APPENDIX 5: Notice of Intent (NOI) for Coverage under a National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater General Permit

Introduction

This form must be used by all entities seeking initial coverage under one or more of the following municipal separate storm sewer permits:

- **Phase I Municipal Stormwater Permit** – "National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Large and Medium Municipal Separate Storm Sewer Systems"
- **Western Washington Phase II Municipal Stormwater Permit** – "National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Small Municipal Separate Storm Sewers in Western Washington"
- **Eastern Washington Phase II Municipal Stormwater Permit** – "National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Small Municipal Separate Storm Sewers in Eastern Washington"

The Department of Ecology (Ecology) will use the information provided to determine if coverage under one or more of the above municipal stormwater general permits is required and/or appropriate. Please answer all questions accurately and completely. If a question does not apply, answer NA to that question. See instructions at the back of the form for more information.

Operators of municipal separate storm sewer systems (MS4s) seeking permit coverage must complete this application and return it to Ecology. You may print this form and complete it by hand, or download the form from Ecology's Web site and fill it out electronically. The form is available at: www.ecy.wa.gov/biblio/ecy070207.html.

A certified signature is needed to complete the application. Please reference supporting documents in the text and attach as necessary.

Mail completed NOI to:

Department of Ecology
Water Quality Program
Municipal Stormwater Permits
P.O. Box 47696
Olympia, WA 98504-7696

Ecology will send each applicant an acknowledgment of receipt. If you have questions about this application, please contact the appropriate Ecology employee listed at www.ecy.wa.gov/programs/wq/stormwater/municipal/municontacts.html , or call Ecology's Water Quality Program at 360-407-6600.

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Part 1 - Owner/Operator Information

A. Applicant Information		
Name of city, county, or special district:		
Mailing Address:		
PO Box (Optional) :		
City:	State:	Zip:
B. Responsible Official or Representative		
Name:		
Title:		
Phone:		
Email:		
Mailing Address:		
PO Box (Optional) :		
City:	State:	Zip:
C. Billing Address, if different		
Name:		
Mailing Address:		
PO Box (Optional) :		
City:	State:	Zip:
D. Primary Contact Person		
Name:		
Title:		
Phone No. Business: Ext. :		
Email:		
Fax No. (Optional):		
Mailing Address:		
PO Box (Optional):		
City:	State:	Zip:

E. Ownership Status (check appropriate box)	
☐ City or Town ☐ County ☐ Federal ☐ Federally-recognized Indian Tribe	
Special Purpose District:(secondary permittee) ☐ Diking/drainage district ☐ Flood control district ☐ Public school district ☐ State agency (give name) _____ ☐ Other (please describe) _____	☐ Port ☐ University ☐ Park district

Part 2 – Permits under which the applicant is requesting coverage (see instructions)

☐ Phase I Municipal Stormwater Permit
☐ Western Washington Phase II Municipal Stormwater Permit
☐ Eastern Washington Phase II Municipal Stormwater Permit

If you own or operate MS4s that are located in areas covered by more than one permit, please list the locations of all of the MS4s for which you are requesting permit coverage.

Part 3 – Population served by the MS4

Estimated resident population (public entities that are not cities, towns, or counties also include commuter populations) served by the MS4 within the geographic area(s) covered by the permits: _____

Part 4 – Map(s)

A. Is part of the MS4 located within Indian Country (within a reservation or on land held in trust for a tribe)? For the Puyallup reservation only, check "yes" if MS4 is located on trust lands and "no" if any part of the MS4 is located on fee lands. ☐ Yes ☐ No

B. <u>For special purpose districts only</u>, attach a map or maps delineating the geographic area served by the MS4. ☐ Attach map(s) to this form
☐ Not applicable

Part 5 – Co-Permittee information

Complete this part of the NOI only if you are applying as a Co-Permittee with another entity to meet the requirements of the permit. Permittees that apply as Co-Permittees are responsible for meeting permit conditions related to their discharge(s).

If you are applying with another entity or entities as Co-Permittee(s) please include, as an attachment to this NOI, a summary of the permit obligations that will be carried out jointly among Co-Permittees. The summary must identify the other Co-Permittee(s) and must be signed by the other Co-Permittee(s).

☐ Attach a summary of joint permit obligations
☐ Summary is signed by all Co-Permittees
☐ Not Applicable

Part 6 - Relying on another entity to satisfy permit requirement(s)

Complete this part of the NOI only if you are relying on another entity to satisfy all of the requirements of the permit. Permittees that rely on another entity to satisfy all of their permit obligations remain responsible for permit compliance if the other entity fails to implement the permit conditions. Permittees may rely on another entity provided:

1. The other entity agrees to take on responsibility for implementation of the permit requirement(s),

   AND

2. The other entity implements the permit requirements.

If you are relying on another entity or entities to satisfy all of the permit obligations, please include as an attachment to this NOI a summary of the permit obligations that will be carried out by another entity. The summary must identify the other entity or entities and must be signed by the other entity or entities.

☐ Attach summary of permit obligations carried out by another entity
☐ Summary is signed by all other entities
☐ Not Applicable

Part 7 – Public Notice

A public notice must be published at least ***once each week for two consecutive weeks*** in a ***single*** newspaper of general circulation in the county or city in which the district or entity is located. See the NOI instructions for the public notice language requirements. Permit coverage will not be granted sooner than ***31 days*** after the date of the second public notice.

Submit the NOI and public notice to Ecology before the date of the first public notice. A copy of the NOI and public notice may be faxed to (360) 407-6426.

Name of the newspaper that will publish the public notices: _____

Provide the **exact** dates (mm/dd/yy) that the first and second public notices will appear in the newspaper:

Date of the first notice ____/____/____

Date of second notice ____/____/____

Part 8 - 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 gather and evaluate the information submitted. 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.

_____

Print or type name of responsible official or representative **Title**

/ /

_____

Signature of responsible official or representative **Date**

If you need this document in a format for the visually impaired, call the Water Quality Program at 360-407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

INSTRUCTIONS

These instructions will help you prepare an application, referred to as a Notice of Intent (NOI), for coverage under a National Pollutant Discharge Elimination System (NPDES) General Permit and State Waste Discharge Permit for stormwater discharges associated with MS4s in Washington State.

Questions?
If you have questions, please contact the Ecology employee who manages the permit in the county or counties in which your facility or district is located available at http://www.ecy.wa.gov/programs/wq/stormwater/municipal/municontacts.html or, call Ecology's Water Quality Program office at 360-407-6600, and the receptionist will direct you to a staff member who can assist you.

Who must apply?
Federal and state law requires all operators of **regulated MS4s** to apply for and obtain coverage under this permit or to be permitted under a separate individual permit, unless it qualifies for a waiver or exemption in accordance with conditions described below (see *Who does not need to apply?).*

1. A **regulated MS4** is a municipal separate storm sewer system that:
   - Is located within, or partially within, the unincorporated areas of Clark, King, Pierce or Snohomish counties; or
   - Is located within, or partially within, the cites of Seattle or Tacoma; or
   - Is located within the other areas defined in the permits. See list of cities and counties in Part 2 of the line-by-line instructions or Ecology's maps of permit coverage www.ecy.wa.gov/programs/wq/stormwater/phase_2/maps.html for more information on these locations; or
   - Is designated by Ecology

   AND
   - Discharges stormwater from the MS4 to a water of the United States; and
   - Is not eligible for an exemption or a waiver.
2. All owners or operators of MS4s that meet the criteria listed above must obtain coverage under this permit. Owners or operators of MS4s may also include, but are not limited to: public flood control districts, public diking, and drainage districts, public schools including universities, and correctional facilities that own or operate an MS4 serving non-agricultural land uses.
3. If Ecology determines the MS4 is a significant source of pollution to surface waters of the state, Ecology may require any other operators of small MS4s to obtain permit coverage. Ecology will notify the affected MS4 that permit coverage is required by issuing an administrative order (see RCW 90.48).

Who does not need to apply?
If either of the following conditions applies, state and federal laws do not require a MS4 to obtain permit coverage:

If the portions of the MS4 located within the census defined urban area(s) that discharge to surface waters serve a total population of less than 1000 people** and **all** the conditions below apply, then the MS4 qualifies for a waiver and need not apply:

- The MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES stormwater program.

- The discharge of pollutants from the MS4 has not been identified as a cause of impairment of any water body to which the MS4 discharges.
- In areas where an EPA approved Total Maximum Daily Load (TMDL), or water quality improvement plan for impaired waters, has been completed, stormwater controls on the MS4 have not been identified as being necessary.

***In determining the total population served, cities and counties include resident populations; other public entities include resident and commuter populations as follows:*

- *For publicly operated school complexes including universities and colleges, the total population served includes the sum of the average annual student enrollment plus staff.*
- *For flood control, diking, and drainage districts, the total population served includes residential population and any non-residents regularly employed in the areas served by the MS4.*

Exempt MS4s are those owned or operated by:

- A federal entity, including any department, agency or instrumentality of the executive, legislative, and judicial branch of the Federal government of the United States; or
- Federally recognized Indian Tribes located within Indian Country, including all trust or restricted lands within the 1873 Survey Area of the Puyallup Tribe of Indians.

Federal and tribal MS4s are not covered under this permit but may need coverage under a permit issued by the USEPA.

When to apply

Submit the NOI to the Department of Ecology on or before the date of the first public notice required in part 7 of this NOI. Ecology must have the permit application during the public comment period required by this NOI in order to provide the public access to the applications as required by state law (WAC 173-226-130(5)).

Ecology cannot grant permit coverage until 31 days after the date of the second public notice.

Upon receipt of a complete NOI, Ecology will notify the applicant by mail of confirmation of coverage under the permit. An NOI is deemed complete only after the 30-day public comment period and all other requested information has been supplied. Permit coverage will begin on the date specified in Ecology's letter of confirmation.

Where to apply

Mail the signed NOI to: Washington Department of Ecology
Water Quality Program
Municipal Stormwater Permits
P.O. Box 47696
Olympia, WA 98504-7696

Fees

There is no application fee. Ecology will bill the applicant(s) for permit fees after permit coverage is issued in accordance with Chapter 173-224 WAC. Call the Permit Fee Unit of Ecology at 360-407-6425 for questions relating to permit fees.

Line-by-line Instructions

Part 1 – Owner/Operator information

A. Applicant information - Fill out the name and mailing address of the city, county, or public entity that will receive coverage under the permit.
B. Responsible Official or Representative – Fill out the name, address and contact information for the principal executive officer or ranking elected official responsible for signing the application. See Part 8 for more information.
C. Billing information - If a separate department or office handles billing, enter the appropriate contact information. There is an annual permit fee associated with this permit.
D. Primary Contact person - Enter the name, title, address, phone number, and email for the person who will be in charge of developing the stormwater management program and meeting the stormwater permit requirements.
E. Ownership status - Check the appropriate box indicating the ownership status (e.g., city, county, or special district type).

Part 2 – Permit(s) under which the applicant is requesting coverage

Check the box that corresponds to the permit(s) under which you are applying for coverage. The geographic locations covered by each permit break down as follows:

- **Phase I** – covers entities within, or partially within the unincorporated areas of Clark, King, Pierce, or Snohomish counties; or the cities of Seattle or Tacoma.
- **Phase II Western Washington** – covers entities in the census-defined urban areas of western Washington, and associated urban growth areas, some cities with populations over 10,000 or areas otherwise designated by Ecology.
- **Phase II Eastern Washington –** covers entities in the census-defined urban areas of eastern Washington, and associated urban growth areas, and some cities with populations over 10,000 or areas otherwise designated by Ecology.

Note: Applicants may submit a single NOI to request coverage of all of the MS4s that they own or operate. For example, a single NOI may be submitted to cover the main campus and any satellite campuses of a university that may require permit coverage. Applicants requesting coverage for multiple sites/locations must list the locations for each site/location for which coverage is being requested. When more than one permit is checked, Ecology will consult with the applicant to determine whether to assign all the sites to separate permits or to one permit that will provide coverage.

Part 3 – Population served by the MS4

Provide an estimate of the population served by the MS4 within the geographic area(s) covered by the permits. Cities, towns, and counties include only the resident population. For special purpose districts and other public entities that are not cities, towns, or counties, the estimate must include both resident and commuter populations. For example, a university may have a resident population of students who live on campus and a commuter population of students and employees who commute to campus. (See above for information on determining the commuter population in *Who does not need to apply?)*

Part 4 – Map requirements

A. Is part of the MS4 located within Indian Country (within a reservation or on land held in trust for a tribe)? For the Puyallup reservation only, check "yes" if MS4 is located on trust lands and

"no" if any part of the MS4 is located on fee lands. The portion of the MS4 that is located on tribal lands will not be covered under these permits.

B. For special purpose districts only, attach a map or maps delineating the geographic area served by the MS4.

Part 5 – Co-Permittee information

Complete this part of the NOI only if you are applying with another entity as Co-Permittees to meet the requirements of this permit. Permittees that apply as Co-Permittees are responsible for meeting permit conditions related to their discharge(s).

If you are applying as a Co-Permittee with another entity or entities, please include as an attachment to this NOI a summary of the permit obligations that will be carried out jointly among Co-Permittees. The summary must identify the other Co-Permittee(s) and must be signed by the other Co-Permittee(s).

Part 6 - Relying on another entity to satisfy permit requirement(s)

Complete this part of the NOI only if you are relying on another entity to satisfy all of the requirements of the permit. Permittees may rely on another entity provided the entity satisfies all of the requirements it agrees to undertake (see 40 CFR 122.35(a)).

That other entity **must agree** to take responsibility and **implement** the permit requirement(s). Permittees that rely on another entity to satisfy all of their permit obligations remain responsible for permit compliance with those obligations if the other entity fails to implement the permit conditions.

If you are relying on another entity or entities to satisfy all of the permit obligations, please include as an attachment to this NOI a summary of the permit obligations that will be carried out by another entity. The summary must identify the other entity or entities and must be signed by the other entity or entities.

Part 7 – Public notice

You must publish a public notice in a newspaper of general circulation in the county or city in which the district or entity is located. The following sample public notice contains the required public notice elements.

Sample Public Notice

(Name and address of municipality, district or other public entity) is seeking coverage under (select one of the following):

- **Phase I Permit** – "National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Large and Medium Municipal Separate Storm Sewer Systems"
- **Western Washington Phase II Permit** – "National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Small Municipal Separate Storm Sewers in western Washington"
- **Eastern Washington Phase II Permit** – "National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Small Municipal Separate Storm Sewers in eastern Washington"

The proposed permit will authorize stormwater discharges from the municipal separate storm sewer system located in (*city, town, or county*). The permit requires *(Name of municipality, district, or other public entity*) to develop and implement a stormwater management program that:

1. Reduces the discharge of pollutants to the maximum extent practicable.
2. Protects water quality.
3. Satisfies appropriate requirements of the Clean Water Act.

Any person desiring to present views to the Department of Ecology concerning this application may notify Ecology in writing within 30 days from the last date of publication of this notice.
Submit comments to:

Washington Department of Ecology
Water Quality Program
Municipal Stormwater Permits
P.O. Box 47696
Olympia, WA 98504-7696

Fax: 360-407-6426

Part 8 - Certification

An authorized person, such as a principal executive officer or ranking elected official, must sign the certification statement.

OR

A duly authorized representative of the executive officer (or ranking elected official) may sign the certification as long as:

1. The signatory receives written authorization from the executive officer or ranking elected official. This document must be submitted to Ecology at the same time as the completed NOI.
2. The authorization specifies an individual or position that has responsibility for the overall development and implementation of the stormwater management program.

If you need this document in a format for the visually impaired, call the Water Quality Program at 360-407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.