POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

PUGET SOUNDKEEPER ALLIANCE; Petitioner, v. DEPARTMENT OF ECOLOGY; SSA TERMINALS LLC; TOTAL TERMINALS INTERNATIONAL LLC Respondents,	)	No. NOTICE OF APPEAL

1. Identity of appealing parties and representative.

The appealing party is

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Seattle, WA 98107
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The representatives of the appealing party are

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2. Identification of other parties.

The respondents in this appeal are the Washington State Department of Ecology, SSA Terminals LLC (1131 SW Klickitat Way, Seattle, WA 98134), and Total Terminals International LLC (410 Alaskan Way S., Terminal 46, Seattle, WA 98104).

3. The decision under appeal.

This is an appeal 1) of the "Industrial Stormwater General Permit," a National Pollutant Discharge Elimination System and State Waste Discharge General Permit, as modified on May 16, 2012 ("Modified ISGP"); 2) of the Modified ISGP as applied to SSA Terminals LLC's Terminal 18 facility as NPDES permit no. WAR000467; and 3) of the Modified ISGP as applied to Total Terminals International LLC's Terminal 46 facility as NPDES permit no. WAR000465. A copy of the Modified ISGP is attached.

4. Short and plain statement showing grounds for appeal.

Appellant considers the May 16, 2012, modification of the Industrial Stormwater General Permit to be unlawful and unfair because it does not meet the requirements or intent of the federal Clean Water Act, applicable regulations promulgated by the Environmental Protection Agency, Washington State water pollution control law, and Ecology's regulations. In particular, the modification removed the numeric effluent limitations for fecal coliform concentrations in stormwater discharges to receiving waters that are impaired (303(d)-listed) for fecal coliform in violation of the Clean Water Act's antibacksliding prohibition and federal requirements concerning prohibiting discharges that cause or contribute to violations of water quality standards. The SSA Terminals' and Total Terminals International's facilities are among the permittees affected by this modification and Appellant is particularly concerned about this

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modification with regard to these facilities. This is a challenge to the modification as generally applied and as specifically applied to these two permittees.

5. Statement of facts.

The Industrial Stormwater General Permit ("ISGP") authorizes discharges of process wastewater and stormwater from more than 1,000 industrial facilities around Washington State. Monitoring data collected by Ecology indicates that stormwater discharges from industrial facilities typically contain elevated levels of pollutants, making this permit one of great significance to the protection of Washington's water resources. The current iteration of the ISGP was issued on October 21, 2009, and was the subject of the Board's proceedings in PCHB Nos. 09-135 through 09-141 (consolidated).

As originally issued, the ISGP included numeric effluent limitations for fecal coliform concentrations in stormwater discharges for permittees that discharge to water bodies impaired (303(d)-listed) for fecal coliform, i.e, to waterbodies that do not meet state fecal coliform water quality criteria. Most or all of the approximately 80 permittees subject to these numeric effluent limitations are identified in ISPG Appendix 4. The fecal coliform numeric effluent limitations were water quality-based effluent limitations, and were upheld by the Board. *Copper Development Assn., et al. v. Ecology*, PCHB Nos. 09-145 through 09-141 (consolidated), Findings of Fact, Conclusions of Law, and Order (Apr. 25, 2011).

On May 16, 2012, Ecology modified the ISGP and issued the Modified ISGP. Among the modifications was the deletion of the numeric effluent limitations for fecal coliform for permittees discharging into water bodies impaired for fecal coliform. Ecology replaced the numeric effluent limitations with assertedly additional mandatory best management practices. The effluent limitation concerning fecal coliform discharges for these permittees have been

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rendered less stringent by the modification, and the Modified ISGP is no longer sufficient to ensure that authorized discharges do not cause or contribute to violations of fecal coliform water quality criteria.

SSA Terminals and Total Terminals International have been discharging stormwater to Elliott Bay, which is 303(d)-listed for fecal coliform, with fecal coliform concentrations in excess of the pre-modification numeric effluent limitations. For these and other ISGP violations, Appellant has brought Clean Water Act citizen suits against these permittees, which are currently pending in the Western District of Washington as case nos. C11-1617JCC and C11-1632TSZ. For these permittees, the permit modification leaves the Modified ISGP less stringent with respect to effluent limitations for fecal coliform, and insufficient to ensure that authorized discharges do not cause or contribute to violations of fecal coliform water quality criteria.

Clean Water Act section 402(o), 33 U.S.C. § 1342(o), prohibits the modification of an NPDES permit to contain effluent limitations less stringent than the comparable effluent limitations in the pre-modification permit. Applicable federal regulations, including 40 C.F.R. §§ 122.4 and 122.44(d), prohibit the issuance of an NPDES permit that is inadequate to ensure that authorized discharges do not cause or contribute to violations of water quality standards.

7. Relief requested.

Appellant requests that the Board order the Department of Ecology to modify the Industrial Stormwater General Permit to reinstate the numeric effluent limitations for fecal coliform.

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Dated this 13th day of June, 2012.

SMITH & LOWNEY, PLLC

By: _____
Richard A. Smith, WSBA #21788
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I, Jessie Sherwood, declare that I had this Notice Of Appeal served by Overnight Mail on the Department of Ecology, 300 Desmond Drive, Lacey, WA 98503, and by regular mail on SSA Terminals LLC, 1131 SW Klickitat Way, Seattle, WA 98134, and Total Terminals International LLC, 410 Alaskan Way S., Terminal 46, Seattle, WA 98104, on June 13, 2012.

_____
Jessie Sherwood

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Issuance Date: October 21, 2009
Effective Date: January 1, 2010
Expiration Date: January 1, 2015

Modification Issuance Date: May 16, 2012
Modification Effective Date: July 1, 2012

INDUSTRIAL STORMWATER GENERAL PERMIT

A National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated With Industrial Activities

State of Washington
Department of Ecology
Olympia, Washington 98504-7600

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified or revoked, Permittees that have properly obtained coverage under this general permit are authorized to discharge in accordance with the special and general conditions which follow.

Kelly Susewind, P.E., P.G. Manager
Water Quality Program
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORTS & SUBMITTALS

Permit Section	Submittal	Frequency	Due Date(s)
S1.F	Conditional "No Exposure" Certification Form	As necessary	As necessary
S2.B	*Application* for Permit Coverage	As necessary	As necessary
S2.B.	Request Modification of Permit Coverage	As necessary	As necessary
S2.D	Request Transfer of Coverage	As necessary	As necessary
S9.A	Discharge Monitoring Reports (DMRs)	1/quarter	within 45 days after the end of each quarter
S9.B	Annual Report	1/year	May 15th (except 2010)
S9.C.	SWPPP, if requested by *Ecology*	Per *Ecology* request	Within 14 days of request
S9.E	Noncompliance Notification	As necessary	Within 30 days of noncompliance event

SUMMARY OF REQUIRED ONSITE DOCUMENTATION[1]

Permit Condition(s)	Document Title
S3.A.4.a	*Stormwater Pollution Prevention Plan* (SWPPP)[2]
S9.B	Copies of Annual Reports
S9.C.1.a	Copy of Permit
S9.C.1.b	Copy of Permit Coverage Letter
S9.C.1.c	Original Sampling Records (Field Notes and Laboratory Reports)
S7.C & S9.C.1.d	Site Inspection Reports
S9.C.1.j	Copies of Discharge Monitoring Reports (DMRs)

[1] A complete list is contained in Condition S9.C. The permittee shall make all plans, documents and records required by this permit immediately available to Ecology or the local jurisdiction upon request.
[2] With signed and completed SWPPP Certification Form(s) – see Appendix 3

SPECIAL CONDITIONS

S1. PERMIT COVERAGE

A. Facilities Required to Seek Coverage Under This General Permit

This statewide permit applies to *facilities* conducting *industrial activities* that *discharge stormwater* to a surface water body or to a *storm sewer* system that drains to a surface water body. Beginning on the effective date of this permit and lasting through its expiration date, the Permittee is authorized to *discharge stormwater* and conditionally approved non-stormwater *discharges* to *waters of the state.* All *discharges* and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

The permit requires coverage for private entities, state, and *local government* facilities, and includes *existing facilities* and *new facilities*. Facilities conducting industrial activities listed in Table 1 or referenced in S1.A3 shall apply for coverage under this permit or apply for a Conditional No Exposure exemption, if eligible (Condition S1.F). The *Department of Ecology (Ecology)* may also require permit coverage for any *facility* on a case-by-case basis in order to protect *waters of the state* (Condition S1.B).

1. Facilities engaged in any industrial activities in Table 1 shall apply for coverage if *stormwater* from the *facility discharges* to a surface water body, or to a *storm sewer* system that *discharges* to a surface water body. The *Standard Industrial Classification (SIC)* groups generally, but not always, associated with these activities are listed in Table 1.

Table 1: Activities Requiring Permit Coverage and the Associated SIC Code Groups

Industrial Activities	SIC Code
Metal Mining	10xx
Coal Mining	12xx
Oil and Gas Extraction	13xx
Mining and Quarrying of Nonmetallic Minerals, except Fuels (except facilities in SIC Codes 1411, 1422, 1423, 1429, 1442, 1446, 1445, 1459, and 1499; these facilities are covered under the Sand and Gravel General Permit)	14xx
Food and Kindred Products	20xx
Tobacco Products	21xx
Textile Mill Products	22xx
Apparel and Other Finished Products Made from Fabrics and Similar Material	23xx
Lumber and Wood Products	24xx
Furniture and Fixtures	25xx
Paper and Allied Products	26xx
Printing, Publishing and Allied Industries	27xx
Chemicals and Allied Products	28xx
Petroleum Refining and Related Industries (Except facilities in SIC 2951; these facilities are covered under the Sand and Gravel General Permit)	29xx
Rubber and Miscellaneous Products	30xx
Leather and Leather Products	31xx
Stone, Clay, Glass, and Concrete Products (Except facilities in SIC 3272-3273; these	32xx

Industrial Activities	SIC Code
facilities are covered under the Sand and Gravel General Permit)	
Primary Metal Industries	33xx
Fabricated Metal Products	34xx
Industrial and Commercial Machinery and Computer Equipment	35xx
Electronic and Other Electrical Equipment and Components	36xx
Transportation Equipment	37xx
Measuring, Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods; Watches and Clocks	38xx
Miscellaneous Manufacturing Industries	39xx
Farm Product Storage	4221
Refrigerated Storage	4222
General Storage	4225
Recycling facilities involved in the recycling of materials, including but not limited to, metal scrap yards, battery reclaimers, salvage yards, auto recyclers, and automobile junkyards.	5015 and 5093
Steam Electric Power Generation	N/A
Active *landfills*, including, but not limited to, wood waste and inert *landfills*, transfer stations, open dumps, compost facilities, and *land application sites*, except as described in S1.C.6 or C.7.	4953
Hazardous waste treatment, storage, and disposal (TSD) facilities, and recycling facilities regulated under Chapter 173-303 WAC.	N/A
Treatment works treating domestic sewage, or any other sewage sludge, or wastewater treatment device or system, used in the storage, recycling, and reclamation of municipal or domestic sewage (including land dedicated to the disposal of sewage sludge that are located within the confines of the *facility*) with the design flow capacity of 1 million gallons per day (MGD) or more, or required to have a pretreatment program under *40 CFR* §403.	4952
Transportation facilities which have *vehicle maintenance* activity, equipment cleaning operations, or airport deicing operations: • Railroad Transportation • Local and Suburban Transit and Interurban Highway Passenger Transportation • Motor Freight Transportation (except SIC 4221–25) • United States Postal Service • Water Transportation • Air Transportation • Petroleum Bulk Stations and Terminals	 40xx 41xx 42xx 43xx 44xx 45xx 5171

2. Any *facility* that has an existing *National Pollutant Discharge Elimination System (NPDES)* permit which does not address all *stormwater discharges associated with industrial activity* [*40 CFR* Subpart 122.26(b)(14)] shall obtain permit coverage.
3. Any *inactive facility* which is listed under *40 CFR* Subpart 122.26(b)(14) where *significant materials* remain onsite and are exposed to *stormwater* shall obtain permit coverage.

B. Significant Contributors of Pollutants

Ecology may require a *facility* to obtain coverage under this permit if *Ecology* determines the *facility*:

1. Is a *significant contributor of pollutants* to *waters of the state*, including *ground water*;
2. May reasonably be expected to cause a violation of any *water quality standard*; or
3. Conducts *industrial activity*, or has a SIC code, with *stormwater* characteristics similar to any *industrial activity* or SIC code listed in Table 1 in S1.A1.

C. Facilities Not Required to Obtain Coverage

Ecology does not require the types of facilities listed below to obtain coverage under this permit, unless determined to be a *significant contributor of pollutants*.

1. Industrial facilities that submit an *application* and qualify for a Conditional "No Exposure" Exemption. (Condition S1.F)
2. Industrial facilities that *discharge stormwater* only to a municipal *combined sewer* or *sanitary sewer. Discharge* of stormwater to sanitary or *combined sewers* shall only occur as authorized by the municipal sewage authority.
3. Industrial facilities that *discharge stormwater* only to groundwater (e.g., on-site infiltration) with no *discharge* to *surface waters of the state* under any condition.
4. Office buildings and/or administrative parking lots from which *stormwater* does not commingle with stormwater from areas associated with *industrial activity*.
5. Any part of a *facility* with a *discharge* that is in compliance with the instructions of an On-Scene-Coordinator pursuant to *40 CFR* part 300 (The National Oil and Hazardous Substances Pollution Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances), in accordance with *40 CFR* 122.3(d).
6. Any *land application site* used for the beneficial use of industrial or municipal wastewater for agricultural activities or when applied for landscaping purposes at agronomic rates.
7. Any farmland, domestic garden, or land used for sludge management where domestic sewage sludge (biosolids) is beneficially reused (nutrient builder or soil conditioner) and which is not physically located in the confines of domestic sewage treatment

works, or areas that are in compliance with Section 405 (Disposal of Sewage Sludge) of the *Clean Water Act (CWA)*.

8. Any inactive coal mining operation if:
   a. The performance bond issued to the *facility* by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released from applicable state or federal reclamation requirements after December 17, 1990.
   b. The mine does not have a *discharge* of *stormwater* that comes in contact with any overburden, raw material, intermediate products, finished products, byproducts, or waste products located on the site of the *facility*.
9. Inactive mining, inactive oil and gas operations, or inactive *landfills* where neither an owner nor an operator can be identified.
10. Closed *landfills* that are capped and stabilized, in compliance with Chapter 173-304 WAC, and in which no *significant materials* or industrial *pollutants* remain exposed to *stormwater*. Permittee's with existing coverage may submit a *Notice of Termination* in accordance with Special Condition S13.A.1.

D. Facilities Excluded from Coverage

Ecology will not cover the following facilities or activities under this permit:

1. Any part of a *facility* that has a *stormwater discharge* subject to *stormwater* Effluent Limitations Guidelines, New Source Performance Standards (NSPS) Under *40 CFR* Subchapter N, or Toxic Pollutant Effluent Standards under *40 CFR* Subchapter D Part 129; these facilities must apply for NPDES permit coverage in an individual or industry-specific *general permit* for those *stormwater discharges*.

   Below is a list of categories of industries specified in *40 CFR* Subchapter N for which at least one subpart includes *stormwater* effluent limitations guidelines or NSPS. Industries included in this list should review the Subchapter N guidelines to determine if they are subject to a *stormwater* effluent limitation guideline for activities which they perform at their site.

40 CFR 411 Cement manufacturing	40 CFR 423 Steam electric power generating
40 CFR 412 Feedlots	40 CFR 434 Coal mining
40 CFR 418 Fertilizer manufacturing	40 CFR 436 Mineral mining and processing
40 CFR 419 Petroleum refining	40 CFR 440 Ore mining and dressing
40 CFR 422 Phosphate manufacturing	40 CFR 443 Paving and roofing materials (tars & asphalt)

   Facilities discharging any of the following toxic *pollutants*, which are limited by effluent standards in *40 CFR* Subchapter D Part 129: Aldrin/Dieldrin; DDT; Endrin; Toxaphene; Benzidine; or Polychlorinated Biphenyls (PCBs); these facilities shall obtain coverage under an individual NPDES permit.

2. Nonpoint source silvicultural activities with natural *runoff* that are excluded in *40 CFR* Subpart 122.27.

3. Industrial activities operated by any department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government of the United States, or another entity, such as a private contractor, performing industrial activity for any such department, agency, or instrumentality.
4. Facilities located on Tribal lands or facilities that *discharge stormwater* to receiving waters subject to *water quality standards* of Indian Tribes, including portions of the Puyallup River and other waters on trust or restricted lands within the 1873 Survey Area of the Puyallup Tribe of Indians Reservation.
5. Any *facility* authorized to *discharge stormwater* associated with *industrial activity* under an existing NPDES individual or other *general permit.*
6. All *construction activities*. Operators of these construction activities shall seek coverage under the Construction Stormwater General Permit or an individual NPDES permit for *stormwater* associated with *construction activity*.
7. Facilities that *discharge* to a water body with a *control plan*, unless this *general permit* adequately provides the level of protection required by the *control plan*.
8. *New dischargers* to a water body listed pursuant to Section 303(d) of the CWA, unless the Permittee meets the requirements of Condition S6.B.
9. Hazardous waste *landfills* subject to *40 CFR* Part 445, Subpart A.

E. Discharges to Ground

1. For sites that *discharge* to both surface water and *ground water*, the terms and conditions of this permit shall apply to all *ground water discharges*.
2. Facilities that *discharge* to *ground water* through an *underground injection control well* shall comply with any applicable requirements of the Underground Injection Control (UIC) regulations, Chapter 173-218 WAC.

F. Conditional "No Exposure" Exemption

1. Any *industrial activity* identified for coverage under Condition S1.A. that is eligible for a "No Exposure" exemption from the permit under *40 CFR* 122.26 (g), may submit a No Exposure Certification Form to *Ecology*, either in writing or electronically.
    a. A Permittee is automatically granted a No Exposure exemption 90 days from *Ecology*'s receipt of a complete and accurate No Exposure Certification Form, unless *Ecology* informs the applicant in writing or electronically within 90 days that it has denied or approved the request.
    b. *Ecology* will automatically terminate permit coverage when it grants the No Exposure exemption to a permitted *facility*.
    c. Facilities which are granted a No Exposure exemption must submit a No Exposure Certification Form to *Ecology* once every five years, or by October 1, 2013, whichever is earlier.

d. No Exposure exemptions are conditional. If there is a change at the *facility* that results in the exposure of industrial activities or materials to *stormwater*, the *facility* is required to immediately apply for and obtain a permit.

S2. APPLICATION FOR COVERAGE

A. Obtaining Permit Coverage

1. Permitted Facilities

   Permittees with coverage under the existing industrial *stormwater general permit* (effective date Nov 15, 2008) are automatically covered under this permit unless otherwise notified by *Ecology*.

2. Unpermitted Facilities

   Unpermitted facilities that require coverage under this permit shall submit a complete and accurate permit *application* to *Ecology* as follows:

   a. Existing Facilities

      i. Unpermitted existing facilities that require coverage under this permit shall submit a complete and accurate permit *application* to *Ecology*.

      ii. Existing facilities are facilities in operation prior to the effective date of this permit, January 1, 2010.

   b. New Facilities

      New facilities are facilities that begin operation on or after the effective date of this permit, January 1, 2010. All unpermitted new facilities shall:

      i. Submit a complete and accurate permit *application* to *Ecology* at least 60 days before the commencement of *stormwater discharge* from the *facility*.

      ii. The *application* shall include certification that the *facility* has met the applicable public notice and *State Environmental Policy Act (SEPA)* requirements in WAC 173-226-200(f).

B. Modification of Permit Coverage

A Permittee anticipating a *significant process change*, or otherwise requesting a modification of permit coverage, shall submit a complete Modification of Coverage Form to *Ecology*. The Permittee shall:

1. Apply for modification of coverage at least 60 days before implementing a *significant process change*; or by May15th prior to a Corrective Action deadline, if requesting a Level 2 or 3 time extension or waiver request per Condition S8.B-D.
2. Complete the public notice requirements in WAC 173-226-130(5) as part of a complete *application* for modification of coverage.
3. Comply with SEPA as part of a complete *application* for modification of coverage if undergoing a *significant process change*.

C. Permit Coverage Timeline

1. If the applicant does not receive notification from *Ecology*, permit coverage automatically commences on whichever of the following dates occurs last:
   a. The 31st day following receipt by *Ecology* of a completed *application* for coverage .
   b. The 31st day following the end of a 30-day public comment period.
   c. The effective date of the *general permit*.
2. *Ecology* may need additional time to review the *application*:
   a. If the *application* is incomplete.
   b. If it requires additional site-specific information.
   c. If the public requests a public hearing.
   d. If members of the public file comments.
   e. When more information is necessary to determine whether coverage under the *general permit* is appropriate.
3. When *Ecology* needs additional time:
   a. *Ecology* will notify the applicant in writing within 30 days and identify the issues that the applicant must resolve before a decision can be reached.
   b. *Ecology* will submit the final decision to the applicant in writing. If *Ecology* approves the *application* for coverage, coverage begins the 31st day following approval, or the date the approval letter is issued, whichever is later.

D. Transfer of Permit Coverage

Coverage under this *general permit* shall automatically transfer to a *new discharger*, if all of the following conditions are met:

1. The Permittee (existing *discharger*) and *new discharger* submit to *Ecology* a complete, written, signed agreement (Transfer of Coverage Form) containing a specific date for transfer of permit responsibility, coverage, and liability.
2. The type of industrial activities and practices remain substantially unchanged.
3. *Ecology* does not notify the Permittee of the need to submit a new *application* for coverage under the *general permit* or for an individual permit pursuant to Chapters 173-216, 173-220, and 173-226 WAC.
4. *Ecology* does not notify the existing *discharger* and *new discharger* of its intent to revoke coverage under the *general permit*. The transfer is effective on the date specified in the written agreement unless *Ecology* gives this notice.

S3. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A. General Requirements

1. All Permittees and applicants for coverage under this permit shall develop and implement a SWPPP for the permitted *facility* as follows:
2. The SWPPP shall specify the *Best Management Practices* (BMPs) necessary to:
   a. Provide *all known, available, and reasonable methods of prevention, control, and treatment (AKART)* of *stormwater pollution*.
   b. Ensure the *discharge* does not cause or contribute to a violation of the *Water Quality Standards*.
   c. Comply with applicable federal technology-based treatment requirements under *40 CFR* 125.3.
3. Proper Selection and Use of *Stormwater Management Manuals (SWMM)*:

   BMPs shall be consistent with:

   a. *Stormwater Management Manual* for Western Washington (*2005* edition), for sites west of the crest of the Cascade Mountains.
   b. *Stormwater Management Manual* for Eastern Washington (*2004* edition), for sites east of the crest of the Cascade Mountains.
   c. Revisions to the manuals in S3.A.3. a & b., or other *stormwater* management guidance documents or manuals which provide an equivalent level of *pollution* prevention, that are approved by *Ecology* and incorporated into this permit in accordance with the permit modification requirements of WAC 173-220-190. For purposes of this section, the documents listed in Appendix 10 of the Phase I Municipal Stormwater Permit are hereby incorporated into this permit.
   d. Documentation in the SWPPP that the BMPs selected are *demonstrably equivalent* to practices contained in stormwater technical manuals approved by *Ecology*, including the proper selection, implementation, and maintenance of all applicable and appropriate *best management practices* for on-site *pollution* control.
4. Update of the SWPPP
   a. The Permittee shall modify the SWPPP if the owner/operator or the applicable local or state regulatory authority determines during inspections or investigations that the SWPPP is, or would be, ineffective in eliminating or significantly minimizing *pollutants* in *stormwater* discharges from the site. The Permittee shall modify the SWPPP:
      i. As necessary to include additional or modified BMPs designed to correct problems identified.
      ii. To correct the deficiencies identified in writing from *Ecology* within 30 days of notice.

b. The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance at the *facility* that significantly changes the nature of *pollutants* discharged in *stormwater* from the *facility*, or significantly increases the quantity of pollutants discharged.

5. Other *Pollution Control Plans*

The Permittee may incorporate by reference applicable portions of plans prepared for other purposes at their *facility*. Plans or portions of plans incorporated by reference into a SWPPP become enforceable requirements of this permit and must be available along with the SWPPP as required in S9.F. A *Pollution* Prevention Plan prepared under the Hazardous Waste Reduction Act, Chapter 70.95C RCW, is an example of such a plan.

6. Signatory Requirements

The Permittee shall sign and certify all SWPPPs in accordance with General Condition G2, each time it revises or modifies a SWPPP to comply with Conditions S3.A.4 (Update of the SWPPP), S7 (Inspections) or S8 (Corrective Actions). A SWPPP Certification Form is contained in Appendix 3 of this permit.

B. Specific SWPPP Requirements

The SWPPP shall contain a site map, a detailed assessment of the *facility*, a detailed description of the BMPs, Spill Prevention and Emergency Cleanup Plan, and a sampling plan. The Permittee shall identify any parts of the SWPPP which the *facility* wants to claim as Confidential Business Information.

1. The site map shall identify:
   a. The scale or include relative distances between significant structures and drainage systems.
   b. Significant features.
   c. The *stormwater* drainage and *discharge* structures and identify, by name, any other party other than the Permittee that owns any *stormwater* drainage or discharge structures.
   d. The *stormwater* drainage areas for each *stormwater discharge* point off-site (including discharges to *ground water*) and assign a unique identifying number for each discharge point.
   e. Each sampling location by unique identifying number.
   f. Paved areas and buildings.
   g. Areas of *pollutant* contact (actual or potential) associated with specific industrial activities.
   h. Conditionally approved non-*stormwater* discharges (Condition S5.D).
   i. Surface water locations (including wetlands and drainage ditches).
   j. Areas of existing and potential soil *erosion* (in a *significant amount*).

k. *Vehicle maintenance* areas.

l. Lands and waters adjacent to the site that may be helpful in identifying *discharge* points or drainage routes.

2. The *facility* assessment shall include a description of the *facility*; an inventory of *facility* activities and equipment that contribute to or have the potential to contribute any *pollutants* to *stormwater*; and, an inventory of materials that contribute to or have the potential to contribute pollutants to *stormwater*.

   a. The *facility* description shall describe:

      i. The industrial activities conducted at the site.

      ii. *Regular business hours* and seasonal variations in business hours or industrial activities.

      iii. The general layout of the *facility* including buildings and storage of raw materials, and the flow of goods and materials through the *facility*.

   b. The inventory of industrial activities shall identify all areas associated with industrial activities (see Table 1) that have been or may potentially be sources of *pollutants*, including, but not limited to, the following:

      i. Loading and unloading of dry bulk materials or liquids.

      ii. Outdoor storage of materials or products.

      iii. Outdoor manufacturing and processing.

      iv. On-site dust or particulate generating processes.

      v. On-site waste treatment, storage, or disposal.

      vi. *Vehicle* and equipment fueling, maintenance, and/or cleaning (includes washing).

      vii. Roofs or other surfaces exposed to *air emissions* from a manufacturing building or a process area.

      viii. Roofs or other surfaces composed of materials that may be mobilized by *stormwater* (e.g., galvanized roofs, galvanized fences, etc.).

   c. The inventory of materials shall list:

      i. The types of materials handled at the site that potentially may be exposed to precipitation or *runoff* and could result in *stormwater pollution*.

      ii. A short narrative for each material describing the potential of the *pollutant* to be present in *stormwater* discharges. The Permittee shall update this narrative when data become available to verify the presence or absence of these pollutants.

      iii. A narrative description of any potential sources of *pollutants* from past activities, materials and spills that were previously handled, treated, stored, or disposed of in a manner to allow ongoing exposure to *stormwater*. Include the

method and location of on-site storage or disposal. List significant spills and significant leaks of toxic or hazardous pollutants.

3. The SWPPP shall identify specific individuals by name or by title within the organization (*pollution* prevention team) whose responsibilities include: SWPPP development, implementation, maintenance, and modification.

4. *Best Management Practices* (BMPs)

   a. General BMP Requirements

      The Permittee shall describe each BMP selected to eliminate or reduce the potential to contaminate *stormwater* and prevent violations of *water quality standards*.

   b. No later than July 1, 2010, the Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; if the Permittee clearly justifies each BMP omission in the SWPPP. Prior to July 1, 2010, the Permittee shall implement the BMP requirements of the previous Industrial *Stormwater General Permit*, or Condition S3.B.4 of this permit.

      i. Operational *Source Control BMPs*

         1) The SWPPP shall include the *Operational Source Control BMPs* listed as "applicable" in *Ecology*'s SWMMs, or other guidance documents or manuals approved in accordance with S3.A.3.c.

         2) Good Housekeeping: The SWPPP shall include BMPs that define ongoing maintenance and cleanup, as appropriate, of areas which may contribute *pollutants* to *stormwater* discharges. The SWPPP shall include the schedule/frequency for completing each housekeeping task, based upon *industrial activity*, sampling results and observations made during inspections. The Permittee shall:

            a) Vacuum paved surfaces with a vacuum sweeper (or a sweeper with a vacuum attachment) to remove accumulated *pollutants* a minimum of once per quarter.

            b) Identify and control all on-site sources of dust to minimize *stormwater* contamination from the deposition of dust on areas exposed to precipitation.

            c) Inspect and maintain bag houses monthly to prevent the escape of dust from the system. Immediately remove any accumulated dust at the base of exterior bag houses.

            d) Keep all dumpsters under cover or fit with a lid that must remain closed when not in use.

3) Preventive Maintenance: The SWPPP shall include BMPs to inspect and maintain the *stormwater* drainage, source controls, treatment systems (if any), and plant equipment and systems that could fail and result in contamination of *stormwater*. The SWPPP shall include the schedule/frequency for completing each maintenance task. The Permittee must:

   a) Clean catch basins when the depth of debris reaches 60% of the sump depth. In addition, the Permittee must keep the debris surface at least 6 inches below the outlet pipe.

   b) Inspect all equipment and vehicles during monthly site inspections for leaking fluids such as oil, antifreeze, etc. Take leaking equipment and *vehicles* out of service or prevent leaks from spilling on the ground until repaired.

   c) Immediately clean up spills and leaks (e.g., using absorbents, vacuuming, etc.) to prevent the *discharge* of *pollutant*s.

4) Spill Prevention and Emergency Cleanup Plan (SPECP): The SWPPP shall include a SPECP that includes BMPs to prevent spills that can contaminate *stormwater*. The SPECP shall specify BMPs for *material handling* procedures, storage requirements, cleanup equipment and procedures, and spill logs, as appropriate. The Permittee shall:

   a) Store all chemical liquids, fluids, and petroleum products, on an impervious surface that is surrounded with a containment berm or dike that is capable of containing 10% of the total enclosed tank volume or 110% of the volume contained in the largest tank, whichever is greater.

   b) Prevent precipitation from accumulating in containment areas with a roof or equivalent structure or include a plan on how it will manage and dispose of accumulated water if a containment area cover is not practical.

   c) Locate spill kits within 25 feet of all stationary fueling stations, fuel transfer stations, and mobile fueling units. At a minimum, spill kits shall include:

      i) Oil absorbents capable of absorbing 15 gallons of fuel.

      ii) A storm drain plug or cover kit.

      iii) A non-water containment boom, a minimum of 10 feet in length with a 12 gallon absorbent capacity.

      iv) A non-metallic shovel.

      v) Two five-gallon buckets with lids.

d) Not lock shut-off fueling nozzles in the open position. Do not "top-off" tanks being refueled.

e) Block, plug or cover storm drains that receive *runoff* from areas where fueling, during fueling.

f) Use drip pans or equivalent containment measures during all petroleum transfer operations.

g) Locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone *vehicle*s and equipment awaiting maintenance to protected areas).

h) Use drip pans and absorbents under or around leaky *vehicles* and equipment or store indoors where feasible. Drain fluids from equipment and *vehicles* prior to on-site storage or disposal.

i) Maintain a spill log that includes the following information for chemical and petroleum spills: date, time, amount, location, and reason for spill; date/time clean-up completed, notifications made and staff involved.

5) Employee Training: The SWPPP shall include BMPs to provide SWPPP training for employees who have duties in areas of industrial activities subject to this permit. At a minimum, the training plan shall include:

a) The content of the training,

i) An overview of what is in the SWPPP.

ii) How employees make a difference in complying with the SWPPP and preventing contamination of *stormwater*.

iii) Spill response procedures, good housekeeping, maintenance requirements, and material management practices.

b) How the Permittee will conduct training.

c) The frequency/schedule of training. The Permittee shall train employees annually, at a minimum.

d) A log of the dates on which specific employees received training.

6) Inspections and Recordkeeping: The SWPPP shall include documentation of procedures to ensure compliance with permit requirements for inspections and recordkeeping. At a minimum, the SWPPP shall:

a) Identify *facility* personnel who will inspect designated equipment and *facility* areas as required in Condition S7.

b) Contain a visual inspection report or check list that includes all items required by Condition S7.C.

c) Provide a tracking or follow-up procedure to ensure that a report is prepared and any appropriate action taken in response to visual inspections.

d) Define how the Permittee will comply with signature requirements and records retention identified in Special Condition S9, Reporting and Recordkeeping Requirements.

e) Include a certification of compliance with the SWPPP and permit for each inspection using the language in S7.C.1.c.

7) *Illicit Discharges*: The SWPPP shall include measures to identify and eliminate the *discharge* of *process wastewater*, *domestic wastewater*, *noncontact cooling water*, and other *illicit discharges*, to *stormwater* sewers, or to surface waters and *ground waters of the state*. The Permittee can find BMPs to identify and eliminate *illicit discharges* in Volume IV of *Ecology*'s SWMM for Western Washington and Chapter 8 of the SWMM for Eastern Washington.

Water from washing *vehicles* or equipment, steam cleaning and/or pressure washing is considered *process wastewater*. The Permittee must not allow this process wastewater to comingle with *stormwater* or enter storm drains; and must collect in a tank for off-site disposal, or *discharge* it to a *sanitary sewer*, with written approval from the local sewage authority.

ii. Structural *Source Control BMPs*

1) The SWPPP shall include the *Structural Source Control BMPs* listed as "applicable" in *Ecology*'s SWMMs, or other guidance documents or manuals approved in accordance with S3.A.3.c.

2) The SWPPP shall include BMPs to minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and *runoff* by either locating these industrial materials and activities inside or protecting them with storm resistant coverings.

Permittees shall:

a) Use grading, berming, or curbing to prevent *runoff* of contaminated flows and divert run-on away from these areas.

b) Perform all cleaning operations indoors, under cover, or in bermed areas that prevent *stormwater runoff* and run-on and also that capture any overspray.

c) Ensure that all washwater drains to a collection system that directs the washwater to further treatment or storage and not to the *stormwater drainage system*.

iii. *Treatment BMPs*

The Permittee shall:

1) Use *Treatment BMPs* consistent with the applicable documents referenced in Condition S3.A.3.

2) Employ oil/water separators, booms, skimmers or other methods to eliminate or minimize oil and grease contamination of *stormwater* discharges.

3) Obtain *Ecology* approval before beginning construction/installation of all *treatment BMPs* that include the addition of chemicals to provide treatment.

iv. *Stormwater* Peak *Runoff* Rate and Volume Control BMPs

Facilities with *new development* or *redevelopment* shall evaluate whether flow control BMPs are necessary to satisfy the state's AKART requirements, and prevent violations of water quality standards. If flow control BMPs are required, they shall be selected according to S3.A.3.

v. *Erosion and Sediment Control BMPs*

The SWPPP shall describe the BMPs necessary to prevent the *erosion* of soils and other earthen materials (crushed rock/gravel, etc.) and prevent off-site *sedimentation* and violations of *water quality standards.* The Permittee shall implement and maintain:

1) *Sediment* control BMPs such as *detention* or retention ponds or traps, vegetated filter strips, bioswales, or other permanent *sediment* control BMPs to minimize *sediment* loads in *stormwater* discharges.

2) Filtration BMPs to remove solids from catch basins, sumps or other *stormwater* collection and conveyance system components (filter socks, modular canisters, sand filtration, centrifugal separators, etc.).

5. Sampling Plan

The SWPPP shall include a sampling plan. The plan shall:

a. Identify points of *discharge* to surface water, *storm sewers*, or discrete *ground water* infiltration locations, such as dry wells or *detention* ponds.

b. Include documentation of why each *discharge* point is not sampled per S4.B.2.c (if applicable):

i. Location of which *discharge* points the Permittee does not sample because the *pollutant* concentrations are substantially identical to a discharge point being sampled.

ii. General industrial activities conducted in the drainage area of each *discharge* point.

iii. *Best Management Practices* conducted in the drainage area of each outfall.

iv. Exposed materials located in the drainage area of each *discharge* point that are likely to be significant contributors of *pollutants* to *stormwater discharges*.

v. Impervious surfaces in the drainage area that could affect the percolation of *stormwater runoff* into the ground (e.g., asphalt, crushed rock, grass, etc.).

vi. Reasons why the Permittee expects the *discharge* points to discharge substantially identical effluents.

c. Identify each sampling location by its unique identifying number such as A1, A2, etc.

d. Identify staff responsible for conducting *stormwater* sampling.

e. Specify procedures for sample collection and handling.

f. Specify procedures for sending samples to a laboratory.

g. Identify parameters for analysis, holding times and preservatives, laboratory *quantitation levels,* and analytical methods.

h. Specify the procedure for submitting results to *Ecology*.

S4. GENERAL SAMPLING REQUIREMENTS

A. General Requirements

The Permittee shall conduct sampling of *stormwater* in accordance with this permit and the SWPPP.

B. Sampling Requirements

1. Sample Timing and Frequency

a. The Permittee shall sample the *discharge* from each designated location at least once per quarter:

1st Quarter = January, February, and March

2nd Quarter = April, May, and June

3rd Quarter = July, August, and September

4th Quarter = October, November, and December

b. Permittees shall sample the *stormwater discharge* from the first fall storm event each year. "First fall storm event" means the first time after October 1st of each year that precipitation occurs and results in a *stormwater discharge* from a *facility*.

c. Permittees shall collect samples within the first 12 hours of *stormwater discharge* events. If it is not possible to collect a sample within the first 12 hours of a *stormwater* discharge event, the Permittee must collect the sample as soon as practicable after the first 12 hours, and keep documentation with the sampling records (Condition S4.B.3) explaining why they could not collect samples within the first 12

hours; or if it is unknown (e.g., discharge was occurring during start of regular business hours).

d. The Permittee shall obtain *representative samples,* which may be a single grab sample, a time-proportional sample, or a flow-proportional sample.

e. Permittees need not sample outside of *regular business hours*, during unsafe conditions, or during quarters where there is no discharge, but shall submit a Discharge Monitoring Report each reporting period (Condition S9.A).

2. Sample Location(s)

a. The Permittee shall designate sampling location(s) at the point(s) where it discharges *stormwater* associated with *industrial activity* off-site.

b. The Permittee is not required to sample on-site discharges to ground (e.g., infiltration, etc.) or *sanitary sewer* discharges, unless specifically required by *Ecology* (Condition G12).

c. The Permittee shall sample each distinct point of *discharge* off-site except as otherwise exempt from monitoring as a "substantially identical outfall" per S3.B.5.b. The Permittee is required to monitor only one of the "substantially identical outfalls" if two or more outfalls discharge substantially identical effluents (based on similar industrial activities and site conditions).

d. The exception to sampling each point of *discharge* in S4.B.2.c does not apply to any point of discharge subject to numeric effluent limitations (Conditions S5.C, S6.C & S6.D).

3. Sample Documentation

For each *stormwater* sample taken, the Permittee shall record the following information and retain it on-site for *Ecology* review:

a. Sample date.

b. Sample time.

c. A notation describing if the Permittee collected the sample within the first 12 hours of *stormwater* discharge events; or, if it is unknown (e.g., discharge was occurring during start of regular business hours).

d. An explanation of why it could not collect a sample within the first 12 hours of a *stormwater discharge* event, if it was not possible. Or, if it is unknown, an explanation of why it doesn't know if a sample was collected within or outside the first 12 hours of stormwater discharge.

e. Sample location (using SWPPP identifying number).

f. Method of sampling, and method of sample preservation, if applicable.

g. Individual who performed the sampling.

4. Laboratory Documentation

The Permittee shall retain laboratory reports on-site for *Ecology* review and shall ensure that all laboratory reports providing data for all parameters include the following information:

a. Date of analysis.

b. Parameter name.

c. CAS number, if applicable.

d. Analytical method(s).

e. Individual who performed the analysis.

f. Method detection limit (MDL).

g. Laboratory *quantitation level* (QL) achieved by the laboratory.

h. Reporting units.

i. Sample result.

j. Quality assurance/quality control data.

5. The Permittee shall maintain the original records onsite and make them available to *Ecology* upon request.

6. The Permittee may suspend sampling for one or more parameters (other than "visible oil sheen") based on consistent attainment of *benchmark* values when:

   a. Eight consecutive quarterly samples, collected after the effective date of this permit, demonstrate a reported value equal to or less than the *benchmark* value; or for pH, within the range of 5.0 – 9.0.

   b. For purposes of tallying "consecutive quarterly samples":

      i. Do not include any quarters in which the Permittee did not collect a sample, but should have (e.g., discharge(s) occurred during normal working hours, and during safe conditions; but no sample was collected during the entire quarter). If this occurs, the tally of consecutive quarterly samples is reset to zero.

      ii. Do not include any quarters in which the Permittee did not collect a sample because there was no *discharge* during the quarter (or the discharges during the quarter occurred outside normal working hours or during unsafe conditions). These quarters are not included in the calculation of eight consecutive quarters, but do not cause the tally to be reset; i.e., they are skipped over.

      iii. Permittees who suspended sampling based on consistent attainment of benchmarks prior to July 1, 2012 must resume/continue sampling until a total of eight consecutive quarterly samples demonstrate consistent attainment.

   c. Permittees monitoring more than once per quarter shall average all of the monitoring results for each parameter (except pH and "visible oil sheen") and compare the average value to the *benchmark* value.

7. A Permittee who has a *significant process change* shall not use previous sampling results to demonstrate consistent attainment.
8. Suspension of sampling based on consistent attainment *does not* apply to *pollutant* parameters subject to numeric effluent limits based on federal Effluent Limitation Guidelines (Condition S5.C) or Section 303(d) of the *Clean Water Act* (Condition S6).

C. Analytical Procedures for Sampling Requirements

The Permittee shall ensure that analytical methods used to meet the sampling requirements specified in this permit conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in *40 CFR* Part 136.

D. Laboratory Accreditation

1. The Permittee shall ensure that all analytical data required by *Ecology* is prepared by a laboratory registered or accredited under the provisions of, Accreditation of Environmental Laboratories, Chapter 173-50 WAC.
2. *Turbidity* and pH are exempt from this requirement, unless the laboratory must be registered or accredited for any other parameter.

S5. BENCHMARKS, EFFLUENT LIMITATIONS AND SPECIFIC SAMPLING REQUIREMENTS

A. Benchmarks and Sampling Requirements

1. Permittees shall sample their *stormwater discharges* as specified in Condition S4 and as specified in Table 2.
2. Additional sampling and/or requirements apply to specific industrial categories (S5.B), and facilities subject to effluent limitation guidelines (S5.C), and certain discharges to impaired waterbodies (S6).
3. If a Permittee's discharge exceeds a *benchmark* listed in Table 2, the Permittee shall take the actions specified in Condition S8. Permittees sampling more than once per quarter shall average the sample results for each parameter (except pH and "visible oil sheen") and compare the average value to the *benchmark* to determine if the discharge has exceeded a *benchmark* value.

Table 2: Benchmarks and Sampling Requirements Applicable to All Facilities

Parameter	Units	Benchmark Value	Analytical Method	Laboratory Quantitation Level [a]	Minimum Sampling Frequency [b]
Turbidity	NTU	25	EPA 180.1 Meter	0.5	1/quarter
pH	Standard Units	Between 5.0 and 9.0	Meter/Paper [c]	±0.5	1/quarter
Oil Sheen	Yes/No	No Visible Oil Sheen	N/A	N/A	1/quarter
Copper, Total	µg/L	Western WA: 14 Eastern WA: 32	EPA 200.8	2.0	1/quarter
Zinc, Total	µg/L	117	EPA 200.8	2.5	1/quarter

[a] The Permittee shall ensure laboratory results comply with the *quantitation level* specified in the table. However, if a Permittee knows that an alternate, less sensitive method (higher detection level and *quantitation level*) from *40 CFR* Part 136 is sufficient to produce measurable results in its effluent, it may use that method for analysis.

[b] 1/quarter means 1 sample taken each quarter, year-round.

[c] Permittees shall use either a calibrated pH meter or narrow-range pH indicator paper with a resolution not greater than ± 0.5 SU.

B. Additional Sampling Requirements for Specific Industrial Groups

1. In addition to the requirements in Table 2, all Permittees identified by an *industrial activity* in Table 3 shall sample *stormwater* discharges as specified in Condition S4 and in Table 3.
2. If a *discharge* exceeds a *benchmark* listed in Table 3, the Permittee shall take the actions specified in Condition S8. Permittees sampling more than once per quarter shall average the sample results for each parameter and compare the average value to the *benchmark* to determine if it the discharge has exceeded a *benchmark*.

Table 3: Additional Benchmarks and Sampling Requirements Applicable to Specific Industries

Parameter	Units	Benchmark Value	Analytical Method	Laboratory Quantitation Level [a]	Minimum Sampling Frequency [b]
1. Chemical and Allied Products (28xx), Food and Kindred Products (20xx)					
BOD_5	mg/L	30	EPA 405.1 or SM 5210B	2	1/quarter
Nitrate/Nitrite, as Nitrogen	mg/L	0.68	EPA 353.1	0.10	1/quarter
Phosphorus, Total	mg/L	2.0	EPA 365.1	0.10	1/quarter
2. Primary Metals(33xx), Metals Mining (10xx), Automobile Salvage and Scrap Recycling (5015 and 5093), Metals Fabricating (34xx)					
Lead, Total	µg/L	81.6	EPA 200.8	0.5	1/quarter
Total Petroleum Hydrocarbons (TPH)	mg/L	10	NWTPH-Dx	0.1	1/quarter
3. Hazardous Waste Treatment, Storage and Disposal Facilities and Dangerous Waste Recyclers subject to the provisions of Resource Conservation and Recovery Act (RCRA) Subtitle C					
Chemical Oxygen Demand (COD)	mg/L	120	SM5220-D	10	1/quarter
Ammonia, Total, as N	mg/L	2.1	SM4500-NH3- GH	0.3	1/quarter
TSS	mg/L	100	SM2540-D	5	1/quarter
Arsenic, Total	µg/L	150	EPA 200.8	0.5	1/quarter
Cadmium, Total	µg/L	2.1	EPA 200.8	0.25	1/quarter
Cyanide, Total	µg/L	22	SM 4500-CN I	10	1/quarter
Lead, Total	µg/L	81.6	EPA 200.8	0.5	1/quarter
Magnesium, Total	µg/L	64	EPA 200.7	80	1/quarter
Mercury, Total	µg/L	1.4	EPA 1631E	0.0005	1/quarter
Selenium, Total	µg/L	5.0	EPA 200.8	1.0	1/quarter
Silver, Total	µg/L	3.8	EPA 200.8	0.2	1/quarter
Total Petroleum Hydrocarbons (TPH)	mg/L	10	NWTPH-Dx	0.1	1/quarter
4. Air Transportation[c] (45xx)					
Ammonia	mg/L	2.1	SM4500-NH3- GH	0.3	1/quarter
BOD_5	mg/L	30	EPA 405.1 or SM 5210B	2	1/quarter
COD	mg/L	120	EPA 410.2	5	1/quarter
Nitrate/Nitrite, as N	mg/L	0.68	EPA 4500-NO3-E/F/H	0.10	1/quarter

Parameter	Units	Benchmark Value	Analytical Method	Laboratory Quantitation Level [a]	Minimum Sampling Frequency [b]
5. Timber Product Industry (24xx), Paper and Allied Products (26xx)					
COD	mg/L	120	SM5220-D	10	1/quarter
TSS	mg/L	100	SM2540-D	5	1/quarter

[a] The Permittee shall ensure laboratory results comply with the *quantitation level* specified in the table. However, if a Permittee knows that an alternate, less sensitive method (higher detection level and *quantitation level*) from *40 CFR* Part 136 is sufficient to produce measurable results in their effluent, that method may be used for analysis.

[b] 1/quarter means 1 sample taken each quarter, year-round.

[c] For airports where a single permittee, or a combination of permitted facilities use more than 100,000 gallons of glycol-based deicing chemicals and/or 100 tons or more of urea on an average annual basis, monitor these additional four parameters in those outfalls that collect *runoff* from areas where deicing activities occur (SIC 4512-4581).

C. Stormwater Discharges Subject to Effluent Limitation Guidelines

1. Permittees with discharges from the following activities shall comply with the effluent limits and monitor as specified in Condition S4 and Tables 4 and 5.
2. The *discharge* of the *pollutant*s at a level more than that identified and authorized by this permit for these activities shall constitute a violation of the terms and conditions of this permit.
3. Permittees operating non-hazardous waste *landfill*s subject to the provisions of *40 CFR* Part 445 Subpart B shall not exceed the effluent limits[3] listed in Table 4.

[3] As set forth in *40 CFR* Part 445 Subpart B, these numeric effluent limits apply to contaminated *stormwater* discharges from Municipal Solid Waste Landfills that have not been closed in accordance with *40 CFR* 258.60, and to contaminated *stormwater* discharges from those landfills that are subject to the provisions of *40 CFR* Part 257 except for discharges from any of the following facilities:
(a) landfills operated in conjunction with other industrial or commercial operations, when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
(b) landfills operated in conjunction with other industrial or commercial operations, when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in *40 CFR* Subchapter N as the industrial or commercial operation, or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
(c) landfills operated in conjunction with CWT facilities subject to *40 CFR* Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
(d) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

Table 4: Effluent Limits Applicable to Non-Hazardous Waste Landfills Subject to 40 CFR Part 445 Subpart B

Parameter	Units	Average Monthly [a]	Maximum Daily [b]	Analytical Method [c]	Laboratory Quantitation Level [d]	Minimum Sampling Frequency [e]
BOD_5	mg/L	37	140	EPA 405.1 or SM 5210B	2	1/quarter
TSS	mg/L	27	88	SM2540-D	5	1/quarter
Ammonia (total as N)	mg/L	4.9	10	SM4500-NH3-GH.	0.3	1/quarter
Alpha Terpineol	µg/L	16	33	EPA 625	5	1/quarter
Benzoic Acid	µg/L	71	120	EPA 625	50	1/quarter
p-Cresol (4-methylphenol)	µg/L	14	25	EPA 8270D	10 ug/L	1/quarter
Phenol	µg/L	15	26	EPA 625	4.0	1/quarter
Zinc, Total	µg/L	110	200	EPA 200.8	2.5	1/quarter
pH	SU	Between 6.0 and 9.0		Meter/Paper[e]	±0.1	1/quarter

a. Average monthly effluent limit means the highest allowable average of daily discharges over a calendar month. To calculate the *discharge* value to compare to the limit, you add the value of each daily discharge measured during a calendar month and divide this sum by the total number of daily discharges measured. If only one sample is taken during the calendar month, the average monthly effluent limitation applies to that sample. If only one sample is taken during the reporting period, the average monthly effluent limitation applies to that sample.

b. Maximum daily effluent limit means the highest allowable daily discharge. The daily *discharge* means the *discharge of a pollutant* measured during a calendar day. The daily discharge is the average measurement of the *pollutant* over the day; this does not apply to pH.

c. Or other equivalent EPA-approved method with the same or lower *quantitation level.*

d. The Permittee shall ensure laboratory results comply with the *quantitation level* specified in the table. However, if a Permittee knows that an alternate, less sensitive (higher detection level and *quantitation level*) from *40 CFR* Part 136 method will provide measurable results in its effluent, it may use that method for analysis.

e 1/quarter means 1 sample taken each quarter, year-round.

D. Conditionally Authorized Non-Stormwater Discharges

1. The categories and sources of non-*stormwater* discharges identified in Condition S5. D.2, below, are conditionally authorized, provided:

   a. The *discharge* is otherwise consistent with the terms and conditions of this permit, including Condition S5, S6 and S10.

b. The Permittee conducts the following assessment for each non-*stormwater discharge* (except for S5.D.2.a & f) and documents the assessment in the SWPPP, consistent with Condition S3.B.2. The Permittee shall:

i. Identify each source.

ii. Identify the location of the discharge into the *stormwater* collection system.

iii. Characterize the discharge including estimated flows or flow volume, and likely *pollutant*s which may be present.

iv. Evaluate and implement available and reasonable *source control BMPs* to reduce or eliminate the discharge.

v. Evaluate compliance of the *discharge* with the state *water quality standards*.

vi. Identify appropriate BMPs for each discharge to control *pollutant*s and or flow volumes.

2. Conditionally authorized non-*stormwater* discharges include:

a. Discharges from fire fighting activities.

b. Fire protection system flushing, testing, and maintenance.

c. Discharges of potable water including water line flushing, provided that water line flushing must be de-chlorinated prior to discharge.

d. Uncontaminated air conditioning or compressor condensate.

e. Landscape watering and irrigation drainage.

f. Uncontaminated *ground water* or spring water.

g. Discharges associated with dewatering of foundations, footing drains, or utility vaults where flows are not contaminated with process materials such as solvents.

h. Incidental windblown mist from cooling towers that collects on rooftops or areas adjacent to the cooling tower. This does not include intentional discharges from cooling towers such as piped cooling tower blow down or drains.

E. Prohibited Discharges

Unless authorized by a separate NPDES or state waste *discharge* permit, the following discharges are prohibited:

1. The discharge of *process wastewater* is not authorized. *Stormwater* that commingles with *process wastewater* is considered *process wastewater*.

2. *Illicit discharges* are not authorized by this permit. Conditionally authorized non-*stormwater* discharges in compliance with Condition S5.D are not *illicit discharges*.

F. General Prohibitions

Permittees shall manage *stormwater* to prevent the *discharge* of:

1. Synthetic, natural or processed oil or oil-containing products as identified by an oil sheen, and
2. Trash and floating debris.

S6. DISCHARGES TO 303(D)-LISTED OR TMDL WATERS

A. General Requirements for Discharges to 303(d)-listed Waters

Permittees with coverage under this permit that *discharge* to a *303(d)-listed water body* shall conduct sampling and inspections in accordance with Conditions S4, S6, and S7.

B. Limits on Coverage for New Discharges to TMDL or 303(d)-listed Waters

Facilities that meet the definition of "*new discharger*" and *discharge* to a *303(d) listed waterbody* are not eligible for coverage under this permit unless the *facility*:

1. Prevents all exposure to *stormwater* of the *pollutant*(s) for which the waterbody is impaired, and retains documentation of procedures taken to prevent exposure onsite with its SWPPP; or
2. Documents that the *pollutant*(s) for which the waterbody is impaired is not present at the *facility*, and retains documentation of this finding with the SWPPP; or
3. Provides *Ecology* with data to support a showing that the *discharge* is not expected to cause or contribute to an exceedance of a water quality standard, and retain such data onsite with its SWPPP. The *facility* must provide data and other technical information to *Ecology* sufficient to demonstrate:
    a. For discharges to waters without an *EPA* approved or established *TMDL*, that the *discharge* of the *pollutant* for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or
    b. For discharges to waters with an *EPA* approved or established *TMDL*, that there are sufficient remaining *wasteload allocations* in an *EPA* approved or established *TMDL* to allow industrial *stormwater discharge* and that existing *dischargers* to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with *water quality standards*.

Facilities are eligible for coverage under this permit if *Ecology* issues permit coverage based upon an affirmative determination that the *discharge* will not cause or contribute to the existing impairment.

C. Additional Sampling Requirements and Effluent Limits for Discharges to Certain 303(d)-listed Waters

1. Beginning July 1, 2010, Permittees discharging to a *303(d)-listed water body* that does not have an EPA-approved *total maximum daily load (TMDL)* shall comply with the applicable sampling requirements and effluent limits in Table 5, unless a compliance schedule is requested and granted in accordance with S6.C.1.b&c.

a. Facilities subject to these limits include, but may not be limited to, facilities listed in Appendix 4.

b. For purposes of this condition, "applicable sampling requirements and effluent limits" means the sampling and effluent limits in Table 5 that correspond to the specific parameter(s) the receiving water is *303(d)-listed* for at the time of permit coverage, or Total Suspended Solids (TSS) if the waterbody is *303(d)-listed* for any *sediment* quality parameter at the time of permit coverage.

c. Permittees may request a compliance schedule for relief from the July 1, 2010 deadline to comply with an applicable effluent limit in Condition S6.C. Permittees shall submit requests for compliance schedules in writing to *Ecology* no later than January 31, 2010 and shall include the company name, *facility* location, industrial *stormwater* permit number, and the reason for requesting a compliance schedule.

d. *Ecology* will consider all compliance schedule requests submitted by January 31, 2010. If *Ecology* determines that a Permittee is unable to comply with the applicable effluent limits by July 1, 2010, *Ecology* will establish a compliance schedule to require compliance as soon as possible, and no later than twenty-four months, or two complete wet seasons, after the effective date of this permit. *Ecology* will send its decision regarding the request for compliance schedule to the Permittee no sooner than April 1, 2010.

e. For purposes of this condition, "wet season" means Oct 1st through June 30th.

Table 5: Sampling and Effluent Limits Applicable to Discharges to 303(d)-listed Waters

Parameter	Units	Effluent Limit		Analytical Method [a]	Laboratory Quantitation Level [b]	Sampling Frequency
		Fresh Water	Marine			
Turbidity	NTUs	25	25	EPA 180.1 Meter	0.5	1/quarter [c]
pH	SU	[i]	Between 7.0 and 8.5	Meter [d]	±0.5	1/quarter [c]
Fecal Coliform Bacteria	# colonies/ 100 mL	[h]	[h]	SM 9222D	20 CFU/ 100 mL	1/quarter [c]
TSS [e]	mg/L	30	30	SM2540-D	5	1/quarter [c]
Phosphorus, Total	mg/L	[f]	[f]	EPA 365.1	0.01	1/quarter [c]
Ammonia, total as N	mg/L	[f]	[f]	SM 4500 NH^3-GH	0.3	1/quarter [c]
Copper, Total	µg/L	[f]	[f]	EPA 200.8	2.0	1/quarter [c]
Lead, Total	µg/L	[f]	[f]	EPA 200.8	0.5	1/quarter [c]
Mercury, Total	µg/L	2.1	1.8	EPA1631E	0.0005	1/quarter [c]
Zinc, Total	µg/L	[f]	[f]	EPA 200.8	2.5	1/quarter [c]
Pentachlorophenol	µg/L	9[g]	[f]	EPA 625	1.0	1/quarter [c]

[a] Or other equivalent method with the same reporting level.

[b] The Permittee shall ensure laboratory results comply with the *quantitation level* specified in the table.

[c] 1/quarter means 1 sample taken each quarter, e.g., Q1 = Jan 1 – March 31st, Q2 = April 1 – June 30th, etc.

[d] Permittees shall use either a calibrated pH meter consistent with *EPA* 9040 or an approved state method.

[e] A Permittee who discharges to a water body *303(d)-listed* for any *sediment* quality parameter shall sample the *discharge* for TSS.

[f] Site-specific effluent limitation will be assigned at the time of permit coverage.

[g] Based on a pH of 7.0.

[h] A numeric effluent limit does not apply, but permittees must sample according to Table 5. In addition, the following mandatory BMPs shall be incorporated into the SWPPP and implemented:

1) Use all known, available and reasonable methods to prevent rodents, birds, and other animals from feeding/nesting/roosting at the facility. Nothing in this section shall be construed as allowing violations of any applicable federal, state or local statutes, ordinances, or regulations including the Migratory Bird Treaty Act.

2) perform at least one annual dry weather inspection of the stormwater system to identify and eliminate sanitary sewer cross-connections;

3) Install structural source control BMPs to address on-site activities and sources that could cause bacterial contamination (e.g., dumpsters, compost piles, food waste, animal products, etc.):

4) Implement operational source control BMPs to prevent bacterial contamination from any known sources of fecal coliform bacteria (e.g., animal waste, etc.);

5) Additional bacteria-related sampling and/or BMPs, if ordered by Ecology on a case-by-case basis.

[i] The effluent limit for a Permittee who discharges to a fresh water body *303(d)-listed* for pH is: Between 6.0 and 8.5, if the 303(d)-listing is for high pH only; Between 6.5 and 9.0, if the 303(d)-listing is for low pH only; and Between 6.5 and 8.5 if the 303(d)-listing is for both low and high pH. All pH effluent limits are applied end-of-pipe.

D. Requirements for Discharges to Waters with Applicable TMDLs

1. The Permittee shall comply with *applicable TMDL* determinations. *Applicable TMDLs* or *TMDL* determinations are *TMDLs* which have been completed by the issuance date of this permit, or which have been completed prior to the date that the Permittee's *application* is received by *Ecology*, whichever is later. *Ecology* will list the Permittee's requirements to comply with this condition on the letter of permit coverage.
2. *TMDL* requirements associated with *TMDLs* completed after the issuance date of this permit only become effective if they are imposed through an administrative order issued by *Ecology*.
3. Where *Ecology* has established a *TMDL wasteload allocation* and sampling requirements for the Permittee's discharge, the Permittee shall comply with all requirements of the *TMDL* as listed in Appendix 5.
4. Where *Ecology* has established a *TMDL* general *wasteload allocation* for industrial *stormwater* discharges for a parameter present in the Permittee's discharge, but has not identified specific requirements, *Ecology* will assume the Permittee's compliance with the terms and conditions of the permit complies with the approved *TMDL*.
5. Where *Ecology* has not established a *TMDL wasteload allocation* for industrial *stormwater* discharges for a parameter present in the Permittee's discharge, but has not excluded these discharges, *Ecology* will assume the Permittee's compliance with the terms and conditions of this permit complies with the approved *TMDL*.
6. Where a *TMDL* for a parameter present in the Permittee's *discharge* specifically precludes or prohibits discharges of *stormwater* associated with *industrial activity*, the Permittee is not eligible for coverage under this permit.

S7. INSPECTIONS

A. Inspection Frequency and Personnel

1. The Permittee shall conduct and document visual inspections of the site each month.
2. The Permittee shall ensure that inspections are conducted by *qualified personnel*.

B. Inspection Components

Each inspection shall include:

1. Observations made at *stormwater* sampling locations and areas where *stormwater* associated with *industrial activity* is discharged off-site; or discharged to *waters of the state*, or to a *storm sewer* system that drains to *waters of the state*.
2. Observations for the presence of floating materials, visible oil sheen, discoloration, *turbidity*, odor, etc. in the *stormwater* discharge(s).
3. Observations for the presence of *illicit discharges* such as *domestic wastewater*, *noncontact cooling water*, or *process wastewater* (including *leachate*).

a. If an *illicit discharge* is discovered, the Permittee shall notify *Ecology* within seven days.

b. The Permittee shall eliminate the *illicit discharge* within 30 days.

4. A verification that the descriptions of potential *pollutant* sources required under this permit are accurate.

5. A verification that the site map in the SWPPP reflects current conditions.

6. An assessment of all BMPs that have been implemented, noting all of the following:

   a. Effectiveness of BMPs inspected.

   b. Locations of BMPs that need maintenance.

   c. Reason maintenance is needed and a schedule for maintenance.

   d. Locations where additional or different BMPs are needed and the rationale for the additional or different BMPs.

C. Inspection Results

1. The Permittee shall record the results of each inspection in an inspection report or checklist and keep the records on-site for *Ecology* review. The Permittee shall ensure each inspection report documents the observations, verifications and assessments required in S7.B and includes:

   a. Time and date of the inspection.

   b. Locations inspected.

   c. Statements that, in the judgment of 1) the person conducting the site inspection, and 2) the person described in Condition G2., the site is either in compliance or out of compliance with the terms and conditions of the SWPPP and this permit.

   d. A summary report and a schedule of implementation of the remedial actions that the Permittee plans to take if the site inspection indicates that the site is out of compliance. The remedial actions taken must meet the requirements of the SWPPP and the permit.

   e. Name, title, and signature of the person conducting site inspection; and the following statement: "I certify that this report is true, accurate, and complete, to the best of my knowledge and belief."

   f. Certification and signature of the person described in Condition G2.A, or a duly authorized representative of the *facility*, in accordance with Condition G.2.B.

D. Reports of Non-Compliance

The Permittee shall prepare reports of non-compliance identified during an inspection in accordance with the requirements of Condition S9.E.

S8. CORRECTIVE ACTIONS

A. Implementation of Source Control and Treatment BMPs from Previous Permit

In addition to the Corrective Action Requirements of S8.B-D, Permittees shall implement any applicable Level 1, 2 or 3 Responses required by the previous Industrial Stormwater *General Permit*(s). Permittees shall continue to operate and/or maintain any source control or *treatment BMP*s related to Level 1, 2 or 3 Responses implemented prior to the effective date of this permit.

B. Level One Corrective Actions – Operational Source Control BMPs

Permittees that exceed any applicable *benchmark* value(s) in Table 2 or Table 3, shall complete a Level 1 Corrective Action for each parameter exceeded in accordance with the following:

1. Within 14 days of receipt of sampling results that indicate a benchmark exceedance:
   a. Conduct an inspection to investigate the cause.
   b. Review the SWPPP and ensure that it fully complies with Permit Condition S3, and contains the correct BMPs from the applicable *Stormwater Management Manual*.
   c. Make appropriate revisions to the SWPPP to include additional *Operational Source Control BMPs* with the goal of achieving the applicable *benchmark* value(s) in future discharges. The Permittee shall sign and certify the revised SWPPP in accordance with S3.A.6.
2. Summarize the Level 1 Corrective Actions in the Annual Report (Condition S9.B)
3. **Level One Deadline:** The Permittee shall fully implement the revised SWPPP according to Permit Condition S3 and the applicable *Stormwater Management Manual* as soon as possible, but no later than the DMR due date for the quarter the *benchmark* was exceeded.

C. Level Two Corrective Actions – Structural Source Control BMPs

Permittees that exceed an applicable *benchmark* value (for a single parameter) for any two quarters during a calendar year shall complete a Level 2 Corrective Action in accordance with S8.C. Alternatively, the permittee may skip Level 2 and complete a Level 3 Corrective Action in accordance with Condition S8.D.

1. Review the SWPPP and ensure that it fully complies with Permit Condition S3.
2. Make appropriate revisions to the SWPPP to include additional *Structural Source Control BMPs* with the goal of achieving the applicable *benchmark* value(s) in future discharges. The Permittee shall sign and certify the revised SWPPP in accordance with S3.A.6.
3. Summarize the Level 2 Corrective Actions (planned or taken) in the Annual Report (Condition S9.B).

4. **Level 2 Deadline:** The Permittee shall fully implement the revised SWPPP according to Permit Condition S3 and the applicable *Stormwater Management Manual* as soon as possible, but no later than August 31st the following year[4].

   a. If installation of necessary *Structural Source Control BMPs* is not feasible by August 31st the following year, *Ecology* may approve additional time, by approving a *Modification of Permit Coverage*.

   b. If installation of *Structural Source Control BMPs* is not feasible or not necessary to prevent discharges that may cause or contribute to a violation of a water quality standard, *Ecology* may waive the requirement for additional *Structural Source Control BMPs* by approving a *Modification of Permit Coverage*.

   c. To request a time extension or waiver, a Permittee shall submit a detailed explanation of why it is making the request (technical basis), and a *Modification of Coverage* form to *Ecology* in accordance with Condition S2.B, by May 15th prior to Level 2 Deadline. *Ecology* will approve or deny the request within 60 days of receipt of a complete *Modification of Coverage* request.

   d. For the year following the calendar year the permittee triggered a Level 2 corrective action, benchmark exceedences (for the same parameter) do not count towards additional Level 2 or 3 Corrective Actions.

D. Level Three Corrective Actions – Treatment BMPs

Permittees that exceed an applicable *benchmark* value (for a single parameter) for any three quarters during a calendar year shall complete a Level 3 Corrective Action in accordance with S8.D. A Level 2 Corrective Action is not required.

1. Review the SWPPP and ensure that it fully complies with Permit Condition S3.
2. Make appropriate revisions to the SWPPP to include additional *Treatment BMPs* with the goal of achieving the applicable *benchmark* value(s) in future discharges. Revisions shall include additional operational and/or structural source control BMPs if necessary for proper performance and maintenance of *Treatment BMPs*.

   a. The Permittee shall sign and certify the revised SWPPP in accordance with S3.A.6.

   b. A licensed professional engineer, geologist, hydrogeologist, or Certified Professional in Storm Water Quality (CPSWQ) shall design and stamp the portion of the SWPPP that addresses *stormwater* treatment structures or processes.

      i. *Ecology* may waive the requirement for a licensed or certified professional upon request of the Permittee and demonstration that the Permittee or treatment device vendor can properly design and install the treatment device; or the treatment BMP doesn't require site-specific design or sizing (e.g., off-the-shelf filtration units, etc.).

      ii. *Ecology* will not waive the Level 3 requirement for a licensed or certified professional more than one time during the permit cycle.

[4] For Level 2 Corrective Actions triggered in 2011 and due in 2012, the Level 2 Deadline is September 30, 2012.

3. Before installing treatment BMPs that require the site-specific design or sizing of structures, equipment, or processes to collect, convey, treat, reclaim, or dispose of industrial stormwater, the Permittee shall submit an engineering report, plans and specifications, and an operations and maintenance (O&M) manual to Ecology for review in accordance with Chapter 173-240 WAC.

   a. The engineering report shall be submitted no later than the May 15th prior to the Level 3 deadline, unless an alternate due date is specified in an order.

   b. The plans and specifications and O&M Manual shall be submitted at least 30 days before construction/installation, unless an alternate date is specified in an order. Upon request of the Permittee, Ecology may allow final conceptual drawings to be substituted for plans and specifications.

4. Summarize the Level 3 Corrective Actions (planned or taken) in the Annual Report (Condition S9.B). Include information on how monitoring, assessment or evaluation information was (or will be) used to determine whether existing treatment BMPs will be modified/enhanced, or if new/additional treatment BMPs will be installed.

5. **Level 3 Deadline**: The Permittee shall fully implement the revised SWPPP according to Permit Condition S3 and the applicable *Stormwater Management Manual* as soon as possible, but no later than September 30th the following year.

   a. If installation of necessary *Treatment BMPs* is not feasible by the Level 3 Deadline; *Ecology* may approve additional time by approving a *Modification of Permit Coverage*.

   b. If installation of *Treatment BMPs* is not feasible or not necessary to prevent discharges that may cause or contribute to violation of a water quality standard, *Ecology* may waive the requirement for *Treatment BMPs* by approving a *Modification of Permit Coverage*.

   c. To request a time extension or waiver, a Permittee shall submit a detailed explanation of why it is making the request (technical basis), and a Modification of Coverage form to *Ecology* in accordance with Condition S2.B, by May 15th prior to the Level 3 Deadline. *Ecology* will approve or deny the request within 60 days of receipt of a complete *Modification of Coverage* request.

   d. For the year following the calendar year the Permittee triggered a Level 3 corrective action, benchmark exceedences (for the same parameter) do not count towards additional Level 2 or 3 Corrective Actions.

S9. REPORTING AND RECORDKEEPING

A. Discharge Monitoring Reports

1. The Permittee shall submit sampling data obtained during each reporting period on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by *Ecology*.

2. The Permittee shall submit sampling results within 45 days of the end of each reporting period.
3. The first reporting period shall begin on the effective date of permit coverage.
4. Upon permit coverage, the Permittee shall ensure that DMRs are postmarked or received by *Ecology* by the DMR Due Dates below:

Table 7: Reporting Dates and DMR Due Dates

Reporting Period	Months	DMR Due Date
1st	January-March	May 15
2nd	April-June	August 14
3rd	July-Sept	November 14
4th	October-December	February 14

5. DMRs shall be submitted using *Ecology*'s WAWebDMR system or by mail to the following address:

Department of Ecology
Water Quality Program – Industrial Stormwater
PO Box 47696
Olympia, Washington 98504-7696

6. Upon permit coverage, the Permittee shall submit a DMR each reporting period, whether or not the *facility* has discharged *stormwater* from the site.
   a. If no *stormwater* sample was obtained from the site during a given reporting period, the Permittee shall submit the DMR form indicating "no sample obtained", or "no discharge during the quarter", as applicable.
   b. If a Permittee has suspended sampling for a parameter due to consistent attainment, the Permittee shall submit a DMR and indicate that it has achieved Consistent Attainment for that parameter(s).

B. Annual Reports

1. The Permittee shall submit a complete and accurate Annual Report to the Department of *Ecology* no later than May 15th of each year (except 2010) using a form provided by or otherwise approved by *Ecology*.
2. The annual report shall include corrective action documentation as required in S8.B-D. If corrective action is not yet completed at the time of submission of this annual report, the Permittee must describe the status of any outstanding corrective action(s).
3. Permittees shall include the following information with each annual report. The Permittee shall:
   a. Identify the condition triggering the need for corrective action review.
   b. Describe the problem(s) and identify the dates they were discovered.
   c. Summarize any Level 1, 2 or 3 corrective actions completed during the previous calendar year and include the dates it completed the corrective actions.

d. Describe the status of any Level 2 or 3 corrective actions triggered during the previous calendar year, and identify the date it expects to complete corrective actions.

4. Permittees shall retain a copy of all annual reports onsite for *Ecology* review.

C. Records Retention

1. The Permittee shall retain the following documents onsite for a minimum of five years:
   a. A copy of this permit.
   b. A copy of the permit coverage letter.
   c. Records of all sampling information specified in Condition S4.B.3.
   d. Inspection reports including documentation specified in Condition S7.
   e. Any other documentation of compliance with permit requirements.
   f. All equipment calibration records.
   g. All BMP maintenance records.
   h. All original recordings for continuous sampling instrumentation.
   i. Copies of all laboratory reports as described in Condition S3.B.4.
   j. Copies of all reports required by this permit.
   k. Records of all data used to complete the *application* for this permit.
2. The Permittee shall extend the period of records retention during the course of any unresolved litigation regarding the *discharge* of *pollutant*s by the Permittee, or when requested by *Ecology*.
3. The Permittee shall make all plans, documents and records required by this permit immediately available to *Ecology* or the local jurisdiction upon request; or within 14 days of a written request from *Ecology*.

D. Additional Sampling by the Permittee

If the Permittee samples any *pollutant* at a designated sampling point more frequently than required by this permit, then the Permittee shall include the results in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Reporting Permit Violations

1. In the event the Permittee is unable to comply with any of the terms and conditions of this permit which may endanger human health or the environment, or the facility experiences any *bypass* or upset which causes an exceedance of any effluent limitation in the permit, the Permittee shall:
   a. Immediately take action to minimize potential *pollution* or otherwise stop the noncompliance and correct the problem.

b. Immediately notify the appropriate *Ecology* regional office of the failure to comply.

c. Submit a detailed written report to *Ecology* within 30 days unless *Ecology* requests an earlier submission. The Permittee's report shall contain:

i. A description of the noncompliance, including exact dates and times.

ii. Whether the noncompliance has been corrected and, if not, when the noncompliance will be corrected.

iii. The steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. Compliance with the requirements of this section does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Public Access to SWPPP

The Permittee shall provide access to, or a copy of, the SWPPP to the public when requested in writing. Upon receiving a written request from the public for the SWPPP, the Permittee shall:

1. Provide a copy of the SWPPP to the requestor within 14 days of receipt of the written request; or

2. Notify the requestor within 10 days of receipt of the written request of the location and times within normal business hours when the requestor may view the SWPPP , and provide access to the SWPPP within 14 days of receipt of the written request; or

3. Provide a copy of the plans and records to *Ecology*, where the requestor may view the records, within 14 days of a request; or may arrange with the requestor for an alternative, mutually agreed upon location for viewing and/or copying of the plans and records. If access to the plans and records is provided at a location other than at an *Ecology* office, the Permittee will provide reasonable access to copying services for which it may charge a reasonable fee.

S10. COMPLIANCE WITH STANDARDS

A. Discharges shall not cause or contribute to a violation of *Surface Water Quality Standards* (Chapter 173-201A WAC), Ground Water Quality Standards (Chapter 173-200 WAC), Sediment Management Standards (Chapter 173-204 WAC), and human health-based criteria in the National Toxics Rule (*40 CFR* 131.36). Discharges that are not in compliance with these standards are prohibited.

B. *Ecology* will presume compliance with *water quality standards*, unless *discharge* monitoring data or other site specific information demonstrates that a discharge causes or contributes to violation of *water quality standards*, when the Permittee is:

1. In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions.
2. Fully implementing storm water *best management practices* contained in storm water technical manuals approved by the department, or practices that are *demonstrably equivalent* to practices contained in storm water technical manuals approved by *Ecology*, including the proper selection, implementation, and maintenance of all applicable and appropriate *best management practices* for on-site *pollution* control.

C. Prior to the *discharge* of *stormwater* and non-stormwater to *waters of the state*, the Permittee shall apply all known and reasonable methods of prevention, control, and treatment (*AKART*). To comply with this condition, the Permittee shall prepare and implement an adequate SWPPP, with all applicable and appropriate BMPs, including the BMPs necessary to meet the standards identified in Condition S10.A, and shall install and maintain the BMPs in accordance with the SWPPP, applicable SWMMs, and the terms and conditions of this permit.

S11. PERMIT FEES

A. The Permittee shall pay permit fees assessed by *Ecology* and established in Chapter 173-224 WAC.

B. *Ecology* will continue to assess permit fees until it terminates a permit in accordance with Special Condition S13 or revoked in accordance with General Condition G5.

S12. SOLID AND LIQUID WASTE MANAGEMENT

The Permittee shall not allow solid waste material or *leachate* to cause violations of the State Surface *Water Quality Standards* (Chapter 173-201A WAC), the *Ground Water Quality Standards* (Chapter 173-200 WAC) or the Sediment Management Standards (Chapter 173-204 WAC).

S13. NOTICE OF TERMINATION (NOT)

A. Conditions for a NOT

Ecology may approve a *Notice of Termination* (NOT) request when the Permittee meets one or more of the following conditions:

1. All permitted *stormwater* discharges associated with *industrial activity* that are authorized by this permit cease because the *industrial activity* has ceased, and no *significant materials* or industrial *pollutants* remain exposed to *stormwater*.
2. The party that is responsible for permit coverage (signatory to *application*) sells or otherwise legally transfers responsibility for the *industrial activity*.
3. All *stormwater* discharges associated with *industrial activity* are prevented because the *stormwater* is redirected to a *sanitary sewer*, or discharged to ground (e.g., infiltration, etc.).

B. Procedure for Obtaining Termination

1. The Permittee shall apply for a NOT on a form specified by *Ecology* (NOT Form).
2. The Permittee seeking permit coverage termination shall sign the NOT in accordance with Condition G2. of this permit.
3. The Permittee shall submit the completed NOT form to *Ecology* at the address in Condition S9.A.5.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

All discharges and activities authorized by this *general permit* shall be consistent with the terms and conditions of this *general permit*. Any *discharge* of any *pollutant* more frequently than, or at a level in excess of that identified and authorized by the *general permit*, shall constitute a violation of the terms and conditions of this permit.

G2. SIGNATORY REQUIREMENTS

A. All permit *applications* shall be signed:

1. In the case of corporations, by a responsible corporate officer of at least the level of vice president of a corporation.
2. In the case of a partnership, by a general partner of a partnership.
3. In the case of sole proprietorship, by the proprietor.
4. In the case of a municipal, state, or other public *facility*, by either a principal executive officer or ranking elected official.

B. All reports required by this permit and other information requested by *Ecology* shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the *Ecology*.
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated *facility*, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

C. Changes to authorization. If an authorization under paragraph G2.B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the *facility*, a new authorization satisfying the requirements of paragraph G2.B.2 above shall be submitted to *Ecology* prior to, or together with, any reports, information, or *applications* to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

> "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 submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, 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."

G3. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of *Ecology*, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a *discharge* is located or where any records shall be kept under the terms and conditions of this permit.

B. To have access to and copy, at reasonable times and at reasonable cost, any records required to be kept under the terms and conditions of this permit.

C. To inspect, at reasonable times, any facilities, equipment (including sampling and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor, at reasonable times, any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the *Clean Water Act*.

G4. GENERAL PERMIT MODIFICATION AND REVOCATION

This permit may be modified, revoked and reissued, or terminated in accordance with the provisions of Chapter 173-226 WAC. Grounds for modification, revocation and reissuance, or termination include, but are not limited to, the following:

A. When a change which occurs in the technology or practices for control or abatement of *pollutant*s applicable to the category of *dischargers* covered under this permit.

B. When effluent limitation guidelines or standards are promulgated pursuant to the CWA or Chapter 90.48 RCW, for the category of *dischargers* covered under this permit.

C. When a water quality management plan containing requirements applicable to the category of *dischargers* covered under this permit is approved.

D. When information is obtained which indicates that cumulative effects on the environment from *dischargers* covered under this permit are unacceptable.

G5. REVOCATION OF COVERAGE UNDER THE PERMIT

A. Pursuant with Chapter 43.21B RCW and Chapter 173-226 WAC, *Ecology* may terminate coverage for any *discharger* under this permit for cause. Cases where coverage may be terminated include, but are not limited to, the following:

1. Violation of any term or condition of this permit.
2. Obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts.
3. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

4. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
5. A determination that the permitted activity endangers human health or the environment, or contributes to *water quality standards* violations.
6. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and Chapter 173-224 WAC.
7. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable.

B. *Ecology* may require any *discharger* under this permit to apply for and obtain coverage under an individual permit or another more specific *general permit.*

C. Permittees who have their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within 90 days from the time of revocation and is submitted along with a complete individual permit *application* form.

G6. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new *application*, or a supplement to the previous *application*, whenever a material change to the *industrial activity* or in the quantity or type of *discharge* is anticipated which is not specifically authorized by this permit. This *application* shall be submitted at least 60 days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G7. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G8. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 180 days prior to the expiration date of this permit.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other *pollutants* removed in the course of treatment or control of *stormwater* shall not be resuspended or reintroduced to the final effluent stream for *discharge* to state waters.

G10. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to *Ecology*, within a reasonable time, all information which *Ecology* may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to *Ecology*, upon request, copies of records required to be kept by this permit [*40 CFR* 122.41(h)].

G11. OTHER REQUIREMENTS OF 40 CFR

All other requirements of *40 CFR* 122.41 and 122.42 are incorporated in this permit by reference.

G12. ADDITIONAL SAMPLING

Ecology may establish specific sampling requirements in addition to those contained in this permit by administrative order or permit modification.

G13. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to $10,000 and costs of prosecution, or by imprisonment at the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of this permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to $10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G14. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted *facility* was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S9.E; and 4) the Permittee complied with any remedial measures required under this permit.

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G15. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G16. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the *Clean Water Act* and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal *application*.

G17. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the *Clean Water Act* for toxic *pollutant*s within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G18. PENALTIES FOR TAMPERING

The *Clean Water Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate any sampling device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than $20,000 per day of violation, or imprisonment of not more than four years, or both.

G19. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, give notice to *Ecology* of planned physical alterations, modifications or additions to the permitted *industrial activity*, which will result in:

A. The permitted *facility* being determined to be a new source pursuant to *40 CFR* 122.29(b).

B. A *significant process change*, as defined in the glossary of this permit.

C. A change in the location of *industrial activity* that affects the Permittee's sampling requirements in Conditions S3, S4, S5, and S6.

Following such notice, permit coverage may be modified, or revoked and reissued pursuant to *40 CFR* 122.62(a) to specify and limit any *pollutant*s not previously limited. Until such modification is effective, any new or increased *discharge* in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G20. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit *application*, or submitted incorrect information in a permit *application* or in any report to *Ecology*, it shall promptly submit such facts or information.

G21. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to *Ecology* by submission of a new *application*, or supplement to the existing *application*, at least 45 days prior to commencement of such discharges, of any *facility* expansions, production increases, or other planned changes, such as process modifications, in the permitted *facility* or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by *Ecology*.

G22. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER THE PERMIT

A. Any *discharger* authorized by this permit may request to be excluded from coverage under the *general permit* by applying for an individual permit.

B. The *discharger* shall submit to *Ecology* an *application* as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. These reasons shall fully document how an individual permit will apply to the applicant in a way that the *general permit* cannot.

C. *Ecology* may make specific requests for information to support the request. *Ecology* shall either issue an individual permit or deny the request with a statement explaining the reason for the denial.

D. When an individual permit is issued to a *discharger* otherwise subject to the industrial *stormwater general permit*, the applicability of the industrial *stormwater general permit* to that Permittee is automatically terminated on the effective date of the individual permit.

G23. APPEALS

A. The terms and conditions of this *general permit*, as they apply to the appropriate class of *dischargers*, are subject to appeal by any person within 30 days of issuance of this *general permit*, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.

B. The terms and conditions of this *general permit*, as they apply to an individual *discharger*, are appealable in accordance with Chapter 43.21B RCW within 30 days of the effective date of coverage of that *discharger*. Consideration of an appeal of *general permit* coverage of an individual *discharger* is limited to the *general permit*'s applicability or nonapplicability to that individual *discharger*.

C. The appeal of *general permit* coverage of an individual *discharger* does not affect any other *discharger*s covered under this *general permit*. If the terms and conditions of this *general permit* are found to be inapplicable to any individual *discharger*(s), the matter shall be remanded to *Ecology* for consideration of issuance of an individual permit or permits.

G24. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or *application* of any provision of this permit to any circumstance, is held invalid, the *application* of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

G25. BYPASS PROHIBITED

Bypass, which is the intentional diversion of waste streams from any portion of a treatment *facility*, is prohibited, and *Ecology* may take enforcement action against a Permittee for *bypass* unless one of the following circumstances (A, B, or C) is applicable.

A. *Bypass* for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by *Ecology* prior to the *bypass*. The Permittee must submit prior notice, if possible, at least ten (10) days before the date of the *bypass*.

B. *Bypass* Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit

This *bypass* is permitted only if:

1. *Bypass* is unavoidable to prevent loss of life, personal injury, or *severe property damage*. "*Severe property damage*" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a *bypass*.

2. There are no feasible alternatives to the *bypass*, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a *bypass* which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment *facility*.
3. *Ecology* is properly notified of the *bypass* as required in condition S9E of this permit.

C. *Bypass* which is Anticipated and has the Potential to Result in Noncompliance of this Permit

The Permittee must notify *Ecology* at least thirty (30) days before the planned date of *bypass*. The notice must contain (1) a description of the *bypass* and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of *bypass* under each alternative; (5) a recommendation as to the preferred alternative for conducting the *bypass*; (6) the projected date of *bypass* initiation; (7) a statement of compliance with SEPA; (8) a request for modification of *water quality standards* as provided for in WAC 173-201A-410, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the *bypass*.

For probable construction bypasses, the need to *bypass* is to be identified as early in the planning process as possible. The analysis required above must be considered during preparation of the engineering report or facilities plan and plans and specifications and must be included to the extent practical. In cases where the probable need to *bypass* is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the *bypass*.

Ecology will consider the following prior to issuing an administrative order for this type *bypass*:

1. If the *bypass* is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
2. If there are feasible alternatives to *bypass*, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment *facility*.
3. If the *bypass* is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed *bypass* and any other relevant factors, *Ecology* will approve or deny the request. The public must be notified and given an opportunity to comment on *bypass* incidents of significant duration, to the extent feasible. Approval of a request to *bypass* will be by administrative order issued by *Ecology* under RCW 90.48.120.

APPENDIX 1 - ACRONYMS

BMP	Best Management Practice
CAS	Chemical Abstract Service
CERCLA	Comprehensive Environmental Response Compensation & Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
CWA	Centralized Waste Treatment
EPA	Environmental Protection Agency
ESC	Erosion and Sediment Control
FWPCA	Federal Water Pollution Control Act
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
RCRA	Resource Conservation and Recovery Act
RCW	Revised Code of Washington
SARA	Superfund Amendment and Reauthorization Act
SEPA	State Environmental Policy Act
SIC	Standard Industrial Classification
SMCRA	Surface Mining Control and Reclamation Act
SWMM	Stormwater Management Manual
SWPPP	Stormwater Pollution Prevention Plan
TMDL	Total Maximum Daily Load
USC	United States Code
USEPA	United States Environmental Protection Agency
WAC	Washington Administrative Code
WQ	Water Quality

APPENDIX 2 - DEFINITIONS

40 CFR means Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

303(d)-listed water body means waterbodies as listed as Category 5 on Washington State's Water Quality Assessment.

Air Emission means a release of air contaminants into the ambient air.

AKART is an acronym for "all known, available, and reasonable methods of prevention, control, and treatment." AKART represents the most current methodology that can be reasonably required for preventing, controlling, or abating the *pollutant*s and controlling *pollution* associated with a discharge.

Applicable TMDL means any *TMDL* which has been completed either before the issuance date of this permit or the date the permittee first obtains coverage under this permit, whichever is later.

Application means a request for coverage under this *general permit* pursuant to WAC 173-226-200. Also called a *Notice of Intent (NOI)*.

Best Management Practices (*BMPs* - general definition) means schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the *pollution* of *waters of the state*. BMPs include treatment systems, operating procedures, and practices to control: plant site *runoff*, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In this permit BMPs are further categorized as operational source control, structural source control, *erosion* and *sediment* control, and *treatment BMP*s.

Benchmark means a *pollutant* concentration used as a permit threshold, below which a pollutant is considered unlikely to cause a water quality violation, and above which it may. When pollutant concentrations exceed benchmarks, corrective action requirements take effect. Benchmark values are not *water quality standards* and are not numeric effluent limitations; they are indicator values.

Bypass means the intentional diversion of waste streams from any portion of a treatment *facility*.

Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1251 et seq.

Combined Sewer means a sewer which has been designed to serve as a *sanitary sewer* and a *storm sewer*, and into which inflow is allowed by local ordinance.

Construction Activity means clearing, grading, excavation and any other activity which disturbs the surface of the land. Such activities may include road building, construction of residential houses, office buildings, industrial buildings, and demolition activity.

Control Plan means a *total maximum daily load (TMDL)* determination, restrictions for the protection of endangered species, a *ground water* management plan, or other limitations that regulate or set limits on discharges to a specific water body or *ground water* recharge area.

Demonstrably Equivalent means that the technical basis for the selection of all storm water *best management practices* are documented within a storm water *pollution* prevention plan. The storm water *pollution* prevention plan must document: 1) The method and reasons for choosing the storm water *best management practices* selected; 2) The *pollutant* removal performance expected from the practices selected; 3) The technical basis supporting the performance claims for the practices selected, including any available existing data concerning field performance of the practices selected; 4) An assessment of how the selected practices will comply with state *water quality standards*; and 5) An assessment of how the selected practices will satisfy both applicable federal technology-based treatment requirements and state requirements to use all known, available, and reasonable methods of prevention, control, and treatment.

Detention means the temporary storage of *stormwater* to improve quality and/or to reduce the mass flow rate of discharge.

Discharge [of a pollutant] means any addition of any *pollutant* or combination of pollutants to waters of the United States from any point source. This definition includes additions of pollutants into waters of the United States from: surface *runoff* which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, *municipality*, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

Discharger means an owner or operator of any *facility* or activity subject to regulation under Chapter 90.48 RCW or the Federal *Clean Water Act*.

Domestic Wastewater means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such *ground water* infiltration or surface waters as may be present.

Ecology means the Washington State Department of *Ecology*.

EPA means the United States Environmental Protection Agency.

Equivalent BMPs means operational, source control, treatment, or innovative BMPs which result in equal or better quality of *stormwater discharge* to surface water or to *ground water* than BMPs selected from the SWMM.

Erosion means the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.

Erosion and Sediment Control BMPs means BMPs that are intended to prevent *erosion* and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, filter fences, and *sediment* traps and ponds.

Existing Facility means a *facility* that was in operation prior to the effective date of this permit. It also includes any *facility* that is not categorically included for coverage but is in operation when identified by *Ecology* as a *significant contributor of pollutants*.

Facility means any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program. See *40 CFR* 122.2.

General Permit means a permit which covers multiple *dischargers* of a point source category within a designated geographical area, in lieu of individual permits being issued to each *discharger*.

Ground Water means water in a saturated zone or stratum beneath the land surface or a surface water body.

Illicit Discharge means any *discharge* that is not composed entirely of *stormwater* except (1) discharges authorized pursuant to a separate NPDES permit, or (2) conditionally authorized non-*stormwater* discharges identified in Condition S5.D.

Inactive Facility means a *facility* that no longer engages in business, production, providing services, or any auxiliary operation.

Industrial Activity means (1) the 11 categories of industrial activities identified in *40 CFR* 122.26(b)(14)(i-xi) that must apply for either coverage under this permit or no exposure certification, (2) any *facility* conducting any activities described in Table 1, and (3) identified by *Ecology* as a *significant contributor of pollutants*. Table 1 lists the 11 categories of industrial activities identified in *40 CFR* 122.26(b)(14)(i-xi) in a different format.

Landfill means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a *land application site*, surface impoundment, injection well, or waste pile.

Land Application Site means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

Leachate means water or other liquid that has percolated through raw material, product or waste and contains substances in solution or suspension as a result of the contact with these materials.

Local Government means any county, city, or town having its own government for local affairs.

Material Handling means storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product.

Municipality means a political unit such as a city, town or county; incorporated for local self-government.

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking, and reissuing, terminating, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal *Clean Water Act*, for the *discharge* of *pollutants* to *surface waters of the state* from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington Department of *Ecology*.

New Development means land disturbing activities, including Class IV -general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

New Discharge(r) means a *facility* from which there is a discharge, that did not commence the *discharge* at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See *40 CFR* 122.2.

New Facility means a *facility* that begins activities that result in a *discharge* or a potential discharge to *waters of the state* on or after the effective date of this *general permit*.

Noncontact Cooling Water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Notice of Termination (NOT) means a request for termination of coverage under this *general permit* as specified by Special Condition S13 of this permit.

Operational Source Control BMPs means schedule of activities, prohibition of practices, maintenance procedures, employee training, good housekeeping, and other managerial practices to prevent or reduce the *pollution* of *waters of the state*. Not included are BMPs that require construction of *pollution* control devices.

Pollutant means the *discharge* of any of the following to *waters of the state*: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, domestic sewage sludge (biosolids), munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste. This term does not include sewage from vessels within the meaning of section 312 of the FWPCA nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

Pollution means contamination or other alteration of the physical, chemical, or biological properties of *waters of the state*; including change in temperature, taste, color, *turbidity*, or odor of the waters; or such *discharge* of any liquid, gaseous, solid, radioactive or other substance into any *waters of the state* as will or is likely to create a nuisance or render such waters harmful,

detrimental or injurious to the public health, safety or welfare; or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish, or other aquatic life.

Process Wastewater means any water which, during manufacturing or processing, comes into direct contact or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Qualified Personnel means those who possess the knowledge and skills to assess conditions and activities that could impact *stormwater* quality at the *facility*, and evaluate the effectiveness of *best management practices* required by this permit.

Quantitation Level (QL) also known as Minimum Level of Quantitation (ML) means the lowest level at which the entire analytical system must give a recognizable signal and acceptable calibration point for the analyte. It is equivalent to the concentration of the lowest calibration standard, assuming that all method-specified sample weights, volumes, and cleanup procedures have been employed.

Reasonable Potential means the likely probability for *pollutant*s in the *discharge* to exceed the applicable water quality criteria in the receiving water body.

Redevelopment means on a site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

Regular Business Hours means those time frames when the *facility* is engaged in its primary production process, but does not include additional shifts or weekends when partial staffing is at the site primarily for maintenance and incidental production activities. *Regular business hours* do not include periods of time that the *facility* is inactive and *unstaffed*.

Representative [sample] means a sample of the *discharge* that accurately characterizes *stormwater runoff* generated in the designated drainage area of the *facility*.

Runoff means that portion of rainfall or snowmelt water not absorbed into the ground that becomes surface flow.

Sanitary Sewer means a sewer which is designed to convey *domestic wastewater*.

Sediment means the fragmented material that originates from the weathering and *erosion* of rocks, unconsolidated deposits, or unpaved yards, and is transported by, suspended in, or deposited by water.

Severe Property Damage means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a *bypass*. *Severe property damage* does not mean economic loss caused by delays in production.

Significant Amount means an amount of a *pollutant* in a *discharge* that is amenable to available and reasonable methods of prevention, control, or treatment; or an amount of a *pollutant* that has a *reasonable potential* to cause a violation of surface or *ground water quality standards* or *sediment* management standards.

Significant Contributor of Pollutant(s) means a *facility* determined by *Ecology* to be a contributor of a *significant amount*(s) of a *pollutant*(s) to *waters of the state*.

Significant Materials includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the *facility* is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with *stormwater* discharges.

Significant Process Change means any modification of the *facility* that would result in any of the following:

1. Add different *pollutants* in a *significant amount* to the discharge.
2. Increase the *pollutants* in the *stormwater discharge* by a *significant amount*.
3. Add a new *industrial activity* (SIC) that was not previously covered.
4. Add additional impervious surface or acreage such that *stormwater* discharge would be increased by 25% or more.

Source Control BMPs means structures or operations that are intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. This permit separates source control into two types: *structural source control BMPs* and *operational source control BMPs*.

Standard Industrial Classification (SIC) is the statistical classification standard underlying all establishment-based federal economic statistics classified by industry as reported in the 1987 SIC Manual by the Office of Management and Budget.

State Environmental Policy Act (SEPA) means the Washington State Law, RCW 43.21C.020, intended to prevent or eliminate damage to the environment.

Storm Sewer means a sewer that is specifically designed to carry *stormwater*. Also called a storm drain.

Stormwater means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a *stormwater drainage system* into a defined surface water body, or a constructed infiltration *facility*.

Stormwater Discharge Associated with Industrial Activity means the *discharge* from any conveyance that is used for collecting and conveying *stormwater* and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant (see *40 CFR* 122(b)(14)).

Stormwater Drainage System means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate or divert *stormwater*.

Stormwater Management Manual (SWMM) or Manual means the technical manuals prepared by *Ecology* for *stormwater* management in western and eastern Washington.

Stormwater Pollution Prevention Plan (SWPPP) means a documented plan to implement measures to identify, prevent, and control the contamination of point source discharges of *stormwater*.

Structural Source Control BMPs means physical, structural, or mechanical devices or facilities that are intended to prevent *pollutant*s from entering *stormwater*.

Surface Waters of the State includes lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the jurisdiction of the state.

Total Maximum Daily Load (TMDL) means a calculation of the maximum amount of a *pollutant* that a water body can receive and still meet state *water quality standards*. Percentages of the *total maximum daily load* are allocated to the various *pollutant* sources. A *TMDL* is the sum of the allowable loads of a single *pollutant* from all contributing point and nonpoint sources. The *TMDL* calculations include a "margin of safety" to ensure that the water body can be protected in case there are unforeseen events or unknown sources of the *pollutant*. The calculation also accounts for seasonable variation in water quality.

Treatment BMPs means BMPs that are intended to remove *pollutant*s from *stormwater*.

Turbidity means the clarity of water expressed as nephelometric *turbidity* units (NTU) and measured with a calibrated turbidimeter.

Underground Injection Control Well means a well that is used to *discharge* fluids into the subsurface. An *underground injection control well* is one of the following:

1. A bored, drilled, or driven shaft,
2. An improved sinkhole, or
3. A subsurface fluid distribution system. (WAC 173-218-030)

Unstaffed means the *facility* has no assigned staff. A site may be "*unstaffed*" even when security personnel are present, provided that *pollutant* generating activities are not included in their duties.

Vehicle means a motor-driven conveyance that transports people or freight, such as an automobile, truck, train, or airplane.

Vehicle Maintenance means the rehabilitation, mechanical repairing, painting, fueling, and/or lubricating of a motor-driven conveyance that transports people or freight, such as an automobile, truck, train, or airplane.

Wasteload Allocation (WLA) means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of *pollution*. WLAs constitute a type of water quality based effluent limitation (*40 CFR* 130.2(h)).

Water Quality Standards means the Water Quality Standards for *Surface Waters 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 human health-based criteria in the National Toxics Rule (*40 CFR* 131.36).

Waters of the State includes those waters defined as "waters of the United States" in *40 CFR* Subpart 122.2 within the geographic boundaries of Washington State. State statute defines "*waters of the state*" to include lakes, rivers, ponds, streams, wetlands, inland waters, under*ground water*s, salt waters and all other surface waters and water courses within the jurisdiction of the state of Washington (Chapter 90.48 RCW).

APPENDIX 3 - SWPPP CERTIFICATION FORM

The Permittee shall use this form to sign and certify that the Stormwater Pollution Prevention Plan (SWPPP) is complete, accurate and in compliance with Conditions S3 and S8 of the Industrial Stormwater General Permit.

- A SWPPP certification form needs to be completed and attached to all SWPPPs.
- Each time a Level 1, 2, or 3 Corrective Action is required, this form needs to be re-signed and re-certified by the Permittee, and attached to the SWPPP.

Is this SWPPP certification in response to a Level 1, 2 or 3 Corrective Action? ☐Yes ☐No

If Yes:

- Type of Corrective Action?: ☐Level 1 ☐Level 2 ☐Level 3
- Date SWPPP update/revision completed:_____.

"I certify under penalty of law that this SWPPP and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate information to determine compliance with the Industrial Stormwater General Permit. Based on my inquiry of the person or persons who are responsible for stormwater management at my facility, this SWPPP is, to the best of my knowledge and belief, true, accurate, and complete, and in full compliance with Permit Conditions S3 and S8, including the correct Best Management Practices from the applicable Stormwater Management Manual. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Operator's Printed Name *	Title
Operator's Signature *	Date

* Federal regulations require this document to be signed as follows:
For a corporation, by a principal executive officer of at least the level of vice president;
For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
For a municipality, state, federal, or other public facility, by either a principal executive officer or ranking elected official.

This document shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Ecology.
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

Changes to authorization. If an authorization under number 2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of number 2 above shall be submitted to Ecology prior to, or together with, any reports, information, or applications to be signed by an authorized representative.

APPENDIX 4 - EXISTING DISCHARGERS TO IMPAIRED WATER BODIES

This appendix has a link below to a website list of existing Permittees that *discharge pollutants* of concern to impaired water bodies.

http://www.ecy.wa.gov/programs/wq/stormwater/industrial/permitdocs/iswgpapp4.pdf

This list is based on the best information available to *Ecology*. There will be changes and updates to this list based on new, more accurate information. If changes or updates are made, *Ecology* will notify the affected permittees directly. Such changes or updates will not become effective until 30 days after the affected *dischargers* are notified.

This list is generated by comparing the *discharge* point of each individual *discharger* permitted under the Industrial *Stormwater General Permit* with the 2008 list of Category 5 impaired waters (the *303(d) list*), approved by US *EPA* on January 29, 2009.

APPENDIX 5 - DISCHARGERS SUBJECT TO TMDL REQUIREMENTS

The list of *dischargers* identified as discharging to water bodies which have completed water quality clean-up plans or *TMDLs* and associated monitoring requirements can be viewed on *Ecology*'s website at: http://www.ecy.wa.gov/programs/wq/stormwater/industrial/index.html

The most current list can also be obtained by contacting Ecology at:

Industrial Stormwater General Permit
Washington State Department of Ecology
P.O. Box 47696
Olympia, WA 98504-7600

This list is based on the best information available to *Ecology*. There will be changes and updates to this list based on new, more accurate information. If changes or updates are made, *Ecology* will notify the affected permittees directly. Such changes or updates will not become effective until 30 days after the affected *dischargers* are notified.