



LUMMI INDIAN BUSINESS COUNCIL

2616 KWINA ROAD • BELLINGHAM, WASHINGTON 98226 • (360) 384-1489

August 25, 2011

Mr. Michael J. Lidgard, Manager
NPDES Permits Unit
EPA Region 10, OWW-130
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

SUBJECT: Lummi Nation Clean Water Act Section 401 Certification for the Draft NPDES General Permit for Storm Water Discharges from Construction Activities – Permit No. WAR10-000I

Dear Mr. Lidgard:

In response to your letter dated July 6, 2011 and Section 401 of the Clean Water Act (CWA), the Lummi Natural Resources Department hereby certifies that the proposed reissuance of the National Pollutant Discharge Elimination System (NPDES) General Permit for storm water discharges from construction activities (CGP) on tribal lands in the State of Washington (Permit No. WAR10-000I) will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the CWA and Title 17 of the Lummi Code of Laws, as amended provided that the conditions listed below are implemented. This certification is valid for the term of the reissued construction general permit subject to the following conditions:

General Conditions:

1. 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 obtain a land use permit from the Lummi Planning Department as provided in Title 15 of the Lummi Code of Laws and regulations adopted thereunder.
2. Pursuant to LCL 17.05.020(a), each operator shall develop and submit a Storm Water Pollution Prevention Plan to the Lummi Water Resources Division for review and approval by the Water Resources Manager prior to beginning any discharge activities.
3. Pursuant to LCL Title 17, each operator shall be responsible for achieving compliance with the Water Quality Standards for Surface Waters of the Lummi Indian Reservation (Lummi Administrative Regulations [LAR] 17 LAR 07.010 through 17 LAR 07.210 together with supplements and amendments thereto).

4. Each operator shall submit a signed hard 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.
5. Each operator shall submit a signed hard 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.
6. 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
2616 Kwina Road
Bellingham, WA 98226-9298

Please see the Lummi Nation website (www.lummi-nsn.gov) and/or the Lummi Natural Resources Department website (<http://lnnr.lummi-nsn.gov/LummiWebsite/Website.php?PageID=53>) to review a copy of Title 17 of the Lummi Code of Laws, associated regulations, and the references upon which the conditions identified above are based. For further coordination on this proposed reissuance of the CGP, please contact Lummi Water Resources Manager Jeremy Freimund (360-384-2212).

Sincerely,



Merle Jefferson, Executive Director
Lummi Natural Resources Department

cc Richard Jefferson, LIBC Planning Department Director
Leroy Deardorff, LIBC Environmental Program Director
Jeremy Freimund, Lummi Water Resources Division
Peter Frye, Lummi Planning Department