WASHINGTON, D.C. 20460

October 15th, 2026

Andy Whitener
Water Quality Program
Squaxin Island Tribe of the Squaxin Island Reservation
10 SE Squaxin Lane
Shelton, Washington 98584

SUBJECT: Request for Clean Water Act Section 401 Certification on U.S. Environmental Protection Agency's Draft 2027 Construction General Permit

Dear Andy Whitener:

The U.S. Environmental Protection Agency (EPA) is in the process of reissuing the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) for stormwater discharges from construction activities. The current CGP (referred to as the "2022 CGP") is set to expire on February 16, 2027; EPA intends to reissue the CGP before this expiration date to avoid delays in the availability of this permit for new construction projects in your area. EPA proposed the draft permit that would replace the 2022 CGP (or the "2027 CGP") for public comment on August 3, 2026. The comment period for the draft 2027 CGP closed on September 17, 2026.

EPA may not issue an NPDES permit to conduct any activity that may result in any discharges into waters of the United States in your jurisdiction until Squaxin Island Tribe of the Squaxin Island Reservation has granted certification under Clean Water Act section 401 or has waived its right to certify. 33 U.S.C. 1341(a)(1); 40 CFR 124.53(a). This letter represents EPA's request for certification on the draft 2027 CGP pursuant to Clean Water Act section 401(a)(1) and the implementing regulations in 40 CFR Part 121. Prior to sending this letter and consistent with 40 CFR 121.4, EPA invited all certifying authorities to attend either (or both) of the two "pre-filing" meetings the agency held on August 26, 2026, and September 1, 2026, to review the section 401 certification process and to provide an overview of the proposed changes in the draft 2027 CGP.

Consistent with 40 CFR 121.5(a)(2), EPA is including a copy of the draft permit and fact sheet with this request. The draft permit, fact sheet, Federal Register notice, and all supporting documents are available in the public docket on regulations.gov under Docket ID # EPA–HQ–OW–2025–0760 at https://www.regulations.gov/docket/EPA-HQ-OW-2025-0760/document. The draft permit and fact sheet are also available on EPA's proposed 2027 CGP website: https://www.epa.gov/npdes/proposed-2027-construction-general-permit-cgp-and-related-documents.

Under the regulations, Section 121.6 requires certifying authorities to act on 401 certification requests within a "reasonable period of time." "The reasonable period of time begins on the date that the certifying authority receives a request for certification … The certifying authority shall send written confirmation to [EPA] of the date that the request for certification was received." 40 CFR 121.6(a). Squaxin Island Tribe of the Squaxin Island Reservation and EPA have agreed to set the reasonable period of time for this certification request at 90 days. In accordance with the agreed-upon reasonable period of time for this certification request, the Squaxin Island Tribe of the Squaxin Island Reservation must take action on this request for certification by January 13, 2027.

Squaxin Island Tribe of the Squaxin Island Reservation will be deemed to have waived its right to certify if it does not act on this request by January 13, 2027, unless EPA and the certifying authority agree to an extension consistent with 40 CFR 121.6. Section 121.6(d) provides that if a longer period of time is needed to accommodate public notice procedures or force majeure events, written notification must be provided to EPA and the reasonable period of time shall be extended by the period of time necessitated by public notice procedures or the force majeure event, but no longer than one year from the date of the receipt of the certification request.

A certifying authority may act on this request for certification in one of four ways: 1) grant certification, 2) grant certification with conditions, 3) deny certification, or 4) expressly waive certification. Section 121.7 describes what each of the responses to certification should include. If you grant or waive certification, EPA will proceed with the issuance of a final CGP that will apply within your jurisdiction. If you grant certification with conditions, the final 2027 CGP will incorporate any conditions specified in Squaxin Island Tribe of the Squaxin Island Reservation's certification. 33 U.S.C. 1341(d).

Please note that any comments that you may submit to EPA during the public comment period will not be considered part of the Squaxin Island Tribe of the Squaxin Island Reservation's Clean Water Act section 401 certification. Any such comments will be evaluated, along with other public comments, as part of the overall public comment review and finalization of the draft permit.

If you have any questions, please contact Jill Seale of EPA Region 10 at 206-553-1582, or by email at seale.jill@epa.gov. Thank you for taking the time to attend to this request.

Sincerely,

CHRISTOPHER KLOSS

Digitally signed by CHRISTOPHER KLOSS
Date: 2026.10.15 14:45:39 -04'00'

Christopher Kloss
Director
Water Permits Division

ENCLOSURES
1. Draft 2027 CGP Permit
2. Draft 2027 CGP Fact Sheet

cc: Erica Marbet, Squaxin Island Tribe, emarbet@squaxin.us
Lucas DuSablon, EPA Tribal Trust and Assistance Division, dusablon.lucas@epa.gov