's certification.

☐ I will comply with all measures that formed the basis of the other operator's valid certification of eligibility.

Instructions

- **If all three of the above are true, you may check Criterion B below and answer questions B1-B5, and if applicable, B6-B7.**
- **If any of the above are not true** (for example, if there are any listed species in your action area that were not addressed in the other operator's certification, you are not eligible under Criterion B), **you may not select Criterion B and must proceed to check if you meet the requirements for Criterion E or F.**





B Eligibility requirements met by another operator under the 2022 CGP. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2022 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the

that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include below the NPDES ID from the other 2022 CGP operator's notification of authorization under this permit and list any measures that you must comply with). If your certification is based on another 2022 CGP operator's certification under Criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C.

B1. Provide the NPDES ID from the other CGP operator's NOI authorized under this permit:

_ _ _ _ _ _ _ _ _ _

B2. Identify the eligibility criterion of the other CGP operator's NOI? (check only one)

☐ A ☐ C ☐ D ☐ E ☐ F

B3. Provide the authorization date of the other CGP operator's NOI (MM/DD/YYYY):

_ _ / _ _ / _ _ _ _

By certifying eligibility under Criterion B, you must comply with any terms and conditions imposed under the eligibility requirements of the criterion for which the other operator has established eligibility (either Criterion A, C, D, E, or F) to ensure that your discharges and discharge-related activities are protective of listed species and/or critical habitat. *Note: If you are unable to meet these eligibility requirements, then you may either establish eligibility under one of the other criteria, or you may consider applying to EPA for an individual permit.*

B4. List any measures that formed the basis of the other operator's valid certification of eligibility that you will comply with (or enter "N/A" if none exist):

B5. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion B, including any of the terms and conditions, as well as the other operator's basis for establishing eligibility. Yes ☐

If your certification is based on another operator's certification under Criterion C, you must provide the following:

B6. What Federally listed species and/or designated habitat are located in your "action area"? (attached separate sheet if necessary)

B7. What is the distance between your site and the listed species or designated critical habitat (in miles)? _____

Instructions

- **If you selected Criterion B above and answered questions B1-B5, and if applicable, B6-B7, you are done with this worksheet. If you are *not* filing electronically, you must submit this worksheet with your NOI.**
- If you are not eligible under Criterion B, proceed to check if you meet the requirements for Criterion E or F.





Criterion E Eligibility Requirements

If consultation under ESA section 7 has concluded, you may be eligible for coverage under Criterion E. In order to be eligible for coverage under Criterion E, **you must confirm that both of the following are true (check all that apply)**:

☐ A consultation between a Federal agency and USFWS and/or the NMFS under section 7 of the ESA has concluded. Consultations can be either formal or informal, and would have occurred only as a result of a separate Federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and the consultation must have addressed the effects of your construction activity's discharges and discharge-related activities on all ESA-listed threatened or endangered species and all designated critical habitat under the jurisdiction of each Service, as appropriate, in your action area. The result of this consultation must be either:

i. A biological opinion currently in effect that determined that the action in question (taking into account the effects of your facility's discharges and discharge-related activities) is likely to adversely affect, but is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The biological opinion must have included the effects of your facility's discharges[1] and discharge-related activities on all the listed species and designated

[1] Effects of discharge include, but are not limited to, the analysis of the hydrological, chemical, and biological effects of the discharge on listed species, their prey, and their habitat, as well as critical habitat, where designated. For example, the

critical habitat in your action area under the jurisdiction of each Service, as appropriate. To be eligible under (i), any reasonable and prudent measures specified in the incidental take statement must be implemented;

ii. Written concurrence (e.g., letter of concurrence) from the applicable Service(s) with a determination that your facility's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. The concurrence letter must have included the effects of your facility's discharges and discharge-related activities on all the ESA-listed species and/or designated critical habitat on your species list(s) acquired from USFWS and/or NMFS as part of this worksheet.

☐ The consultation does not warrant reinitiation under 50 CFR §402.16; or, if reinitiation of consultation is required (e.g., due to a new species listing, critical habitat designation, or new information), the Federal action agency has reinitiated the consultation and the result of the consultation is consistent with the statements above. Include any reinitiation documentation from the Services or consulting Federal agency with your NOI.

Instructions

- **If both of the above are true, you may check Criterion E below and answer questions E1-E6.**
  - For more information on section 7 consultation, see 50 CFR part 402. If you receive a "jeopardy opinion," you may continue to work with USFWS and/or NMFS and your permitting authority to modify your project so that it will not jeopardize listed species or designated critical habitat.
  - Note that most consultations are accomplished through informal consultation. When conducting informal ESA section 7 consultation as a non-Federal representative, you must follow the procedures found in 50 CFR Part 402 of the ESA regulations. You must notify the Services of your intention and agreement to conduct consultation as a non-Federal representative.
  - Consultation may also occur in the context of another Federal action at the construction site (e.g., where ESA section 7 consultation was performed for issuance of a wetlands dredge and fill permit for the project or where a NEPA review is performed for the project that incorporates a section 7 consultation).
  - Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the SWPPP. As noted above, a Federal operator may, if they wish, initiate consultation with the Services at Step Four. Non-Federal operators may seek technical assistance from the Services at Step 5.
  - Whether ESA section 7 consultation must be performed with either USFWS, NMFS, or both Services depends on the listed species that may be affected by the operator's stormwater discharges. In general, NMFS has jurisdiction over marine, estuarine, and anadromous species. Operators should also be aware that while formal section 7 consultation provides protection from incidental takings liability, informal consultation does not.

- **If not, proceed to check if you meet the requirements for Criterion F.**

effects analysis would have evaluated whether the various pollutants in the discharge (e.g., TSS, metals) would adversely affect listed species through exposure to the pollutants, or to their prey or habitat. Effects that look only at short-term effects unrelated to the stormwater discharge effects to listed species are not sufficient for these purposes.

☐ **E** **ESA Section 7 consultation has successfully concluded.** Consultation between a Federal Agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, **Indicate the result of the consultation**:

☐ Biological opinion and/or conference opinion and incidental take statement currently in effect currently in effect from USFWS and/or NMFS that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of ESA-listed species, nor the destruction or adverse modification of critical habitat;

Or

☐ Written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat.

E1. Identify the federal action agency or agencies involved:

E2. Identify the Service(s) field or regional offices providing the consultation:

E3. Identify any tracking numbers associated with the consultation (e.g., IPaC number, ECO number):

E4. What is the date the consultation was completed? (MM/DD/YYYY) __ __ / __ __ / __ __ __ __

E5. Check to confirm that correspondence with USFWS and/or NMFS documenting the Biological Opinion, conference opinion (IPaC or ECO tracking number) or concurrence is attached. Yes ☐

E6. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion E, including copies of the correspondence between yourself and the Services. Yes ☐

Instructions

- **If you selected Criterion E above and answered questions E1-E6, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**
- If you are not eligible under Criterion E, proceed to check if you meet the requirements for Criterion F.

Criterion F Eligibility Requirements

If your construction activities are the subject of a permit under ESA section 10, and this authorization addresses the effects of your site's discharges and discharge-related activities on ESA-listed species and designated critical habitat in your action area, you may be eligible for coverage under Criterion F. In order to be eligible or coverage under Criterion F, **you must confirm that the following is true:**

☐ A permit or permits issued under section 10 of the ESA specifically address the effects of your facility's discharges and discharge-related activities (if applicable) on all federally-listed species and designated critical habitat in your action area.

Note: You must follow USFWS and/or NMFS procedures when applying for an ESA section 10 permit (see 50 CFR §17.22(b)(1) for USFWS and §222.22 for NMFS). Application instructions for section 10 permits can be obtained from http://www.fws.gov and http://www.nmfs.noaa.gov or by contacting the appropriate Service office.

Instructions

- **If the above is true, you may check Criterion F below and answer questions F1-F6.**
- If you are not eligible under criterion F, proceed to Step 2.

☐ **F** **Issuance of section 10 permit**. Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI.

F1. Which Service provided the section 10 permit? (check all that apply)

USFWS ☐ NMFS ☐

F2. Identify the field or regional offices providing the permit(s):

F3. Identify any tracking numbers associated with the consultation (e.g., IPaC number, ECO number):

F4. What is the date the permit(s) was granted? (MM/DD/YYY) __ __ / __ __ / __ __ __ __
(2nd permit date, if applicable: __ __ / __ __ / __ __ __ __)

F5. Check to confirm that correspondence with USFWS and/or NMFS and a copy of the section 10 permit or relevant tracking number(s) (IPaC and/or ECO number) is attached. Yes ☐

F6. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion F, including a copy of the section 10 permit and copies of the correspondence between yourself and the Services. Yes ☐

Instructions

- **If you selected Criterion F above and answered questions F1-F6, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**
- If you are not eligible under Criterion F, proceed to Step 2.

Step 2 – Determine if Listed Threatened or Endangered Species or their Designated Critical Habitat(s) are Likely to Occur in your Site's Action Area

Instructions

- **First, determine the extent of your action area.** You must determine whether species listed as either threatened or endangered, or their critical habitat(s) are located in your site's action area (i.e., all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action, including areas beyond the footprint of the site that are likely to be affected by stormwater discharges, discharge-related activities, and authorized non-stormwater discharges).

You must consider the following in determining the action area for your site, and **confirm that all the following are true**:

☐ In determining my "action area", I have considered that discharges of pollutants from the project site can expand the action area well beyond the footprint of my site and the discharge point(s). I have taken into account the controls I will be implementing to minimize pollutants and the receiving waterbody characteristics (e.g., perennial, intermittent, ephemeral) in determining the extent of physical, chemical, and/or biotic effects of the

discharges. I confirm that all receiving waterbodies that could receive pollutants from my site are included in my action area.

☐ In determining my "action area", I have considered that discharge-related activities must also be accounted for in determining my action area. I understand that discharge-related activities are any activities that cause, contribute to, or result in stormwater and authorized non-stormwater point source discharges, and measures such as the siting, construction, timing,[2] and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged. I understand that any new or modified stormwater controls that will have noise or other similar effects, and any disturbances associated with construction of controls, are part of my action area.

If you have any questions about determining the extent of your action area, you may contact EPA or the Services for assistance. https://www.epa.gov/npdes/contact-us-stormwater#regional

Instructions

- **Next, you must identify, to the best of your ability, any species listed as either threatened or endangered, or their critical habitat(s), that are located in your site's action area (see definitions of these terms in Appendix A).** You must follow the instructions on the https://www.epa.gov/npdes/construction-general-permit-threatened-and-endangered-species to obtain lists of any ESA-protected species and/or critical habitat that are expected to exist in your county, township, or the receiving water for your discharge.
- If ESA-protected resources occur within your action area, keep a copy of the species and critical habitat list(s) from the Service(s) with your SWPPP and use the list(s) to complete your NOI. For USFWS species, attach to this worksheet the full printout from your IPaC query/Official Species List. You can include the map from your IPaC query. For NMFS species, attach to this worksheet the full printout of the report from your query of the mapping resource you used (either the National or Greater Atlantic Region Mapper). The printed report from NMFS mappers will include a map of your query.

[2] Timing considerations could be related to, for example, a time of the year where a migratory bird species is present in the action area and the operator might want to consider that in terms of their construction sequencing; there are other times of the year where this consideration might not be relevant.

Instructions

- **After completing Step 2 above, if there are <u>no</u> listed species and <u>no</u> critical habitat areas in your action area,** you may be eligible for criterion A.

Criterion A Eligibility Requirements

In order to be eligible for coverage under criterion A, you must confirm that all the following are true (**check all that apply**):

☐ I confirm that I have used the species location resources of **BOTH** NMFS and USFWS to identify any ESA-listed species within my action area.

☐ I have confirmed there to be no ESA-listed species and no critical habitat in my action area.

Instructions

- **If all of the above are true, you may check criterion A below and answer questions A1-A5.**
- **If any of the above is not true, you may not select criterion A and must proceed to Step 3** to determine if you can become eligible under criterion C.

Note: For existing dischargers that have previously obtained coverage under criterion A, you must verify whether ESA-protected species and/or critical habitat are expected to exist in your action area, as described above. Please note that if you now find that your action area overlaps with ESA-protected species or critical habitat, you must proceed to Step 3.

☐ **A <u>No ESA-listed species and/or designated critical habitat present in action area</u>**. You certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of this permit.. *Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.*

A1. USFWS information sources used (reliance on State resources is not acceptable):

Note: If your Official Species List from USFWS indicated no species or critical habitat were present in your action area, include the full consultation tracking code at the top of your Official Species List in your NOI in the basis statement for Criterion A. If an Official Species List was not available on IPaC, list the contact date and name of the Service staff with whom you corresponded to verify no USFWS species or critical habitat were present in your action area.

A2. NMFS information sources used (reliance on State resources is not acceptable):

A3. I confirm that aerial image(s) of the site is attached. Yes ☐

A4. I confirm that a printout of the species' list(s) showing no ESA-listed species or critical habitat in my action area is attached. Yes ☐

A5. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion A. For USFWS species, include the full printout from your IPaC query/Official Species List. You can include the map from your IPaC query. For NMFS species, include the full printout from the appropriate NMFS website resources on page X with the correct Region selected. Yes ☐

Instructions

- **If you selected Criterion A above and answered questions A1-A5, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**



- **If listed species and/or critical habitat may exist in your action area, you must 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 stormwater collection systems.
  - **Conduct a formal biological survey**. In some cases, particularly for larger construction sites with extensive stormwater discharges, biological surveys may be an appropriate way to assess whether species are located in the action area and whether there are likely to be short- or long-term adverse effects to such species. Biological surveys are frequently performed by environmental consulting firms.
  - **If required, conduct an environmental assessment under the National Environmental Policy Act (NEPA).** Some construction activities might require review under NEPA for specific reasons, such as Federal funding or other Federal involvement in the project. Note: Coverage under the CGP does not trigger such a review for individual projects/sites. EPA has complied with NEPA in the issuance of the CGP.

    and

  - **Follow the instructions in Steps 3 – 5 below, as applicable.** Note that many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this CGP may require measures to protect critical habitat that are separate from those to protect listed species.

Step 3 – Assess if the Construction Activity's Discharges or Discharge-Related Activities Are Likely to Result in Short- or Long-Term Adverse Effects to Listed Threatened or Endangered Species or Designated Critical Habitat

Instructions

- If in Step 2 you identified that listed species and/or designated critical habitat could exist in your action area, **you must next assess whether your discharges or discharge-related activities are likely to result in short- or long-term adverse effects to ESA-listed threatened or endangered species or designated critical habitat**.

Potential short- or long-term adverse effects from discharges and discharge-related activities include:

- **Hydrological**. Stormwater discharges may cause siltation, sedimentation, or induce other changes in receiving waters such as temperature, salinity, or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Construction activity itself may also alter drainage patterns on a site where construction occurs that can impact listed species or critical habitat.
- **Habitat**. Excavation, site development, grading, and other surface disturbance activities from construction activities, including the installation or placement of stormwater controls, may result in adverse effects to listed species or their habitat. Stormwater may drain or inundate listed species habitat.
- **Toxicity**. In some cases, pollutants in construction stormwater may have toxic effects on listed species. For example: Stormwater discharges from construction on or adjacent to agricultural property may contain pesticides. Stormwater discharges from projects involving pavement and roofing could include tar and asphalt.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your project is likely to result in short- or long-term adverse effects to listed species or critical habitat, or one of the Services has already raised concerns to you, you should contact the appropriate Services office for assistance.

Instructions

- **If any short- or long-term adverse effects to listed threatened or endangered species or their critical habitat <u>are not</u> likely, then you may check Criterion C below and answer questions C1-C8.**
- **If any short- or long-term adverse effects to listed threatened or endangered species or their critical habitat <u>are</u> likely, you must follow Step 4 below.** You may still be eligible for Criterion C if you are able to install and implement appropriate measures to avoid the likelihood of adverse effects.

Criterion C Eligibility Requirements

☐ **C** **Discharges not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat.** ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, you must indicate below1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in this Appendix; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how short- or long-term adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with your NOI.

C1. I confirm that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in my evaluation. Yes ☐

C2. Provide the USFWS information resources and expertise used to arrive at this criterion selection:

C3. Provide the NMFS information resources and expertise used to arrive at this criterion selection:

C4. What ESA-listed species and/or designated critical habitat are located in your "action area?" (or attach a printout of the species' list(s))

C5. What is the distance between your site and the ESA-listed species and/or designated critical habitat within the action area (in miles, state "on site" if the ESA-listed species and/or designated critical habitat is within the area to be disturbed)? _____

C6. Provide the rationale describing specifically how any short- or long-term adverse effects to ESA-listed species will be avoided from the discharge and discharge-related activities.

C7. I confirm that a site map from my SWPPP showing the upland and in-water extent of my "action area" is attached. Yes ☐

C8. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion C. Yes ☐

Instructions

- **If you selected Criterion C above and answered questions C1-C8, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.** 

- If not, please proceed to step 4. 

Step 4 - Determine if Measures Can Be Implemented to Avoid Adverse Effects

Instructions

If you make a preliminary decision in Step 3 that short- or long-term adverse effects from your construction activity's discharges or discharge-related activities are likely to occur, you can still receive coverage under eligibility Criterion C of the CGP if appropriate measures are undertaken to avoid or eliminate the likelihood of short- or long-term adverse effects prior to applying for CGP coverage.

These measures may involve relatively simple changes to construction activities such as re-routing a stormwater discharge to bypass an area where species are located, relocating stormwater controls, or by modifying the "footprint" of the construction activity. If you are unable to ascertain which measures to implement to avoid the likelihood of short- or long-term adverse effects, you must coordinate with USFWS and/or NMFS, in which case you would not be eligible for coverage under eligibility Criterion C, but may instead be eligible for coverage under eligibility criterion D (described in more detail in Step 5).

- **If you are able to install and implement appropriate measures to avoid the likelihood of short- or long-term adverse effects, then <u>you</u> <u>may go back</u> and check eligibility Criterion C above and answer questions C1-C8 above, <u>and</u> C9-C10 below.** The measures you adopt to avoid or eliminate short- or long-term adverse effects must be implemented for the duration of the construction project and your coverage under the CGP.
- **If you cannot ascertain which measures to implement to avoid the likelihood of adverse effects,** you must follow the procedures in Step 5.

C9. I confirm that I have or will install and implement appropriate measures to avoid the likelihood of any short- or long-term adverse effects to ESA-listed threatened or endangered species or their critical habitat. Yes ☐

C10. Provide a description of the measures installed/to be installed and implemented to avoid likelihood of any short- or long-term adverse effects.

Instructions

- **If you selected Criterion C above and answered questions C1-C10, you are done with this worksheet. If you are not filing you NOI electronically, you must submit this worksheet with your NOI.**
- If you are not eligible for Criterion C, please proceed to step 5.

Step 5 - Determine if the Eligibility Requirements of Criterion D Can Be Met

Instructions

- If in Step 4 you cannot ascertain which measures to implement to avoid the likelihood of short- or long-term adverse effects, you must contact USFWS and/or NMFS. You may still be eligible for CGP coverage if likely adverse effects can be addressed through meeting criterion D.
- If you meet the requirements of criterion D, **then you may check criterion D below and answer questions D1-D5.**

Criterion D Eligibility Requirements

D **Coordination with USFWS and/or NMFS has successfully concluded.** Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written confirmation from USFWS and/or NMFS that the effects of your site's discharges and discharge-related activities are not likely to result in short- or long-term adverse effects for ESA-listed species and/or designated critical habitat in your action area. By certifying eligibility under this criterion, you agree to comply with any conditions you must meet for your site's discharges and discharge-related activities to not likely result in any short- or long-term adverse effects. You must include copies of the correspondence with the participating agencies in your SWPPP and your NOI.

D1. Which Service participated in coordination? (check all that apply) USFWS ☐ NMFS ☐

D2. Identify the field and/or regional office(s) that provided the coordination?

D3. What is the date the coordination concluded? (MM/DD/YYY) __ __ / __ __ / __ __ __ __

D4. Check to confirm that correspondence with USFWS and/or NMFS documenting concurrence is attached. Yes ☐

D5. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion D, including copies of the correspondence between yourself and the Services. Yes ☐

Instructions

- **If you selected Criterion D above and answered questions D1-D5, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**



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BIOLOGICAL ASSESSMENT

I-5/4th Street and 88th Street NE Corridor Improvements

Prepared for
Bureau of Indian Affairs

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Appendix A. Essential Fish Habitat Assessment

Appendix B. Project Footprint

Appendix C. U.S. Fish and Wildlife Service Official Species List

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Acronyms and Abbreviations

BA	biological assessment
BIA	Bureau of Indian Affairs
BMP	best management practice
CABS	compost-amended biofiltration swale
CAVFS	compost-amended vegetated filter strip
City	City of Marysville
DPS	distinct population segment
Ecology	Washington Department of Ecology
EFH	essential fish habitat
ESA	Endangered Species Act
ESU	evolutionarily significant unit
FR	Federal Register
I-5	Interstate 5
NMFS	National Marine Fisheries Service
NWIFC	Northwest Indian Fisheries Commission
PBF	physical and biological feature
PGIS	pollution-generating impervious surface
Reservation	Reservation of the Tulalip Tribes
SPCC	Spill prevention, control, and countermeasures
SRKW	Southern resident killer whale
SWPPP	stormwater pollution prevention plan
TDA	threshold discharge area
TESC	temporary erosion and sediment control
Tribes	The Tulalip Tribes
TTED	Tulalip Tribes Environmental Department
USFWS	U.S. Fish and Wildlife Service
WDFW	Washington Department of Fish and Wildlife
WDNR	Washington Department of Natural Resources
WSDOT	Washington Department of Transportation

Executive Summary

The Tulalip Tribes (Tribes), in partnership with the Washington State Department of Transportation (WSDOT), Snohomish County, and the City of Marysville, propose to develop and implement access improvements to two interchanges on the Interstate 5 (I-5) corridor within the boundary of the Tulalip Reservation in Snohomish County, Washington. The two interchanges are at 4th Street (also known as State Route 528 and Marine Drive) and 88th Street NE.

The purpose of the I-5/4th Street and 88th Street Corridor Improvements Project is to support community and economic vitality by reducing congestion and improving mobility for cars, trucks, emergency services, pedestrians, and transit users traveling to, from, and across I-5 on 4th Street and 88th Street NE and within the Tribes' Reservation while enhancing safety and protecting the integrity of the interstate system.

The federal nexus for this project is approvals by the Bureau of Indian Affairs (BIA) for expansion of existing road rights of way on tribal lands.

Project construction is expected to require two (2) years, with an anticipated start date of January 2024. All construction activities below the ordinary high-water lines of streams will occur during the in-water work window established by the Tribes (July 15 through September 30).

The project includes the following elements:

- Construction of seven roundabouts to replace existing signaled intersections
- Channelization improvements entering and exiting the roundabouts
- Reconfigured pedestrian and bicycle access along the alignment
- Construction of new flow control and water quality treatment facilities for runoff from new and replaced impervious surfaces
- Construction of a bridge to replace the existing road fill prism and an undersized culvert on Coho Creek at 88th Street NE
- Habitat improvements (including placement of new streambed substrates and large woody material) in Coho Creek near the new bridge crossing

ESA-listed species and critical habitats addressed in this analysis are identified in Table ES-1. Project activities with the greatest potential to affect those species and habitats include construction activities in and near habitats where ESA-listed species may be present and the creation or replacement of impervious surfaces from which contaminants in stormwater may run off to waters where ESA-listed species are present. No ESA-listed wildlife species are expected to be present in the action area while construction activities are underway, so the project is unlikely to affect those species. By limiting in-water work to the work window established by the Tribes, the project will minimize the potential for construction-related impacts on ESA-listed fish. Although runoff from all new or replaced impervious surfaces will be directed to facilities in which stormwater runoff will be treated and/or infiltrated, some residual contaminants may be present in runoff that leaves the project area. These contaminants may be toxic to ESA-listed fish, potentially resulting in adverse effects on those species and the critical habitat that has been designated for them (Table ES-1).

Table ES-1. ESA-Listed Species and Critical Habitat Addressed in this BA

Species	Status	Species Effect Determination	Critical Habitat Status	Critical Habitat Effect Determination
Chinook salmon (*Oncorhynchus tshawytscha*) (Puget Sound ESU)	Threatened	Likely to Adversely Affect	Designated within the action area	Likely to Adversely Affect
Steelhead (*Oncorhynchus mykiss*) (Puget Sound DPS)	Threatened	Likely to Adversely Affect	Designated within the action area	Likely to Adversely Affect
Bull trout (*Salvelinus confluentus*)	Threatened	Not Likely to Adversely Affect	Designated within the action area	Not Likely to Adversely Affect
Southern Resident killer whale (*Orcinus orca*)	Endangered	Not Likely to Adversely Affect	Designated; none in action area	N/A
Marbled murrelet (*Brachyramphus marmoratus*)	Threatened	Not Likely to Adversely Affect	Designated; none in action area	N/A
Streaked horned lark (*Eremophila alpestris strigata*)	Threatened	No Effect	Designated; none in action area	N/A
Yellow-billed cuckoo (*Coccyzus americanus*)	Threatened	No Effect	Designated; none in action area	N/A
Gray wolf (*Canis lupus*)	Endangered	No Effect	None designated	N/A
Oregon spotted frog (*Rana pretiosa*)	Threatened	Not Likely to Adversely Affect	Designated; none in action area	N/A

DPS = Distinct Population Segment; ESU = Evolutionarily Significant Unit

1. Introduction

The Tulalip Tribes (Tribes), in partnership with the Washington State Department of Transportation (WSDOT), Snohomish County and the City of Marysville (City), propose to develop and implement access improvements to two interchanges on the Interstate 5 (I-5) corridor within the boundary of the Tulalip Reservation. The two interchanges are at 4th Street (also known as State Route 528 and Marine Drive) and 88th Street NE.

Biologists from Parametrix, Inc., have prepared this biological assessment (BA) in accordance with Section 7(c) of the Endangered Species Act (ESA), to determine the project's potential impacts on listed species and their designated critical habitats and to support consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). This BA also includes an analysis of essential fish habitat (EFH) for the Pacific Salmon Fishery in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (Appendix A).

1.1 Background and Consultation History

The Reservation of the Tulalip Tribes (Reservation) is accessed via three interchanges with I-5 along the eastern boundary of the Reservation. These interchanges are critically important to the Tribes for access to and from the Reservation. The only other access to the Reservation is via a single county road, 140th Street NE, at the northern boundary and via the waters of the Puget Sound and the Snohomish River. Goods, services, higher education, healthcare, jobs, and economic development depend on safe, efficient access to and from the Reservation.

Over the past several years, the Tribes have led substantial improvements at the 116th Street NE interchange at the northeast end of the Reservation. That project addressed capacity needs, congestion relief, and safety improvements for drivers, freight, nonmotorized users, and transit. The Tribes led and funded nearly all the planning, environmental documentation, design, permitting, and construction of these improvements through several phases of construction. The construction of the final phase of improvements at the interchange was completed in 2020.

The Tribes are now planning to develop and implement access improvements to the remaining two interchanges on the Reservation. These two interchanges, at 4th Street and 88th Street NE, experience congestion and cause mobility challenges for cars, trucks, pedestrians, and transit users. Frequently, traffic exiting I-5 to enter the Reservation or Marysville backs up onto the off-ramps and even onto traffic lanes on the I-5 mainline. These traffic impacts affect the Tribes and the City as well as the greater Snohomish County area, interstate travel and commerce, and even international trade with Canada. The configuration of the local road connections at the interchanges also impedes connections between the Tribes and the City for commuters, residents, visitors, freight, transit, and nonmotorized traffic. Backups cause lengthy delays at the signals crossing I-5 between these two communities, adversely affecting both commerce and emergency services.

The purpose of the I-5/4th Street and 88th Street Corridor Improvements Project is to support community and economic vitality by reducing congestion and improving mobility for cars, trucks, emergency services, pedestrians, and transit users traveling to, from, and across I-5 on 4th Street and 88th Street NE and within the Tribes' Reservation while enhancing safety and protecting the integrity of the interstate system.

The federal nexus for this project is necessary approvals by the Bureau of Indian Affairs (BIA) for expansion of existing road rights of way on tribal lands. This nexus triggers requirements for consultation with USFWS and NMFS under Section 7(c) of the ESA.

1.2 Project Location

The project involves improvements at the I-5 interchanges with 4th Street (exit 199) and 88th Street NE (exit 200). The project corridor straddles the boundary between the Tulalip Reservation and Marysville in Snohomish County, Washington (Figure 1). The project area lies within Water Resource Inventory Area (WRIA) 7 (Snohomish) and hydrologic units 171100110204 (Quilceda Creek) and 171100110203 (Frontal Possession Sound).

The project area is in Sections 20, 21, 28, 29, 32, and 33 of Township 30 North, Range 5 East, Willamette Meridian. The approximate latitude/longitude coordinates of the northern and southern project limits are 48.077° N/122.1848° W and 48.0480° N/122.1839° W, respectively.

1.3 Project Description

The project will include corridor improvements along 4th Street and 88th Street NE, as well as fish passage enhancements and stream habitat improvements at the 88th Street NE crossing of Coho Creek. Additional details about these project elements follow. See Appendix B for project design sheets that show areas of new and replaced impervious surfaces, conceptual plans for the new bridge and realigned stream channel at 88th Street NE, a conceptual layout for large woody material placement, and areas of anticipated impacts in and near Coho Creek.

Corridor improvements along 4th Street, from west to east, will include the following (Figure 2):

- Replacement of the signaled intersection of 4th Street and 33rd Avenue NE with a new roundabout
- Replacement of the signaled intersection of 4th Street and the I-5 southbound on-/off-ramps with a new roundabout
- Replacement of the signaled intersection of 4th Street and the I-5 northbound on-/off-ramps with a new roundabout
- Channelization improvements entering and exiting the roundabouts
- Reconfigured pedestrian and bicycle access along the alignment

Corridor Improvements along 88th Street NE, from west to east, will include the following (Figure 3):

- Replacement of the signaled intersection of 88th Street and 34th Avenue NE (Quil Ceda Blvd) with a new roundabout
- Replacement of the signaled intersection of 88th Street NE and the I-5 southbound on-/off-ramps with a new roundabout
- Replacement of the signaled intersection of 88th Street NE and the I-5 northbound on-/off-ramps with a new roundabout
- Replacement of the signaled intersection of 88th Street and 36th Avenue NE with a new roundabout
- Channelization improvements entering and exiting the roundabouts
- Reconfigured pedestrian and bicycle access along the alignment



Figure 1.
Vicinity Map
I-5/4th Street and 88th Street NE Corridor Improvements
Snohomish County, WA



Figure 2. Proposed Improvements at 4th Street



Figure 3. Proposed Improvements at 88th Street NE

Approximately 750 feet west of the I-5 interchange, 88th Street NE crosses Coho Creek, a tributary to Quilceda Creek. Currently, the stream is conveyed under the roadway in an undersized, 54-inch-diameter concrete culvert. The project will replace the culvert and associated gabion-supported road fill prism with a 100-foot, single-span bridge. The new bridge will have a minimum hydraulic opening of 30 feet and a vertical clearance exceeding the desired wildlife clearance height of 8 feet.

To maintain traffic on 88th Street NE, bridge construction will occur in two stages. During the first stage, traffic will remain on the existing roadway while the first half the bridge is constructed. Traffic will then be shifted to the newly constructed portion of the bridge for the second stage while the remainder of the bridge is completed. The bridge structure will be supported on deep-drilled shafts. Mechanically stabilized earth walls will be constructed behind the bridge piers to support the roadway embankment. No impact or vibratory pile driving is anticipated. Roadway excavation will be limited to the amount necessary to provide sufficient clearance to construct the piers and place the bridge girders.

Once the bridge structure has been constructed, Coho Creek will be diverted into a new channel under the bridge. Flow will be introduced to the new channel gradually to minimize sediment delivery in downstream reaches. The remainder of the road fill will then be excavated, and the existing culvert will be removed. Utilities that are currently buried in the roadway will be attached to the underside of the new bridge, and a sanitary sewer line will be suspended between the bottom of the bridge structure and the creek.

The bridge will be designed consistent with criteria in WSDOT's Bridge Design Manual and WDFW's 2013 Water Crossing Design Guidelines. All construction activities within the ordinary high water line, including fish exclusion, will occur during the in-water work window established by the Tribes, which extends from July 15 through September 30.

The proposed stream alignment will move Coho Creek approximately 30 feet west of the existing culvert. Flows will be maintained in the existing channel and culvert while the new channel is being built. Under current conditions, as a result of backwater effects caused by the undersized culvert, the stream has a 90-degree turn and scour hole upstream of the road crossing. Approximately 90 linear feet of stream channel upstream of the new bridge will be realigned to provide a smooth bend at the road crossing. The new channel will tie back into the existing stream approximately 75 feet downstream of the new bridge to maintain the existing braided channel system. The new channel will match the hydraulic characteristics in the unaffected portions of the stream.

Design and implementation of the stream channel realignment will conform to the requirements set forth in WSDOT's 2019 Hydraulics Manual. The project will improve approximately 220 feet of the Coho Creek stream channel. Streambed substrates in the new channel will meet WSDOT standards for materials and size. Approximately 62 pieces of large woody material (including 20 key pieces), with a total wood volume of more than 85 cubic yards, will be placed in the stream.

Additional major items of work will include paving, grading, retaining walls, stormwater conveyance and treatment, sidewalks, lighting, utilities, turbid water management, temporary erosion control, clearing and grubbing, vegetation removal, vegetation management (e.g., planting native species in place of non-native species), pavement marking, traffic control, and signing. Bare soils will be revegetated and hydroseeded after construction. Suitable areas within wetland boundaries and wetland and stream buffers will be replanted with native species that support the ecological functions of those areas.

Work will take place primarily during daylight hours on weekdays. However, lane restriction requirements will necessitate nighttime operations for some activities, including excavation and haul

operations, setting girders, temporary soldier pile wall/shoring installation and removal, and temporary widening of existing roadways (if needed to minimize traffic impacts during construction).

Equipment required for project construction is expected to include the following:

- **General Roadway Construction Equipment**
  - Ground improvement equipment – cranes, loaders, dump trucks, and vibratory equipment
  - Heavy construction equipment – cranes, dozers, loaders, forklifts, excavators, graders, dump and haul trucks, air compressors, generators, and concrete trucks
  - Paving equipment – paving machines, rollers, and backhoes
  - Landscaping equipment – truck-mounted blowers and conveyors and hydro-seeding machines
- **Culvert Removal/Bridge Construction Equipment**
  - Bridge construction – drilled shaft equipment, such as oscillating drill rigs, cranes, and forklifts
  - Culvert removal – cranes, dozers, loaders, excavators, dump and haul trucks

1.3.1 Stormwater Management

The project is being designed in accordance with the following design guidance and criteria:

- WSDOT Highway Runoff Manual (M31-16.05), April 2019
- WSDOT Hydraulics Manual (M23-03.06), April 2019
- Washington State Department of Ecology (Ecology) Stormwater Management Manual for Western Washington, July 2019

A project-specific Stormwater Pollution Prevention Plan (SWPPP) and Temporary Erosion and Sediment Control (TESC) plan will be prepared and implemented before beginning earthwork under the project's National Pollutant Discharge Elimination System Construction Stormwater General Permit. It is anticipated that the sediment and flow-control BMPs described in the TESC and SWPPP will minimize the potential for water quality impacts to wetland and stream resources in the project area.

The project lies within nine threshold discharge areas (TDAs), based on downstream flow paths. The receiving waters are Ebey Slough, Quilceda Creek, and Coho Creek. Table 1 summarizes the current and anticipated post-construction acreage of impervious area and area directed to water quality treatment and/or infiltration facilities in each TDA.

The project will decrease the total area of pollution-generating impervious surfaces (PGIS) in all TDAs, combined, by approximately 0.24 acre, while the amount of runoff being treated and/or infiltrated will increase by nearly 6 acres (Table 1). New stormwater treatment facilities will provide enhanced treatment in all TDAs except TDA 2 and TDA 4; the level of treatment to be provided in those two TDAs is still under review.

For this analysis, it is assumed that runoff from the equivalent of 90 percent of all impervious surfaces (pollution-generating or non-pollution-generating) created or replaced in TDAs 1, 5, 6, 7, 8, and 9 will be routed to infiltration facilities. Construction work in TDA 2 will affect only a small amount of impervious surfaces and will result in a net reduction in impervious surface area; no modifications to existing drainage patterns or water quality treatment are proposed in this TDA. In TDAs 3 and 4, consistent with Highway Runoff Manual requirements, runoff from the equivalent of all new impervious surfaces will be treated. In

both TDAs, the increase in the amount of impervious area receiving stormwater treatment will be similar to the total increase in PGIS.

Table 1. Existing and Post-project Pollution-Generating Impervious Surface (PGIS) Area and Area Receiving Stormwater Treatment (Acres)

		Current		Proposed		Change	
TDA	Receiving Water	PGIS Area	Treated Area[1]	PGIS Area	Treated Area[2]	PGIS Area	Treated Area
1	Ebey Slough	2.55	0.00	2.27	1.89	- 0.28	+ 1.89
2	Quilceda Creek	0.59	0.00	0.50	0.00	- 0.09	0.00
3	Ebey Slough	3.29	0.00	3.72	0.41[3]	+ 0.43	+ 0.41
4	Ebey Slough	1.37	0.00	1.38	0.01[3]	+ 0.01	+ 0.01
5	Coho Creek	3.57	1.54	3.16	2.98	- 0.41	+ 1.44
6	Quilceda Creek	1.29	0.00	1.30	0.62	+ 0.01	+ 0.62
7	Quilceda Creek	1.61	0.62	1.71	1.93	+ 0.10	+ 1.31
8	Quilceda Creek	1.71	1.28	1.67	1.43	- 0.04	+ 0.15
9	Quilceda Creek	0.15	0.13	0.18	0.20	+ 0.03	+ 0.07
	TOTALS	***16.13***	***3.57***	***15.89***	***9.47***	***- 0.24***	***+ 5.90***

[1] Under current conditions, "Treated Area" consists of areas directed to water quality treatment facilities.
[2] Under proposed conditions, "Treated Area" includes areas directed to existing treatment facilities, along with new or replaced impervious surfaces from which runoff will be treated or infiltrated.
[3] Runoff from TDAs 3 and 4 will be directed to treatment facilities where infiltration is not expected to occur.

New stormwater treatment facilities in TDAs 1, 5, 6, 7, 8, and 9 will be designed to accommodate runoff from new and replaced impervious surfaces during a 100-year storm event. Although a direct comparison is not possible at this time, this design standard is likely comparable to treating the volume of water equal to 50 percent of the cumulative rainfall from existing, new, and replaced impervious surfaces during a 2-year, 24-hour storm. Infiltration BMPs built to meet minimum flow control requirements in TDAs 1, 5, 6, 7, 8, and 9 will further reduce the amount of untreated stormwater that reaches surface waters. In most TDAs, treated stormwater that cannot be infiltrated will be directed to existing outfalls for stormwater facilities. The exception is TDA 5, where runoff currently enters Coho Creek through multiple, uncontrolled pathways; a new outfall, with scour protection, will be established for runoff from project-created or -replaced impervious surfaces in that TDA.

Following are brief overviews of the nine TDAs. The overviews identify the catchment area, existing conveyance network, and receiving water for each one. The locations of the TDAs are shown in Figure 4 on page 12 of this document.

TDA 1 drains the western portion of the project area near the I-5/4th Street interchange. Runoff is conveyed south through a system of pipes along 33rd Ave NE, outfalling to a wetland just south of 60th Pl NE, approximately 1,200 feet from Ebey Slough. The project will provide enhanced treatment for runoff from this TDA, via a bioretention facility, an infiltration trench or gallery, or a proprietary BMP.

TDA 2 drains a small area in the northwestern the project area near the 4th Street interchange. Runoff is conveyed north and west in pipes and ditches, outfalling to Quilceda Creek near Marine Drive, approximately 1.25 miles upstream of the stream's confluence with Ebey Slough. Based on the small area of new impervious surface being created in this TDA, it is exempt from runoff treatment and flow control requirements, per the Highway Runoff Manual. Analyses in this document are based on the assumption that no water quality treatment will be provided for runoff from this TDA. It is possible, however, that a portion of the existing ditch conveyance system may be converted to a treatment swale that would provide either basic or enhanced treatment.

TDA 3 drains 4th Street at the I-5 interchange, including on- and off-ramps. Runoff is conveyed south in pipes that discharge to Ebey Slough immediately west of I-5, near Log Dump Road/60th Place NE. Due to the proximity of runoff to Ebey Slough, this TDA is exempt from flow control requirements per the Highway Runoff Manual. However, runoff from an area equivalent to the area of all new impervious surfaces (pollution-generating and non-pollution-generating) will be directed to a stormwater treatment facility. Based on the limited amount of space available, it is likely that this will be a proprietary BMP that does not allow for substantial infiltration but that provides enhanced treatment.

TDA 4 drains 4th Street east of the I-5 interchange. Runoff is conveyed via pipes to the site of the former Geddes Marina boat basin adjacent to Ebey Slough. The City is developing a regional stormwater treatment facility on this site; the new regional facility is expected to be complete before this project is built. The proposed facility will treat stormwater runoff from existing impervious surfaces in an approximately 480-acre area that drains to Ebey Slough. Because TDA 4 lies entirely within the drainage basin being treated by the regional stormwater facility, the project will not have to provide treatment from runoff from existing or replaced impervious surfaces in TDA 4. As with TDA 2, TDA 4 is exempt from Runoff Manual-based runoff treatment and flow control requirements because of the small area of new impervious surface. Analyses in this document are based on the assumption that no water quality treatment will be provided for runoff from this TDA. The need for treatment prior to discharge to the regional facility is under review.

TDA 5 drains 88th Street NE, Quil Ceda Blvd, and part of the southbound on- and off-ramps west of the I-5/88th Street NE interchange. Runoff is conveyed to Wetland A adjacent to the project site via pipes and ditches. Currently, runoff outfalls to the wetland at several locations at or a few feet above the ordinary high water line. Under current conditions, runoff from some impervious surfaces in this TDA is directed to a bioswale; runoff from some additional areas passes through oil/grit separators. The project will provide enhanced treatment for runoff from this TDA, via a bioretention facility, an infiltration trench or gallery, a proprietary BMP, and/or a bioswale.

TDA 6 drains the west side of the 88th Street NE bridge where it crosses over I-5, along with a portion of the southbound on- and off-ramps west of the interchange. Runoff is conveyed south along the west side of I-5, primarily in ditches, outfalling to Quilceda Creek approximately 3,000 feet south of the project area, immediately downstream of the I-5 bridge over the stream. Much of the runoff from this TDA infiltrates in the conveyance ditches and never enters Quilceda Creek. The project will provide enhanced treatment for runoff from this TDA, via a bioretention facility or a bioswale.

TDA 7 drains the east side of the 88th Street NE bridge where it crosses over I-5, along with the northbound on- and off-ramps east of the interchange. This TDA also includes a small area south of 88th Street NE east of the I-5 interchange, as well as a portion of a private parcel from which runoff receives partial treatment in a bioswale before joining the TDA's conveyance system. Runoff is conveyed south in ditches along the east side of I-5, outfalling to a wetland adjacent to Quilceda Creek approximately 2,500 feet south of the project area. As with TDA 6, much of the runoff from this TDA

infiltrates in the conveyance ditches and never enters Quilceda Creek. The project will provide enhanced treatment for runoff from this TDA, via a bioretention facility, an infiltration trench or gallery, and/or a bioswale.

TDA 8 drains the north side of 88th Street NE east of the I-5 interchange. Runoff is conveyed via pipes to a stormwater treatment pond that is assumed to outfall to Quilceda Creek north of 88th Street NE. City staff have expressed concern that the capacity of this pond may be exceeded during major storm events, spilling untreated stormwater to the stream. The project will provide enhanced treatment for runoff from this TDA, via an infiltration trench or gallery and/or a proprietary BMP.

TDA 9 drains a very small area south of 88th Street NE, east of 36th Ave NE. This TDA does not appear to connect to any public systems, but runoff from part of the TDA flows to a bioswale on private property. Runoff from the TDA is presumed to discharge to Quilceda Creek. The project will provide enhanced treatment for runoff from this TDA, via a proprietary BMP.

1.3.2 Interrelated and Interdependent Activities

An interrelated activity is part of the proposed action and depends on the proposed action for its justification. An interdependent activity has no independent utility apart from the action under consultation.

Activities associated with mitigation for impacts to streams, wetlands, and wetland buffers can be considered interrelated and interdependent actions for this project. The need for mitigation for such impacts is yet to be determined. If mitigation is required, options may include on-site restoration or enhancement or identification of a suitable site for in-kind mitigation nearby. Impacts to wetlands, streams, and their regulatory buffers will be mitigated in accordance with applicable tribal, federal, state, and local requirements. If mitigation for project-related impacts to wetlands and wetland buffers may result in impacts to ESA-listed species and habitats not considered in this analysis, those impacts will be addressed through future consultation.

Detour routes are a potentially interrelated activity, but they are not expected to be required for the project, although closures of I-5 on- and off-ramps may affect travel patterns. They would be short-term (weekend) closures. No long-term closures are anticipated.

1.3.3 Project Sequencing and Timeline

Project construction is expected to require a minimum of two (2) years, with an anticipated construction start in Spring 2024. It is anticipated that construction at the interchanges for both 4th Street and 88th Street NE will be occurring at the same time. It is anticipated that one-half of each roadway will be under construction at a time, keeping traffic flow continuous throughout construction, but with potential temporary reduction in lanes. Bridge construction at the Coho Creek crossing will also be performed in stages, allowing traffic on 88th Street NE to be maintained during construction. As noted above, all construction activities below the ordinary high water line will occur during the in-water work window established by the Tribes (July 15 through September 30).

1.4 Performance Standards and Impact Avoidance, Minimization, and Mitigation Measures

Conservation measures and best management practices (BMPs) have been incorporated into the proposed project to avoid and minimize short-term and long-term impacts to ESA listed fish and wildlife species

and their habitats in the project vicinity. Significant short-term effects on water quality are not expected if erosion control and spill containment BMPs are properly implemented, monitored, and maintained during construction. A TESC plan will be prepared and implemented to minimize sedimentation into Coho Creek and to minimize erosion to surrounding areas.

Following are BMPs and conservation measures that will be incorporated into the design and implementation of the project, to avoid and minimize impacts to the species and critical habitats addressed in this BA.

Erosion and Sediment Control

- Implement construction phasing that minimizes the amount of earthwork that exposes the ground surface to erosion.
- Implement a TESC plan, including sediment-control BMPs such as silt fences, check dams, sediment traps, sedimentation basins, and flocculation methods.
- Use erosion-control practices (seeding, mulching, soil conditioning with polymers, use of geo synthetics, sod stabilization, erosion-control blankets, vegetative buffer strips, and preservation of trees with construction fences).
- Use construction entrances, exits, and parking areas that reduce sediment tracking onto public roads.
- Perform routine inspections of erosion-control and sediment-control BMPs and subsequent BMP maintenance.
- Erosion of stockpiled materials will be controlled per City of Marysville Engineering Drainage and Erosion Control Design Standards (City of Marysville 2016).

In-Water Work

- In-water work will occur only within the in-water work window (July 15 to September 30) as specified by Tulalip tribal biologists (Nelson, personal communication, 2021).
- Fish exclusion work will follow the guidance outlined within the Recommended Fish Exclusion, Capture, Handling, and Electroshocking Protocols and Standards document (USFWS 2012).
- Flow will be introduced to the new channel gradually to minimize sediment delivery in downstream reaches.
- Biologists will perform pre-construction surveys for Oregon spotted frog egg masses. Surveys will be performed in spring in potentially suitable habitat associated with Coho Creek near the 88th Street NE bridge construction site. If Oregon spotted frog egg masses are discovered, BIA and WSDOT will coordinate with USFWS on implementation of additional conservation measures.

Clearing and Vegetation Removal

- High-visibility construction fencing will be installed around the work area to protect sensitive areas such as wetlands and streams from construction-related impacts.
- Exposed slopes and disturbed areas around the construction area will be replanted.
- Wetlands, wetland buffers, and stream buffers temporarily affected by construction activities will be restored in accordance with Tulalip Tribes regulations and guidance from Tribal Natural Resources staff.

Stormwater Pollution/Spill Prevention

- A spill prevention, control, and countermeasures (SPCC) plan will be implemented. Elements of this plan will satisfy all pertinent requirements set forth by tribal, federal, state, and local laws and regulations.
- All construction vehicles operated within 150 feet of any stream or waterbody will be inspected daily for fluid leaks before leaving the vehicle staging area. Any leaks detected will be repaired before the vehicle resumes operation. When not in use, all vehicles will be stored in designated staging areas outside of wetlands, streams, and associated buffers. Other vehicles that may be stored in place will be inspected daily for fluid leaks.
- Staging areas will be located in areas that will prevent the potential for contamination of any wetland or water body.
- All mechanical equipment will be fueled and serviced at least 150 feet from surface-flowing streams.
- Spill response equipment will be kept on-site for potential fluid leakage.
- Additionally, drip pans will be fitted with absorbent pads and placed under all equipment being fueled.

Construction Activities

- Concrete truck chute cleanout areas will be established to properly contain wet concrete and wash water and to prevent it from entering wetlands and other waterbodies.
- All concrete will be poured in the dry (or within confined waters not being dewatered to surface waters) and will be allowed to cure a minimum of 7 days before contact with surface water.

Lighting

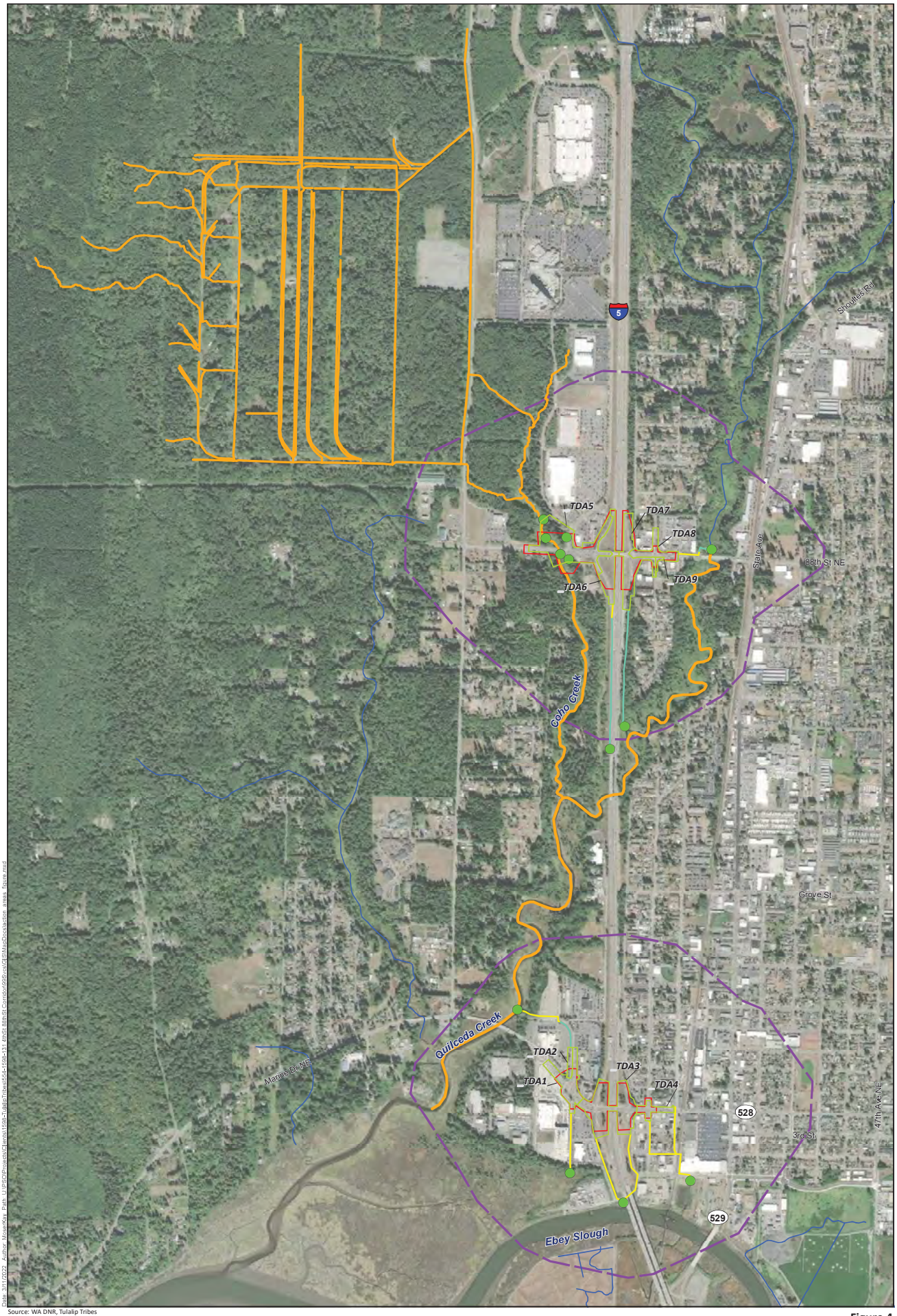
- No permanent lighting will be directed downward toward fish-bearing waters.
- Temporary lights for night work will be directed away from waters with listed fish species to the greatest extent possible, with the intent to prevent light from shining on surface waters.

1.5 Action Area

In this document, the term *action area* has a specific meaning, defined below. The action area is different from the *project site* (which encompasses the limits of construction and which is also referred to as the project footprint) and from the *project area* (a more general term for the vicinity of the project site).

The action area is defined as the area that may be affected directly or indirectly by the project action. For this assessment, the action area includes the project footprint, terrestrial areas where construction noise will be audible, aquatic areas where the project may result in short-term or long-term impacts on water quality, and aquatic habitats to which fish access will be improved through the replacement of the Coho Creek culvert with a new bridge (Figure 4). The action area also includes areas where project construction may influence the conversion of currently undeveloped or underdeveloped parcels to a more developed state.

The project footprint includes the portions of 4th Street, 88th Street NE, and associated I-5 on- and off-ramps where corridor improvements will be implemented, as well as the areas that will be disturbed for bridge construction and culvert removal. Additional wetland buffer off-site mitigation may be required for the project, but this has not yet been identified. The buffer mitigation would likely be located within the Coho Creek complex north of the 88th Street NE.



Source: WA DNR, Tulalip Tribes

0 500 1,000 2,000 Feet

- WA DNR Streams
- Extent of Ground-Disturbing Work
- Extent of Construction Related Noise
- Aquatic Portion of the Action Area
- TDA Boundaries
- Flow Path- Ditch/BMP
- Flow Path- Pipe
- Outfalls from Stormwater Facilities

Figure 4
Action Area
I-5/4th and 88th Street NE
Corridor Improvements
Snohomish County, WA

Date: 3/1/2022 Author: MoserKay Path: U:\PSO\Projects\Clients\1598-Tulalip Tribes\554-1598-131 4thSt 88thSt Corridor\695\cad\GIS\MapDocs\action areas figure.mxd

The distance at which construction noise will be audible is based on the distance at which noise will attenuate to background levels. That distance depends on (1) the sound intensity level of the equipment being used, (2) the background noise levels, and (3) the capacity of the landscape to absorb sound energy (noise attenuates more rapidly in forested areas, compared to hard landscapes such as parking lots, for example). Based on these considerations, the terrestrial portion of the action area encompasses the following areas, based on the distance at which construction noise is expected to be audible:

- Areas approximately 2,300 feet in all directions from the 4th Street interchange
- Areas approximately 2,300 feet east from the 88th Street NE interchange
- Areas approximately 1,900 feet west from the 88th Street NE interchange

The aquatic portion of the action area includes the following portions of Ebey Slough, Quilceda Creek, and Coho Creek:

- Areas of Ebey Slough immediately adjacent to the outfalls from stormwater facilities that receive and treat runoff from the project site
- The main stem of Quilceda Creek, extending upstream from Ebey Slough to the outfalls from stormwater facilities that receive and treat runoff from the project site
- Coho Creek, including aquatic habitats upstream of the 88th Street NE crossing

The extent of the action area in Ebey Slough and in the two streams downstream of the stormwater facility outfalls reflects the area in which contaminants in stormwater runoff may be expected to exceed background levels. The volume of water in Ebey Slough will dilute contaminants in stormwater to negligible levels almost immediately after the treated stormwater enters the slough. Contaminant concentrations in the streams are expected to be diluted to negligible levels a short distance downstream of the stream's confluence with a larger water body. For Quilceda Creek, this is the stream's mouth in Ebey Slough; for Coho Creek, this is the stream's confluence with Quilceda Creek.

The extent of the action area in Coho Creek upstream of the 88th Street NE crossing consists of the aquatic habitats to which fish access will be improved through the replacement of the Coho Creek culvert with a new bridge.

The action area in Coho Creek also encompasses the area where in-stream work will occur for stream realignment, as well as the area that could be exposed to elevated sediment and turbidity levels during construction. Given that work over and near the stream will be performed during the period when stream flows are lowest, and based on anticipated stream flows between 10 and 100 cubic feet per second, any elevated turbidity resulting from an unanticipated release of sediment to Coho Creek would not be detectable more than 200 feet downstream of the project limits. This distance represents the maximum anticipated extent of any sediment plumes that may be generated by work over or near the stream. Any effects resulting from clearing of riparian vegetation will also be limited to this area.

In addition to the areas described above, the action area includes all parcels within 0.25 mile of the project footprint. As such, it encompasses the areas where project construction could reasonably be expected to influence the conversion of currently undeveloped or underdeveloped parcels to a more developed state. The project is not dependent on any land-use development or changes in land use or zoning, and no land-use development projects depend directly on completion of this project.

2. Status and Presence of Listed Species and Designated Critical Habitat in the Project Action Area

Biologists consulted the following resources to develop and refine the list of species that might be affected by the proposed project:

- The USFWS Information for Planning and Consultation (IPaC) website (USFWS 2021a; see Appendix C)
- The WDFW SalmonScape mapping system (WDFW 2021a)
- The Northwest Indian Fisheries Commission Statewide Integrated Fish Distribution webmap (NWIFC 2022).
- Maps depicting the distribution of ESA-listed Pacific salmon and steelhead under the jurisdiction of NMFS)
- WDFW Priority Habitats and Species data (WDFW 2021b)
- USFWS critical habitat online mapper (2021b)
- Bird species maps and sighting data (eBird 2021)
- Washington Department of Natural Resources (WDNR) Washington Natural Heritage Program data (WDNR 2021)
- Tulalip Tribes natural resources GIS mapping
- The Quil Ceda Village Compensation Planning Framework for the Quilceda watershed (Quil Ceda Village 2009).

2.1 Species and Critical Habitat Lists and Listing Status

USFWS and NMFS indicate that the project will occur within the general range of the ESA-listed species and designated critical habitat shown in Table 2 on the next page. No species proposed for listing have been observed or are expected to use habitats in the action area, and no areas proposed for designation as critical habitat are present.

The IPaC list for the project does not identify the gray wolf as an ESA-listed species potentially present in the action area (Appendix C). This may be a product of the rule issued by USFWS on November 3, 2020 (85 Federal Register [FR] 69778), removing gray wolves from the list of species protected under the ESA. However, on February 10, 2022, the U.S. District Court for the Northern District of California vacated and remanded USFWS' delisting rule. The court's decision effectively reinstated the listing status the species had before USFWS issued the delisting rule. As a result, gray wolves in western Washington have a listing status of endangered.

Table 2. ESA-listed Species and Critical Habitat Considered for This BA

Species	Status	Federal Jurisdiction	Critical Habitat in Action Area
Chinook salmon (*Oncorhynchus tshawytscha*) (Puget Sound ESU)	Threatened	NMFS	Yes
Steelhead (*Oncorhynchus mykiss*) (Puget Sound DPS)	Threatened	NMFS	Yes
Bull trout (*Salvelinus confluentus*)	Threatened	USFWS	Yes
Southern Resident killer whale (*Orcinus orca*)	Endangered	NMFS	No
Marbled murrelet (*Brachyramphus marmoratus*)	Threatened	USFWS	No
Streaked horned lark (*Eremophila alpestris strigata*)	Threatened	USFWS	No
Yellow-billed cuckoo (*Coccyzus americanus*)	Threatened	USFWS	No
Oregon spotted frog (*Rana pretiosa*)	Threatened	USFWS	No
Gray wolf (*Canis lupus*)	Endangered	USFWS	No

Three of the species identified in Table 2 are not expected to occur in the action area for the following reasons:

- **Streaked horned larks** are not expected to use habitats in the action area. This species is known to occur in portions of southern Puget Sound, along the Washington Coast, and at lower Columbia River islands (78 FR 61451, October 3, 2013). Breeding habitat for streaked horned larks in Washington consists of grasslands and sparsely vegetated areas at airports, sandy islands, and coastal spits. No such habitat is present in the action area. The nearest known breeding area is more than 60 miles from the action area. The nearest location where critical habitat has been designated for the streaked horned lark is more than 100 miles from the action area.
- **Yellow-billed cuckoos** nest almost exclusively in low- to mid-elevation riparian woodlands that cover 50 acres or more within arid to semiarid landscapes (Hughes 1999). Most breeding sites have been found in patches larger than 200 acres. Historical records indicate that breeding habitat for yellow-billed cuckoos in Washington consisted primarily of cottonwood and willow bottoms along the lower Columbia River and in the Puget Sound lowlands. The last confirmed breeding records of yellow-billed cuckoos in Washington are from the 1930s. Currently, the species no longer breeds in western Canada and the northwestern continental United States (Washington, Oregon, and Montana) (79 FR 59991, October 3, 2014). No observations of this species have been documented within 10 miles of the action area (WDFW 2021a; eBird 2021). No blocks of suitable forested riparian habitat larger than 5 acres are present in the action area.

- **Gray wolves** require areas with abundant prey and low levels of human disturbance. Based on the location of the project area in a lowland urban setting with high levels of human activity and no nearby roadless areas, no suitable habitat for this species is present in the action area.

Based on the above, the project has no potential to affect streaked horned larks, yellow-billed cuckoos, or gray wolves. Therefore, these species will not be addressed further in this analysis.

Information from the Washington Department of Natural Resources (WDNR) Natural Heritage database indicates that no ESA-listed plant species are known to occur within several miles of the project area (WDNR 2021).

The following section provides information about the status of Puget Sound Chinook salmon, Puget Sound steelhead, bull trout, Oregon spotted frog, marbled murrelet, and southern resident killer whale), as well as the timing and nature of their habitat use in the action area. Information about critical habitat in the action area is presented in Section 2.3.

2.2 Presence of Federally Listed and Proposed Species in the Project Action Area

Biologists from the Tulalip Tribes and Parametrix have conducted field investigations in the action area on several occasions, summarized below. Before conducting fieldwork, the biologists reviewed maps and materials on the soils, hydrology, topography, land use, floodplains, wetlands, streams, and wildlife habitat in the action area.

2.2.1 Marbled Murrelet

USFWS listed marbled murrelets as threatened under the ESA in 1992 due to a decline in abundance and habitat degradation in the southern portion of their range (57 FR 45328, October 1, 1992). Marbled murrelets nest in mature and old-growth conifer-dominated forest, and they forage in nearshore marine waters. Marbled murrelet population declines have been attributed primarily to the loss and fragmentation of old-growth nesting habitat caused by logging and development (Ralph and Miller 1995). In addition, this species is vulnerable to fishing nets and oil spills (Marshall 1988).

WDFW (2021b) does not report any observations of marbled murrelets in the action area. The closest suitable nesting habitat is located 15 miles east of the action area in the Cascade Mountains of eastern Snohomish County. The terrestrial portion of the action area (i.e., the area in which construction noise will be audible) overlaps some nearshore marine habitats in Ebey Slough. Additionally, outfalls from stormwater facilities associated with the project discharge into nearshore marine habitats. Therefore, the action area includes some potential foraging habitat.

A 10-acre stand of mature conifer trees (older than 70 years) is adjacent to Coho Creek and directly south of 88th Street NE. A biologist searched portions of the stand for potential nest platforms and found none. It is impossible to state with certainty that no platforms are present within that stand. The probability is low, however. Habitat modeling performed for the 20-year review of the Northwest Forest Plan classified the stand as marginal habitat. Stands classified as marginal are considered unsuitable habitat for old-growth-associated species such as marbled murrelets (Davis et al. 2011). All forested areas near the project site have been logged multiple times in the past century and a half. Furthermore, the stand is dense, isolated, and surrounded by residential and commercial uses.

2.2.2 Puget Sound Chinook Salmon

Chinook salmon in the Puget Sound evolutionarily significant unit (ESU) are listed as threatened under the ESA (64 FR 14308, March 24, 1999). The ESU includes naturally spawned Chinook salmon originating from rivers flowing into Puget Sound, along with Chinook salmon from 26 artificial propagation programs. Primary factors contributing to declines in Chinook salmon in the Puget Sound ESU include habitat blockages, genetic modification of wild fish through interbreeding with hatchery fish, urbanization, logging, hydropower development, harvests, and flood control and flood effects (NMFS 1998).

The action area includes portions of three streams where Chinook salmon may be present. Stormwater detention and treatment facilities will discharge to Ebey Slough (an estuarine waterway at the mouth of the Snohomish River) via two existing outfalls. Quilceda Creek, a tributary to Ebey Slough, will also receive treated and untreated stormwater runoff from the project site (TDAs 2, 6, 7, 8, and 9). Finally, project construction will entail ground-disturbing work in Coho Creek, a tributary to Quilceda Creek. In addition, one outfall for stormwater from TDA 5 discharges to Coho Creek directly upstream of the 88th Street NE crossing.

The Snohomish River basin supports both summer-run and fall-run Chinook stocks, which enter the system between June and September and then spawn from early fall through late November (Northwest Indian Fisheries Commission [NWIFC] 2022; WDFW 2021a; Haring 2002). Adult summer-run and fall-run Chinook are expected to be in Ebey Slough from June to September, migrating through the estuary on their way to spawning habitat in the Snohomish River system. Juvenile Chinook salmon have been captured in Ebey Slough during all months (Rice et al. 2014). Densities are highest during May and June, corresponding to the peak of the estuary residence time for juvenile Chinook from the Snohomish River system (Rice et al. 2014; Haring 2002). During beach seine surveys conducted in the Snohomish River estuary in 2013, Rice et al. (2014) found juvenile Chinook salmon at densities of 700 to 900 fish per hectare during May and June. Densities fell off rapidly in August (approximately 200 fish per hectare) and September (less than 100 fish per hectare) and began increasing again in March (approximately 160 fish per hectare) and April (approximately 240 fish per hectare).

According to NWIFC (2022), summer-run Chinook salmon have been documented in Quilceda Creek, and fall-run Chinook spawn in Quilceda Creek. Chinook use of Quilceda Creek is characterized as "relatively minimal," compared to Chinook use of the Snohomish River system (Quil Ceda Village 2009). This is likely attributable to the limited availability of suitable spawning substrates in the Quilceda Creek watershed. Only a few spawning areas have been identified along the main stem of Quilceda Creek, approximately 3 miles upstream from the action area (NWIFC 2022). Juvenile Chinook salmon from the Quilceda Creek system are predominantly ocean-type—that is, they migrate downstream from April to early June and are largely absent from fresh waters by mid-July (Quil Ceda Village 2009).

Neither NWIFC (2022) nor WDFW (2021a, b) reports the documented or expected presence of Chinook salmon in Coho Creek. The stream is characterized as gradient-accessible, meaning no natural barriers preclude access to habitats in the action area. However, low flows, high water temperatures, and a preponderance of fine sediments render the stream unsuitable for spawning (Nelson, personal communication, 2022a). It is possible that rearing juveniles may enter Coho Creek, although no Chinook salmon were documented at the smolt trap that was in place between 2002 and 2011 at 27th Ave NE, approximately 0.4 mile upstream of 88th Street NE (Tulalip Tribes Environmental Department [TTED] 2012). Juvenile and adult Chinook salmon are unlikely to be present in Coho Creek during the in-water work window (Nelson, personal communication, 2022a).

2.2.3 Puget Sound Steelhead

The Puget Sound steelhead distinct population segment (DPS) is listed as a threatened species (72 FR 26722, May 11, 2007). The DPS includes all naturally spawned anadromous steelhead originating below natural and manmade impassable barriers from rivers flowing into Puget Sound (79 FR 20802, April 14, 2014). The DPS also includes steelhead from six artificial propagation programs.

As described above for Chinook salmon, the action area includes portions of three streams where steelhead may be present. The presence of steelhead in these streams is described below.

The Snohomish River basin supports both summer-run and winter-run steelhead (NWIFC 2022; WDFW 2021a). Summer-run steelhead pass through the lower estuary, including Ebey Slough, and return to freshwater systems between May and October (Haring 2002). Winter-run steelhead pass through the lower estuary and return to freshwater systems between November and April. For both runs, spawning takes place in freshwater habitats from January through June (Haring 2002). Steelhead smolts, because of their larger size and age compared to other species of outmigrating juvenile salmonids, typically do not linger in the estuarine environment before moving into the marine environment. Limited numbers of steelhead smolts have been sampled in estuary marshes, including Ebey Slough, primarily from mid-April though early July, although some steelhead smolts have been sampled through August (Pentec 1992).

According to NWIFC (2022), summer-run steelhead have been documented in Quilceda Creek, and juvenile winter-run steelhead rear in Quilceda Creek. Summer-run steelhead are typically found only where habitat is not fully utilized by winter-run populations; therefore, it is unlikely that many summer-run steelhead are present in Quilceda Creek (Quil Ceda Village 2009). Spawning activity within Quilceda Creek is limited to small areas with suitable substrate. Based on the preponderance of fine sediments, reaches of Quilceda Creek in the action area are extremely unlikely to support steelhead spawning (Nelson, personal communication, 2022b). Based on the freshwater residence time of juvenile steelhead (typically 2 to 3 years), rearing juveniles that originate from spawning grounds farther upstream in the system may be present in the action area at any time of year.

Neither NWIFC (2022) nor WDFW (2021a, b) reports the documented or expected presence of steelhead in Coho Creek. The stream is characterized as gradient-accessible, meaning no natural barriers preclude access to habitats in the action area. However, low flows, high water temperatures, and a preponderance of fine sediments render the stream unsuitable for spawning (Nelson, personal communication, 2022a). It is possible that rearing juveniles may enter Coho Creek, although no steelhead were documented at the smolt trap that was in place between 2002 and 2011 at 27th Ave NE, approximately 0.4 mile upstream of 88th Street NE (TTED 2012). Juvenile and adult steelhead are unlikely to be present in Coho Creek during the in-water work window (Nelson, personal communication, 2022a).

2.2.4 Bull Trout

USFWS listed bull trout as threatened under the ESA on November 1, 1999 (64 FR 58910). Similarly, USFWS proposed Dolly Varden (*Salvelinus malma*) for listing as endangered on January 9, 2001 (66 FR 1628) due to similarity of appearance with bull trout and because they overlap with bull trout in the coastal and Puget Sound region. A designation of threatened or endangered under the similarity of appearance provisions of the ESA extends the take prohibitions of Section 9 to cover the species. However, under section 4(e) of the ESA, a designation of threatened or endangered due to similarity of appearance does not extend other protections of the ESA, such as the consultation requirements for federal agencies under Section 7. Although not formally discussed in this document, the effects of the action on Dolly Varden are anticipated to be similar to those discussed for bull trout.

As described above for Chinook salmon, the action area includes portions of three streams where bull trout may be present. The presence of bull trout in these streams is described below.

The Snohomish River supports one of eight core populations of bull trout in the Puget Sound Management Unit (USFWS 2004). Fluvial and anadromous bull trout adults, sub-adults, and juveniles use habitats in estuarine habitats near the river's mouth, including Ebey Slough, primarily during spring and summer. Goetz et al. (2021) found the residence time of bull trout in marine waters to be fairly brief; most bull trout adults and subadults entered marine waters from April to June and migrated back into rivers by July and August as temperatures rose. Bull trout were not detected in the Snohomish River delta from October through December (Goetz et al. 2021) Spawning adults head upstream to headwater tributaries; anadromous subadults overwinter in the mainstem Snohomish River, generally upstream of the head of Ebey Slough, outside the action area (USFWS 2004; Goetz 2016; Pentec 2002; Snohomish Basin Salmon Recovery Forum 2005). Juvenile bull trout move through the estuary as they migrate out of the Snohomish River system during spring and summer (primarily mid-April through mid-July) (Goetz et al. 2004).

According to NWIFC (2022), bull trout may rear in the main stem of Quilceda Creek in the action area. On the other hand, USFWS found no clear documentation of bull trout us in this system, although they acknowledged the possibility that bull trout may enter the stream on occasion to forage (70 FR 56211, September 26, 2005). Based on the stream's distance from known spawning areas, elevated water temperatures in the stream, and the lack of suitable substrates, bull trout are not expected to spawn in the Quilceda Creek system. WDFW (1999) determined that successful spawning by bull trout occurs only upstream of the winter snow line (i.e., the elevation at which snow is present on the ground for much of the winter); no portions of the Quilceda Creek watershed are upstream of this line. If any bull trout are present in Quilceda Creek, they would likely be rearing juveniles or overwintering adults or subadults (Quil Ceda Village 2009; Marks, personal communication, 2021).

Neither NWIFC (2022) nor WDFW (2021a, b) reports the documented or expected presence of bull trout in Coho Creek. The stream is characterized as gradient-accessible, meaning no natural barriers preclude access to habitats in the action area. However, low flows, high water temperatures, and a preponderance of fine sediments render the stream unsuitable for spawning (Nelson, personal communication, 2022a). In addition, as noted above, bull trout are not expected to spawn in the Quilceda Creek system. It is possible that adults or subadults may enter Coho Creek to forage, although no bull trout were documented at the smolt trap located on 27th Ave NE (TTED 2012). Bull trout are unlikely to be present in Coho Creek during the in-water work window (Nelson, personal communication, 2022a).

2.2.5 Oregon Spotted Frog

USFWS listed Oregon spotted frogs as threatened under the ESA on August 29, 2014 (79 FR 51658). Oregon spotted frogs are associated with large, emergent freshwater wetlands, typically larger than 10 acres (Pearl and Hayes 2004). Breeding occurs in February or March at lower elevations. Females deposit egg masses in shallow, often temporary, pools generally no more than 6 inches deep. Eggs usually hatch within 3 weeks, and the tadpoles metamorphose into froglets during their first summer (Leonard et al. 1993).

The closest known extant population of Oregon spotted frogs is along the Samish River in Skagit and Whatcom Counties, approximately 30 miles north of the action area. In addition, Tulalip tribal biologists have conducted field work in wetlands throughout the watershed, but they have not observed any Oregon spotted frogs during that work (Warner, personal communication, 2022; Nelson, personal communication, 2022a). Nevertheless, guidance developed by WSDOT (2015) indicates that potentially suitable habitats

in the Quilceda Creek-Frontal Possession Sound watershed have the potential to support populations of Oregon spotted frogs.

The Coho Creek wetland complex near the 88th Street NE crossing contains potentially suitable breeding, rearing, and overwintering habitat for Oregon spotted frogs (Appendix D). Habitat features that provide potentially suitable habitat for breeding and rearing include inundation for at least 4 months per year, shallow water areas (less than 12 inches deep) with sun exposure, gradual topographic gradient from shallow water toward deeper, permanent water, and predominantly herbaceous wetland vegetation (WSDOT 2015). Given the proximity of forest cover and the predominance of dense, monocultural stands of reed canarygrass, habitats near the project site are unlikely to provide suitable oviposition sites for Oregon spotted frogs. Inundation of the Coho Creek wetland complex between October and March indicates the presence of potentially suitable overwintering habitat (WSDOT 2015).

2.2.6 Southern Resident Killer Whale

The southern resident DPS of killer whales was listed as endangered on February 16, 2006 (70 FR 69903), and a recovery plan was completed in 2008. In 2016, NMFS completed a 5-year review and concluded that southern resident killer whales (SRKWs) should remain listed as endangered (NMFS 2021).

The recovery plan identified several factors that may be limiting SRKW recovery. These include quantity and quality of prey, toxic chemicals that accumulate in top predators, and disturbance from sound and vessels (NMFS 2008). Oil spills are also a risk factor. It is likely that multiple threats are acting together to impact the whales. Although it is not clear which threat or threats are most significant to the survival and recovery of SRKWs, all the threats identified are potential limiting factors in the population dynamics of the DPS (NMFS 2008).

Chinook salmon make up a significant proportion of SRKW diets. Estimates range from approximately 70 percent during winter and spring to more than 90 percent during summer and fall (NMFS 2021).

Aquatic habitats in the action area consist of shallow, confined, estuarine areas that SRKWs are not expected to enter. There have been no documented observations of SRKWs in the action area. For these reasons, the project has no potential to directly affect SRKWs or their habitat. However, based on the potential for adverse impacts on Chinook salmon—a primary prey species for SRKWs—analyses in this BA consider potential indirect impacts on this species.

2.3 Presence of Federally Designated or Proposed Critical Habitat in the Project Action Area

2.3.1 Puget Sound Chinook Salmon Critical Habitat

Portions of Ebey Slough and Quilceda Creek in the action area have been designated as critical habitat for Puget Sound Chinook salmon (70 FR 52629, September 2, 2005). Coho Creek was not included in the designation.

Specific physical and biological features (PBFs) for Chinook salmon in freshwater and marine/estuarine areas, as defined by NMFS, include the following:

1. Freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation and larval development

2. Freshwater rearing sites with water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; water quality and forage supporting juvenile development; and natural cover such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks
3. Freshwater migration corridors free of obstruction with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival
4. Estuarine areas free of obstruction with water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between freshwater and saltwater; natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels; and juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation
5. Nearshore marine areas free of obstruction with water quality and quantity conditions and forage, including aquatic invertebrates and fishes supporting growth and maturation; and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels
6. Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation

Freshwater and estuarine habitats in Quilceda Creek and Ebey Slough in the action area are expected to support PBFs 2, 3, and 4. Based on the lack of potentially suitable spawning substrates, Quilceda Creek in the action area is not expected to support PBF 1 for Chinook salmon.

2.3.2 Puget Sound Steelhead Critical Habitat

Portions of Ebey Slough and Quilceda Creek in the action area have been designated as critical habitat for Puget Sound steelhead (81 FR 9251, February 24, 2016). Coho Creek was not included in the designation.

Critical habitat for Puget Sound steelhead is defined by the same PBFs as those identified above for Chinook salmon. Based on the lack of potentially suitable spawning substrates in the action area, freshwater and estuarine habitats in Quilceda Creek and Ebey Slough are expected to support PBFs 2, 3, and 4 of critical habitat for Puget Sound steelhead.

2.3.3 Bull Trout Critical Habitat

Critical habitat for bull trout was designated in September 2005 (70 FR 56211) and was revised on October 18, 2010 (75 FR 63897). Only Ebey Slough within the action area is designated as critical habitat. Quilceda Creek and Coho Creek are not mapped as critical habitat for bull trout. Therefore, only the applicable PBFs related to marine nearshore habitats are listed below.

Specific PBFs for bull trout in marine nearshore areas, as defined by USFWS, include the following:

2. Migration habitats with minimal physical, biological, or water quality impediments between spawning, rearing, overwintering, and freshwater and marine foraging habitats, including but not limited to permanent, partial, intermittent, or seasonal barriers

3. An abundant food base, including terrestrial organisms of riparian origin, aquatic macroinvertebrates, and forage fish

5. Water temperatures ranging from 2 to 15 °C (36 to 59 °F), with adequate thermal refugia available for temperatures that exceed the upper end of this range. Specific temperatures within this range will depend on bull trout life-history stage and form; geography; elevation; diurnal and seasonal variation; shading, such as that provided by riparian habitat; streamflow; and local groundwater influence.

8. Sufficient water quality and quantity such that normal reproduction, growth, and survival are not inhibited

All of these PBFs are present in Ebey Slough in the action area.

2.3.4 Southern Resident Killer Whale Critical Habitat

Designated critical habitat for SRKWs in Washington includes most of Puget Sound and the Strait of Juan de Fuca (71 FR 69054, November 29, 2006). Waters less than 20 feet deep relative to extreme high water are not considered to be within the geographical area occupied by SRKWs and are not included in the critical habitat designation. The outfalls in Ebey Slough that will receive discharges from project-related stormwater facilities are in waters less than 20 feet deep relative to extreme high water. Therefore, no SRKW critical habitat is present in the action area.

3. Environmental Setting

The action area is in a largely developed and rapidly urbanizing setting in the Puget Sound Lowlands. Portions of the project area west of I-5 are in the Tulalip Reservation. Reservation lands along 4th Street and 88th Street NE in the action area are zoned for commercial uses; some residential-zoned areas are nearby. Portions of the project area east of I-5 are in the Marysville city limits. Areas along 4th Street are in the densely developed Downtown Commercial zone, and areas along 88th Street NE are zoned as Community Business. Nearly all parcels within 0.25 mile of the two interchanges are developed to their maximum zoning potential.

According to the WSDOT Traffic GeoPortal, the average daily volume of traffic on I-5 at 4th Street (northbound and southbound combined) was 107,000 vehicles per day in 2020. The northbound and southbound on- and off-ramps at that interchange carried between 6,400 and 15,000 vehicles per day. The average volume on 4th Street was approximately 29,000 vehicles per day. The corresponding values at the 88th Street NE interchange were 98,000 vehicles per day (I-5 mainline) and 4,500 to 11,000 vehicles per day (on- and off-ramps). The WSDOT Traffic GeoPortal does not calculate traffic volumes on 88th Street NE. However, traffic data collected in 2019 to support modeling of future scenarios showed volumes of approximately 1,900 to 2,900 vehicles per hour on 88th Street NE at the I-5 interchange, which equates to approximately 19,000 to 29,000 vehicles per day.

3.1 Terrestrial Species and Habitat

The Coho Creek corridor within the Tulalip Reservation is surrounded by a wide forested buffer and is less confined. The Quil Ceda Village Business Park is directly east of Coho Creek and north of 88th Street NE. The area west of Coho Creek in this area is largely undeveloped forest. South of 88th Street NE, Coho Creek is bordered to the east by I-5 and rural residential development to the west. The Quilceda Creek riparian corridor in the Marysville city limits is surrounded by residential and industrial land use.

At the south end of the action area there is industrial and commercial activity situated between busy transportation corridors. The Ebey Slough waterfront contains Ebey Waterfront Park, stormwater conveyance features, asphalt parking areas, boat launch facilities and associated docks, and shoreline areas.

There are no documented occurrences of rare plants or priority ecosystems within the immediate project area (WDNR 2021). However, several rare plants and rare plant communities mapped west of I 5, approximately 1,000 feet west of the project action area, are associated with the salt marsh habitat at the mouth of Quilceda Creek.

Ebey Slough and the Quilceda Creek/Coho Creek wetland and stream complex provide foraging, breeding, nesting, and overwintering habitat to a wide variety of terrestrial and aquatic species.

3.2 Aquatic Species and Habitats

The action area includes portions of three streams: Ebey Slough (an estuarine waterway at the mouth of the Snohomish River), Quilceda Creek (a tributary to Ebey Slough), and Coho Creek (a tributary to Quilceda Creek). The known or expected use of these streams by ESA-listed fish is described in Section 2.2. The

following subsections provide additional information about habitat conditions pertinent to this analysis. Information about the wetland associated with Coho Creek is also provided.

Ebey Slough

Ebey Slough is a right-bank slough channel and tidally influenced distributary of the Snohomish River. The slough diverges from the main stem of the Snohomish River approximately 8 miles upstream from the river's mouth. Ebey Slough then flows north-northwest before discharging to Possession Sound approximately 2 miles north of the Snohomish River.

The north (right) bank of Ebey Slough in the action area has been highly modified by historic and current land use practices. Riparian vegetation is limited to a narrow band, only a few feet wide, vegetated mostly with weedy herbaceous species. Bottom substrates in the action area are dominated by fines, primarily sand and silt. Maximum depths at slack tide range from 8 to 12 feet (Laughlin 2011). A total maximum daily load allocation has been established for Ebey Slough to address low concentrations of dissolved oxygen downstream of I-5 (Ecology 2021).

Adult salmonids use the lower Snohomish River estuary, including Ebey Slough, primarily as a migration corridor and as a physiologic transition zone between salt and freshwater environments. Ebey Slough also provides rearing habitat and serves as a migratory corridor for juvenile salmonids. Spawning for all salmonid species occurs farther upstream in the mainstem Snohomish, Snoqualmie, and Skykomish Rivers and their tributaries.

Quilceda Creek

Quilceda Creek is a low-gradient channel within a broad valley known as the Marysville Trough. A high groundwater table supports stream flows, and the water table fluctuates rapidly in response to precipitation (Quil Ceda Village 2009). Tidal influence in the main stem extends to a point just upstream of I-5.

Based on the high proportion of fine substrates, Quilceda Creek is considered "not properly functioning" for substrate conditions (Snohomish County 2002). Potentially suitable spawning gravels are present in some sections of the stream upstream of the action area, however. The mainstem section of Quilceda Creek east of I-5 is listed on the 303(d) list for failure to meet dissolved oxygen standards (Ecology 2021).

The known or expected use of Quilceda Creek by ESA-listed fish species is discussed in Section 2.2 of this BA. NWIFC (2022) characterizes other salmonids' use of Quilceda Creek in the action area as follows:

- Coho salmon—rearing, documented
- Cutthroat trout—rearing[1], documented
- Chum salmon—present, documented
- Pink salmon—not documented, gradient-accessible

Coho Creek

The headwaters of Coho Creek are in Quil Ceda Village on the Tulalip Reservation (Quil Ceda Village 2009). In the action area, the stream has an unconfined, low-gradient channel. Stream flows remain within

[1] Nelson, personal communication, 2022b

the moderately incised channels under normal flow conditions but quickly jump the banks into a wide floodplain during periods of higher flow. Emergent and scrub/shrub-dominated wetlands occupy the floodplain and riparian habitats. Riparian vegetation is dominated by dense reed canarygrass and common cattail, with lesser amounts of shrubs, including red-twig dogwood, black twinberry, willow, and immature red alder. Large woody material is recruited, in small amounts, where the channel is close to the interphase between wetland and upland habitats. Beaver activity is significant in the Coho Creek drainage basin. Beaver dams are present both upstream and downstream of the 88th Street NE crossing, but not within 200 feet of the road.

Substrates in the action area are dominated by fine-grained materials, primarily sand with areas of patchy gravel where conditions allow. The dominant habitat is mid-channel scour pools with depths averaging between 2 and 3 feet. Instream cover is relatively low due to the lack of large woody material. However, dense overhanging vegetation likely provides some measure of cover and refuge.

Areas of significant erosion and channel incision (exceeding 10 feet) are located approximately 0.2 mile upstream of the crossing, which has contributed to the fine sediment bedload observed in the lower reaches of the stream, including the action area. As the project reach is largely depositional, the buildup of the fine sediments limits the suitability of the project area for spawning. Overall, fine sediment deposition is a limiting factor for all salmonids in the Coho Creek system.

Coho Creek is conveyed under 88th Street NE in a 54-inch concrete pipe. WDFW biologists visited the culvert in 1999, but they were unable to evaluate its status as a fish passage barrier. Based on evidence of backwater effects (90-degree turn and scour hole upstream of the road crossing), it is likely that the culvert is undersized and presents a velocity barrier to fish under high-flow conditions.

The Tulalip Tribes have undertaken extensive habitat restoration projects in and along Coho Creek upstream of 88th Street NE. Projects have included barrier removal (18 culverts removed or replaced), spawning gravel placement, channel reconstruction, riparian planting, and placement of log habitat structures. Before these efforts began in 2001, salmonids were not known or expected to use habitats in Coho Creek. Between 2002 and 2011, Tulalip tribal biologists monitored fish use of the stream and found evidence that coho salmon, chum salmon, and cutthroat trout spawn in Coho Creek (TTED 2012; Nelson, personal communication, 2021).

Wetlands

A large wetland complex (Wetland A) is associated with Coho Creek. The wetland has emergent and scrub-shrub vegetation classes and both riverine and slope hydrogeomorphic regimes. Hydroperiods within the wetland include permanently flowing stream, seasonal ponding, and saturation. The wetland boundary extends up into the hillslope at the start of the tree line on both sides of the stream corridor. The dominant plant species in the wetland is reed canarygrass (*Phalaris arundinacea*). Additional vegetation includes common cattail (*Typha latifolia*), hardhack (*Spiraea douglasii*), redtwig dogwood (*Cornus sericea*), Himalayan blackberry (*Rubus armeniacus*), black twinberry (*Lonicera involucrata*), red alder (*Alnus rubra*), and various willows (*Salix* spp.).

4. Effects of the Action

The following subsections describe potential direct effects on ESA-listed species and critical habitat, as well as identifying delayed consequences (indirect effects) of project actions. Effects of interrelated and interdependent activities are also addressed. Direct effects include all immediate impacts from project-related actions (e.g., construction-related impacts such as noise disturbance or loss of habitat), as well as impacts stemming from actions or activities that are interrelated or interdependent to the proposed action. Delayed consequences include effects that are reasonably certain to occur as a result of the proposed action, but later in time (generally after construction is complete). Delayed consequences may result from the operation of the project (e.g., long-term reductions in the quality or extent of riparian vegetation) or from future activities related to the project (e.g., induced land use change or growth).

4.1 Direct Effects

The proposed action includes the following activities with the potential for direct effects on ESA-listed species and critical habitat in the action area:

- Construction noise and increased human activity
- Ground-disturbing work in and near streams
- Fish exclusion during stream channel realignment
- Habitat loss
- Stream habitat enhancement

The following subsections identify the potential effects of these activities on ESA-listed species and critical habitat, as well as evaluating the potential for ESA-listed species to be exposed to each activity and its potential effects.

4.1.1 Construction Noise and Increased Human Activity

The terrestrial portion of the action area extends into some nearshore marine habitats (Ebey Slough) where marbled murrelets may potentially forage. Given the distance of the construction areas from potential foraging habitat, combined with the generally high level of noise and human activity in the potentially affected portion of Ebey Slough (at and near the I-5 crossing), construction noise is extremely unlikely to affect the behavior of any murrelets that may forage in Ebey Slough.

4.1.2 Ground-disturbing Work in and Near Streams

The potential for construction-related impacts to water quality will be addressed through the implementation of conservation measures and BMPs specified in the SWPPP and TESC plan that will be prepared and implemented before project construction begins. Additionally, the measures specified in Section 1.4 will be implemented, and they will reduce or eliminate the potential for water quality impacts during construction.

Construction will require the use of heavy machinery along the banks of Coho Creek both above and below the stream's ordinary high water line. Although unlikely, accidents such as spills of hazardous materials (typically green cement or grout, fuel, oils, and hydraulic fluids) or unanticipated construction mishaps could occur. Contaminants released through such accidents would degrade water quality and/or be toxic to fish and other aquatic organisms (including larval Oregon spotted frogs, if present). The

potential effect of accidental discharges, should they occur, will be mitigated in large part by implementation of the BMPs. Adherence to the site-specific SPCC plan will minimize the potential for direct effects associated with accidental spills to insignificant levels.

The proposed action will include the temporary disturbance of soils during grading and excavating activities. Site grading and excavation could result in erosion from disturbed upland soils, potentially increasing the sediment load in runoff entering Coho Creek. Stream reconstruction activities within Coho Creek may mobilize existing bottom sediments and sediments within the existing culvert, leading to short-term increases in turbidity and sedimentation of downstream areas. No ground-disturbing work will take place in or near Quilceda Creek or Ebey Slough, nor will equipment be operated in or near either of those streams.

Sedimentation is a concern because it can increase scour potential, degrade rearing habitat, and alter riparian vegetative structure. Increased turbidity can affect both primary food production and feeding efficiency by fish and other aquatic organisms. In addition, high turbidity can impair respiration and possibly hinder salmonid reproductive efforts.

Based on the implementation of site-specific BMPs, the effects of sedimentation and turbidity within Coho Creek are anticipated to be insignificant. In addition, the likelihood of any ESA-listed fish being present in Coho Creek during construction is extremely low. As discussed in Section 2, Chinook salmon, steelhead, and bull trout are not expected to spawn in Coho Creek. In the unlikely event that any of these species do spawn in Coho Creek, work in and near the water will take place during the in-water work window (July 15 to September 30), when migrating adults, incubating eggs, and outmigrating juveniles are least likely to be present. It is possible that rearing juvenile Chinook salmon or steelhead or foraging subadult bull trout could enter Coho Creek from Quilceda Creek. The probability of this occurring is very low, however, based on the following:

- During 10 years of monitoring at the smolt trap in Coho Creek approximately 0.4 mile upstream from the project site, none of these species was observed.
- The in-water work window corresponds to the period when low flows and elevated water temperatures are expected to discourage individuals of all three species (especially bull trout) from entering Coho Creek.
- Bull trout are not expected to spawn in the Quilceda Creek system, further reducing the likelihood that adults, subadults, or juveniles may venture into Coho Creek from Quilceda Creek.
- Juvenile Chinook salmon from the Quilceda Creek system are predominantly ocean-type—that is, they migrate downstream from April to early June and are largely absent from fresh waters by mid-July.
- Tulalip tribal biologists familiar with local conditions have determined that all three species are unlikely to be present in Coho Creek during the in-water work window (Nelson, personal communication, 2022a).

Similarly, the potential for Oregon spotted frogs to be exposed to construction-related turbidity or contaminants is discountable. This conclusion is based on (1) the low probability that Oregon spotted frogs are present in the action area, (2) the implementation of BMPs designed to minimize the risk of accidental releases, and (3) the low probability for areas near the project site to provide suitable breeding habitat for Oregon spotted frogs. If Oregon spotted frogs breed near the beaver ponds upstream of the project site, dispersing juveniles might venture into the project area. Given the area's isolation from

known populations, combined with the limited quality and extent of potentially suitable breeding habitat, this is a low-probability scenario.

4.1.3 Fish Exclusion

Most construction work for building the new bridge and reconstructing the Coho Creek stream channel will be performed in the dry, outside the active channel. In-water work will be limited to activities associated with diverting flow from the existing channel to the reconstructed channel under the new bridge. Before the existing channel is dewatered and flow is directed to the new channel, fish will be excluded from the affected areas. Fish exclusion will be performed in accordance with the standards and protocols established by USFWS (2012).

Fish exclusion will occur only during the in-water work window (July 15 to September 30). As noted above, in the unlikely event that Chinook salmon, steelhead, or bull trout spawn in Coho Creek, this work will take place when migrating adults, incubating eggs, and outmigrating juveniles are least likely to be present. Also, as discussed above, the probability that individuals of any of these species might venture into the construction area during the in-water work window is very low.

Oregon spotted frogs are not expected to use habitats in the actively flowing stream channel that will be dewatered when flow is directed to the new channel. As such, fish exclusion activities have no potential to affect Oregon spotted frogs.

4.1.4 Habitat Loss

Realigning the stream channel building bridge piers and retaining walls will entail the placement of fill below the ordinary high water line of Coho Creek (see Appendix B, sheets 9 and 10). The impacts of the loss of aquatic habitat in these areas will be offset by (1) the creation of new stream channel habitat, combined with (2) the removal of the gabion-supported road fill prism that currently occupies areas that would otherwise be within the ordinary high water line of Coho Creek and/or within associated wetland and riparian areas.

Approximately 160 linear feet of existing stream channel will be filled upstream and downstream of the culvert. In its place, approximately 220 linear feet of new stream channel will be created, for a net gain of about 60 linear feet. In addition, removal of the gabion-supported road fill prism at that location will create approximately 6,300 square feet of native soils and native vegetation that support riparian and wetland functions. The change in the amount of habitat within the ordinary high water line cannot be calculated because the ordinary high water line for the new stream channel will not be established until after the channel has carried flows for at least one winter.

Stream realignment will also result in the loss of some wetland areas that have the potential to provide suitable habitat for Oregon spotted frogs. As with stream channel habitat, these losses will be offset. As shown in Appendix B (sheets 9 and 10), approximately 6,100 square feet of Wetland A will be affected by structural fill (about 4,400 square feet) or stream channel creation (about 1,700 square feet). However, approximately 6,300 square feet of gabion-supported road fill prism will be removed, and approximately 1,400 square feet of stream channel will be filled. These areas, totaling about 7,700 square feet, will be planted with native species. Over time, these areas are expected to support wetland functions, potentially resulting in a net increase of approximately 1,600 square feet of wetland area at the project site. In addition, all impacts to wetlands, streams, and their regulatory buffers will be mitigated in accordance

with applicable tribal, federal, state, and local requirements. There will be no net loss of wetland area or ecological functions. The project is expected to result in a significant improvement in system processes and ecological functions of wetlands and streams after fill removal associated with the bridge construction.

Removal of the undersized culvert may reduce the amount of area affected by backwatering during high-flow events in Coho Creek. Based on low gradients, abundant beaver activity, and groundwater availability in Wetland A upstream of 88th Street NE, this change will not be expected to affect the hydrology of Wetland A. Modeling indicates that the project will not affect the water surface elevation in Coho Creek during a 2-year storm event. Measurable changes in water surface elevations would occur only during significantly larger storm events, which do not play a major role in determining wetland hydrology. For these reasons, the total area of Wetland A is not expected to change.

4.1.5 Stream Habitat Enhancement

Culvert removal, bridge construction, and stream channel realignment will have the following beneficial effects in the action area:

- A net increase of approximately 60 linear feet of surface-flowing stream habitat
- The replacement of approximately 6,300 square feet of gabion-supported road fill prism with native soils and native vegetation that support riparian functions
- Improved habitat conditions due to the placement of large woody material in and near the stream channel
- Increased availability of potentially suitable spawning substrates in the newly constructed channel
- Improved connectivity between the stream and its floodplain where the existing gabion-supported road fill prism is removed
- Improved movement of sediments through the system due to stream channel realignment and removal of the undersized culvert
- A potential net increase of approximately 1,600 square feet of wetland habitat that has the potential to support breeding, rearing, and overwintering by Oregon spotted frogs
- Improved access to approximately 65,000 linear feet (12.3 miles) of stream habitat in the Coho Creek system upstream of 88th Street NE (Shattuck, personal communication, 2021)

As discussed in Section 3.2 of this BA, the Tulalip Tribes have implemented extensive habitat improvement projects in Coho Creek, and the Tribes are developing plans for additional restoration. Removal of the undersized culvert at 88th Street NE will render those areas more accessible to anadromous salmonids, including ESA-listed species.

4.2 Delayed Consequences

Analyses in this section address the potential for effects resulting from long-term reductions in the quality or extent of riparian vegetation, changes in the amount of impervious surface in the action area, and potential changes in land use. Also addressed are potential impacts on prey species for SRKWs.

4.2.1 Riparian Habitat Modification

Bridge construction and stream channel realignment will entail clearing vegetation in the riparian zone along Coho Creek. Temporarily disturbed areas within the riparian zone will be replanted with native species that support riparian ecological functions. Currently, the predominant vegetation cover in the affected areas is Himalayan blackberry. Removal of this invasive species and planting native species will likely contribute to improved riparian habitat quality over time. In addition, approximately 6,300 square feet of gabion-supported road fill prism will be replaced with native soils and native vegetation, increasing the amount of area that provides riparian ecological functions.

Safety standards require that only low-stature species will be allowed to grow within 10 feet of the new bridge. Mature forest habitat will not develop in those areas, reducing the potential for recruitment of large woody material to the stream over the long term. This reduction will be offset by the placement of more than 60 pieces of large woody material in and near the stream as part of the project design.

4.2.2 Stormwater

Project construction will decrease the amount of PGIS in the action area by 0.24 acre while increasing the amount being treated and/or infiltrated by 5.90 acres (Table 1). Given the marked increase in the amount of PGIS receiving water quality treatment, combined with the overall reduction in PGIS area, the project is expected to decrease the pollutant loading in runoff to waters that support ESA-listed fish. The amounts of net change in PGIS and area being treated and/or infiltrated vary from TDA to TDA. Currently, runoff from 12.57 acres of PGIS in the nine TDAs does not receive treatment; the project will decrease that amount to 6.42 acres (Table 1). In eight of the nine TDAs, the amount of PGIS being treated or infiltrated will increase. The one exception is TDA 2, which is discussed in the evaluation of the potential delivery of stormwater to Quilceda Creek (see below).

In contrast to PGIS, the total area impervious surfaces will increase overall, by 1.27 acre. Flow control will be provided in compliance with the requirements of the Highway Runoff Manual.

Runoff from PGIS created or replaced by the project will be treated in accordance with the guidelines in the current Stormwater Management Manual for Western Washington, which represents the best available science for stormwater treatment and flow control. As discussed in Section 1.3.1, runoff from 90 percent of impervious surfaces (pollution-generating or non-pollution-generating) created or replaced in most TDAs will be routed to infiltration facilities. Implementation of these practices, combined with an overall reduction in the amount of PGIS, is expected to reduce the potential for ESA-listed species to be exposed to elevated concentrations of pollutants (including dissolved metals and other chemical contaminants) in runoff from impervious surfaces created or replaced by the project.

Nevertheless, residual contaminants in stormwater runoff from PGIS can harm ESA-listed fish, even after the water has been treated to reduce pollutant loads. ESA-listed fish in receiving waters may be exposed to contaminants in stormwater that is discharged to the receiving waters, or they may be exposed by consuming contaminated prey. The likelihood and magnitude of the effect are related to the length of time fish spend in the action area.

Recent research has found 6PPD-quinone, a contaminant found in runoff from roadways, to be a major contributor to pre spawning mortality in coho salmon (Tian et al. 2021). The effects of this contaminant on other salmonids (including ESA-listed Chinook salmon, steelhead, and bull trout) have not been studied in depth. The concentration at which 6PPD-quinone may have toxic effects on those species is

unknown, as is the effectiveness of stormwater treatment facilities in reducing its concentration in stormwater runoff. However, the use of bioretention facilities, such as those proposed for this project, has been found to prevent the acute lethal effects of stormwater on salmonids (Spromberg et al. 2015).

The concentrations of contaminants that remain in stormwater discharged to receiving waters are unknown, and they are expected to be highly variable. Similarly, the distance from the outfall to the point where the contaminants dilute to levels too low to cause detectable effects is also unknown and expected to be highly variable. Runoff volumes vary and depend on the timing, intensity, and duration of individual storm events. Contaminant concentrations are likely to be greatest during first-flush events, after contaminants have accumulated on roadways during long periods of dry weather. Such events are most common in early and mid-autumn.

Another significant factor is the system that conveys the stormwater to receiving waters. Where water is conveyed in open, vegetated ditches, contaminant concentrations are reduced through infiltration and adsorption to organic matter. Fewer opportunities for such reductions occur in conveyance systems that consist primarily of pipes.

The following subsections analyze the potential impacts of stormwater on ESA-listed fish in each of the three receiving waters (Ebey Slough, Quilceda Creek, and Coho Creek).

Ebey Slough

Ebey Slough receives stormwater runoff directly from TDAs 3 and 4 and indirectly from TDA 1.

Runoff from TDA 1 is discharged to a wetland that borders Ebey Slough; the discharge point is approximately 1,200 feet from the water's edge. In addition, the project will result in a net decrease in the PGIS in the TDA, as well as increasing the amount of impervious surface receiving water quality treatment (Table 1). Based on the distance from the discharge point to Ebey Slough, the potential for ESA-listed fish to be exposed to residual contaminants in treated runoff from TDA 1 is negligible.

Stormwater runoff from TDA 3 will be treated and discharged to an outfall in Ebey Slough immediately west of I-5. Under current conditions, runoff from TDA 3 does not receive any treatment before it is discharged to Ebey Slough. The project will result in a net increase of 0.43 acre of PGIS in TDA 3, and it will provide treatment for 0.41 acre (Table 1). Based on these factors, the project may not result in an appreciable reduction in contaminant levels in runoff from TDA 3. However, any residual contaminants that may remain in treated runoff from this TDA will be diluted almost immediately upon entering Ebey Slough.

Stormwater runoff from TDA 4 will be directed to the new regional stormwater treatment facility being developed by the City. Under current conditions, runoff from TDA 4 does not receive any treatment. The project will result in a minuscule net increase in the amount of PGIS in TDA 4 (0.01 acre), and it will provide treatment for an approximately equal area (Table 1). Although this change does not have a high likelihood of reducing the contaminant levels in runoff from TDA 4, the areas involved are minuscule relative to the total area that will be directed to the regional stormwater facility.

Infiltration and treatment that occur in these facilities and conveyance systems are expected to reduce the loadings of contaminants in stormwater that is discharged from the project site to Ebey Slough, compared to current conditions. Residual contaminants in treated stormwater, as well as contaminants in untreated runoff from existing PGIS in these TDAs, will be diluted almost immediately upon entering

Ebey Slough. Runoff from the approximately 7 acres of PGIS in these three TDAs represents a tiny proportion of the flow that enters Ebey Slough from the Snohomish River basin.

ESA-listed fish are likely to be exposed to contaminants in stormwater runoff from the project area only if they are present near the discharge points during or shortly after a storm event. Following are evaluations of the exposure potential for the various life stages of ESA-listed fish that may be present in Ebey Slough.

- Adult Chinook salmon may encounter stormwater discharges while they are passing through Ebey Slough en route to spawning grounds in the Snohomish River system from June through September. Given the small area where elevated contaminant concentrations occur (in the immediate vicinity of the discharge points), the infrequent occurrence of storm events during that period, and the brief duration of their presence (adults are not expected to linger in the estuary before heading upstream), the potential for exposure is very low.
- Juvenile Chinook salmon may be present in Ebey Slough in low densities at most times of the year, with higher densities in May and June. As with adults, only the individuals that venture close to the discharge points will be at risk of exposure. The overwhelming majority of storm events, including first-flush events, occur when densities are relatively low, minimizing the potential for exposure.
- Adult steelhead may encounter stormwater discharges while they are passing through Ebey Slough en route to spawning grounds in the Snohomish River system. Given the presence of both summer-run and winter-run steelhead in the system, migrating adults may be present in the slough at almost any time of year. Only the individuals that venture close to the discharge points will be at risk of exposure.
- Juvenile steelhead typically do not linger in the estuarine environment. Outmigrating smolts may be present from mid-April through August, but their presence is expected to be brief and transitory. Given the small area where elevated contaminant concentrations occur (in the immediate vicinity of the discharge points), the infrequent occurrence of storm events during that period, and the brief duration of the juveniles' presence, the potential for exposure is very low.
- Adult bull trout are most likely to be present in Ebey Slough from April through July or August. Given the small area where elevated contaminant concentrations occur (in the immediate vicinity of the discharge points) and the infrequent occurrence of storm events during this period, the potential for exposure is very low. In addition, the anadromous life history form makes up a limited proportion of the bull trout population in the Snohomish River system; the number of adults that may enter Ebey Slough is comparatively small.
- Subadult bull trout typically overwinter in reaches of the Snohomish River upstream of Ebey Slough. They are not expected to be exposed to discharges from stormwater facilities.
- Juvenile bull trout may be present between mid-April and mid-July. Similar to steelhead, their presence is expected to be brief, transitory, and at low densities. Given the small area where elevated contaminant concentrations occur (in the immediate vicinity of the discharge points), the infrequent occurrence of storm events during that period, and the brief duration of the juveniles' presence, the potential for exposure is very low.

Quilceda Creek

Quilceda Creek receives stormwater runoff from TDAs 2, 6, 7, 8 and 9. The following paragraphs evaluate the project's effects on contaminant levels in runoff that enters Quilceda Creek from those TDAs. Notably, runoff from the equivalent of 90 percent of all impervious surfaces (pollution-generating or non-pollution-generating) created or replaced in four of these five TDAs (6, 7, 8, and 9) will be routed to infiltration facilities.

Under current conditions, runoff from TDA 2 does not receive any treatment before it is discharged to Quilceda Creek. By reducing the area of PGIS in the TDA by 0.09 acre, the project is expected to reduce contaminant levels in runoff from TDA 2, compared to current conditions. Additional reduction of contaminant levels will occur through adsorption to soils and vegetation in conveyance ditches between the project site and the stream. Based on the small area of impervious surfaces in this TDA, project-driven changes in contaminant levels are not expected to have a detectable effect on water quality in Quilceda Creek.

Under current conditions, runoff from TDA 6 does not receive any treatment before it is discharged to Quilceda Creek. The project will result in a net increase of 0.01 acre of PGIS in TDA 6, an amount that is dwarfed by the amount of impervious surfaces that will receive treatment in the TDA (0.62 acre). As discussed in Section 1.3.1, much of the runoff from TDA 6 infiltrates in conveyance ditches and never enters Quilceda Creek. Contaminant levels in any water that reaches the stream are further reduced through adsorption to soils and vegetation in the ditches. Based on these factors, contaminant levels in runoff that reaches Quilceda Creek from TDA 6 are very low under current conditions and will decrease substantially after the project is complete.

Under current conditions, runoff from 0.62 acre of impervious surfaces in TDA 7 receives partial treatment in a bioswale. The project will result in a net increase of 0.10 acre of PGIS and a net increase of 1.31 acres receiving treatment. As discussed in Section 1.3.1, much of the runoff from this TDA infiltrates in conveyance ditches and never enters Quilceda Creek. Contaminant levels in any water that reaches the stream are further reduced through adsorption to soils and vegetation in the ditches. Based on these factors, contaminant levels in runoff that reaches Quilceda Creek from TDA 7 are very low under current conditions and will decrease substantially after the project is complete.

Under current conditions, runoff from 1.28 acres of impervious surfaces in TDA 8 drains to a stormwater treatment pond that is believed to outfall to Quilceda Creek north of 88th Street NE. Currently, the stormwater pond occasionally experiences flooding. The project will result in a net decrease of 0.04 acre of PGIS and a net increase of 0.15 acre receiving treatment. By creating a new infiltration facility, the project will reduce the amount of runoff directed to the stormwater pond, reducing the risk of the pond's capacity being exceeded during major storm events. As a result, contaminant levels in runoff that reaches Quilceda Creek from TDA 8 are expected to decrease after project completion.

Under current conditions, runoff from 0.13 acre of impervious surfaces in TDA 9 flows to a bioswale—approximately two-thirds of the total impervious surface area in the TDA. The project will result in a net increase of 0.03 acre of PGIS and a net increase of 0.07 acre receiving treatment. Based on these factors, contaminant levels in runoff that reaches Quilceda Creek from TDA 9 are very low under current conditions and will decrease after the project is complete.

Infiltration and treatment that occur in these facilities and conveyance systems are expected to reduce the loadings of contaminants in stormwater that is discharged from the project site to Quilceda Creek,

compared to current conditions. Although the volume of flow in Quilceda Creek is not as great as that in Ebey Slough, the combined area of the PGIS in these five TDAs (approximately 5 acres) is extremely small compared to the contributing watershed area upstream of their discharge points (approximately 20,000 acres).

To be cautious, it is assumed for this analysis that runoff from project-related impervious surfaces may contain elevated levels of contaminants from the upstream-most discharge point (that of TDA 8) all the way down to the mouth of the stream in Ebey Slough, a distance of approximately 3.7 miles. It is quite likely, however, that residual contaminants in treated stormwater, as well as contaminants in untreated runoff from impervious surfaces in these TDAs, will be diluted to insignificant levels a short distance downstream of each discharge point. Moreover, TDAs 6 and 7 encompass more than half of the impervious surface area that drains to Quilceda Creek. Most runoff from these two TDAs infiltrates in conveyance ditches and does not enter the stream. These factors, combined with the high proportion of runoff from PGIS in these TDAs that will receive treatment after the project is complete (4.18 of 5.36 acres—nearly 80 percent), indicate a low likelihood that harmful levels of contaminants will enter Quilceda Creek from these five TDAs.

Following are evaluations of the exposure potential for the various life stages of ESA-listed fish that may be present in Quilceda Creek.

- Small numbers of adult Chinook salmon are expected to pass through the action area en route to spawning grounds upstream. They may enter the stream as early as June and be present until spawning is complete in late November. Migrating adults are likely to encounter runoff from project-related impervious surfaces as they pass through the action area during this period, which includes the early and mid-autumn period when first-flush events are most likely to occur. Exposure to elevated levels of contaminants will be relatively brief, as the fish are expected to keep moving upstream until they encounter suitable spawning habitat.
- Juvenile Chinook salmon may rear in the action area, but they are more likely to use Quilceda Creek in the action area as a migratory corridor as they move to marine habitats from spawning and rearing areas upstream. Juvenile Chinook salmon from the Quilceda Creek system are predominantly ocean-type—that is, they rear in freshwater habitats for a relatively brief period before migrating downstream. Juvenile Chinook salmon are largely absent from Quilceda Creek by mid-July each year.
- Adult steelhead are expected to pass through the action area en route to spawning grounds upstream. Winter-run steelhead may pass through reaches of Quilceda Creek in the action area between November and April. If summer-run steelhead spawn in the system, they may pass through the action area May and October (as noted in Section 2.2.3, it is unlikely that many summer-run steelhead are present in Quilceda Creek).
- Juvenile steelhead may rear in the action area. Because rearing juveniles may rear in freshwater systems for several years, juvenile steelhead could be present in Quilceda Creek in the action area at any time of year and could, thus, be exposed to contaminants in runoff from project-related impervious surfaces.
- Bull trout are not expected to spawn in the Quilceda Creek system. For this reason, exposure to runoff from project-related impervious surfaces would occur only if individual bull adults or

subadults from other systems were to venture into the stream. Any such expeditions would likely involve individual fish and would occur only infrequently.

Coho Creek

Coho Creek receives stormwater runoff from TDA 5. Under current conditions, runoff from 1.54 acres of impervious surfaces in this TDA flows to a bioswale. The project will result in a net decrease of 0.41 acre of PGIS, and it will nearly double the area receiving treatment (increasing to 2.98 acres). As a result, contaminant levels in runoff from TDA 5 are expected to decrease, compared to current conditions. In addition, the discharge point for the new facility will be in Wetland A. Under most conditions, additional contaminant removal will occur via infiltration and adsorption in the soils and vegetation of the wetland before entering the stream. During major storm events, the water level in the stream may be high enough to reach the end of the discharge pipe.

No ESA-listed fish have been documented in Coho Creek, even during 10 years of monitoring of the smolt trap approximately 0.4 mile upstream of 88th Street NE. Nevertheless, it is possible that individuals of any of these species may enter the stream on occasion. The likelihood of presence is greatest near the confluence of Coho Creek with Quilceda Creek, approximately 0.8 mile downstream from the TDA 5 discharge point. Over that distance, contaminant levels will be reduced as substances in the stormwater interact with soils and vegetation and are diluted by flow entering the stream from adjacent wetlands. The probability that any ESA-listed fish may be exposed directly to effluent discharged from TDA 5 is extremely low. The risks of exposure for the various life stages of each species are evaluated below.

- Adult Chinook salmon migrating upstream in Quilceda Creek could stray into Coho Creek. Based on the absence of a spawning population in Coho Creek, combined with poor habitat conditions (low flows, high temperatures, and a preponderance of fine substrates), any such occurrences would likely be temporary and brief.
- If any juvenile Chinook salmon rear in the lower reaches of Quilceda Creek, they, too, could stray into Coho Creek. As discussed above, the action area is in the lower reaches of Quilceda Creek, downstream of known spawning areas. Juvenile Chinook salmon are not expected to remain in those reaches for extended periods. In addition, to be exposed to undiluted effluent from TDA 5, juveniles from Quilceda Creek would have to swim upstream in Coho Creek for approximately 0.8 mile. Taken together, these factors suggest the likelihood of exposure is discountable.
- Similar to adult Chinook salmon, spawning and migrating adult steelhead may stray into Coho Creek. Based on the absence of a spawning population of steelhead in Coho Creek, combined with poor habitat conditions (the preponderance of fine substrates, in particular), any such occurrences would likely be temporary and brief.
- Juvenile steelhead that rear in Quilceda Creek could stray into Coho Creek. The potential for this to occur is greater than for Chinook salmon because juvenile steelhead tend to remain in freshwater systems for several years. In addition, as they age and become stronger swimmers, juvenile steelhead will have a greater ability to venture into the reaches of Coho Creek near the TDA 5 discharge point. However, the lack of detections during 10 years of smolt trap monitoring at 27th Avenue NE suggests a low probability that juvenile steelhead may venture that far upstream in Coho Creek.

- As noted above, bull trout are not expected to spawn in the Quilceda Creek system, which includes Coho Creek. For this reason, exposure to runoff from project-related impervious surfaces would occur only if individual bull trout (adults, subadults, or juveniles) from other systems were to venture into the stream. Any such expeditions would likely involve individual fish and would occur only infrequently.

4.2.3 Changes in Land Use

As required by WSDOT (2020), the May 2009 interagency guidance for addressing delayed consequences was employed to determine whether the proposed project has the potential for delayed consequences resulting from changes in land use. Responses to applicable questions in the guidance document are provided below.

Question 1: Will the project create a new facility (e.g., new road, new interchange, etc.)?

Response: No.

Question 2: Will the project improve a level of service of an existing facility as established in local plans?

Response: Yes, probably. *The purpose of the project includes improving mobility for cars, trucks, emergency services, pedestrians, and transit users traveling to, from, and across I-5 on 4th Street and 88th Street NE and within the Tulalip Reservation. The project is consistent with the City of Marysville's 88th Street Master Plan (Ordinance No. 2865, June 13, 2011). That plan includes requirements for roadway and intersection improvements to accommodate ingress and egress for the 88th Street Master Plan area. The plan states that ingress and egress shall be located as far from the State Avenue//88th Street NE intersection as possible and shall be restricted to right-in/right-out only. The plan also includes a requirement for additional right-of-way along 88th Street NE to accommodate an eastbound through lane for the 88th Street NE/State Avenue intersection. That intersection is approximately 0.25 mile east of the project footprint. Nevertheless, to be cautious, this analysis assumes the project will improve level of service at both the 4th Street and the 88th Street NE interchanges as established in local plans.*

Based on these responses, the delayed consequences analysis guidelines require responses to the five questions (a through e) below.

a) Is there a building moratorium in place that is contingent on the proposed road improvements?

Response: No. *Analysts found no evidence that a building moratorium is in place near either interchange or that the project has been identified as a requirement for development of any proposed or permitted developments.*

b) Are there any land use changes tied by permit condition to the proposed project?

Response: No. *Analysts have not identified any developments tied to the project by permit condition.*

c) Do the project's National Environmental Policy Act documents identify other actions or land use changes caused by or resulting from the project that are reasonably certain to occur?

Response: No. *National Environmental Policy Act documentation has not yet been prepared for this project.*

d) Do development plans include scenarios for the planning area where land use differs based on a "build" and "no-build" outcome related to the proposed project?

Response: No. *Tribal and City development plans do not include scenarios based on different outcomes for this project.*

e) Is there land use change that is likely to occur at a different rate as a result of the project?

Response*:* ***No.*** *Based on the plan area's distance from the project site, the proposed improvements are not expected to accelerate the implementation of the City of Marysville's 88th Street Master Plan. In addition, there is no evidence that the Tulalip Tribes or the City have any plans to change existing Comprehensive Plan designations or zoning in response to this project. The increased efficiency of the intersections is expected to reduce congestion, but it is not expected to influence the rate of development in the area. Growth and development in the area are ongoing and expected to continue at approximately the same rate with or without the I-5/4th Street and 88th Street NE Corridor Improvements project.*

Based on the above responses, the I-5/4th Street and 88th Street NE Corridor Improvements Project is not expected to contribute to the conversion of currently undeveloped or underdeveloped parcels in the action area to a more developed condition. Even if that were to occur, however, such projects would not be expected to result in substantial increases in runoff from pollution-generated impervious surfaces associated with new development. First, the project area is in a densely developed urban setting with a fully developed road network. In addition, any future development projects in and near the action area will be subject to independent environmental review and permitting by various tribal, federal, state, and local agencies, limiting the potential for adverse effects on ESA-listed species. For example, regulations at both the state and the local level require the inclusion of stormwater treatment facilities in most projects that create new or expand existing impervious surface area (e.g., WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington). They require that stormwater be treated or detained before it is released to local streams to minimize its detrimental effects on aquatic species and their habitats. In addition, point source stormwater discharges to surface waters from construction sites of 1 acre or larger are required to obtain a National Pollutant Discharge Elimination System permit from Ecology. Compliance with these and other requirements will minimize the potential for adverse effects on ESA-listed species and habitat from future development projects.

Based on the above, it is possible, but unlikely, that completion of the I-5/4th Street and 88th Street NE Corridor Improvements project could contribute to delayed consequences related to increased pollutant loadings in runoff from future development projects. The likelihood of any such effects will be minimized, if not entirely avoided, through implementation of measures aimed at minimizing adverse effects on fish and wildlife species and habitat.

4.2.4 Impacts on Prey Species

Impacts to SRKWs as a result of impacts on prey species will be generally beneficial. Overall, the stream enhancement component of the project will provide access to additional upstream habitat potentially suitable to spawning. Any negative effects on SRKW prey species during fish-exclusion activities will be

minimal and short-lived. Potential stormwater-related impacts on Chinook salmon will be limited to the Quilceda Creek population, which is dwarfed by populations in the nearby Snohomish River system. These effects will not translate into population-level effects that would measurably reduce the availability of prey species for SRKWs. As such, the potential for adverse impacts on the availability of food resources for SRKWs is discountable, and the outcome of any such impacts would be insignificant.

In-water work has the potential to displace prey species for both Chinook salmon and steelhead. The effects of any such displacement would be localized and temporary, and prey species would be expected to return following construction. Given the availability of prey in adjacent habitats, the proposed action is anticipated to have an insignificant effect on the availability of prey for Chinook salmon and steelhead.

4.3 Effects on the Physical and Biological Features of Critical Habitat

4.3.1 PBFs for Puget Sound ESU Chinook Salmon and Puget Sound DPS Steelhead

PBFs essential to the conservation of the Puget Sound ESU Chinook salmon and Puget Sound DPS steelhead in freshwater and estuarine habitats are present in the action area, as identified in Section 2.3.1 and Section 2.3.2. Potential project-related effects on each of those PBFs are discussed below.

PBF 2 (freshwater rearing sites)

The only designated critical habitat in freshwater habitats in the action area is in Quilceda Creek. The project will not entail any work in or near Quilceda Creek. However, contaminants in runoff from impervious surfaces may degrade water quality for juvenile Chinook salmon and juvenile steelhead that rear in Quilceda Creek in the action area.

PBF 3 (freshwater migration corridors)

The only designated critical habitat in freshwater habitats in the action area is in Quilceda Creek. The project will not entail any work in or near Quilceda Creek. However, contaminants in runoff from impervious surfaces may degrade water quality for adult Chinook salmon and steelhead that migrate through Quilceda Creek in the action area to spawning areas upstream. Contaminants may also degrade water quality for outmigrating juveniles.

PBF 4 (estuarine habitats)

The project will have no direct effects on physical or biological components of estuarine habitats. No project work will take place within Ebey Slough. As discussed in Section 4.2.2, any residual contaminants in runoff from project-related impervious surfaces will be diluted to levels too low to detectably degrade water quality almost immediately upon entering Ebey Slough.

4.3.2 PBFs for Bull Trout

PBFs essential to the conservation of bull trout in marine nearshore areas are present in the action area, as identified in Section 2.3.1. Potential project-related effects on each of those PBFs are discussed below.

PBF 2 (migration habitats)

Under current conditions, the project area contains no permanent, partial, or seasonal physical, biological, or water quality impediments that prevent migration between spawning, rearing, overwintering, and freshwater and marine foraging habitats.

The project will not entail any work in or near Ebey Slough and, as such, will have no direct effects on physical or biological components of estuarine habitats. As discussed in Section 4.2.2, any residual contaminants in runoff from project-related impervious surfaces will be diluted to levels too low to detectably degrade water quality almost immediately upon entering Ebey Slough.

PBF 3 (food base)

The project is not expected to have any detectable direct or indirect effects on the availability of prey for bull trout in Ebey Slough.

PBF 5 (water temperatures)

The project will not modify any riparian vegetation near Ebey Slough, nor will it affect the temperature of any waters being discharged to Ebey Slough. As such, the project will have no effect on water temperatures in Ebey Slough.

PBF 5 (water quality and quantity)

As discussed in Section 4.2.2, any residual contaminants in runoff from project-related impervious surfaces will be diluted to levels too low to detectably degrade water quality almost immediately upon entering Ebey Slough. Given the small area of impervious surfaces contributing runoff to Ebey Slough, relative to the flow of the Snohomish River basin, the project has no potential for any detectable effects on water quantity in Ebey Slough.

4.4 Effects of Interrelated and Interdependent Actions

Compensatory mitigation, if required, will likely be accomplished by using hand tools to plant native trees and shrubs in areas near the project alignment. As such, compensatory mitigation will have little or no potential for adverse effects on ESA-listed species. If mitigation for project-related impacts to wetlands and wetland buffers may result in impacts to ESA-listed species and habitats not considered in this analysis, those impacts will be addressed through future consultation.

4.5 Cumulative Impacts

Consistent with the requirements specified in 50 CFR 402.02, the analysis of cumulative effects is based on future actions that are (1) reasonably certain to occur in the action area, and (2) not expected to include a federal nexus that would trigger ESA Section 7 compliance requirements.

Development projects may also contribute to increased pollutant loading in waters that support ESA-listed fish. No planned projects with that potential have been identified in the action area. Any future projects will have to comply with state and local regulations that protect wetlands, streams, and other critical areas. Such reviews will trigger the implementation of mitigation measures and practices aimed at avoiding or minimizing the potential for adverse effects on wetlands, aquatic species and habitat, and other natural resources such as fish and wildlife habitat conservation areas. Compliance with those requirements will

ensure that any future development projects in the action area are unlikely to result in adverse impacts to water quality in waterbodies that support ESA-listed fish.

Based on the above, the I-5/4th Street and 88th Street NE Corridor Improvements Project is not expected to contribute to adverse cumulative effects on ESA-listed species when considered in conjunction with other reasonably foreseeable future projects.

5. Conclusions and Effect Determinations

The following subsections present effect determinations and rationales for the ESA-listed species and designated critical habitat not addressed in previous consultations. See Section 2.2 for no-effect determinations for species identified by USFWS as potentially having to be considered in the effects analysis for this project.

5.1 Marbled Murrelet

The project **may affect** marbled murrelets for the following reasons:

- Marbled murrelets may forage in the estuarine habitats in Ebey Slough in the action area.
- A 10-acre stand of mature conifer trees is present in the action area.

The project is **not likely to adversely affect** marbled murrelets for the following reasons:

- Given the distance of the construction areas from potential foraging habitat, combined with the generally high level of noise and human activity in the potentially affected portion of Ebey Slough (at and near the I-5 crossing), construction noise is extremely unlikely to affect the behavior of any murrelets that may forage in the action area.
- No suitable nesting habitat is located within 15 miles of the project area.
- The 10-acre stand of mature conifer trees is dense, isolated, and extremely unlikely to support nesting by marbled murrelets (see Section 2.2.1 for additional details).

5.2 Puget Sound Chinook Salmon

The project **may affect** Puget Sound Chinook salmon for the following reasons:

- Stormwater detention and treatment facilities that receive runoff from impervious surfaces created or replaced by the project will discharge to waters where Chinook salmon adults and juveniles may be present.
- In-water work, including fish exclusion, will take place in waters that are accessible to Chinook salmon.

The project is **likely to adversely affect** Puget Sound Chinook salmon for the following reasons:

- Water discharged from detention and treatment facilities may contain residual concentrations of contaminants that may be toxic to Chinook salmon.

The project is not likely to appreciably reduce the survival and recovery of Puget Sound Chinook salmon for the following reasons:

- The treatment of stormwater will reduce contaminant levels in runoff from the project area, compared to current conditions.
- Residual contaminant levels will be further reduced by dilution, infiltration, and adsorption to organic materials as water travels in ditches between stormwater facilities and fish-bearing waters.
- Any residual contaminants in water from stormwater facilities that discharge into Ebey Slough will be diluted to negligible levels almost immediately after the water enters the estuarine environment.

- Chinook salmon are unlikely to be present in the portion of Coho Creek that will receive discharge from stormwater facilities.
- Work in Coho Creek will be restricted to the in-water work window, when neither adult nor juvenile Chinook salmon are expected to be present.
- The potential for delivery of sediment or contaminants during construction will be minimized through implementation of the measures specified in Section 1.4.
- The project will enhance stream habitat in Coho Creek and will allow improved access to more than 65,000 linear feet of upstream habitat.

5.3 Critical Habitat for Puget Sound Chinook Salmon

The project **may affect** critical habitat for Puget Sound Chinook salmon for the following reasons:

- Stormwater detention and treatment facilities that receive runoff from impervious surfaces created or replaced by the project will discharge to waters where critical habitat has been designated for Puget Sound Chinook salmon.

The project is **likely to adversely affect** critical habitat for Puget Sound Chinook salmon for the following reasons:

- Contaminants in runoff from impervious surfaces may degrade water quality in reaches of Quilceda Creek that are designated as critical habitat and that support the rearing and migration PBFs.

5.4 Puget Sound Steelhead

The project **may affect** Puget Sound steelhead for the following reasons:

- Stormwater detention and treatment facilities that receive runoff from impervious surfaces created or replaced by the project will discharge to waters where steelhead adults and juveniles may be present.
- In-water work, including fish exclusion, will take place in waters that are accessible to steelhead.

The project is **likely to adversely affect** Puget Sound steelhead for the following reasons:

- Water discharged from detention and treatment facilities may contain residual concentrations of contaminants that may be toxic to steelhead.

The project is not likely to appreciably reduce the survival and recovery of Puget Sound steelhead for the following reasons:

- The treatment of stormwater will reduce contaminant levels in runoff from the project area, compared to current conditions.
- Residual contaminant levels will be further reduced by dilution, infiltration, and adsorption to organic materials as water travels in ditches between stormwater facilities and fish-bearing waters.
- Any residual contaminants in water from stormwater facilities that discharge into Ebey Slough will be diluted to negligible levels almost immediately after the water enters the estuarine environment.

- Steelhead are unlikely to be present in the portion of Coho Creek that will receive discharge from stormwater facilities.
- Work in Coho Creek will be restricted to the in-water work window, when neither adult nor juvenile steelhead are expected to be present.
- The potential for delivery of sediment or contaminants during construction will be minimized through implementation of the measures specified in Section 1.4.
- The project will enhance stream habitat in Coho Creek and will allow improved access to more than 65,000 linear feet of upstream habitat.

5.5 Critical Habitat for Puget Sound Steelhead

The project **may affect** critical habitat for Puget Sound steelhead for the following reasons:

- Stormwater detention and treatment facilities that receive runoff from impervious surfaces created or replaced by the project will discharge to waters where critical habitat has been designated for Puget Sound steelhead.

The project is **likely to adversely affect** critical habitat for Puget Sound steelhead for the following reasons:

- Contaminants in runoff from impervious surfaces may degrade water quality in reaches of Quilceda Creek that are designated as critical habitat and that support the rearing and migration PBFs of critical habitat for Puget Sound steelhead.

5.6 Bull Trout

The project **may affect** bull trout for the following reasons:

- Stormwater detention and treatment facilities that receive runoff from impervious surfaces created or replaced by the project will discharge to waters where bull trout adults, subadults, and juveniles may be present.
- In-water work, including fish exclusion, will take place in waters that are accessible to bull trout.

The project is **not likely to adversely affect** bull trout for the following reasons:

- Bull trout are not expected to spawn in the Quilceda Creek system. Exposure to runoff from project-related impervious surfaces would occur only if individual bull adults or subadults from other systems were to venture into Quilceda Creek. The potential for such a visit to correspond with a storm event that discharges large amounts of contaminants to the stream is discountable. In addition, the impacts of any such exposure would likely be insignificant because the visit would be brief and transitory.
- The potential for exposure to project-related runoff to Ebey Slough is discountable, based on (1) the small area where elevated contaminant concentrations may occur, (2) the infrequent occurrence of storm events during the periods when adult or juvenile bull trout may be present in Ebey Slough, and (3) the small numbers of bull trout that are likely to be present.

5.7 Critical Habitat for Bull Trout

The project **may affect** critical habitat for bull trout for the following reasons:

- Stormwater detention and treatment facilities that receive runoff from impervious surfaces created or replaced by the project will discharge to marine nearshore waters where critical habitat has been designated for bull trout.

The project is **not likely to adversely affect** critical habitat for bull trout for the following reasons:

- The project will not entail any work in or near Ebey Slough and, as such, will have no direct effects on physical or biological components of marine nearshore habitats.
- Any residual contaminants in runoff from project-related impervious surfaces will be diluted to levels too low to detectably degrade water quality almost immediately upon entering Ebey Slough.

5.8 Oregon Spotted Frog

The project **may affect** Oregon spotted frogs for the following reasons:

- The project site is in a watershed where potentially suitable habitats have the potential to support populations of Oregon spotted frogs.
- Project construction will entail clearing and ground-disturbing work in a wetland complex (Wetland A) that contains potentially suitable breeding, rearing, and overwintering habitat for Oregon spotted frogs.

The project is **not likely to adversely affect** Oregon spotted frogs for the following reasons:

- The closest known extant population of Oregon spotted frogs is approximately 30 miles north of the action area.
- Tulalip tribal biologists have not observed any Oregon spotted frogs while performing field work in wetlands throughout the watershed.
- Given the proximity of forest cover and the predominance of dense, monocultural stands of reed canarygrass, habitats near the project site are unlikely to provide suitable oviposition sites for Oregon spotted frogs.
- Large areas of suitable wetland habitat will remain undisturbed in areas of the Wetland A complex upstream and downstream of the project site.
- Biologists will perform pre-construction surveys for Oregon spotted frog egg masses in potentially suitable habitat associated with Coho Creek near the 88th Street NE bridge construction site. If Oregon spotted frog egg masses are discovered, BIA and WSDOT will coordinate with USFWS on the implementation of additional conservation measures.
- Removal of the undersized culvert is not expected to affect the hydrology or extent of Wetland A.

5.9 Southern Resident Killer Whale

The project **may affect** southern resident killer whales for the following reason:

- The project may adversely affect Chinook salmon, a primary prey source for this species.

The project is **not likely to adversely affect** southern resident killer whales for the following reasons:

- The project will not appreciably reduce the survival and recovery of Chinook salmon and will not, therefore, result in any population-scale reductions in the availability of this prey resource for southern resident killer whales.
- Southern resident killer whales are not known or expected to use habitats in the action area and will not be exposed to any other potential project-related impacts.

6. References

City of Marysville. 2016. City of Marysville Drainage and Erosion Control Standards. Prepared by City of Marysville Public Works/Community Development. Marysville, WA.

Davis, R.J., K.M. Dugger, S. Mohoric, L. Evers, and W.C. Aney. 2011. Northwest Forest Plan—the first 15 years (1994–2008): status and trends of northern spotted owl populations and habitats. General Technical Report. PNWGTR-850. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station.

eBird. 2021. eBird: An online database of bird distribution and abundance [web application]. eBird, Ithaca, New York. Available: http://www.ebird.org. Accessed December 2021.

Ecology (Washington State Department of Ecology). 2021. Washington Water Quality Atlas mapper. Available at: https://apps.ecology.wa.gov/waterqualityatlas/wqa/map

Goetz, F.A., E. Jeanes, and E. Beamer. 2004. Bull Trout in the nearshore. Preliminary Draft. Prepared for the U.S. Army Corps of Engineers, Seattle District, Seattle, Washington.

Goetz, F.A. 2016. Migration and Residence Patterns of Salmonids in Puget Sound, Washington. A dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy. University of Washington. Seattle, WA. 208 pp.

Goetz, F., E. Beamer, E. Connor, E. Jeanes, C. Kinsel, J. Chamberlin, C. Morello, and T. Quinn. 2021. The timing of anadromous bull trout migrations in estuarine and marine waters of Puget Sound, Washington. Environmental Biology of Fishes, volume 104, pp 1073 - 1088.

Haring, D. 2002. Salmonid Habitat Limiting Factors, Snohomish River Watershed—Water Resource Inventory Area 7, Final Report. Report prepared for the Washington Conservation Commission. Olympia, WA. December 2002.

Hughes, J.M. 1999. Yellow-billed Cuckoo (Coccyzus americanus). In: The Birds of North America, No. 148, A. Poole and F. Gill, eds. The Birds of North America, Inc., Philadelphia, PA.

Laughlin, J. 2011. Underwater Sound Levels Associated with Driving 72-inch Steel Piles at the SR 529 Ebey Slough Bridge Replacement Project. Washington State Department of Transportation Office of Air Quality and Noise. Seattle, WA.

Leonard, W.P., H.A. Brown, L.L.C. Jones, K.R. McAllister, and R.M. Storm. 1993. Amphibians of Washington and Oregon.

Marshall, D.B. 1988. Status of the Marbled Murrelet in North America: With special emphasis on populations in California, Oregon, and Washington. U.S. Fish and Wildlife. Serv. Biol. Rep. 88.

Marks, D. 2021. Personal communication with Derek Marks, Tulalip Tribes Timber Fish & Wildlife Manager. E-mail correspondence dated September 21, 2021.

Nelson, K. 2021. Personal communication with Kurt Nelson, Tulalip Tribes Environmental Department Manager. E-mail correspondence dated November 3, 2021.

Nelson, K. 2022a. Personal communication with Kurt Nelson, Tulalip Tribes Environmental Department Manager. E-mail correspondence dated January 18, 2022

Nelson, K. 2022b. Personal communication with Kurt Nelson, Tulalip Tribes Environmental Department Manager. E-mail correspondence dated April 7, 2022

NMFS (National Marine Fisheries Service). 1998. Factors Contributing to the Decline of Chinook Salmon: An Addendum to the 1996 West Coast Steelhead Factors for Decline Report. Protect Resources Division, Portland, OR.

NMFS (National Marine Fisheries Service). 2008. Recovery Plan for Southern Resident Killer Whales (*Orcinus orca*). National Marine Fisheries Service., Northwest Region, Seattle, Washington. Available at: https://repository.library.noaa.gov/view/noaa/15975

NMFS (National Marine Fisheries Service). 2021. Southern Resident Killer Whales (*Orcinus orca*) 5-Year Review: Summary and Evaluation. National Marine Fisheries Service., Northwest Region, Seattle, Washington. Available at: https://media.fisheries.noaa.gov/2022-01/srkw-5-year-review-2021.pdf

NWIFC (Northwest Indian Fisheries Commission). 2022. Statewide Integrated Fish Distribution (SWIFD) webmap. Accessed January 2022. Available at: https://geo.nwifc.org/swifd/

Pearl, C.A., and M.P. Hayes. 2004. Habitat Associations of the Oregon Spotted Frog (*Rana pretiosa*): A Literature Review. Final Report. Washington Department of Fish and Wildlife, Olympia, WA.

Pentec (Pentec Environmental, Inc.). 1992. Port of Everett Snohomish Estuary Fish Habitat Study 1991–1992. Final Report. Prepared for the Port of Everett, Washington, by Pentec, Edmonds, WA.

Pentec (Pentec Environmental, Inc.). 2002. Bull Trout Monitoring in the Snohomish River During Historical Periods of Hydraulic Dredging: Draft Report. U.S. Army Corps of Engineers, Seattle District, WA.

PFMC (Pacific Fishery Management Council). 1998. The Coastal Pelagic Fishery Management Plan: Amendment 8. Pacific Fishery Management Council, Portland, OR.

PFMC (Pacific Fishery Management Council). 1999. Amendment 14 to the Pacific Coast Salmon Plan. Appendix A: Description and Identification of Essential Fish Habitat, Adverse Impacts, and Recommended Conservation Measures for Salmon.

Quil Ceda Village. 2009. Compensation Planning Framework Quil Ceda Watershed; Quil Ceda Village Fee In-Lieu Program. Available at: https://www.tulaliptribes-nsn.gov/Base/File/TTT-PDF-PublicNotices-CompensationPlanning

Ralph, C.J., and S.L. Miller. 1995. Offshore Population Estimates of Marbled Murrelets in California. In: Ralph, C.J, G.L. Hunt, M.G. Raphael, and J.F. Piatt. Tech. Eds. Ecology and Conservation of the Marbled Murrelet. Gen. Tech. Rep. PSW-GTR-152. Pacific Southwest Research Station, USDA Forest Service, Albany, CA.

Rice, C., J. Chamberlin, J Hall, T. Zackey, J. Schilling, J. Kubo, M. Rustay, F. Leonetti, and G. Guntenspergen. 2014. Monitoring Ecosytem Response to Restoration and Climate Change in the Snohomish River Estuary: Field Operations and Data Summary. Report to the Tulalip Tribes. December 31, 2014.

Shattuck, B. 2021. Personal communication with Brett Shattuck, Biologist with the Tulalip Tribes. E-mail correspondence dated March 21, 2021.

Snohomish Basin Salmon Recovery Forum. June 2005. Snohomish River Basin Salmon Conservation Plan. Snohomish County Department of Public Works, Surface Water Management Division. Everett, WA.

Snohomish County. 2002. Quilceda Drainage Needs Report, DNR No. 1. Surface Water Management Division, Snohomish County, Everett, WA.

Spromberg, J.A, D.H. Baldwin, S.E. Damm, J.K. McIntyre, M. Huff, C.A. Sloan, B.F. Anulacion, J.W. Davis, and N.L. Scholz. 2015. Coho salmon spawner mortality in western U.S. urban watersheds: bioinfiltration prevents lethal storm water impacts. Journal of Applied Ecology.

Tian, Z., and 28 others. 2021. A ubiquitous tire rubber-derived chemical induces acute mortality in coho salmon. Science. Volume 371, Issue 6525, January 8, 2021, pp 185-189.

TTED (Tulalip Tribes Environmental Department). 2012. 2002-2011 Coho Creek Smolt Trap Summary. Tulalip, Washington.

USFWS (United States Fish and Wildlife Service). 2004. Draft Recovery Plan for the Coastal-Puget Sound Distinct Population Segment of Bull Trout (*Salvelinus confluentus*). Volume I (of II): Puget Sound Management Unit. Portland, OR. 389 + xvii pp.

USFWS (United States Fish and Wildlife Service). 2012. Recommended Fish Exclusion, Capture, Handling, and Electroshocking Protocols and Standards. U.S. Fish and Wildlife Service; Washington Fish and Wildlife Office, Lacey, WA. Available at: https://www.fws.gov/wafwo/documents/FishExclusionProtocolsStds2012.pdf

USFWS (United States Fish and Wildlife Service). 2021a. Information for Planning and Consultation (IPaC). Accessed December 2021. Available at: https://ecos.fws.gov/ipac/location/index

USFWS (United States Fish and Wildlife Service). 2021b. Critical Habitat- Maps and GIS Data (West Coast Region). Accessed December 2021. Available at: https://www.fisheries.noaa.gov/resource/map/critical-habitat-maps-and-gis-data-west-coast-region

Warner. 2022. Personal communication with Allison Warner, Biologist with the Tulalip Tribes. E-mail correspondence dated January 18, 2022

WDFW (Washington Department of Fish and Wildlife). 1999. Bull trout of the Snohomish River system. Washington Department of Fish and Wildlife, Mill Creek, WA.

WDFW (Washington Department of Fish and Wildlife). 2021a. SalmonScape fish database and mapping application. Available at: http://apps.wdfw.wa.gov/salmonscape/.

WDFW (Washington Department of Fish and Wildlife). 2021b. PHS on the Web: An interactive map of WDFW priority habitats and species information for project review. Available at: http://wdfw.wa.gov/mapping/phs/.

WDNR (Washington Department of Natural Resources). 2021. Washington Natural Heritage Program geographic information system data set. Accessed January 2021.

WSDOT (Washington State Department of Transportation). 2015. Oregon spotted frog and OSF critical habitat presence assessment. February 17, 2015. 6 pp.

WSDOT (Washington State Department of Transportation). 2020. Biological assessment preparation advanced training manual. Updated January 2020. Available at: https://wsdot.wa.gov/engineering-standards/design-topics/environment/environmental-disciplines/fish-wildlife/endangered-species-act-and-essential-fish-habitat/biological-assessment-preparation-manual-template.

APPENDIX A

ESSENTIAL FISH HABITAT ASSESSMENT

Essential Fish Habitat Background

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires federal agencies to consult with NMFS on activities that may adversely affect EFH.

The EFH designation for the Pacific salmon fishery includes all streams, lakes, ponds, wetlands, and other water bodies currently or historically accessible to salmon in Washington, Oregon, Idaho, and California, except above the impassable barriers identified by the Pacific Fishery Management Council (PFMC 1999). In estuarine and marine environments, proposed designated EFH extends from near-shore and tidal submerged environments within state territorial waters to the full extent of the exclusive economic zone offshore of Washington, Oregon, and California north of Point Conception (PFMC 1999).

The Pacific salmon management unit includes Chinook, coho, and pink salmon. Of the managed Pacific salmon species, all three species have been identified as having EFH within the project area. Quilceda Creek and Coho Creek within the project area provide potential foraging, rearing, and spawning habitat. Ebey Slough serves as migration corridor for all three species and provides important rearing habitat for both juvenile Chinook and juvenile coho salmon.

In addition to Pacific salmon, EFH has been designated for groundfish and coastal pelagic species. EFH for Pacific coast groundfish is generally defined as the aquatic habitat from the mean higher high water line, and the upriver extent of saltwater intrusion in river mouths seaward. Pacific coast groundfish that may potentially occur within the action area during some life history phase include spiny dogfish, California skate, ratfish, lingcod cabezon, kelp greenling, Pacific cod, Pacific whiting (hake), sablefish, bocaccio, brown rockfish, copper rockfish, quillback rockfish, English sole Pacific sanddab, rex sole, and starry flounder. The Coastal Pelagic Species Fishery Management Plan describes the habitat requirements of five pelagic species: northern anchovy, Pacific sardine, Pacific (chub) mackerel, jack mackerel, and market squid (PFMC 1998). These four finfish and market squid are treated as a single species complex because of similarities in their life histories and habitat requirements. EFH for coastal pelagic species is generally defined as all marine and estuarine waters from the shoreline offshore above the thermocline.

The objective of this EFH assessment is to determine whether the proposed action "may adversely affect" designated EFH for relevant commercially, federally managed fisheries species within the proposed action area. It also describes conservation measures proposed to avoid, minimize, or otherwise offset potential adverse effects on designated EFH resulting from the proposed action.

Description of the Proposed Action

The proposed project is described in detail in Section 1.3 of this BA.

Potential Adverse Effects of the Proposed Project

Potential impacts of the proposed action to ESA-listed fish species and habitats are discussed in Section 4 of this BA and are expected to be similar for all federally managed fish species that occur in the action area.

Adverse Effects on Essential Fish Habitat for Salmonids

Potential adverse effects on EFH for salmonids will be associated with reduced water quality (sedimentation and turbidity) resulting from realignment of the Coho Creek channel. In addition, contaminants in stormwater runoff discharged to Ebey Slough, Quilceda Creek, and Coho Creek could adversely affect EFH for salmonids.

Construction-related disturbance of sediments will be minimized by adherence to a TESC plan and installation and monitoring of appropriate erosion control BMPs during construction, limiting earthwork to only those areas necessary to complete that phase of construction, stabilization of disturbed soils shortly after work is completed, and adhering to approved in-water work windows. These effects are anticipated to be short in duration and are not expected to persist following construction.

Potential adverse effects associated with contaminants in stormwater runoff will be minimized by directing runoff to treatment and infiltration facilities.

Adverse Effects on Essential Fish Habitat for Groundfish

Contaminants in the effluent from stormwater facilities that discharge to Ebey Slough may pose adverse effects on groundfish in the estuary. Sediment and turbidity disturbances related to construction activities in Coho Creek (approximately 2.5 miles upstream of Ebey Slough) are not expected to reduce water quality within the estuary.

Adverse Effects on Essential Fish Habitat for Coastal Pelagic Species

Potential adverse effects on EFH for coastal pelagic species are similar to those discussed above for groundfish.

Essential Fish Habitat Conservation Measures

Conservation measures and BMPs are included for project activities and are described in Section 1.4 (Performance Standards and Impact Avoidance and Minimization Measures) of this BA. In addition, the project includes habitat enhancement and access improvement measures that will have beneficial effects on EFH for Pacific salmon in freshwater habitats.

Conclusions

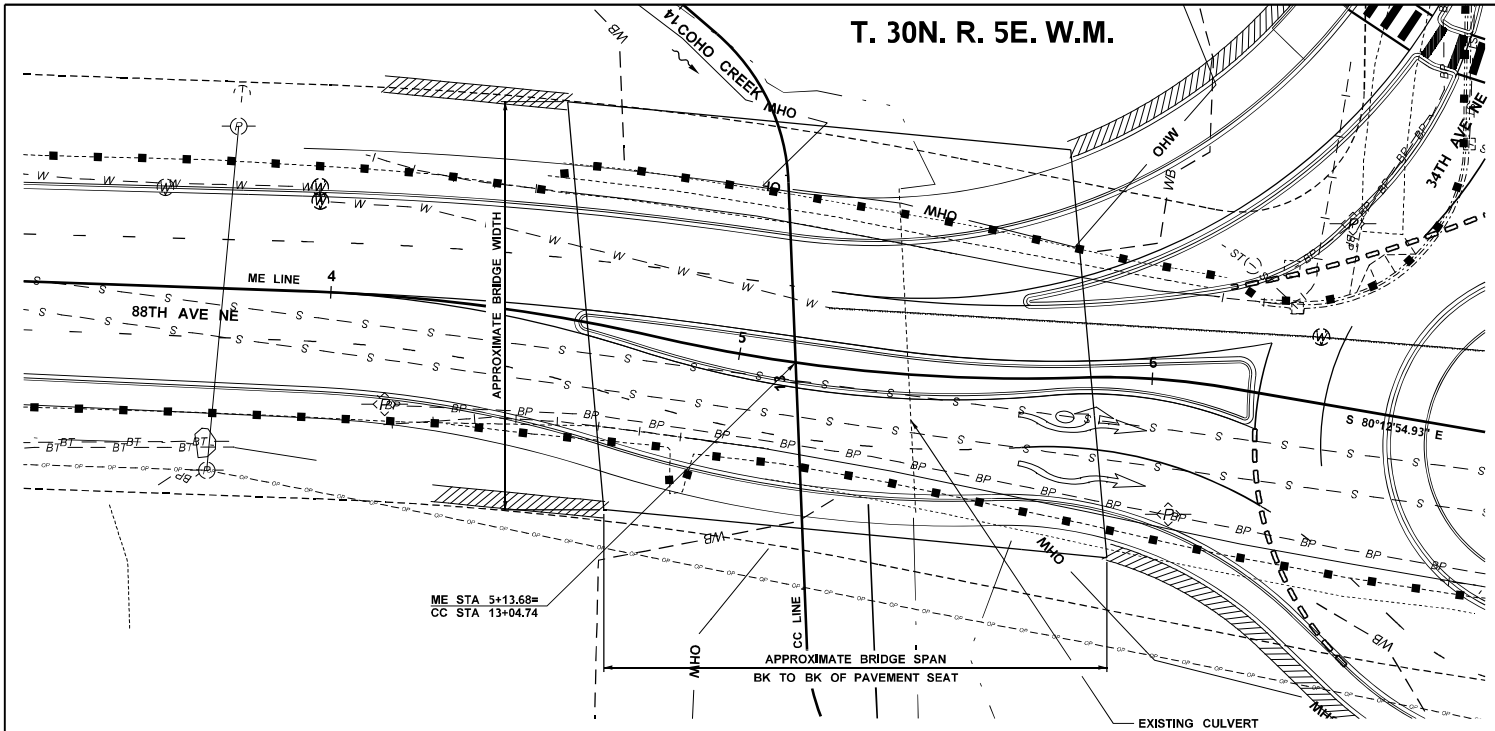
EFH for Pacific salmon, groundfish, and coastal pelagic species are present in the action area. Construction activities in and near Coho Creek may increase sediment loads and turbidity, potentially degrading water quality. These effects will be short-lived and will not persist beyond the construction period. Over the long term, contaminants in effluent from stormwater facilities that discharge to freshwater and estuarine environments in the action area may pose adverse effects to EFH for salmonids, groundfish, and coastal pelagic species.

Based on the continued presence of contaminants in stormwater runoff discharged to Quilceda Creek and Coho Creek, the proposed action **may adversely affect** EFH for Pacific salmon.

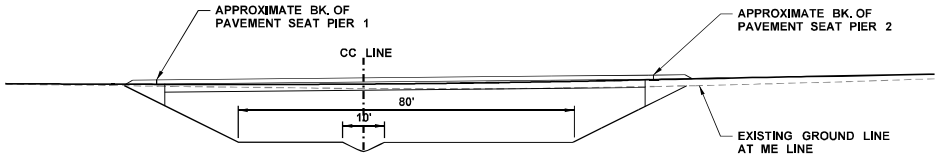
Any residual contaminants in runoff from project-related impervious surfaces will be diluted to levels too low to detectably degrade water quality almost immediately upon entering Ebey Slough. For this reason, the project **will not adversely affect** EFH for groundfish or coastal pelagic species.

APPENDIX B

PROJECT FOOTPRINT



PLAN



ELEVATION

0 15 30
SCALE IN FEET

FILE NAME	\\parametrix.com\pmx\PSO\Projects\Clients\1598-TulalipTribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\CADD\DGN\Figures\Bio Assessment\1598131_88TH_BG-3.dgn								
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DESIGNED BY	M. TSUN								
ENTERED BY	B. MAY / B. PURGANAN								
CHECKED BY	S. OLLING				CONTRACT NO.		LOCATION NO.		
PROJ. ENGR.	H. LONGFELLOW								
REGIONAL ADM.		REVISION	DATE	BY			P.E. STAMP BOX DATE	P.E. STAMP BOX DATE	

Parametrix

I-5 MP 200.42 TO MP 201.05

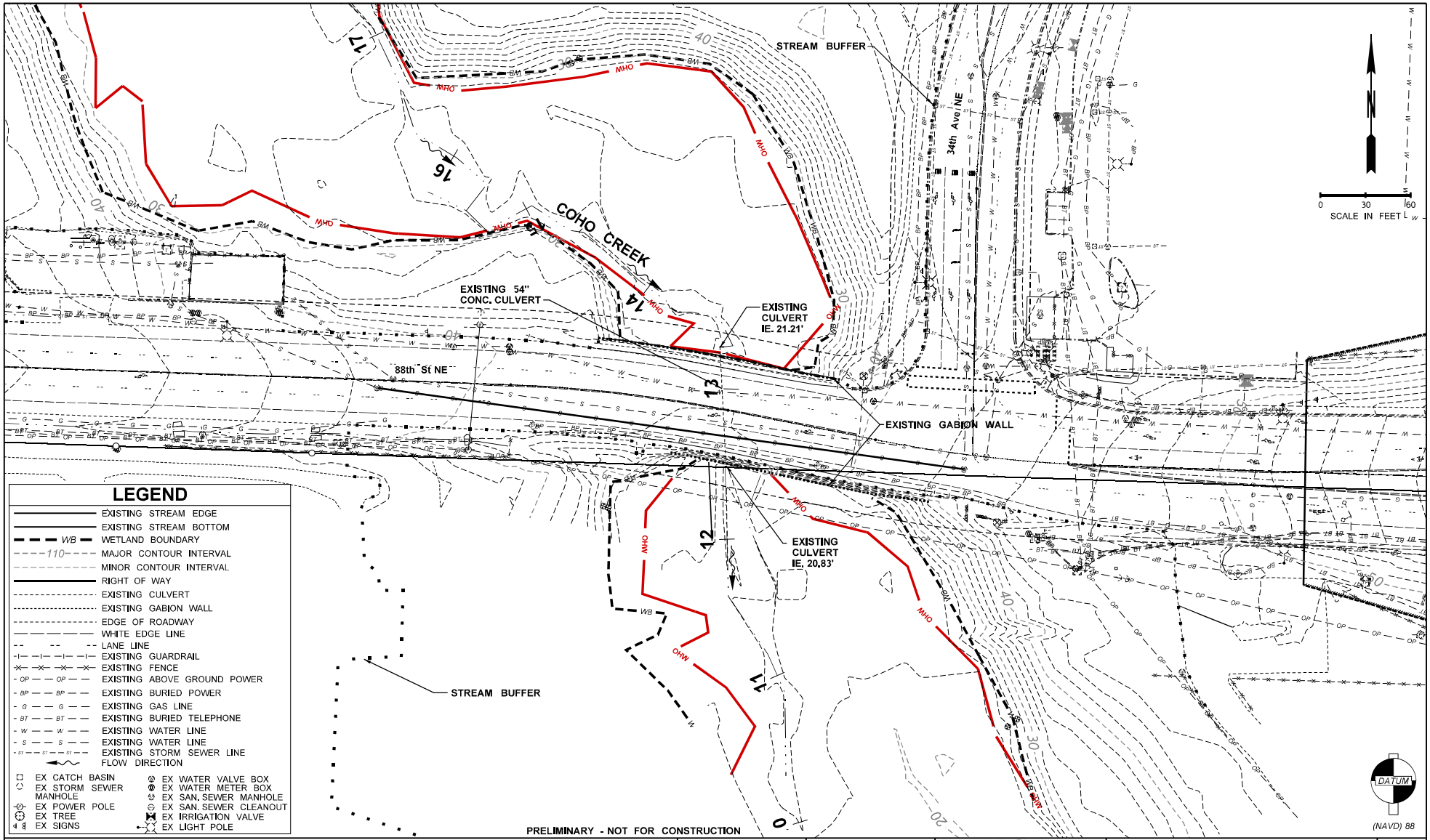
88TH STREET NE
CORRIDOR IMPROVEMENTS

MARYSVILLE/
SNOHOMISH COUNTY FEBRUARY 2022

CONCEPTUAL BRIDGE PLAN

PLAN REF NO

SHEET 3 OF 10 SHEETS



PRELIMINARY - NOT FOR CONSTRUCTION

FILE NAME	\\parametrix.com\pmx\PSO\Projects\Clients\1598-TulalipTribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\CADD\DGN\Figures\Bio Assessment\1598131-88th_Coho_PHD-4.dgn
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DESIGNED BY	S. RIFE
ENTERED BY	P. WILSON
CHECKED BY	C. BUITRAGO
PROJ. ENGR.	
REGIONAL ADM.	

REVISION	DATE	BY

REGION NO. 10 | STATE WASH | FED.AID PROJ.NO.
JOB NUMBER
CONTRACT NO. | LOCATION NO.
P.E. STAMP BOX DATE
P.E. STAMP BOX DATE

Parametrix

I-5 MP 200.42 TO MP 201.05 Plot 1

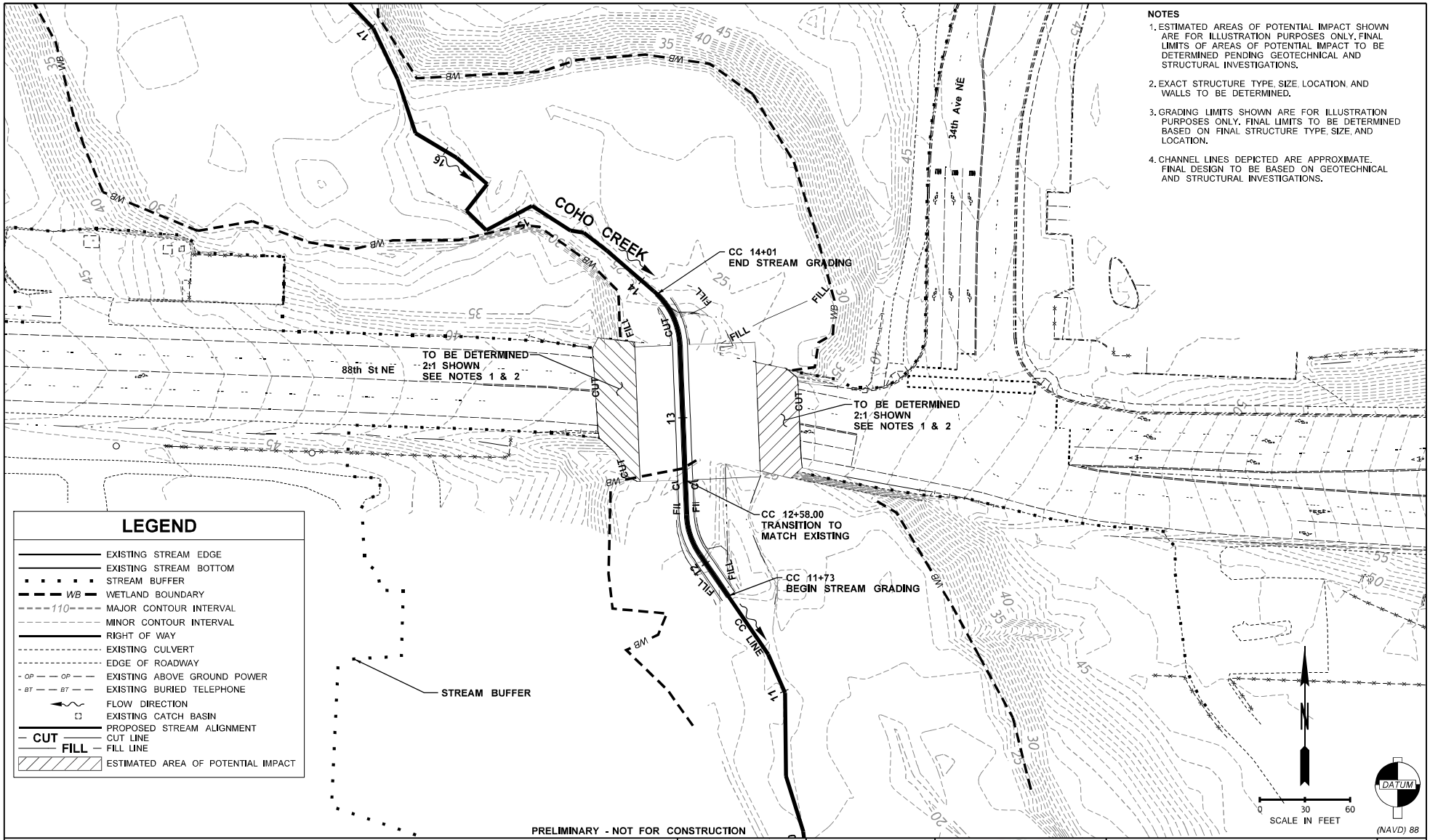
88TH STREET NE
CORRIDOR IMPROVEMENTS

MARYSVILLE/
SNOHOMISH COUNTY FEBRUARY 2022

EXISTING STREAM

PLAN REF NO SE1

SHEET 4 OF 10 SHEETS



NOTES

1. ESTIMATED AREAS OF POTENTIAL IMPACT SHOWN ARE FOR ILLUSTRATION PURPOSES ONLY. FINAL LIMITS OF AREAS OF POTENTIAL IMPACT TO BE DETERMINED PENDING GEOTECHNICAL AND STRUCTURAL INVESTIGATIONS.
2. EXACT STRUCTURE TYPE, SIZE, LOCATION, AND WALLS TO BE DETERMINED.
3. GRADING LIMITS SHOWN ARE FOR ILLUSTRATION PURPOSES ONLY. FINAL LIMITS TO BE DETERMINED BASED ON FINAL STRUCTURE TYPE, SIZE, AND LOCATION.
4. CHANNEL LINES DEPICTED ARE APPROXIMATE. FINAL DESIGN TO BE BASED ON GEOTECHNICAL AND STRUCTURAL INVESTIGATIONS.

LEGEND

- EXISTING STREAM EDGE
- EXISTING STREAM BOTTOM
- STREAM BUFFER
- WB — WETLAND BOUNDARY
- 110 — MAJOR CONTOUR INTERVAL
- MINOR CONTOUR INTERVAL
- RIGHT OF WAY
- EXISTING CULVERT
- EDGE OF ROADWAY
- OP — EXISTING ABOVE GROUND POWER
- BT — EXISTING BURIED TELEPHONE
- FLOW DIRECTION
- EXISTING CATCH BASIN
- PROPOSED STREAM ALIGNMENT
- CUT — CUT LINE
- FILL — FILL LINE
- ESTIMATED AREA OF POTENTIAL IMPACT

PRELIMINARY - NOT FOR CONSTRUCTION

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PLOTTED BY	purgabut						
DESIGNED BY	S. RIFE						
ENTERED BY	P. WILSON						
CHECKED BY	C. BUITRAGO						
PROJ. ENGR.							
REGIONAL ADM.		REVISION	DATE	BY			

P.E. STAMP BOX — DATE

P.E. STAMP BOX — DATE

Parametrix

I-5 MP 200.42 TO MP 201.05

88TH STREET NE
CORRIDOR IMPROVEMENTS

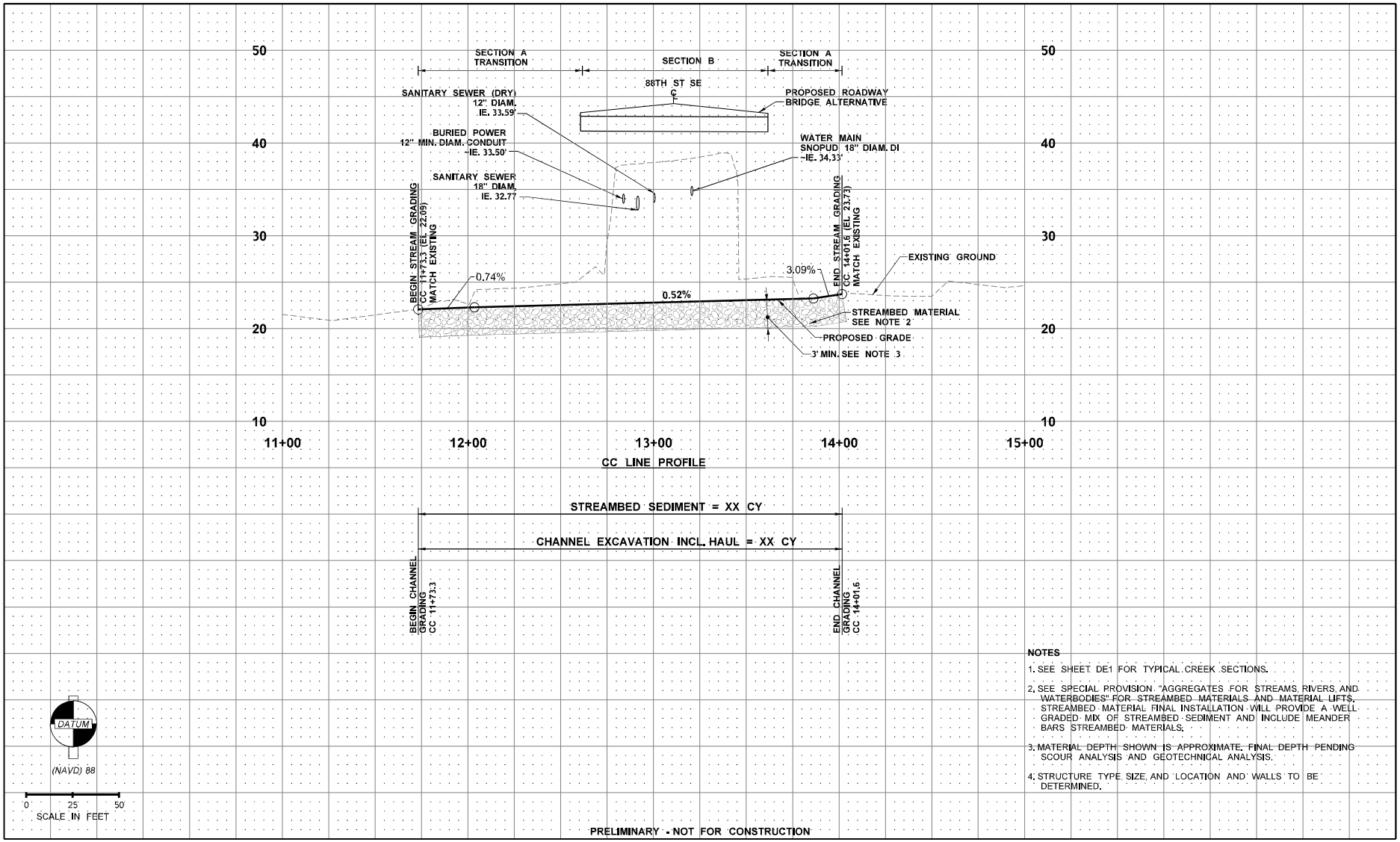
MARYSVILLE/
SNOHOMISH COUNTY FEBRUARY 2022

STREAM PLAN

Plot 2

PLAN REF NO
STR1

SHEET 5 OF 10 SHEETS



NOTES

1. SEE SHEET DE1 FOR TYPICAL CREEK SECTIONS.
2. SEE SPECIAL PROVISION "AGGREGATES FOR STREAMS, RIVERS, AND WATERBODIES" FOR STREAMBED MATERIALS AND MATERIAL LIFTS. STREAMBED MATERIAL FINAL INSTALLATION WILL PROVIDE A WELL GRADED MIX OF STREAMBED SEDIMENT AND INCLUDE MEANDER BARS STREAMBED MATERIALS.
3. MATERIAL DEPTH SHOWN IS APPROXIMATE. FINAL DEPTH PENDING SCOUR ANALYSIS AND GEOTECHNICAL ANALYSIS.
4. STRUCTURE TYPE, SIZE, AND LOCATION AND WALLS TO BE DETERMINED.

PRELIMINARY - NOT FOR CONSTRUCTION

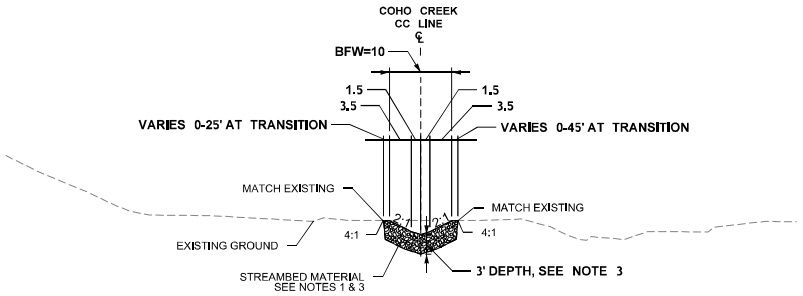
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DATE	2/8/2022			JOB NUMBER					MARYSVILLE/ SNOHOMISH COUNTY FEBRUARY 2022
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DESIGNED BY	S. RIFE						P.E. STAMP BOX DATE	P.E. STAMP BOX DATE	
ENTERED BY	P. WILSON								
CHECKED BY	C. BUITRAGO								
PROJ. ENGR.									
REGIONAL ADM.		REVISION	DATE	BY					

Parametrix

Plot 3

PLAN REF. NO. STP1

SHEET 6 OF 10 SHEETS

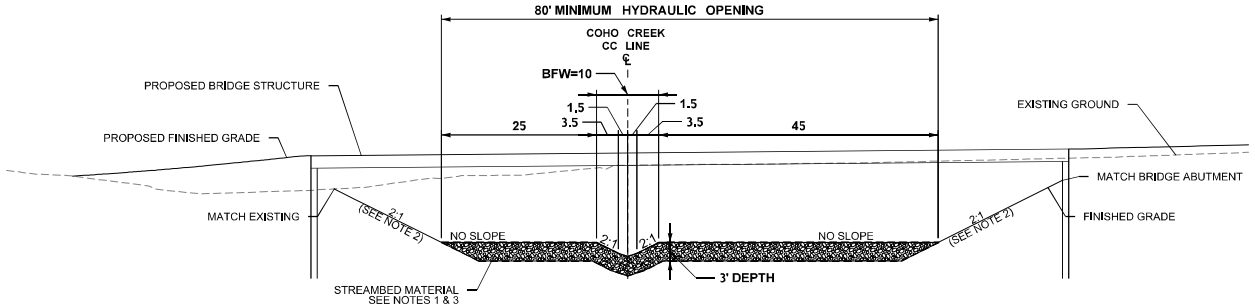


TYPICAL SECTION A

NOT TO SCALE
TRANSITION TO EXISTING
CC 11+73 TO CC 12+58
CC 13+48 TO CC 14+01

NOTES

1. SEE SPECIAL PROVISION "AGGREGATES FOR STREAMS, RIVERS, AND WATERBODIES" FOR STREAMBED MATERIALS AND MATERIAL LIFTS. STREAMBED MATERIAL FINAL INSTALLATION WILL PROVIDE A WELL GRADED MIX OF STREAMBED SEDIMENT AND INCLUDE MEANDER BARS STREAMBED MATERIALS.
2. SLOPE SHOWN OUTSIDE OF MINIMUM CHANNEL SECTION ARE FOR ILLUSTRATION PURPOSES ONLY TO DEPICT ESTIMATED AREA OF POTENTIAL IMPACT. FINAL AREAS OF IMPACT TO BE DETERMINED PENDING GEOTECHNICAL AND STRUCTURAL INVESTIGATION, STRUCTURE TYPE, AND SIZE, AND STRUCTURE LOCATION.
3. MATERIAL DEPTH SHWON IS APPROXIMATE. FINAL DEPTH PENDING SCOUR ANALYSIS AND GEOTECHNICAL ANALYSIS.
4. STRUCTURE TYPE, SIZE, AND LOCATION AND WALLS TO BE DETERMINED.



TYPICAL SECTION B

NOT TO SCALE
THROUGH PROPOSED CROSSING
CC 12+58 TO CC 13+48

PRELIMINARY - NOT FOR CONSTRUCTION

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DESIGNED BY	S. RIFE								
ENTERED BY	P. WILSON								
CHECKED BY	C. BUITRAGO								
PROJ. ENGR.									
REGIONAL ADM.		REVISION	DATE	BY					

REGION NO.	STATE	FED.AID PROJ.NO.
10	WASH	
JOB NUMBER		
CONTRACT NO.	LOCATION NO.	

P.E. STAMP BOX — DATE

P.E. STAMP BOX — DATE

Parametrix

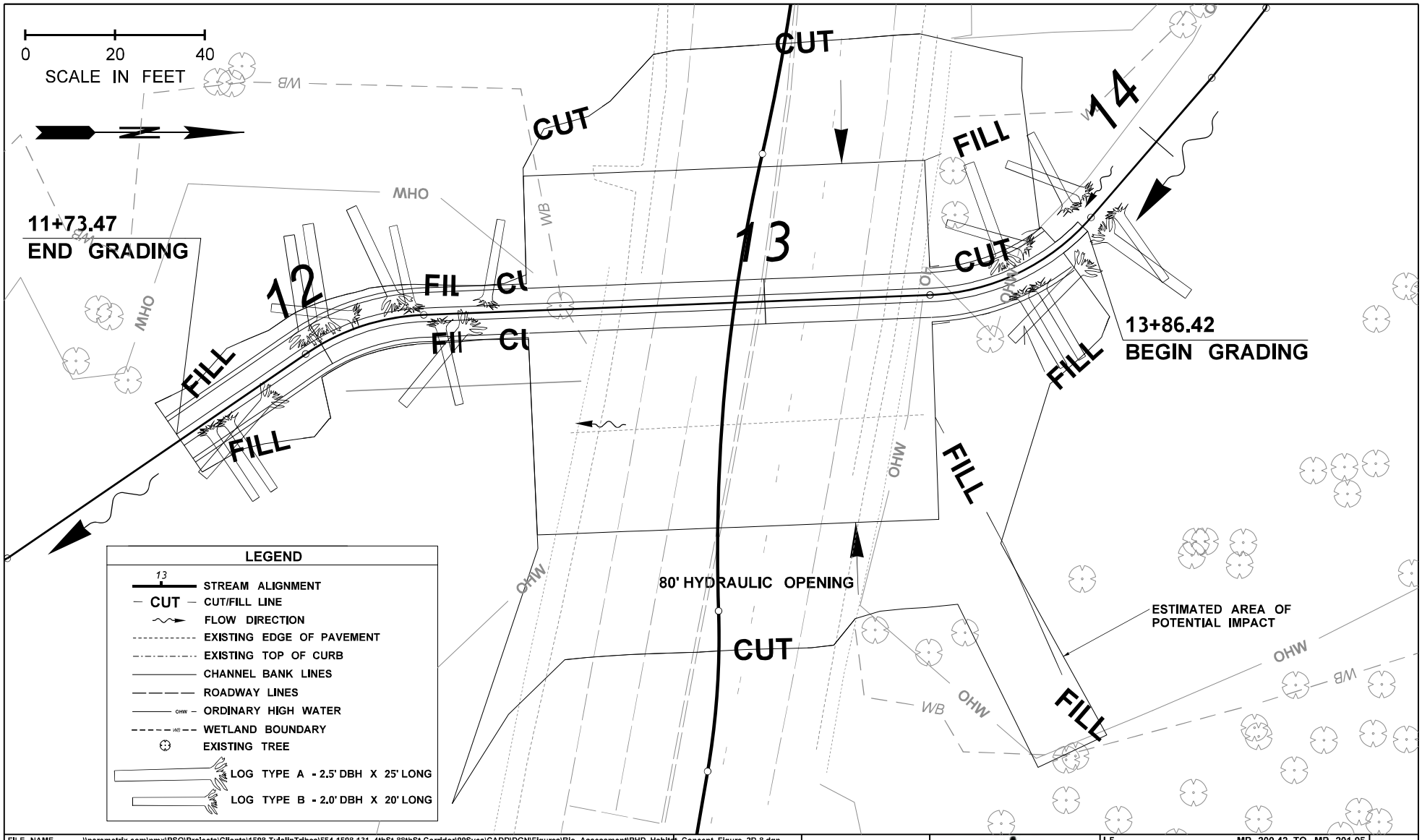
I-5 MP 200.42 TO MP 201.05

88TH STREET NE
CORRIDOR IMPROVEMENTS

MARYSVILLE/
SNOHOMISH COUNTY FEBRUARY 2022

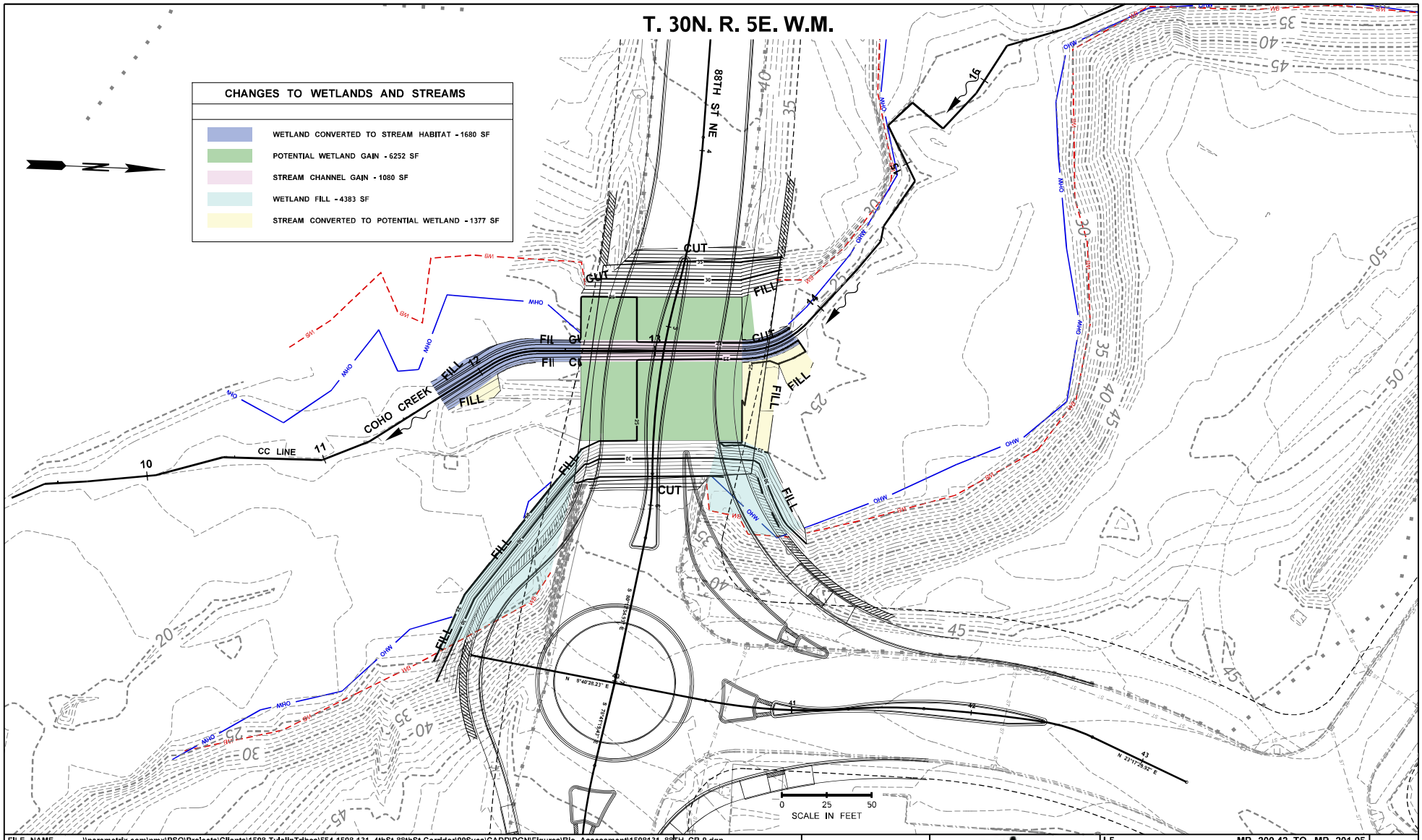
STREAM DETAILS

Plot 4	
PLAN REF NO	DE1
SHEET	7 OF 10 SHEETS



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PLOTTED BY	purgabut							STREAM LARGE WOOD DEBRIS	SHEET 8 OF 10 SHEETS
DESIGNED BY	M. TSUN								
ENTERED BY	B. MAY / B. PURGANAN								
CHECKED BY	S. OLLING								
PROJ. ENGR.	H. LONGFELLOW								
REGIONAL ADM.		REVISION	DATE	BY	REGION NO. 10	STATE WASH	FED.AID PROJ.NO.	P.E. STAMP BOX DATE	P.E. STAMP BOX DATE
					JOB NUMBER				
					CONTRACT NO.	LOCATION NO.			

Parametrix

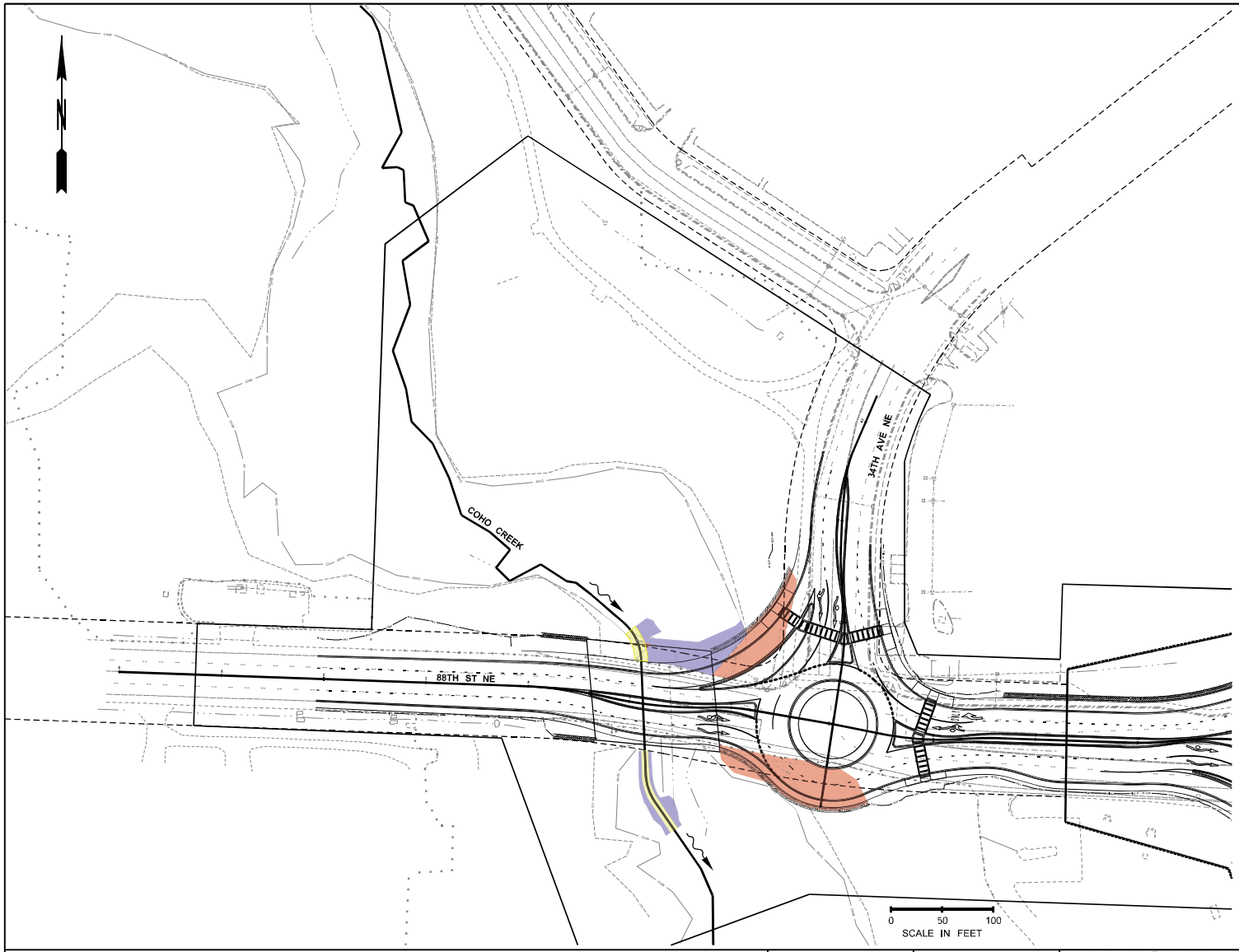


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DATE	2022-02-14			JOB NUMBER					MARYSVILLE/ SNOHOMISH COUNTY FEBRUARY 2022
PLOTTED BY	tsunmic			CONTRACT NO.		LOCATION NO.			STREAM PLAN
DESIGNED BY	M. TSUN								
ENTERED BY	B. PURGANAN								
CHECKED BY									
PROJ. ENGR.	H. LONGFELLOW								
REGIONAL ADM.		REVISION	DATE	BY		P.E. STAMP BOX	DATE	P.E. STAMP BOX	DATE

Parametrix

PLAN REF NO

SHEET 9 OF 10 SHEETS



CUT/FILL LEGEND	
CUT BELOW OHWM	
FILL ABOVE OHWM	
FILL BELOW OHWM	

TYPE	AREA (SF)
CUT BELOW OHWM	1035 SF
FILL BELOW OHWM	3691 SF

FILE NAME	\\parametrix.com\pmx\PSO\Projects\Clients\1598-TulalipTribes\554-1598-131 4thSt 88thSt Corridor\99Svcs\CADD\DGN\Figures\Bio Assessment\1598131_88TH_ESA-10.dgn							
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DESIGNED BY	M. TSUN							
ENTERED BY	B. PURGANAN			CONTRACT NO.		LOCATION NO.		
CHECKED BY								
PROJ. ENGR.	H. LONGFELLOW			P.E. STAMP BOX	DATE	P.E. STAMP BOX	DATE	
REGIONAL ADM.		REVISION	DATE	BY				

Parametrix

I-5 MP 200.42 TO MP 201.05

88TH STREET NE
CORRIDOR IMPROVEMENTS

MARYSVILLE/
SNOHOMISH COUNTY FEBRUARY 2022

ESA DOCUMENTATION - OHWL CUT/FILL

PLAN REF NO

SHEET 10 OF 10 SHEETS

APPENDIX C

U.S. FISH AND WILDLIFE SERVICE OFFICIAL SPECIES LIST

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington Fish And Wildlife Office
510 Desmond Drive Se, Suite 102
Lacey, WA 98503-1263
Phone: (360) 753-9440 Fax: (360) 753-9405
http://www.fws.gov/wafwo/

In Reply Refer To: March 18, 2022
Project Code: 2022-0021758
Project Name: I-5/4th Street and 88th Street NE Corridor Improvements

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Washington Fish And Wildlife Office
510 Desmond Drive Se, Suite 102
Lacey, WA 98503-1263
(360) 753-9440

Project Summary

Project Code: 2022-0021758
Event Code: None
Project Name: I-5/4th Street and 88th Street NE Corridor Improvements
Project Type: Road/Hwy - Maintenance/Modification
Project Description: The Tulalip Tribes, in partnership with the Washington State Department of Transportation and the City of Marysville, propose to develop and implement access improvements to two interchanges on the Interstate 5 (I-5) corridor within the boundary of the Tulalip Reservation in Snohomish County, Washington. The two interchanges are at 4th Street (also known as State Route 528 and Marine Drive) and 88th Street NE. The purpose of the I-5/4th Street and 88th Street Corridor Improvements project is to support community and economic vitality by reducing congestion and improving mobility for cars, trucks, emergency services, pedestrians, and transit users traveling to, from, and across I-5 on 4th Street and 88th Street NE and within the Tribes' Reservation while enhancing safety and protecting the integrity of the interstate system. The federal nexus for this project is approvals by the Bureau of Indian Affairs for expansion of existing road rights of way on tribal lands. Project construction is expected to require 2 years, with an anticipated start date of January 2024. All construction activities below the ordinary high water lines of streams will occur during the in-water work window established by the Tribes (July 15 through September 30).

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@48.06377355,-122.1846441,14z



Counties: Snohomish County, Washington

Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
Marbled Murrelet *Brachyramphus marmoratus* Population: U.S.A. (CA, OR, WA) There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/4467	Threatened
Streaked Horned Lark *Eremophila alpestris strigata* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/7268	Threatened
Yellow-billed Cuckoo *Coccyzus americanus* Population: Western U.S. DPS There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

Fishes

NAME	STATUS
Bull Trout *Salvelinus confluentus* Population: U.S.A., conterminous, lower 48 states There is **final** critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8212	Threatened

Insects

NAME	STATUS
Monarch Butterfly *Danaus plexippus*	Candidate

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/9743

Critical habitats

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Bull Trout *Salvelinus confluentus*	Final

https://ecos.fws.gov/ecp/species/8212#crithab

IPaC User Contact Information

Agency: Parametrix, Inc.
Name: Mike Hall
Address: 719 2nd Ave, Suite 200
City: Seattle
State: WA
Zip: 98104
Email mhall@parametrix.com
Phone: 2063943673

Lead Agency Contact Information

Lead Agency: Bureau of Indian Affairs

APPENDIX D

OREGON SPOTTED FROG HABITAT ASSESSMENT

Oregon Spotted Frog Habitat Assessment

I-5/4th Street and 88th Street NE Corridor Improvements

Below are pertinent excerpts from WSDOT's February 17, 2015, guidance document for assessing the potential presence of and habitat use by Oregon spotted frogs in a project area. Excerpts from the guidance document are shown in Times New Roman typeface. Responses to questions in that document appear in Calibri typeface (*blue italics*).

1. Is the project in one of the following watersheds? Baker River, Black River- Chehalis River, Chambers Creek-Frontal Puget Sound, Chapman Creek, Finney Creek- Skagit River, Fraiser Creek, Green River Kent, Lacamas Creek, Lower Nisqually River- Frontal Puget Sound, Lower Snoqualmie River, Lower Trout Lake Creek, Outlet Creek, Quilceda Creek-Frontal Possession Sound, Samish River, Skagit River-Frontal Skagit Bay, South Fork Nooksack River, Sumas River, Wallace River-Skykomish River, Woods Creek-Skykomish River.
   The project site is in the Quilceda Creek-Frontal Possession Sound watershed.
2. Is the project in Oregon Spotted Frog Critical Habitat?
   No.
3. Is the project likely to impact any aquatic (pond, channel, ditch, river, stream, lake) or wetland (including seasonally flooded pastures, disturbed or farmed wetlands etc.) habitat?
   Yes. Construction of a bridge in place of the culvert that conveys Coho Creek under 88th Street NE will affect Coho Creek and associated wetlands.

Office Screening Model

a. Do the soils consist of loams (silt, clay, fine sandy gravelly, cobbly and stony), mucks (e.g., Semiahmoo, Mukilteo), loamy sands, or other poorly drained fibisols, mesisols, organic cryosols, gleysols, or umisols?
   Mapped soils include Norma loam, a poorly drained, hydric soil.
b. Does the action area lie between sea level and 1,100 feet in elevation?
   The action area is below 1,100 feet elevation.
c. Do any of the following types occur within the action area? [wetland types identified by the Washington Department of Ecology or the National Land Cover map; waterways identified in the National Hydrology Dataset]
   The Washington Department of Ecology modeled wetlands inventory shows Palustrine Scrub/Shrub Wetland and Palustrine Forested Wetland types in the project area.
   The National Land Cover map shows areas of herbaceous emergent wetlands and woody wetlands in the project area.
   The National Hydrology Dataset shows a permanent watercourse (Coho Creek) at the project site.

On-Site Screening Model

a. Evaluate the action area for Breeding habitat

i. Contains low-gradient shallows with extensive areas < 12 inches deep.
The floodplain along Coho Creek supports areas of low-gradient shallows less than 12 inches deep during the breeding season.

ii. Inundated for at least 5 weeks during late winter/early spring, starting as early as February.
Based on the low-gradient basin and high groundwater table in the action area, combined with observations of extensive inundation during wetland delineation and rating surveys in November 2020, it is probable that areas of shallow inundation are present in the wetlands associated with Coho Creek for at least 5 weeks during late winter and early spring.

iii. Dominated by (constituting > 50% of existing vegetative cover) emergent wetland vegetation. Ideal vegetation cover would be plants such as *Carex, Eleocharis, Juncus, Sparganium, Spiraea, Potamogeton, Scirpus, Utricularia, Ranunculus*, filamentous algae, and native grasses, but which may also contain subdominant vegetation of other plant species having an upright submergent or emergent growth form. However, most OSF occupied areas are dominated by reed canarygrass (*Phalaris*), therefore, do not discount this vegetation type as breeding habitat.
Floodplain habitat along Coho Creek near the project site consists of a relatively narrow corridor (approximately 100 feet wide) of reed canarygrass-dominated vegetation surrounded by conifer-dominated forest. About 1,000 feet upstream of the project site, the corridor of low-growing vegetation broadens to approximately 200 feet wide, where a series of beaver ponds is evident in aerial imagery. The total area of the non-forested corridor is approximately 6 acres.
Biologists performing wetland surveys in November 2020 did not record any observations of native grasses or other herbaceous plants from the genera listed above. The timing of those surveys likely hindered plant identification, however. Given the proximity of forest cover and the predominance of dense, monocultural stands of reed canarygrass, habitats near the project site are unlikely to provide suitable oviposition sites for Oregon spotted frogs.

iv. Have > 10% plant coverage of bottom substrate, primarily in submergent and emergent growth forms. Reed canarygrass may be managed to replicate short, emergent vegetation.
Vegetation cover exceeds 50%. As noted above, wetland vegetation near the project site consists predominantly of dense stands of unmanaged reed canarygrass.

v. Have low surface and above-water canopy closure in the form of woody-stemmed shrubs and trees, excepting the margins (within 50 ft of open expanses) of deciduous forest stands where leaf-out occurs after egg-laying.
Most areas of low-growing vegetation near the project site are less than 50 feet from conifer-dominated forest.

vi. Remain connected to summer-season habitat by still or slow-moving surface waters until post hatching in an average year. This period will be 5-8 weeks from the date of egg deposition and will usually occur by June 30 in an average year.
Areas of still or slow-moving surface water are expected to persist in the stream's floodplain through June in most years.

b. Evaluate the action area for suitable summer-season features.

i. Contains persistent (perennial) lentic pools, ditches, canals, or slow-moving rivers…
The Coho Creek basin in the action area has a high groundwater table and a low-gradient floodplain. Flows are expected to be perennial. Numerous slow-moving, braided channels that meander throughout the floodplain provide persistent lentic habitat.
…that:

- Have emergent, floating, or submergent wetland vegetation growth forms.
  Emergent vegetation, consisting of reed canarygrass and giant horsetail, is present.
- May have palustrine forested vegetation including *Spiraea, Salix* or *Alnus* in shrub or tree form or upland shrub-tree form vegetation present and within a distance that provides at least partial shading.
  Trees (red alder) and shrubs (willows, hardhack) are present nearby and provide ample shade.
- Are/become connected via suitable surface water to winter habitat during the fall.
  Based on the perennial flows, floodplain channels are expected to maintain a surface water connection to suitable winter habitat during the fall.

c. Evaluate the site for winter habitat.

i. Contains ponded, pooled or channeled areas of either lotic or lentic water that:

- Exceed 6" in depth.
  During a site visit on November 20, 2020, biologists noted multiple stream channels and ponding, with water depths ranging from 12 inches to 2.5 feet. Such habitat is likely to be present throughout a typical winter season.
- Have some combination of aquatic bed, emergent, and scrub-shrub vegetation present and intermixed with unconsolidated bottom habitat.
  Braided channels meander through emergent (reed canarygrass and cattail) and scrub-shrub (hardhack and willow) vegetation throughout the floodplain. Abundant fine sediments and organic material create unconsolidated bottom habitat throughout.
- Are not scoured (scoured = having flows capable of removing rooted vegetation or re-arranging distribution of large- grained sand and gravel substrates) by winter storm-related flows during an average year.
  The stream is in a relatively flat basin, with an approximately 1- to 2-percent gradient. During higher flows, the stream does not tend to rearrange or distribute larger substrates. Only one area of scour was observed during the field visit.
- Are inundated from at least October through March.
  The braided channels in the floodplain are expected to be perennially inundated.

Appendix L – Historic Properties Documentation

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Northwest Regional Office
911 Northeast 11th Avenue
Portland, Oregon 97232

In Reply Refer To:
DIVISION OF ENVIRONMENTAL & CULTURAL RESOURCE MGMT.

Dr. Allyson Brooks
Washington State Historic Preservation Officer
Department of Archaeology and Historic Preservation
P.O. Box 48343
Olympia, Washington 98504-8343

RE: I-5/4th Street and 88th Street NE Corridor Improvements Project, Snohomish County, Washington DAHP Project No. 2022-06-04118

Dear Dr. Brooks:

The Bureau of Indian Affairs (BIA) Northwest Regional Office (NWRO) is conducting National Historic Preservation Act (NHPA) Section 106 consultation with your office regarding the I-5/4th Street and 88th Street NE Corridor Improvements Project which is within the boundaries of the Tulalip Indian Reservation. The BIA is initiating consultation with your office under the standard review process (36 CFR Part 800). We are requesting your review of the attached Cultural Resources Assessment.

The APE for the proposed project is located in Sections 16, 17, 20 and 21, Township 30 North, Range 5 East. The interchanges at 4th Street and 88th Street are within the city of Marysville, Washington. Maps are included in the attached Cultural Resources Assessment (CRA) for your reference.

As noted in the CRA, there are no known or identified archaeological or historic resources within the APE. The Tulalip Tribe, as noted in the attached Report, will have a monitor on hand along with an Inadvertent Discovery Policy in the unlikely event that any resources are discovered.

Therefore, the BIA, as per §36 CFR 800.5(b), has determined that the implementation of the proposed undertaking will result in a 'No Adverse Effect' to historic properties by implementing the proposed project. Please direct any questions or requests for additional information to Eirik Thorsgard, Regional Archaeologist, at eirik.thorsgard@bia.gov or (503) 231-6921.

Sincerely,

Bryan Mercier
Northwest Regional Director

Allyson Brooks Ph.D., Director
State Historic Preservation Officer

October 11, 2022

Mr. Bryan Mercier
Northwest Regional director
US Bureau of Indian Affairs

In future correspondence please refer to:
Project Tracking Code: 2022-06-04148
Property: I-5/4th Street and 88th Street NE Corridor Improvements
Re: No Historic Properties Affected

Dear Mr. Mercier:

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) regarding the above referenced proposal. Your communication on this action has been reviewed on behalf of the SHPO under provisions of Section 106 of the National Historic Preservation Act of 1966 (as amended) and 36 CFR Part 800. Our review is based upon documentation provided in your submittal.

First, we concur with the project area of potential effect (APE) as mapped in your documentation. We also concur that no historic properties will be affected by the current project as proposed. As a result of our concurrence, further contact with DAHP on this proposal is not necessary.

However, if new information about affected resources becomes available and/or the project scope of work changes significantly, please resume consultation as our assessment may be revised. Also, if any archaeological resources are uncovered during construction, please halt work immediately in the area of discovery and contact the appropriate Native American Tribes and DAHP for further consultation.

Thank you for the opportunity to review and comment. If you have any questions, please feel free to contact me.

Sincerely,

Dennis Wardlaw
Transportation Archaeologist
(360) 485-5014
dennis.wardlaw@dahp.wa.gov

Appendix M – Rainfall Gauge Recording

Use the table below to record the rainfall gauge readings at the beginning and end of each work day. An example table follows.

Month/Year			Month/Year			Month/Year		
Day	Start time	End time	Day	Start time	End time	Day	Start time	End time
1			1			1		
2			2			2		
3			3			3		
4			4			4		
5			5			5		
6			6			6		
7			7			7		
8			8			8		
9			9			9		
10			10			10		
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29			29			29		
30			30			30		
31			31			31		

Example Rainfall Gauge Recording

April 201722			May 2017			June 2022		
Day	7:00 am	4:400 pm	Day	7:00 am	4:00 pm	Day	7:00 am	4:00 pm
1	--	--	1	0.2	0	1	0	0.4
2	--	--	2	0	0	2	0	0
3	0	0	3	0.1	0.3	3	--	--
4	0	0.3	4	0	0	4	--	--
5	0	0	5	0	0	5	0	0

In this example (for only partial months), 0.25-inch rainfall inspections would have been conducted on April 4 and June 1.

Appendix N – Turbidity Meter Manual and Manufacturer's Instructions (if needed)

Tulalip I-5/4th ST and 88th ST NE Corridor Improvements
Contractor Clarification Q&A
Tulalip Tribes Project No. 2026-014

Item No.	Date of Question:	Submitted By:	Question Asked:	Response:	Date of Response:
1	6/30/2026	Josh Schoneman - Reece Construction	We have two requests that would help us and other contractors prepare a bid on this project. •Provide a link to the plans/specs that are in the original vector PDF format...the BXWA severely degrades the quality of the documents when they post them. •Provide the AutoCAD files for the project. Having these two things will greatly assist contractors in being able to better analyze the documents and provide a more comprehensive bid. We are more than happy to sign any releases that the engineers may have to release these documents and files. We also understand that the only official place to view the documents is the BXWA.	The pdf document are uploaded to the Tribes site as indicated in the Notice to Bidders. The design was done in Microstation, No AutoCAD files are available at this time.	6/30/2026
2	7/1/2026	Chris - RW Scott Construction	Is there an engineer's estimate for the project?	Yes, the Engineer's Estimate range is being published by addendum	7/14/2026
3	7/8/2026	Asked during Prebid Meeting	Can the bid date be moved from 8/10/26, a Monday, to 8/11/26, a Tuesday?	Bid date has been changed to 8/11/26. See Addendum No. 1	7/14/2026
4	7/8/2026	Asked during Prebid Meeting	Is WSDOT providing inspections and materials testing?	Yes, WSDOT will be providing inspections and material testing for the freeways and ramps portion of the project. Inspections and material testing for sewer and water utility work will be inspected by the Tribes.	7/14/2026
5	7/8/2026	Asked during Prebid Meeting	Is there an As-Built requirement? Tulalip Tribes GIS Department would like digital files.	Yes. See Section Twenty-Two of the Construction Contract and Section 1-05.18 - Record Drawings in the Special Provisions. Digital files will be provided to Tulalip's GIS Department by Parametrix when the final Record Drawings are prepared.	7/14/2026
6	7/8/2026	Asked during Prebid Meeting	Is the project awarded by the lowest responsive bidder?	Please refer to Article 7 - Contract Award and Execution of the Instructions to Bidders for the awarded criteria.	7/14/2026
7	7/8/2026	Asked during Prebid Meeting	Are there fiber vaults in the North and South 88th sidewalks that are being moved?	Please refer to the Contract Plans for details.	7/14/2026
8	7/8/2026	Asked during Prebid Meeting	If the engineer's estimate is not released how will contractor's know what dollar limit the project is for the prequalification process with WSDOT?	The Engineer's Estimate Range is published in Addendum 1	7/14/2026