



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3140

OFFICE OF
REGIONAL COUNSEL

September 19, 2024

Via Electronic Filing

Emilio Cortes
Clerk of the Board
U.S. Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20460-0001

Re: Tulalip Tribes of Washington Wastewater Treatment Plant
Appeal No. NPDES 24-02

Dear Mr. Cortes:

Enclosed please find the EPA Region 10's Notification of Stayed Permit Conditions, in the above-referenced matter. If you have any questions, please call me at (206) 553-1477.

Sincerely,

/s/ Courtney J. Weber

Courtney J. Weber
Assistant Regional Counsel

Enclosures



REGION 10

SEATTLE, WA 98101

September 17, 2024

Mr. Mike Leslie
Program Manager/Administrator
Tulalip Utilities Authority
3015 Mission Beach Road
Tulalip, Washington 98271

Re: Notification of Stayed Permit, Tulalip WWTP, NPDES Permit No. WA0024805

Dear Mr. Leslie:

The above-referenced National Pollutant Discharge Elimination System (NPDES) permit (Permit) was issued on August 8, 2024. On September 9, 2024, the U.S. Environmental Protection Agency Region 10 (Region 10) received notification from the Environmental Appeals Board (EAB) that Northwest Environmental Advocates (NWEA) had filed a petition for review of the above-mentioned Permit (Appeal No. NPDES 24-02).

After reviewing the petition for review, Region 10 has determined that none of the conditions of the Permit should be stayed. NWEA's petition for review does not appear to contest a specific condition of the Permit. Instead, the petition for review challenges the absence of a condition that NWEA requested Region 10 add to the Permit during the public comment period. Since all of the Permit's conditions will have to be met regardless of the outcome of NWEA's appeal, the Permit's conditions are uncontested within the meaning of 40 C.F.R.

§ 124.60(b)(6)(ii). As such, in accordance with 40 C.F.R. § 124.16(a)(2), the entirety of the Permit will become fully effective and enforceable on January 1, 2025, as set forth in the Permit. Please feel free to contact Sally Goodman at (206) 553-0782 should you have any questions regarding this letter.

Sincerely,

**SUSAN
POULSOM**

Susan Poulsom

Acting Branch Manager

Permits, Drinking Water, and Infrastructure

Digitally signed by
SUSAN POULSOM
Date: 2024.09.17
13:12:43 -07'00'

cc: Environmental Appeals Board
Mr. Vince McGowan, Water Quality Program Manager, Washington State Department
of Ecology (vince.mcgowan@ecy.wa.gov)
Ms. Val Streeter, Environmental Program Analyst, Tulalip Tribes Natural Resources
Department (vstreeter@tulaliptribes-nsn.gov)

CERTIFICATE OF SERVICE

I certify that the foregoing Notification of Stayed Permit Conditions was sent to the following persons, in the manner specified, on the date below:

By electronic filing to:

Emilio Cortes
Clerk of the Board
U.S. Environmental Protection Agency
Clerk of the Environmental Appeals Board
1341 G Street NW, Suite 600
Washington, DC 20005

By electronic mail to:

James N. Saul
Wild & Scenic Law Center
3519 NE 15th Ave., #207
Portland, OR 97212
(503) 342-2839
jamie@wildandsceniclaw.org
Attorney for Petitioner Northwest Environmental Advocates

DATED: September 19, 2024

/s/ Courtney Weber

Courtney Weber
Assistant Regional Counsel
U.S. EPA, Region 10