

First Preliminary Draft

Proposed Municipal Stormwater NPDES
General Permit for Western Washington Phase
II Small Municipal Separate Stormwater Sewer
Systems

Version 6

Permit No. _____

Coverage Date _____

Issuance Date:

Effective Date:

Expiration Date:

**National Pollutant Discharge Elimination System and
State Waste Discharge General Permit for Discharges
from Small Municipal Separate Storm Sewers
located in Western Washington**

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 permit are authorized to discharge to waters of the state in accordance with the special and general conditions which follow.

David Peeler
Water Quality Program Manager
Department of Ecology

TABLE OF CONTENTS

SPECIAL CONDITIONS

- S1. PERMIT COVERAGE: AREA AND CRITERIA
- S2. AUTHORIZED DISCHARGES
- S3. RESPONSIBILITIES OF PERMITTEES, CO-PERMITTEES AND SECONDARY PERMITTEES
- S4. TOTAL MAXIMUM DAILY LOAD ALLOCATIONS
- S5. COMPLIANCE WITH STANDARDS
- S6. MONITORING
- S7. STORMWATER MANAGEMENT PROGRAM FOR PERMITTEES AND CO-PERMITTEES
- S8. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES
- S9. REPORTING REQUIREMENTS

GENERAL CONDITIONS

- G1. DISCHARGE VIOLATIONS
- G2. PROPER OPERATION AND MAINTENANCE
- G3. NOTIFICATION OF SPILL
- G4. BYPASS PROHIBITED
- G5. RIGHT OF ENTRY
- G6. DUTY TO MITIGATE
- G7. PROPERTY RIGHTS
- G8. COMPLIANCE WITH OTHER LAWS AND STATUTES
- G9. MONITORING

G10. REMOVED SUBSTANCES

G11. SEVERABILITY

G12. REVOCATION OF COVERAGE

G13. TRANSFER OF COVERAGE

G14. GENERAL PERMIT MODIFICATION AND REVOCATION

G15. REPORTING A CAUSE FOR MODIFICATION OR REVOCATION

G16. APPEALS

G17. PENALTIES

G18. DUTY TO REAPPLY

G19. CERTIFICATION AND SIGNATURE

G20. RECORDS RETENTION

DEFINITIONS AND ACRONYMS¹

APPENDIX 1 THROUGH 8

APPENDIX 1: Minimum Technical Requirements for All New Development and Redevelopment

APPENDIX 2: Regulated Phase II Cities and Counties in Western Washington

APPENDIX 3: TMDL Requirements

APPENDIX 4: Determining Construction Site Sediment Transport Potential

APPENDIX 5: Street Waste Disposal

APPENDIX 6: Annual Report Form (Reserved)

APPENDIX 7: Application Form and Notice of Intent (Reserved)

APPENDIX 8: Summary of Implementation Schedule (Reserved)

¹ Terms that are included in the definitions and acronyms section are indicated in italics the first time they are used in the text of the permit

1 **S1. PERMIT COVERAGE AREA AND CRITERIA**

2 A. Geographic Area of Permit Coverage

3 This permit is applicable to owners or operators of *regulated small municipal separate*
4 *storm sewer systems* (MS4s) located west of the eastern boundaries of the following
5 counties: Snohomish, Skagit, Whatcom, King, Pierce, Lewis and Skamania.

- 6 1. For all Cities required to obtain coverage under this permit, the requirements of this
7 permit shall be applicable and shall be implemented throughout the entire
8 incorporated area of the city.
- 9 2. For all Counties required to obtain coverage under this permit, the requirements of
10 this permit shall be applicable and shall be implemented throughout the *urbanized*
11 *area* and the urban growth areas associated with cities within or connected to the
12 urbanized areas which are under the jurisdictional control of the County.
- 13 3. For other entities required to obtain coverage under this permit, the requirements of
14 this permit are applicable and shall be implemented throughout the areas served by,
15 and under the effective control of the entity.

16 B. Regulated Small *Municipal Separate Storm Sewer Systems* (MS4s)

17
18 All operators of regulated small municipal separate storm sewer systems (MS4s) are
19 required to apply for and obtain coverage under this permit or be permitted under a
20 separate individual permit, unless waived or exempted in accordance with condition
21 S1.C.

- 22 1. **A small MS4** is a conveyance or system of conveyances including roads with
23 drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made
24 channels and/or storm drains which is:
 - 25 a. Owned or operated by a city, town, county, district, association or other public
26 body (created pursuant to State law) having jurisdiction over disposal of sewage,
27 industrial wastes, *stormwater*, or other wastes, including special districts under
28 State law such as a sewer districts, flood control districts or drainage districts, or
29 similar entity;
 - 30 b. Designed or used for collecting or conveying stormwater;
 - 31 c. Not a combined sewer system;
 - 32 d. Not part of a Publicly Owned Treatment Works (POTW) as defined at *40 CFR*
33 *122.2*; and
 - 34 e. Not defined as “large” or “medium” pursuant to *40 CFR 122.26(b)(4) & (7)* or
35 designated under *40 CFR 122.26 (a)(1)(v)*.
 - 36 f. Small MS4s include systems similar to separate storm sewer systems in
37 municipalities, such as systems at universities, large publicly owned hospitals,
38 prison complexes, and highways and other thoroughfares. Storm sewer systems in
39 very discrete areas such as individual buildings do not require coverage under this
40 permit.

- 1 g. Small MS4s do not include storm drain systems operated by non-governmental
2 entities such as; individuals, private schools, private colleges, private universities,
3 and industrial and commercial entities.
- 4 2. **A regulated small MS4** is a small municipal separate storm sewer system which:
5 a. Is located within, or partially located within, an urbanized area as defined by the
6 latest decennial census conducted by the U.S. Bureau of Census, or designated by
7 the Department pursuant to 40 CFR 122.35(b); and
8 b. *Discharges* stormwater from the MS4 to a surface water of Washington State; and
9 c. The small MS4 is not eligible for a waiver or exemption under S1.C below.
10 d. Cities and Counties listed in Appendix 2 of this permit are regulated small MS4s.
- 11 3. All other operators of municipal separate storm sewers, including special purpose
12 districts, which meet the criteria for a regulated small municipal separate storm sewer
13 system shall obtain coverage under this permit. Other operators of municipal separate
14 storm sewers may include, but are not limited to: flood control, or diking and
15 drainage districts, schools including universities, correctional facilities, and publicly
16 owned hospitals which own or operate a small municipal separate storm sewer system
17 serving non-agricultural land uses.
- 18 4. Any other operators of small municipal separate storm sewers systems may be
19 required by the Department to obtain coverage under this permit or an alternative
20 NPDES permit if the Department determines the small MS4 is a significant source of
21 pollution to surface *waters of the state*. Notification of the Departments
22 determination that permit coverage is required will be through the issuance of an
23 Administrative Order issued in accordance with RCW 90.48.
- 24 C. The owner/operator of an otherwise regulated small municipal separate storm sewer
25 system is **not** required to obtain coverage under this permit if:
26 1. The portions of the small MS4 located within the census defined urban area(s) serve a
27 total population of less than 1000 people and a, b, and c, below all apply:
28 a. The small MS4 is not contributing substantially to the pollutant loadings of a
29 *physically interconnected* MS4 that is regulated by the NPDES stormwater
30 program; and
31 b. The discharge of pollutants from the small MS4 has not been identified as a cause
32 of impairment of any water body to which the MS4 discharges; and
33 c. In areas where an EPA approved TMDL has been completed, stormwater controls
34 on the MS4 have not been identified as being necessary.
35 d. In determining the total population served, both resident and commuter
36 populations shall be included.
37 i. For publicly operated school complexes including universities and colleges the
38 total population served would include the sum of the average annual student
39 enrollment plus staff.

- 1 ii. For publicly operated hospitals the total population served would include the
2 average annual hospital census plus hospital staff.
3 iii. For flood control, diking, and drainage districts the total population served
4 would include residential population and any non-residents regularly employed
5 in the areas served by the small MS4.

6 2. The small MS4 is operated by:

- 7 a. The federal government on military bases or other federal lands; or by the
8 United States Military, the Bureau of Land Management, the United States
9 Park Service or other federal agencies; or
10 b. Federally recognized Indian Tribes located within Indian Country Lands;
11 or
12 c. The Washington State Department of Transportation.

13
14 D. Obtaining Coverage Under This Permit
15

16 1. *Permittees*: Unless otherwise noted, the term “Permittee” shall include Permittee, *Co-*
17 *permittee*, and *Secondary Permittee*, as defined below.

- 18 a. A “Permittee” is a City or County owning or operating a regulated small MS4
19 applying and receiving a permit as a single entity.
20 b. A “Co-permittee” is any operator of a regulated small MS4 that is applying
21 jointly with another applicant for coverage under this permit. Co-permittees
22 own or operate a regulated small MS4 located within or adjacent to another
23 regulated MS4.
24 c. A “Secondary Permittee” is an operator of regulated small municipal separate
25 storm sewer system which is not a Permittee or Co-permittee.

26 2. Operators of regulated small MS4s shall submit an application to the Department,
27 either the *National Pollutant Discharge Elimination System (NPDES) Phase II*
28 *Stormwater Permit Application for Phase II Municipal Separate Storm Sewer*
29 *Systems (MS4s)*, or the *Notice of Intent (NOI)*, to be covered under this permit. The
30 permit application and NOI are provided in Appendix 7, and are available at:
31 http://www.ecy.wa.gov/programs/wq/stormwater/phase_2/index.html#permit.

- 32 a. All Cities and Counties operating regulated small MS4s shall apply as either a
33 Permittee or Co-permittee. All other regulated small MS4s shall apply either
34 as a Secondary Permittee or as a Co-permittee with a City or County.
35 b. Operators of regulated small MS4s listed in Appendix 2 that have submitted
36 an application before [insert the date formal public comment begins], do not
37 need to submit a new application to be covered under this permit. For these
38 operators, coverage under this permit is automatic and begins on the effective
39 date of this permit, unless:
40 i. The operator chooses to reapply.

- 1 ii. The operator will be relying on another entity to satisfy one or more
2 of their permit obligations.
- 3 iii. The operator chooses to be a Co-permittee and co-applicant with
4 another regulated small MS4.
- 5 iv. Chooses to opt out of this permit. If the operator of a regulated small
6 MS4 listed in Appendix 2 has submitted an application and chooses
7 to opt out of this permit, they must do so no later than the issuance
8 date of this permit. Any operator of a regulated small MS4, which
9 chooses to opt out of this permit must submit an application for an
10 individual MS4 permit in accordance with 40 CFR 122.33(b)(2)(ii).
- 11 c. Operators of regulated small MS4s which want to be covered under this
12 permit as a Co-permittee shall submit a joint NOI to the Department.
- 13 d. Operators of regulated small MS4s which are relying on another entity to
14 satisfy one or more of their permit obligations shall submit an NOI to the
15 Department.

16 3. Application Requirements.

- 17 a. NOIs shall be submitted to:
- 18 Department of Ecology
19 Water Quality Program
20 Municipal Stormwater Permit
21 P.O. Box 47600
22 Olympia, WA 98504-7600
- 23 b. For NOIs submitted after **[insert date formal public comment begins]** the
24 permit applicant shall provide public notice of the application in accordance
25 with WAC 173-226-130(5). The applicant or co-applicant shall include, a
26 certification that the public notification requirements of WAC 173-226-130(5)
27 have been satisfied. Unless Ecology responds in writing, coverage under this
28 permit will be effective 60 days after receipt of a complete NOI.
- 29 c. Permittees which are co-applying as co-permittees shall submit a joint NOI.
30 The joint NOI shall clearly identify which areas of the MS4 each of the co-
31 permittees are responsible for.
- 32 d. Permittees which are relying on another entity to satisfy one or more of their
33 permit obligations shall include, with the NOI, a summary of the permit
34 obligations that will be carried out by the other entity. The summary shall
35 identify the other entity and shall be signed by the other entity. During the
36 term of the permit, Permittees may terminate or amend shared responsibility
37 arrangements by notifying the Department, provided this does not alter
38 implementation deadlines.
- 39 e. Small MS4s designated by the Department pursuant to S1.B.4 of this permit
40 shall submit a NOI to the Department within 120 days of receiving
41 notification from the Department that permit coverage is required.

1 **S2. AUTHORIZED DISCHARGES**

2 A. The discharge of stormwater from *municipal separate storm sewer* to surface waters and
3 ground waters of the state are authorized by this permit as follows:

- 4 1. *Existing stormwater discharges.*
- 5 2. *New stormwater discharges* (see glossary for definition of “new stormwater
6 discharge”) constructed after the issuance date of this permit that have received all
7 applicable state and local permits and use authorizations, including compliance with
8 Ch. 43.21C RCW (the State Environmental Policy Act), and that are in compliance
9 with Special Condition S5, *Compliance with Standards* of this permit.
- 10 3. Stormwater discharges to ground waters of the state are covered under this permit,
11 except that stormwater discharges to ground waters of the state that discharge through
12 facilities regulated under the Underground Injection Control (UIC) program, Chapter
13 173-218 WAC, are not covered under this permit.
- 14 4. Stormwater discharges to ground waters not in hydraulic continuity with surface water
15 are covered in this permit only under state authorities, Chapter 90.48 RCW, the Water
16 Pollution Control Act, and Chapter 173-226 WAC, the Waste Discharge *General*
17 *Permit Program*.

18 B. This permit authorizes discharges of stormwater associated with industrial and
19 construction activities, *process wastewater*, and non-stormwater discharges from
20 municipal separate storm sewers operated by the Permittee, to waters of the state, only
21 under the following conditions:

- 22 1. Non-stormwater discharges and process wastewater must be authorized by another
23 NPDES permit or identified by and in compliance with Special Condition S7.C.3,
24 *Illicit Discharges Detection and Elimination*; or; or
- 25 2. *Stormwater associated with industrial activity* (as defined by 40 CFR 122.26(b)(14))
26 must be authorized by a separate individual or general NPDES permit such as the
27 Industrial Stormwater General Permit, Construction Stormwater General Permit, or
28 another General Permit or individual permit issued by the Department.

29 C. This permit authorizes discharges from fire fighting activities, except training exercises,
30 unless the discharges from fire fighting activities are identified as significant sources of
31 pollutants to waters of the State.

32 D. This permit does not authorize *illicit discharges* except as allowed in Special Condition
33 S7.C.3. *Illicit Discharges Detection and Elimination*, nor does it relieve entities
34 responsible for illicit discharges, including spills of oil or hazardous substances, from
35 responsibilities and liabilities under state and federal laws and regulations pertaining to
36 those discharges.

37 **S3. RESPONSIBILITIES OF PERMITTEES, CO-PERMITTEE, AND SECONDARY**
38 **PERMITTEES**

39 A. Each Permittee covered under this permit is responsible for compliance with the terms of
40 this permit for regulated small MS4s which they operate.

- 1 1. All Permittees and Co-permittees are required to comply with all conditions of this
2 permit except for Special Condition S8, *Stormwater Management Program for*
3 *Secondary Permittees*.
- 4 2. All Secondary Permittees are required to comply with all conditions of this permit
5 except for; Special Conditions S6, *Monitoring*, and S7, *Stormwater Management*
6 *Program for Permittees and Co-permittees*.
- 7 B. Permittees may rely on another entity to satisfy one or more of the requirements of this
8 permit. Permittees that are relying on another entity to satisfy one or more of their permit
9 obligations remain responsible for permit compliance if the other entity fails to
10 implement the permit conditions. Permittees may rely on another entity provided all the
11 requirements of 40 CFR 122.35(a) are satisfied, including but not limited to:
- 12 1. The other entity, in fact, implements the permit requirements.
- 13 2. The other entity agrees to take on responsibility for implementation of the permit
14 requirement(s) as indicated on the NOI.
- 15 C. Unless otherwise noted, all appendices to this permit are by this reference as if set forth
16 fully within this permit.

17 **S4. TOTAL MAXIMUM DAILY LOAD ALLOCATIONS**

- 18
- 19 A. The following requirements apply if an applicable Total Maximum Daily Load (TMDL)
20 is approved for stormwater discharges from MS4s owned or operated by the Permittee.
21 Applicable TMDLs or applicable TMDL requirements are TMDLs which have been
22 approved by EPA on or before the issuance date of this permit, or which have been
23 approved by EPA prior to the date that the Permittees application is received by Ecology,
24 which ever is later. All Permittees must be in compliance with applicable TMDL
25 requirements.
- 26
- 27 B. For TMDLs not listed in Appendix 3 of this permit, compliance with this permit shall
28 constitute compliance with all applicable TMDLs. Permittees shall track actions
29 required by this Permit that are relevant to applicable TMDLs within their jurisdiction.
30 Each Permittee shall monitor implementation of actions required to achieve compliance
31 with the TMDL. The status of TMDL implementation must be included as part of the
32 annual reporting requirements submitted to Ecology. Documentation of all relevant
33 actions implemented that affect MS4 discharges to the waterbody segment that is the
34 subject of the TMDL must be included in the annual report
- 35
- 36 C. For TMDLs listed in Appendix 3, which is by this reference as if set forth fully herein,
37 affected Permittees shall comply with the TMDL requirements identified in Appendix 3.
- 38 1. If water quality monitoring is a specific requirement of a TMDL listed in Appendix 3,
39 the Permittee must develop and implement a TMDL monitoring Quality Assurance
40 Project Plan (QAPP). The Permittee shall submit the TMDL QAPP no later than 90
41 days after the effective date of this permit, unless otherwise specified in Appendix 3.

1 The monitoring plan shall be submitted to the Department in both paper and
2 electronic form and shall include:

3 a. A detailed discussion and description of the goal and objective(s), monitoring
4 (experimental) design, and sampling and analytical methods.

5 b. A list and maps of the selected TMDL monitoring sites.

6 c. The frequency of data collection to occur at each station or site and the number
7 and types of precipitation events to be targeted for sampling.

8 d. The method and location(s) of precipitation measuring devices.

9 e. The triggers for automated flow monitoring devices.

10 f. The parameters to be measured, as appropriate for and relevant to the TMDL.

11 g. The QAPP will be implemented beginning no later than 180 days after the
12 effective date of this permit.

13 2. For TMDLs listed in Appendix 3, affected Permittees shall include, as part of the
14 Permittee's annual report to the Department, a TMDL Summary Implementation
15 Report. The report shall include the status and actions taken by the Permittee to
16 implement the TMDL. The TMDL Summary Report shall document relevant actions
17 taken by the Permittee that affect MS4 discharges to the waterbody segment that is
18 the subject of the TMDL. The report must also identify the status of any applicable
19 TMDL implementation schedule milestones.

20 D. For TMDLs that are approved by EPA after this permit is issued, the Department may
21 establish TMDL related permit requirements through future permit modification,
22 administrative orders, or when this permit is reissued. Permittees are encouraged to
23 participate in development of TMDLs within their jurisdiction and to begin
24 implementation. The Department may modify this permit to incorporate requirements
25 from TMDLs completed after the issuance of this permit if the Department determines
26 implementation of actions, monitoring or reporting necessary to demonstrate reasonable
27 further progress toward achieving TMDL waste load allocations, and other targets, are
28 not occurring and must be implemented during the term of this permit.

30 **S5. COMPLIANCE WITH STANDARDS**

31 A. This permit does not authorize a violation of Washington State surface *water quality*
32 *standards* (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200
33 WAC), sediment management standards (chapter 173-204 WAC), or human health-based
34 criteria in the national Toxics Rule (Federal Register, Vol. 57, NO. 246, Dec. 22, 1992,
35 pages 60848-60923).

36 B. Existing Stormwater Discharges. In order to meet the goals of the Clean Water Act and
37 make progress towards compliance with applicable surface water, ground water and

1 sediment management standards, for all existing stormwater discharges each Permittee is
2 required to reduce the discharge of pollutants to the *maximum extent practicable* (MEP).

3 To meet the requirement to reduce the discharge of pollutants to the MEP, each Permittee
4 shall comply with the requirements of this permit.

5 C. New Stormwater Discharges. All new stormwater discharges must comply with all
6 applicable surface water, ground water and sediment management standards. New
7 stormwater discharges authorized or allowed by the Permittee shall not cause or
8 contribute to a violation of applicable standards. New stormwater discharges include *new*
9 *stormwater sources* and *new stormwater outfalls*, including all sources contributing to the
10 new stormwater *outfall*. Compliance with water quality standards shall be determined as
11 follows:

12 1. If the new stormwater discharge is controlled in accordance with the technical
13 standards in Appendix 1 and in compliance with the terms of this permit, then the
14 discharge is in compliance unless *site-specific information* as in 2, below, indicates
15 otherwise. From the effective date of this permit until the date the Permittee adopts
16 the technical standards in this permit, including, at a minimum Appendix 1, the *best*
17 *management practices* (BMP) selection and site planning process, types of BMPs and
18 design criteria for BMPs required under S7.C.4 *Controlling Stormwater Runoff from*
19 *New Development, Redevelopment and Construction Sites* of this permit, each
20 Permittee must provide information to proponents of projects which disturb greater
21 than or equal to 1 acre, including projects less than 1 acre that are part of a common
22 plan of development or sale, that discharge into the Permittees regulated small MS4
23 as follows:

24 a. That new stormwater discharges are not allowed to cause or contribute to a
25 violation of applicable surface water, ground water and sediment management
26 standards, including the State's narrative criteria for water quality; and

27 b. That project proponents may apply the technical standards referenced in
28 paragraph S5.C.1, above, as a means of achieving compliance; and

29 c. If project proponents choose not to apply the technical standards referenced in paragraph
30 S5.C.1, above, then project proponents must be prepared to demonstrate that the new stormwater
31 discharge does not cause or contribute a violation of applicable surface water, ground water and
32 sediment management standards. Project proponents must be prepared to document how
33 stormwater BMPs were selected, the pollutant removal expected from the selected BMPs, the
34 technical basis which support the performance claims for the selected BMPs, and an assessment
35 of how the selected BMPs will comply with applicable State water quality standards and satisfy
36 the state requirement under Chapter 90.48 RCW to apply all known, available, reasonable
37 methods of prevention, control and treatment (AKART) prior to discharge.
38

39 2. If, prior to authorization of a new stormwater discharge, site-specific information
40 indicates that the technical standards in this permit, including, at a minimum
41 Appendix 1, the BMP selection and site planning process, types of BMPs and design
42 criteria for BMPs required under S7.C.4 *Controlling Stormwater Runoff from New*
43 *Development, Redevelopment and Construction Sites* of this permit are not sufficient
44 to protect beneficial uses of waters of the state from impacts which cause or

1 contribute to loss or impairment, then additional controls necessary to protect
2 beneficial uses must be applied. The additional controls determined necessary to
3 protect beneficial uses must be in place prior to the discharge from the new
4 stormwater source or outfall.

- 5 D. Ecology may modify or revoke and reissue this general permit in accordance with
6 General Condition G14., if Ecology becomes aware of additional control measures,
7 management practices or other actions beyond what is required in this permit, that are
8 necessary to reduce the discharge of pollutants to the MEP or to protect water quality.

9
10
11 **S6. MONITORING**

12 Ecology is requesting comments on the objectives of the proposed monitoring program.

13 We are interested in assessing the effect of implementing the stormwater management programs
14 required under this permit. This includes looking at receiving waters, stormwater quality and
15 BMP effectiveness. The information gained will be used to provide feedback for local
16 stormwater management programs and Ecology's permitting program.

17 Should Ecology require integrated, collaborative, WRIA-scale monitoring programs? WRIA-
18 scale monitoring programs could eventually integrate monitoring among all municipal
19 stormwater permittees, Phase I, Phase II and WSDOT. Or are independent monitoring programs
20 adequate to development the information basis for providing feedback on stormwater
21 management programs?

22 This section of the permit (S6) applies to all Cities and Counties covered under this permit,
23 including Cities and Counties that are Co-permittees. Where the term "Permittee" is used in this
24 section, the requirements apply to all cities and counties covered under this permit.

- 25
26 A. Permittees shall develop a comprehensive long-term water quality monitoring program
27 during the term of this permit. The monitoring program shall be submitted to the
28 Department no later than 4 years from the effective date of this permit. The goal of the
29 water quality monitoring program is to provide feedback for adaptive management of the
30 Department of Ecology's MS4 permitting program as prescribed by the requirements of
31 this permit, and the Permittee's Stormwater Management Program developed pursuant to
32 S7 of this permit. The water quality monitoring program shall contribute to answering
33 the following questions about the effectiveness of this permit and the Permittee's
34 program in protecting water quality and beneficial uses:

- 35
36 1. Is the Stormwater Management Program required in S7 adequate to prevent adverse
37 impacts to receiving water quality and beneficial uses from new development
38 construction and post-construction stormwater discharges?
39
40 2. Is the Permittee's Stormwater Management Program preventing impacts to water
41 quality and beneficial uses in receiving waters?

1
2 The water quality monitoring program must include long-term monitoring and may
3 include short-term special studies. The monitoring program shall also include BMP
4 effectiveness monitoring. The results of the monitoring program shall be used to support
5 the adaptive management process and lead to refinements of the Stormwater
6 Management Program.

7 B. Permittees may choose to collaborate with other Phase I and/or Phase II Permittees to
8 develop the water quality monitoring plan, conduct the monitoring, and report results, or
9 may choose to perform these tasks independently.

10 1. Permittees may choose to participate in the development of an integrated water
11 quality monitoring program in collaboration with the other Phase I or Phase II MS4
12 Permittees in the Water Resource Inventory Area(s) (WRIA) in which their MS4 is
13 located. This collaborative effort shall be conducted as follows:

- 14 a. Permittees that choose to participate in the development of an integrated water
15 quality monitoring program shall form a committee for this purpose.
- 16 b. One Permittee shall be identified as the lead Permittee for purposes of
17 reporting. The lead Permittee shall be responsible for the overall monitoring
18 program management and shall prepare and submit to the Department unified
19 monitoring program plans and reports.

20 The activities of the lead Permittee shall include, but not be limited to, the
21 following:

- 22 i. Coordinate and conduct Monitoring Committee meetings on an as needed
23 basis.
- 24 ii. Coordinate monitoring activities and participate in any subcommittees
25 formed as necessary to coordinate monitoring activities.
- 26 iii. Provide technical and administrative support and inform the other
27 Permittees of the progress of monitoring activities or studies.
- 28 iv. Coordinate all the activities with the Department, including the submittal
29 of all reports and plans developed by the committee.
- 30 v. Obtain public input for any proposed monitoring plans, where applicable.
- 31 vi. Cooperate in the WRIA-based monitoring program.
- 32 c. The non-lead Permittees on the committee shall be responsible for
33 implementing monitoring programs and coordinating among their internal
34 departments and agencies, as appropriate, to facilitate the implementation of
35 the monitoring program.

36 The activities of the non-lead Permittees shall include, but not be limited to,
37 the following:

- 38 i. Participate in a Monitoring Committee comprised of the lead Permittee
39 and one representative of each of the other Permittees. The lead Permittee
40 will take the lead role in initiating and developing the WRIA-wide

1 monitoring activities necessary to comply with S6.A above. The
2 committee shall meet on a regular basis (at least six times per year). Each
3 Permittee shall designate one official representative to the Monitoring
4 Committee.

5 ii. Review, approve, and comment on all plans, strategies, and monitoring
6 programs, as developed by the lead Permittee or any Permittee
7 subcommittee to comply with this permit.

8 iii. Conduct and coordinate with the lead Permittee any monitoring and
9 characterizations needed to implement the monitoring program.

10 iv. Prepare and submit all required reports to the lead Permittee in a timely
11 manner.

12 2. Permittees may independently develop a water quality monitoring plan, conduct the
13 monitoring, and report results to the Department. The Monitoring Program must
14 submitted to the Department for approval no later than 4 years from the effective date
15 of this permit and must fully implement the requirements of S6.A. The Department
16 will review the Permittee's program and will either approve the program as is or with
17 modifications at the Department's discretion.

18 C. Other than water quality monitoring required under S4, no monitoring is required to be
19 conducted during this permit term.

20 D. The Permittee's monitoring-related implementation actions shall be included in the
21 annual report.

22 **S7. STORMWATER MANAGEMENT PROGRAM**

Note to Reviewers:

Ecology is specifically requesting comments on the organization of the Stormwater Management Program in the phase I and Western Washington phase II permits.

The current organization in the phase II permit follows the EPA six minimum measures, while the organization for the phase I municipal stormwater permit reflects the old permit and other factors. Should the two permits have a consistent organizational structure/outline for the stormwater management program? If so should the structure follow the organization either the phase I or Western Washington phase II permit or a different structure altogether?

23
24 A. This section of the permit (*Special Condition S7 Stormwater Management Program*)
25 applies to all Cities and Counties covered under this permit, including Cities and
26 Counties which are Co-permittee. Where the term "Permittee" is used in this section the
27 requirements apply to all cities and counties covered under this permit.

28 1. Each Permittee shall develop and implement a Stormwater Management Program,
29 SWMP, during the term of this permit. A SWMP is a set of actions and activities
30 comprising the *components* listed in S7.B, S7.D.1 through S7.D.6, and any additional
31 actions necessary to meet the requirements of applicable TMDLs.

- 1 2. The SWMP must be developed and implemented in accordance with the schedules
2 contained in this section and shall be fully developed and implemented by the
3 expiration date of this permit.
- 4 3. Each Permittee shall prepare written documentation of their SWMP in accordance
5 with S9. The documentation of the SWMP shall be organized according to the
6 program components in S7.C and shall be updated annually. The SWMP
7 documentation shall include a description of each of the program components
8 included in S7.C and any additional actions necessary to meet the requirements of
9 applicable TMDLs.
- 10 4. The SWMP shall include an ongoing program for gathering, maintaining, and using
11 information to track SWMP development and implementation, evaluate permit
12 compliance/non-compliance, and to determine the effectiveness of the SWMP
13 implementation.
- 14 a. Each Permittee shall track the cost of development and implementation of the
15 SWMP. This information shall be included in the annual report.
- 16 b. Each Permittee shall track the number of inspections, official enforcement
17 actions and types of public education activities. This information shall be included in
18 the annual report.
- 19 B. The SWMP shall be designed to reduce the discharge of pollutants from regulated small
20 MS4s to the MEP and protect water quality. Notwithstanding the schedules for
21 implementation of SWMP components contained in this permit, permittees which are
22 implementing some or all of the SWMP components in this section shall continue
23 implementation of those components of their SWMP.
- 24 C. The SWMP shall include the components listed below. All components are mandatory
25 for each City and County covered under this permit. In accordance with 40 CFR
26 122.35(a) and Special Condition S3, a City or County may rely on another entity to
27 implement one or more of the components in this section.

28 1. Public Education and Outreach

29 Permittees must develop and implement a public education and outreach program. The
30 program shall distribute educational materials or conduct equivalent outreach to educate
31 the community about the impacts of stormwater discharges on surface and ground water
32 bodies. Outreach efforts must include a multimedia approach. Outreach and educational
33 efforts must be targeted and presented to specific audiences for increased effectiveness.

34 The minimum performance measures are:

- 35 a. No later than two years from the effective date of this permit, Permittees shall
36 develop and begin implementation of a public education and outreach program which
37 at a minimum includes the following topics and target audiences:
- 38 i. Provide educational opportunities for all audiences about the importance of
39 improving water quality, reducing impervious surfaces and protecting beneficial
40 uses of waters of the state, about potential impacts caused by stormwater

1 discharges, and methods for avoiding, minimizing, reducing and/or eliminating
2 the adverse impacts of stormwater *runoff*.

3 ii. Provide and encourage participation in environmental stewardship activities
4 including information on local stream teams and other groups devoted to water
5 quality improvement and protection.

6 iii. Provide information to the general public and others about actions individuals
7 can take to improve water quality and reduce impervious surfaces (e.g., lawn
8 care with less fertilizer and pesticides, more use of native vegetation for
9 landscaping, proper disposal of pet wastes, etc.).

10 iv. Provide information to the general public and others on the proper use and
11 disposal of pesticides, herbicides, and fertilizers.

12 v. Provide information to engineers, construction contractors, developers,
13 development review staff, and land use planners on technical standards, the
14 development of stormwater site plans and erosion control plans, and stormwater
15 best management practices for reducing adverse impacts from stormwater runoff
16 from development sites.

17 vi. Provide information to engineers, contractors, developers, and the public on land
18 development practices and non-structural BMPs such as *low impact development*
19 practices that eliminate, avoid, or minimize adverse stormwater impacts.

20 vii. Provide information to businesses and others on illicit discharges, including what
21 constitutes an illicit discharge and the impacts of illicit discharges.

22 viii. Provide information to the public, businesses and others promoting the proper
23 management and disposal of toxic materials (e.g. used oil, batteries, vehicle
24 fluids, home chemicals.)

25 b. Each Permittee shall develop and implement a public education and outreach
26 program designed to reach 100% of the target audiences identified in S7.C(1)(a)(v)
27 through (viii) within their jurisdiction by the expiration date of this permit.

28 2. Public Involvement and Participation

29 The SWMP shall include ongoing opportunities for public involvement through advisory
30 councils, watershed committees, participation in developing rate-structures, stewardship
31 programs, environmental activities, and other similar activities. Each Permittee shall
32 comply with applicable State and Local public notice requirements when implementing
33 a public involvement and participation program.

34 The minimum performance measures are:

35 a. No later than one year from the effective date of this permit, all Permittees
36 shall create opportunities for the public to participate in the decision making
37 processes involving the development, implementation and update of the

1 Permitees entire SWMP. Each Permittee must develop and implement a
2 process for consideration of public comments on their SWMP.

- 3 b. Each Permittee must make their SWMP, the SWMP documentation required
4 under S7.A(3) and all submittals required by this permit, including the
5 Permittees' annual reports available to the public on the Permittees' website
6 and submitted in electronic format to the Department for posting on the
7 Department's website.

8 3. Illicit Discharge Detection and Elimination

9 The SWMP shall include an ongoing program to detect, remove, and prevent *illicit*
10 *connections*, discharges, and improper disposal, including spills, into the municipal
11 separate storm sewers owned or operated by the Permittee. Permittees shall fully
12 implement an ongoing illicit discharge detection and elimination program no later than 4
13 years from the effective date of this permit.

14 The minimum performance measures are:

- 15 a. A municipal storm sewer system map shall be developed no later than 4 years
16 from the effective date of this permit. Municipal storm sewer system maps shall
17 be periodically updated, and shall include the following information:
- 18 i. The location of all known municipal separate storm sewer outfalls and
19 receiving waters; and structural stormwater BMPs owned, operated, or
20 maintained by the Permittee;
 - 21 ii. Tributary conveyance systems, associated tributary drainage areas, and land
22 uses, of all municipal separate storm sewer outfalls with a 24 inches nominal
23 diameter or larger, or an equivalent cross-sectional area for non-pipe
24 systems, and indicate type, material, and size where known;
 - 25 iii. All known and new connections to the Permittee's MS4 authorized or
26 approved by the Permittee; and
 - 27 iv. Areas served by the Permittee's MS4 that discharge stormwater to
28 groundwater.
 - 29 v. Upon request, and to the extent appropriate, Permittees shall provide
30 mapping information to Co-permittees and Secondary Permittees.

31 The outfall and tributary maps in (i) and (ii) above shall be in a GIS format
32 which meets Ecology's GIS standards and shall be submitted to the Department
33 with the fourth year annual report. Ecology's GIS standards are available at:
34 <http://www.ecy.wa.gov/services/gis/data/standards.htm>

- 35 b. Each Permittee shall develop and implement an ordinance or other regulatory
36 mechanism to effectively prohibit non-stormwater, illegal discharges, and/or
37 dumping into the Permittee's municipal separate storm sewer system to the
38 maximum extent allowable under State law. The ordinance or other regulatory
39 mechanism shall be adopted no later than 2 years from the effective date of this
40 permit. The ordinance or other regulatory mechanism shall:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

i. Effectively prohibit all types of non-stormwater discharges into the MS4 operated by the Permittee other than: those authorized under a separate NPDES permit.

The categories of non-stormwater discharges listed below must be addressed only if identified as a significant contributor of pollution to the regulated small MS4. As necessary, the Permittee(s) shall incorporate appropriate control measures in the permittee’s SWMP to ensure these discharges are not significant sources of pollutants to waters of the state. Non-stormwater discharge categories include:

- Lawn watering and landscape irrigation, provided that conservation programs to minimize this type of discharge are in place.
- Diverted stream flows, provided that all necessary permits or authorizations are received prior to diverting the stream flow.
- Rising ground waters.
- Uncontaminated ground water infiltration (as defined at 40 CFR35.2005(20)) to separate storm sewers.
- Uncontaminated pumped ground water.
- Water line flushing and discharges from potable water sources, provided planned discharges from water lines and potable water sources shall be dechlorinated, pH adjusted if necessary, reoxygenated, and volumetrically and velocity controlled to prevent resuspension of sediments. Water that has been hyperchlorinated shall not be discharged to municipal separate storm sewers, even after de-chlorination.
- Foundation drains.
- Air conditioning condensation.
- Irrigation water.
- Springs.
- Water from crawl space pumps.
- Footing drains.
- Flows from riparian habitats and wetlands.
- Dechlorinated swimming pool discharges, provided discharge to a sanitary sewer is not available. Swimming pool discharges shall be dechlorinated, pH adjusted if necessary, reoxygenated, and volumetrically and velocity controlled to prevent resuspension of sediments. Swimming pool cleaning wastewater and filter backwash shall not be discharged to municipal separate storm sewers. Water that has been hyperchlorinated shall not be discharged to municipal separate storm sewers, even after de-chlorination.
- Street wash water, provided street wash waters shall be dechlorinated prior to entry into the MS4. At active construction sites, street sweeping must be performed prior to washing the street.

ii. Include all appropriate enforcement provisions and procedures as allowed under State Law.

- 1 c. Develop and implement an ongoing program which will effectively detect and
2 address non-stormwater discharges and illegal dumping into the Permittee's
3 municipal separate storm sewer system. The following shall be included:
- 4 i. Procedures for the detection and removal of illicit connections to the
5 permittee's municipal storm sewer system, including sanitary sewer or
6 interior floor drain connections.
- 7 ii. Each Permittee shall prioritize receiving waters for screening for illicit
8 connections and other illicit discharges and shall conduct field screening of
9 all outfalls into three high priority water bodies no later than the three years
10 from the effective date of this permit, and shall conduct field screening on
11 at least one water body per year there after. Screening for illicit
12 connections shall be conducted using: Illicit Discharge Detection and
13 Elimination: A Guidance Manual for Program Development and Technical
14 Assessments, Center for Watershed Protection, October 2004, or an
15 equivalent methodology.
- 16 iii. No later than 2 years from the effective date of this permit, adopt and
17 implement procedures for reporting and correcting or removing illicit
18 connections and other illicit discharges when they are suspected or
19 identified.
- 20 • Upon discovery or upon receiving a report of a suspected illicit
21 connection, Permittees shall initiate an investigation within 21 days, to
22 determine the source of the connection, the nature and volume of
23 discharge through the connection, and the responsible party for the
24 connection.
 - 25 • Upon confirmation of the illicit nature of a storm drain connection,
26 Permittees shall ensure termination of the connection within 180 days,
27 using enforcement authority as needed.
- 28 iv. No later than 2 years from the effective date of this permit, develop and
29 implement procedures to prevent, respond to, and clean up spills and
30 improper disposal into municipal separate storm sewers owned or operated
31 by the Permittee. Investigate or refer to the appropriate agency, within 7
32 days on average, any complaints/reports or monitoring information that
33 indicates a potential illicit discharge, spill, or illegal dumping. Investigate
34 or refer as soon as possible within 24 hours, those problems/violations
35 judged to be urgent or severe, or reported as emergencies.
- 36 v. No later than 2 years from the effective date of this permit, a citizen
37 complaints/reports telephone number shall be established and publicly
38 listed.
- 39 d. Provide appropriate training for municipal field staff on the identification and
40 reporting of illicit discharges into municipal separate storm sewers.
- 41 i. Training shall be provided to those responsible for identification,
42 investigation, termination, cleanup, and reporting illicit discharges,
43 including spills, improper disposal, and illicit connections. Initial training

1 shall be completed no later than one year from the effective date of this
2 permit. Permittees shall conduct refresher training on an annual basis
3 thereafter.

- 4 ii. All municipal field staff, which as part of their normal job responsibilities
5 might come into contact with or otherwise observe an illicit discharge or
6 illicit connection to the storm sewer system shall be trained on the
7 identification of an illicit discharge/connection and on the proper procedures
8 for reporting the illicit discharge/connection. Initial training shall be
9 completed no later than 2 years from the effective date of this permit.
10 Permittees shall conduct refresher training on an annual basis thereafter.

11 4. Controlling Stormwater Runoff from New Development, Redevelopment, and
12 Construction Sites

13 Each Permittee shall develop, implement, and enforce a program, to reduce pollutants in
14 stormwater runoff to a regulated small MS4 from new development, redevelopment and
15 construction site activities. At a minimum, this program shall be applied to all sites that
16 disturb a land area 1 acre or greater, including projects less than one acre that are part of a
17 larger common plan of the development or sale. The “Technical Thresholds” in Appendix
18 1 shall be applied to all sites 1 acre or greater, including projects less than one acre that
19 are part of a larger common plan of the development or sale.

20 At a minimum, the program shall include the following elements:

- 21 a. An ordinance or other enforceable mechanism that addresses runoff from new
22 development, redevelopment, and construction site projects. The ordinance or
23 other enforceable mechanism shall be in place no later than one year from the
24 effective date of this permit. At a minimum, this program shall be applied to all
25 sites that disturb a land area 1 acre or greater, including projects less than one acre
26 that are part of a larger common plan of the development or sale. Requirements of
27 the ordinance shall include, but is not limited to the following:
- 28 i. The Minimum Requirements, technical thresholds, and definitions in
29 Appendix 1 for new development, redevelopment, and construction sites
30 must be included in the ordinance or other enforceable mechanism adopted
31 by the local government. More stringent requirements may be used, and/or
32 certain requirements may be tailored to local circumstances through the use
33 of basin plans or other similar water quality and quantity planning efforts.
34 Such local requirements must provide equal protection of receiving waters
35 and equal levels of pollution control as compared to Appendix 1.
- 36 ii. Adjustment and variance criteria equivalent to those in Appendix 1 must be
37 included.
- 38 iii. A site planning process and BMP selection and design criteria that, when
39 used to implement the minimum requirements on a site specific basis, will
40 protect water quality, reduce the discharge of pollutants to the maximum
41 extent practical, and satisfy the state requirement under chapter 90.48 RCW
42 to apply all known, available, reasonable methods of prevention, control and
43 treatment (AKART) prior to discharge. Permittees must document how the

1 criteria and requirements will protect water quality, reduce the discharge of
2 pollutants to the maximum extent practical, and satisfy the state AKART
3 requirements.

4 Permittees who choose to use the site planning process, and BMP selection
5 and design criteria in the 2005 Stormwater Management Manual for Western
6 Washington, or an equivalent manual approved by the Department, may cite
7 this choice as their sole documentation to meet this requirement.

8 iv. The program shall include legal authority, through approval of new
9 development, to inspect private stormwater facilities.

10 v. Allow source reduction approaches such as Low Impact Development
11 Techniques, LID, and other measures to minimize the disturbance of the soils
12 and natural vegetation at the site and changes to natural hydrology.

13 b. The program must include a process of permits, plan review, inspections and
14 enforcement capability to meet the following standards for both private and public
15 projects, using *qualified personnel* (staff or qualified contractors). At a minimum,
16 this program shall be applied to all sites that disturb a land area 1 acre or greater,
17 including projects less than one acre that are part of a larger common plan of the
18 development or sale. The process shall be in place no later than 2 years from the
19 effective date of this permit.

20 i. Review all stormwater site plans for proposed development activities.

21 ii. Inspect, prior to clearing and construction, all development sites that are
22 *hydraulically near a sediment/erosion-sensitive feature* or have a high
23 potential for sediment transport as determined through plan review based on
24 definitions and requirements in Appendix 4.

25 iii. Inspect all permitted development sites during construction to ensure proper
26 installation and maintenance of required erosion and sediment controls.
27 Enforce as necessary based on the inspection. This inspection may be
28 combined with other inspections provided it is still performed by qualified
29 personnel (staff or contractor).

30 iv. Inspect all permitted development sites upon completion of construction and
31 prior to final approval/occupancy to ensure proper installation of permanent
32 erosion controls and stormwater facilities/BMPs. Enforce as necessary based
33 on the inspection. Also, ensure a maintenance plan is completed and
34 responsibility for maintenance is assigned. This inspection may be combined
35 with other inspections provided it is still performed by qualified personnel.

36 v. Compliance with the inspection requirements in (ii), (iii) and (iv) above shall
37 be determined by the presence of an established inspection program designed
38 to inspect all sites. At a minimum, this program shall be applied to all sites
39 that disturb a land area 1 acre or greater, including projects less than one acre
40 that are part of a larger common plan of the development or sale.

1 c. An ordinance or other enforceable mechanism to ensure adequate long-term
2 operation and maintenance (O&M) of post-construction stormwater
3 facilities/BMPs that are permitted and constructed pursuant to (b) above. The
4 ordinance or other enforceable mechanism shall be in place no later than two
5 years from the effective date of this permit. At a minimum, this program shall be
6 applied to all sites that disturb a land area 1 acre or greater, including projects less
7 than one acre that are part of a larger common plan of the development or sale.
8 The ordinance or other enforceable mechanism must clearly identify the party
9 responsible for maintenance, require inspection of facilities in accordance with
10 the following requirements, and establish enforcement procedures, and shall
11 include:

12 i. Adoption of maintenance standards that are as protective or more protective
13 than those specified in Chapter 4 of Volume V of the Stormwater
14 Management Manual for Western Washington (2005).

15 The facility-specific maintenance standards are conditions for determining if
16 maintenance actions are required as identified through inspection. They are
17 not a measure of the facility's required condition at all times between
18 inspections. Exceeding the maintenance standards between inspections and/or
19 maintenance does not automatically constitute a violation of these standards.
20 However, based upon inspection observations, the inspection and maintenance
21 schedules shall be adjusted to minimize the length of time that a facility is in a
22 condition that requires a maintenance action. These standards are violated
23 when an inspection identifies a required maintenance action, and that action is
24 not performed in a timely manner, for example; within 90 days for typical
25 maintenance, within 6 months for re-vegetation, and within 1 year for
26 maintenance that requires capital construction of less than \$25,000.

27 ii. Annual inspection of all stormwater treatment and flow control facilities to
28 ensure compliance with the adopted maintenance standards. The annual
29 inspection schedule of a facility may be changed to a lesser or greater
30 frequency of inspection as appropriate to ensure compliance with maintenance
31 standards. Changing the inspection frequency to less frequently than annually
32 shall be based on maintenance records of double the length of time of the
33 proposed inspection frequency. The inspection requirement in this paragraph
34 does not apply to catch basins.

35 iii. Inspect all new flow control and water quality treatment facilities, including
36 catch basins, for new residential developments that are a part of a larger
37 common plan of development or sale, every 6 months during the period of
38 heaviest house construction (i.e., 1 to 2 years following subdivision approval)
39 to identify maintenance needs and enforce compliance with maintenance
40 standards as needed.

41 iv. Compliance with the inspection requirements in (ii) and (iii) above shall be
42 determined by the presence of an established inspection program designed to
43 inspect all sites.

- d. A procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records. Records of maintenance inspections and maintenance activities shall be maintained
- e. A process to make available copies of the "*Notice of Intent for Construction Activity*" and/or copies of the "*Notice of Intent for Industrial Activity*" to representatives of proposed new development and redevelopment. Permittees will continue to enforce local ordinances controlling runoff from construction sites that also require coverage under the Baseline General Permit for Discharges Associated with Industrial Stormwater and/or the General Permit for Stormwater Discharges Associated with Construction Activities.
- f. Adequate training for staff involved in Controlling Stormwater Runoff from New Development, Redevelopment, and Construction Sites, including permitting, plan review, construction site inspections, O&M, and enforcement to carry out the provision of this program component.

5. Pollution Prevention and Operation and Maintenance for Municipal Operations

Each Permittee shall develop and implement an operations and maintenance (O&M) program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Within three years of the effective date of this permit, each Permittee must develop and implement a Pollution Prevention/O&M program.

At a minimum, this program shall include:

- a. Adoption of maintenance standards that are as protective or more protective than those specified in Chapter 4 of Volume V of the Stormwater Management Manual for Western Washington (2005).

The facility-specific maintenance standards are conditions for determining if maintenance actions are required as identified through inspection. They are not a measure of the facility's required condition at all times between inspections. Exceeding the maintenance standards between inspections and/or maintenance does not automatically constitute a violation of these standards. However, based upon inspection observations, the inspection and maintenance schedules shall be adjusted to minimize the length of time that a facility is in a condition that requires a maintenance action. These standards are violated when an inspection identifies a required maintenance action, and that action is not performed in a timely manner, for example; within 90 days for typical maintenance, within 6 months for re-vegetation, and within 1 year for maintenance that requires capital construction of less than \$25,000.

- b. Inspection of all municipally owned or operated stormwater treatment and flow control facilities annually and taking appropriate maintenance actions in accordance with the adopted maintenance standards. Changing the inspection frequency to less frequently than annually shall be based on maintenance records of double the length of time of the proposed inspection frequency.

- 1 c. Conducting spot checks of potentially damaged treatment and flow control facilities after
2 major storm events. If spot checks indicate widespread damage/maintenance needs,
3 inspect all stormwater treatment and flow control facilities that may be affected. Conduct
4 repairs or take appropriate maintenance action in accordance with maintenance standards
5 established above, based on the results of the inspections.
- 6 d. Inspection of all catch basins and inlets owned or operated by the Permittee at least once
7 before the end of the permit term. Clean catch basins if the inspection indicates cleaning
8 is needed to comply with maintenance standards established above. Disposal of decant
9 water shall be done in accordance with the requirements in Appendix 5.
- 10 e. Compliance with the inspection requirements in a, b, c and d above shall be determined
11 by the presence of an established inspection program designed to inspect all sites.
12 Permittee.
- 13 f. Establishment and implementation of practices to reduce stormwater impacts associated
14 with runoff from public streets, public parking lots, public roads, highways, and public
15 road maintenance activities. The following activities must be addressed:
- 16 • Pipe cleaning
 - 17 • Cleaning of culverts that convey stormwater in ditch systems
 - 18 • Ditch maintenance
 - 19 • Street cleaning
 - 20 • Road repair and resurfacing, including pavement grinding
 - 21 • Snow and ice control
 - 22 • Utility installation
 - 23 • Maintaining roadside areas, including vegetation management .
 - 24 • Dust control
 - 25 • Pavement striping maintenance
 - 26
- 27 g. Establishment and implementation of policies and procedures to reduce pollutants in
28 discharges from all lands owned or maintained by the Permittee, including but not limited
29 to: parks, open space, road right-of-way, maintenance yards, and at stormwater treatment
30 and flow control facilities. These policies and procedures must address, but are not
31 limited to:
- 32 • Application of fertilizer, pesticides, and herbicides including the development of
33 integrated pest management program
 - 34 • Sediment and erosion control
 - 35 • Landscape maintenance and vegetation disposal
 - 36 • Trash management
 - 37 • Building exterior cleaning and maintenance
 - 38
- 39 h. Training for appropriate employees of the Permittee whose construction, operations, or
40 maintenance job functions may impact stormwater quality. Training shall address the
41 importance of protecting water quality, the requirements of this permit, operation and

1 maintenance standards, inspection procedures, selecting appropriate BMPs, ways to
2 perform their job activities to prevent or minimize impacts to water quality, and
3 procedures for reporting water quality concerns, including potential illicit discharges.

- 4 i. Development and implementation of a Stormwater Pollution Prevention Plan (SWPPP)
5 for all *heavy equipment maintenance or storage yards*, and *material storage facilities*
6 owned or operated by the Permittee, that are not covered under the Industrial Stormwater
7 General permit. The SWPPP is a documented plan to implement measures to identify,
8 prevent, and control the contamination of discharges of stormwater to surface or ground
9 water. Implementation of non-structural BMPs shall begin immediately after the
10 pollution prevention plan is developed. A schedule for implementation of structural
11 BMPs shall be included in the SWPPP. Generic SWPPPs that can be applied at multiple
12 sites may be used to comply with this requirement. The SWPPP shall include periodic
13 visual observation of stormwater outfalls and receiving water in close proximity of
14 known stormwater outfalls, during a storm event, to evaluate the effectiveness of BMPs.
15 A visual observation form is provided at
16 <http://www.ecy.wa.gov/programs/wq/stormwater/index.html>.
- 17 j. Record keeping of inspections and maintenance or repair activities conducted by the
18 Permittee shall be maintained in accordance with S10, Record Keeping.

1 **S8. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY**
2 **PERMITTEES**

3 This section of the permit (S8) applies to all Secondary Permittees covered under this permit. To
4 the extent allowable under state law, compliance with this section is mandatory for all Secondary
5 Permittees.

6 Each Secondary Permittee shall develop and implement a Stormwater Management Program
7 (SWMP) during the term of this permit. The SWMP shall be designed to reduce the discharge of
8 pollutants from regulated small MS4s to the maximum extent practicable and protect water
9 quality. A SWMP is a set of actions and activities comprising the components listed in S8.A
10 through S8.G below. Unless an alternate deadline is provided below, all components of the
11 SWMP shall be fully developed and implemented within 5 years of receiving coverage under this
12 permit.

13 A. Coordination

14 The SWMP shall include mechanisms to encourage coordinated stormwater-related
15 policies, programs and projects within a watershed and interconnected municipal separate
16 storm sewers. Where relevant and appropriate, the SWMP shall also include coordination
17 among departments within each jurisdiction to ensure compliance with the terms of this
18 permit.

19 No later than 6 months after receiving coverage under this permit the SWMP shall
20 provide for appropriate coordination with the City and County in which the Secondary
21 Permittee is located.

22 B. Legal Authority

23 To the extent allowable under state law, each Secondary Permittee shall operate pursuant
24 to adequate legal authority which authorizes or enables the Secondary Permittee to
25 control discharges to and from municipal separate storm sewers owned or operated by the
26 Secondary Permittee.

27 This legal authority, which may be a combination of statute, ordinance, permit, contracts,
28 orders, interagency agreements, or similar means, and shall include the ability to:

- 29 1. Control the contribution of pollutants to municipal separate storm sewers owned or
30 operated by the Secondary Permittee from stormwater discharges associated with
31 industrial activity, and control the quality of stormwater discharged from sites of
32 industrial activity into the Permittees municipal separate storm sewer;

- 1 2. Prohibit illicit discharges to the municipal separate storm sewer owned or
2 operated by the Secondary Permittee;
- 3 3. Control the discharge of spills and the dumping or disposal of materials other than
4 stormwater into the municipal separate storm sewers owned or operated by the
5 Secondary Permittee;
- 6 4. Control the contribution of pollutants from one portion of the municipal separate
7 storm sewer system to another portion of the municipal separate storm sewer
8 system;
- 9 5. Require compliance with conditions in ordinances, permits, contracts, or orders;
10 and,
- 11 6. Carry out inspection, surveillance, and monitoring procedures necessary to
12 determine compliance and non-compliance with permit conditions, including the
13 prohibition on illicit discharges to the municipal separate storm sewer.

14 C. Public Education and Outreach

15 Secondary Permittees must develop and implement a public education and outreach
16 program. The program shall distribute educational materials or conduct equivalent
17 outreach activities to educate the public, businesses and other entities in the area served
18 by the Secondary Permittees MS4. This requirement may be satisfied through working
19 with other Permittees and/or Co-permittees.

20 The minimum performance measures are:

- 21 1. Each Secondary Permittee shall identify at least one target audience served by the
22 Secondary Permittees MS4 for stormwater education and will provide appropriate
23 information to that audience about proper stormwater management to prevent
24 water quality impacts.
- 25 2. The target audience(s) must be identified within one year from the date of permit
26 coverage; an outreach strategy designed to reach 100% of the identified target
27 audience must be developed and implemented within four years from the date of
28 permit coverage. This requirement may be satisfied by participating in the
29 education program of the permitted jurisdiction that the Secondary Permittee is
30 located within.

31 D. Public Involvement

32 At a minimum, Secondary Permittees must comply with applicable State, tribal and local
33 public notice requirements when implementing a public involvement and participation
34 program. The SWMP shall include ongoing opportunities for public involvement and
35 participation through advisory panels, public hearings, watershed committees,
36 participation in developing rate-structures, stewardship programs, environmental
37 activities, volunteer opportunities, or other similar activities.

38 E. Illicit Discharge Detection and Elimination

39 The SWMP shall include measures to prevent, identify and respond to illicit discharges,
40 including illicit connections, spills, and improper disposals, which shall include

1 appropriate inspections and reports, and appropriate training and procedures to be used
2 by field staff to recognize, report, and respond to, illicit discharges.

3 The minimum performance measures are:

- 4 1. From the date of permit coverage, comply with all relevant ordinances, rules, and
5 regulations of the local jurisdiction(s) in which the Secondary Permittee is located
6 that govern discharges into the local jurisdictions municipal separate storm sewer
7 system.
- 8 2. Develop and enforce appropriate policies prohibiting illicit discharges and illegal
9 dumping. Identify possible enforcement mechanisms within one year from the
10 date of permit coverage; and, within eighteen months from the date of permit
11 coverage, develop and implement an enforcement plan using these mechanisms to
12 ensure compliance with illicit discharge policies adopted by the Secondary
13 Permittee.
- 14 3. Develop a map of the municipal separate storm sewer system owned or operated
15 by the Secondary Permittee within 2 years from the date of permit coverage. The
16 map shall include all known storm drain outfalls to waters of the state and the
17 name of the receiving water body or discharge points into adjacent MS4s. The
18 map shall also include all known tributary conveyances, and their associated
19 drainage areas, for all areas served by the MS4 owned or operated by the
20 Secondary Permittee.
21 The storm sewer map shall be provided to the City or County in which the
22 Secondary Permittee is located, upon the request of those entities. In accordance
23 with S7.C.3.a.v., Secondary Permittees may request mapping information from
24 other entities covered under this permit.
- 25 4. By the end of the permit term, develop and implement a spill response plan that
26 includes coordination with a qualified spill responder.
- 27 5. Provide staff training or coordinate with existing training efforts to educate
28 relevant staff on proper best management practices for identifying and preventing
29 spills and illicit discharges. All relevant staff must be trained by the end of the
30 permit term.
- 31 6. Identify areas of industrial activity served by the Secondary Permittee's MS4 that
32 require coverage under the Industrial General Permit, determine whether coverage
33 has been obtained, and inform the Department if coverage has not been obtained.

34
35 F. Construction Site Stormwater Runoff Control

36 The SWMP shall include a program to reduce pollutants in any stormwater runoff to the
37 MS4 from construction activities that result in land disturbances greater than one acre and
38 to projects of less than one acre that are part of a common plan of development or sale.

39 The minimum performance measures are:

- 1 1. From the date of permit coverage, comply with all relevant ordinances, rules, and
2 regulations of the local jurisdiction(s) in which the Secondary Permittee is located
3 that govern construction phase stormwater pollution prevention measures.
- 4 2. Seek coverage under the General NPDES Permit for Stormwater Discharges
5 Associated with Construction Activities for all sites with land disturbance greater
6 than one acre, or land disturbances less than 1 acre if part of a common plan of
7 development, and discharge to surface water either directly or indirectly via a
8 MS4.
- 9 3. Provide training or coordinate with existing training efforts to educate relevant
10 staff in erosion and sediment control BMPs and requirements, or hire trained
11 contractors to perform the work.

12 G. Post-Construction Stormwater Management for New Development and Redevelopment
13 The SWMP shall include a program to address post-construction stormwater runoff from
14 new development and redevelopment projects. The program must ensure that controls
15 are in place that would prevent or minimize water quality impacts.

16 The minimum performance measures are:

- 17 1. From the date of permit coverage, comply with all relevant ordinances, rules and
18 regulations of the local jurisdiction(s) in which the Secondary Permittee is located
19 that govern post-construction stormwater pollution prevention measures,
20 including proper operation and maintenance of the MS4.
- 21 2. Provide for the post-construction stormwater controls included in Appendix 1 to
22 be included on all new construction and other land-disturbing projects and ensure
23 that qualified staff or contractors design post-construction stormwater controls as
24 necessary to protect water quality on all projects.

25 H. Pollution Prevention and Good Housekeeping

26 All Permittees must develop and implement an operation and maintenance program
27 (O&M Plan) that includes a training component and has the ultimate goal of preventing
28 or reducing pollutant runoff from municipal operations into MS4s. Within three years
29 from the date of permit coverage, each Secondary Permittee shall develop a municipal
30 O&M Plan. The O&M plan shall be fully implemented no later than five years from the
31 date of permit coverage.

32

33 The minimum performance measures are:

- 34 1. The O&M Plan shall include appropriate pollution prevention and good
35 housekeeping procedures for the following activities and/or types of facilities
36 carried out, or under the functional control of the of the Secondary Permittee:
 - 37 • Stormwater collection maintenance and conveyance system maintenance
 - 38 • Drainage/Ditch system maintenance
 - 39 • Structural stormwater controls
 - 40 • Roads, highways, and parking lots

- 1 • Vehicle fleets (storage, washing, and maintenance)
 - 2 • Equipment storage and maintenance areas
 - 3 • Material storage areas
 - 4 • Parks and open space
 - 5 • Other facilities that that would reasonably be expected to discharge
 - 6 contaminated runoff
- 7 2. The O&M plan shall include pollution prevention/good housekeeping practices at
- 8 all park areas and other open spaces maintained by the Secondary Permittee. The
- 9 O&M Plan must address, but is not limited to:
- 10 • Application of fertilizer, pesticides, and herbicides
 - 11 • Sediment and erosion control
 - 12 • Landscape maintenance and vegetation disposal
 - 13 • Trash management
 - 14 • Building exterior cleaning and maintenance.
- 15
- 16 3. The O&M Plan shall include provisions for the regular inspection and
- 17 maintenance of post-construction structural BMPs. The O&M Plan shall establish
- 18 facility-specific maintenance standards that are as protective or more protective
- 19 than those specified in Chapter 4 of Volume V of the 2005 Stormwater
- 20 Management Manual for Western Washington.
- 21 The facility-specific maintenance standards are intended to be conditions for
- 22 determining if maintenance actions are required as identified through inspection.
- 23 They are not a measure of the facility's required condition at all times between
- 24 inspections. Exceeding the maintenance standards between inspections and/or
- 25 maintenance does not automatically constitute a violation of these standards.
- 26 However, based upon inspection observations, the inspection and maintenance
- 27 schedules shall be adjusted to minimize the length of time that a facility is in a
- 28 condition that requires a maintenance action. These standards are violated when
- 29 an inspection identifies a required maintenance action, and that action is not
- 30 performed within 90 days for typical maintenance, within 6 months for re-
- 31 vegetation, and within 1 year for maintenance that requires capital construction of
- 32 less than \$5,000.
- 33 4. Secondary Permittees shall annually inspect all post construction stormwater
- 34 BMPs. The annual inspections program shall begin no later than three years from
- 35 the date of permit coverage. The annual inspection schedule may be changed to a
- 36 lesser or greater frequency of inspection as appropriate to ensure compliance with
- 37 maintenance standards based on maintenance records of double the length of time
- 38 of the proposed inspection frequency.
- 39 5. Secondary Permittees shall properly maintain stormwater collection and
- 40 conveyance systems, including but not limited to: regular inspections, cleaning,
- 41 proper disposal of waste removed from the system (per Appendix 5), and record
- 42 keeping.

- 1 6. Secondary Permittees shall identify, and submit a Notice of Intent for permit
2 coverage for all facilities operated by the Secondary Permittee that are required to
3 be covered under the General NPDES Permit for Stormwater Discharges
4 Associated with Industrial Activities.
- 5 7. Secondary Permittees shall provide appropriate training for employees of the
6 Secondary Permittee whose construction, operations, or maintenance job
7 functions may impact stormwater quality. Training shall address the importance
8 of protecting water quality, the requirements of this permit, operation and
9 maintenance requirements, inspection procedures, ways to perform their job
10 activities to prevent or minimize impacts to water quality, and procedures for
11 reporting water quality concerns, including potential illicit discharges.

12

13 **S9. REPORTING REQUIREMENTS**

- 14 A. Each Permittee, Co-permittee and Secondary Permittee shall submit, no later than March
15 31 of each year beginning in the year 2007, an annual report. The reporting period for
16 each annual report shall be the previous calendar year.
- 17 B. The annual report shall include the following information:
- 18 1. Status of compliance with the conditions of this permit, including the status of
19 implementing the components of the stormwater management program, and the
20 implementation schedule. If permit deadlines are not met, Permittees, Co-
21 permittees and Secondary Permittees shall report the reasons why the requirement
22 was not met and how the requirements will be met in the future, including projected
23 implementation dates. A comparison of program implementation results to
24 performance standards established in this permit shall be included for each program
25 area.
- 26 2. Notification of any recent or proposed annexations or incorporations resulting in an
27 increase or decrease in permit coverage area, and implications for the stormwater
28 management program
- 29 3. Expenditures for the reporting period, with a breakdown for the components of the
30 stormwater management program.
- 31 4. A summary describing compliance activities, including the nature and number of
32 official enforcement actions, inspections, and types of public education activities.
- 33 5. Results of information collected and analyzed, including monitoring data, if any,
34 during the reporting period. (As defined at 40 CFR 122.34(g)(3)(ii)).
- 35 6. An assessment of the appropriateness of the BMPs identified by the Permittee for
36 each component of the SWMP as required in S7.C. this permit and;
- 37 7. Notice that you are relying on another governmental entity to satisfy some of your
38 permit obligations (if applicable). (As defined at 40 CFR 122.34(g)(3)(v)).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

C. Report Format

Each Permittee, Co-permittee or Secondary Permittee shall use the attached reporting forms, in Appendix 8, which is by this reference as if set forth fully herein. Each Permittee shall complete the applicable form in its entirety. Two copies of the annual report shall be submitted to Ecology. In addition, an electronic copy of the report, in pdf format, shall be submitted to Ecology.

1 **GENERAL CONDITIONS**

2
3 G1. DISCHARGE VIOLATIONS

4 All discharges and activities authorized by this permit shall be consistent with the terms
5 and conditions of this permit.

6 G2. PROPER OPERATION AND MAINTENANCE

7 The Permittee shall at all times properly operate and maintain all facilities and systems of
8 collection, treatment, and control (and related appurtenances) which are installed or used
9 by the Permittee for pollution control to achieve compliance with the terms and conditions
10 of this permit.

11 G3. NOTIFICATION OF SPILL

12 If a Permittee has knowledge of a spill into a municipal storm sewer which could constitute
13 a threat to human health, welfare, or the environment, the Permittee shall notify the
14 Ecology regional office and other appropriate spill response authorities immediately but in
15 no case later than within 24 hours of obtaining that knowledge.

16 Spills which might cause bacterial contamination of shellfish, such as might result from
17 broken sewer lines, shall be reported immediately to the Department of Ecology and the
18 Department of Health, Shellfish Program. The Department of Ecology's Regional Office
19 24-hr. number is **425 649-7000 for NWRO** and **360 407-6300 for SWRO** and the
20 **Department of Health's Shellfish** 24-hr. number is **360-236-3330**.

21 G4. BYPASS PROHIBITED

22 The intentional bypass of stormwater from all or any portion of a stormwater treatment
23 BMP whenever the design capacity of the treatment BMP is not exceeded, is prohibited
24 unless the following conditions are met:

- 25 A. Bypass is: (1) unavoidable to prevent loss of life, personal injury, or severe property
26 damage; or (2) necessary to perform construction or maintenance-related activities
27 essential to meet the requirements of the Clean Water Act (CWA); and
- 28 B. There are no feasible alternatives to bypass, such as the use of auxiliary treatment
29 facilities, retention of untreated stormwater, or maintenance during normal dry periods.

30 "Severe property damage" means substantial physical damage to property, damage to
31 the treatment facilities which would cause them to become inoperable, or substantial
32 and permanent loss of natural resources which can reasonably be expected to occur in
33 the absence of a bypass. Severe property damage does not mean economic loss.

34 G5. RIGHT OF ENTRY

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

- 37 A. To enter upon the Permittee's premises where a discharge is located or where any
38 records must be kept under the terms and conditions of this permit;
- 39 B. To have access to, and copy at reasonable cost and at reasonable times, any records that
40 must be kept under the terms of the permit;

- 1 C. To inspect at reasonable times any monitoring equipment or method of monitoring
2 required in the permit;
- 3 D. To inspect at reasonable times any collection, treatment, pollution management, or
4 discharge facilities; and
- 5 E. To sample at reasonable times any discharge of pollutants.

6 G6. DUTY TO MITIGATE.

7 The Permittee shall take all reasonable steps to minimize or prevent any discharge in
8 violation of this permit which has a reasonable likelihood of adversely affecting human
9 health or the environment.

10 G7. PROPERTY RIGHTS

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

12 G8. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

15
16 G9. MONITORING.

17 A. Representative Sampling:

18 Samples and measurements taken to meet the requirements of this permit shall be
19 representative of the volume and nature of the monitored discharge, including
20 representative sampling of any unusual discharge or discharge condition, including
21 bypasses, upsets, and maintenance-related conditions affecting effluent quality.

22 B. Records Retention:

23 The Permittee shall retain records of all monitoring information, including all
24 calibration and maintenance records and all original recordings for continuous
25 monitoring instrumentation, copies of all reports required by this permit, and records of
26 all data used to complete the application for this permit, for a period of at least five
27 years. This period of retention shall be extended during the course of any unresolved
28 litigation regarding the discharge of pollutants by the Permittee or when requested by
29 the *Director*. On request, monitoring data and analysis shall be provided to Ecology.

30 C. Recording of Results:

31 For each measurement or sample taken, the Permittee shall record the following
32 information: (1) the date, exact place and time of sampling; (2) the individual who
33 performed the sampling or measurement; (3) the dates the analyses were performed; (4)
34 who performed the analyses; (5) the analytical techniques or methods used; and (6) the
35 results of all analyses.

36 D. Test Procedures:

37 All sampling and analytical methods used to meet the monitoring requirements
38 specified in the approved stormwater management program shall conform to the
39 Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40

1 CFR Part 136, unless otherwise specified in this permit or approved in writing by
2 Ecology.

3 E. Flow Measurement:

4 Appropriate flow measurement devices and methods consistent with accepted scientific
5 practices shall be selected and used to ensure the accuracy and reliability of
6 measurements of the volume of monitored discharges. The devices shall be installed,
7 calibrated, and maintained to ensure that the accuracy of the measurements are
8 consistent with the accepted industry standard for that type of device. Frequency of
9 calibration shall be in conformance with manufacturer's recommendations or at a
10 minimum frequency of at least one calibration per year. Calibration records should be
11 maintained for a minimum of three years.

12 F. Lab Accreditation:

13 All monitoring data, except for flow, temperature, conductivity, pH, total residual
14 chlorine, and other exceptions approved by Ecology, shall be prepared by a laboratory
15 registered or accredited under the provisions of, Accreditation of Environmental
16 Laboratories, Chapter 173-50 WAC. Soils and hazardous waste data are exempted
17 from this requirement pending accreditation of laboratories for analysis of these media
18 by Ecology.

19
20 G. Additional Monitoring:

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

23
24 G10. REMOVED SUBSTANCES

25 With the exception of decant from street waste vehicles, the Permittee shall not allow
26 collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed
27 in the course of treatment or control of stormwater to be resuspended or reintroduced to
28 the storm sewer system or to waters of the state. Decant from street waste vehicles
29 resulting from cleaning stormwater facilities may be reintroduced only when other
30 practical means are not available and only in accordance with Appendix 5, Street
31 Waste Disposal, which is by this reference as if set forth fully herein.

32 G11. SEVERABILITY

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

37 G12. REVOCATION OF COVERAGE

38 The director may terminate coverage under this General Permit in accordance with
39 Chapter 43.21B RCW and Chapter 173-226 WAC. Cases where coverage may be
40 terminated include, but are not limited to the following:

- 1 A. Violation of any term or condition of this general permit;
 - 2 B. Obtaining coverage under this general permit by misrepresentation or failure to
 - 3 disclose fully all relevant facts;
 - 4 C. A change in any condition that requires either a temporary or permanent reduction
 - 5 or elimination of the permitted discharge;
 - 6 D. A determination that the permitted activity endangers human health or the
 - 7 environment, or contributes significantly to water quality standards violations;
 - 8 E. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;
 - 9 F. Nonpayment of permit fees assessed pursuant to RCW 90.48.465;
- 10 Revocation of coverage under this general permit may be initiated by Ecology or
- 11 requested by any interested person.
- 12

13 G13. TRANSFER OF COVERAGE

14 The director may require any discharger authorized by this general permit to apply for

15 and obtain an individual permit in accordance with Chapter 43.21B RCW and Chapter

16 173-226 WAC.

17

18 G14. GENERAL PERMIT MODIFICATION AND REVOCATION

19 This general permit may be modified, revoked and reissued, or terminated in

20 accordance with the provisions of WAC 173-226-230. Grounds for modification,

21 revocation and reissuance, or termination include, but are not limited to the following:

- 22 A. A change occurs in the technology or practices for control or abatement of
- 23 pollutants applicable to the category of dischargers covered under this general
- 24 permit;
- 25 B. Effluent limitation guidelines or standards are promulgated pursuant to the CWA or
- 26 chapter 90.48 RCW, for the category of dischargers covered under this general
- 27 permit;
- 28 C. A water quality management plan containing requirements applicable to the
- 29 category of dischargers covered under this general permit is approved; or
- 30 D. Information is obtained which indicates that cumulative effects on the environment
- 31 from dischargers covered under this general permit are unacceptable.

32 G15. REPORTING A CAUSE FOR MODIFICATION OR REVOCATION

33 A Permittee who knows or has reason to believe that any activity has occurred or will

34 occur which would constitute cause for modification or revocation and reissuance under

35 Condition G12, G14, or 40 CFR 122.62 must report such plans, or such information, to

36 Ecology so that a decision can be made on whether action to modify, or revoke and

37 reissue this permit will be required. Ecology may then require submission of a new or

38 amended application. Submission of such application does not relieve the Permittee of

39 the duty to comply with this permit until it is modified or reissued.

1 G16. APPEALS

2 A. The terms and conditions of this general permit, as they apply to the appropriate
3 class of dischargers, are subject to appeal within thirty days of issuance of this
4 general permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226
5 WAC.

6 B. The terms and conditions of this general permit, as they apply to an individual
7 discharger, are appealable in accordance with chapter 43.21b RCW within thirty
8 days of the effective date of coverage of that discharger. Consideration of an appeal
9 of general permit coverage of an individual discharger is limited to the general
10 permit's applicability or nonapplicability to that individual discharger.

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

16 D. Modifications of this permit are appealable in accordance with chapter 43.21B
17 RCW and chapter 173-226 WAC.

18 G17. PENALTIES

19 40 CFR 122.41(a)(2) and (3), 40 CFR 122.41(j)(5), and 40 CFR 122.41(k)(2) are
20 hereby incorporated into this permit by reference.

21 G18. DUTY TO REAPPLY

22 The Permittee must apply for permit renewal at least 180 days prior to the specified
23 expiration date of this permit.

24 G19. CERTIFICATION AND SIGNATURE

25 All applications, reports, or information submitted to Ecology shall be signed and
26 certified.

27 A. All permit applications shall be signed by either a principal executive officer or
28 ranking elected official.

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

32 1. The authorization is made in writing by a person described above and submitted
33 to Ecology, and

34 2. The authorization specifies either an individual or a position having
35 responsibility for the overall development and implementation of the stormwater
36 management program. (A duly authorized representative may thus be either a
37 named individual or any individual occupying a named position.)

38 C. Changes to authorization. If an authorization under General Condition G19.B.2 is
39 no longer accurate because a different individual or position has responsibility for the

1 overall development and implementation of the stormwater management program, a
2 new authorization satisfying the requirements of General Condition G19.B.2 must be
3 submitted to Ecology prior to or together with any reports, information, or applications
4 to be signed by an authorized representative.

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

7 "I certify under penalty of law, that this document and all attachments were prepared
8 under my direction or supervision in accordance with a system designed to assure that
9 qualified personnel properly gathered and evaluated the information submitted. Based
10 on my inquiry of the person or persons who manage the system or those persons
11 directly responsible for gathering information, the information submitted is, to the best
12 of my knowledge and belief, true, accurate, and complete. I am aware that there are
13 significant penalties for submitting false information, including the possibility of fine
14 and imprisonment for willful violations."

15 G20. RECORDS RETENTION

16 Each Permittee is required to keep all records related to this permit for at least five years.
17

18 DEFINITIONS AND ACRONYMS

19 "Best Management Practices" ("BMPs") means the schedules of activities, prohibitions of
20 practices, maintenance procedures, and structural and/or managerial practices that when used
21 singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to
22 waters of Washington State.

23 "Bypass" means the diversion of stormwater from any portion of a stormwater treatment facility.

24 "CWA" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act
25 or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub.
26 L. 95-217, Pub. L. 95-576, Pub. L. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

27 "Component" or "Program Component" means the elements of the stormwater management
28 program listed in Special Condition S7 or S8.

29 "Co-permittee" means a permittee to a NPDES permit that is only responsible for permit
30 conditions relating to the discharge for which it is operator. As defined at 40 CFR 122.26(b)(1).

31 "Director" means the Director of the Washington State Department of Ecology, or an authorized
32 representative.

33 "Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from
34 Municipal Separate Storm Sewers of the Permittees.

35 "Existing Stormwater Discharge" means a discharge from a municipal separate storm sewer
36 authorized before the effective date of this permit, at the point where it discharges to receiving
37 waters. An existing stormwater discharge serves an area of existing development and does not
38 include new stormwater sources or new stormwater outfalls

1 "40 CFR" means Title 40 of the Code of Federal Regulations, which is the codification of the
2 general and permanent rules published in the Federal Register by the executive departments and
3 agencies of the federal government.

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

7 "Heavy equipment maintenance or storage yard" means an uncovered area where any heavy
8 equipment, such as mowing equipment, excavators, dump trucks, backhoes, or bulldozers are
9 washed or maintained, or where at least five pieces of heavy equipment are stored.

10 "Hydraulically Near" means runoff from the site discharges to the sensitive feature without
11 significant natural attenuation of flows that allows for suspended solids removal. See Appendix
12 4 for a more detailed definition.

13 "Illicit connection" means any man-made conveyance that is connected to a municipal separate
14 storm sewer without a permit, excluding roof drains and other similar type connections.
15 Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets,
16 or outlets that are connected directly to the municipal separate storm sewer system.

17 "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed
18 entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES
19 permit for discharges from the municipal separate storm sewer) and discharges resulting from
20 fire fighting activities.

21 "Integrated Pest Management" means a coordinated decision-making and action process that
22 uses the most appropriate pest control methods and strategy in an environmentally and
23 economically sound manner to meet agency programmatic pest management objectives. The
24 elements of integrated pest management include:

25 (a) Preventing pest problems;

26 (b) Monitoring for the presence of pests and pest damage;

27 (c) Establishing the density of the pest population, that may be set at zero, that can be tolerated or
28 correlated with a damage level sufficient to warrant treatment of the problem based on health,
29 public safety, economic, or aesthetic thresholds;

30 (d) Treating pest problems to reduce populations below those levels established by damage
31 thresholds using strategies that may include biological, cultural, mechanical, and chemical
32 control methods and that must consider human health, ecological impact, feasibility, and cost-
33 effectiveness; and

34 (e) Evaluating the effects and efficacy of pest treatments.

35 "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed, and any form
36 of plant or animal life or virus, except virus, bacteria, or other microorganisms on or in a living
37 person or other animal or in or on processed food or beverages or pharmaceuticals, which is

1 normally considered to be a pest, or which the director of the department of agriculture may
2 declare to be a pest.

3 "Large Municipal Separate Storm Sewer System" means all municipal Separate Storm Sewers
4 located in an incorporated place with a population of 250,000 or more, a County with
5 unincorporated urbanized areas with a population of 250,000 or more according to the 1990
6 decennial census by the Bureau of Census.

7 "Low Impact Development" (LID) means a stormwater management and land development
8 strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-
9 site natural features integrated with engineered, small-scale hydrologic controls to more closely
10 mimic pre-development hydrologic functions.

11 "Major Municipal Separate Storm Sewer Outfall" means a municipal separate storm sewer
12 outfall from a single pipe with an inside diameter of 36 inches or more, or its equivalent
13 (discharge from a single conveyance other than circular pipe which is associated with a drainage
14 area of more than 50 acres); or for municipal separate storm sewers that receive stormwater from
15 lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an
16 outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its
17 equivalent (discharge from other than a circular pipe associated with a drainage area of 12 acres
18 or more).

19 "Material Storage Facilities" means an uncovered area where bulk materials (liquid, solid,
20 granular, etc.) are stored in piles, barrels, tanks, bins, crates, or other means.

21 "Medium Municipal Separate Storm Sewer System" means all Municipal Separate Storm Sewers
22 located in an incorporated place with a population of more than 100,000 but less than 250,000, or
23 a county with unincorporated urbanized areas of more than 100,000 but less than 250,000
24 according to the 1990 decennial census by the Bureau of Census.

25 "Municipal Separate Storm Sewer" means a conveyance, or system of conveyances (including
26 roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade
27 channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish,
28 district, association, or other public body (created by or pursuant to State Law) having
29 jurisdiction over disposal of wastes, storm water, or other wastes, including special districts
30 under State Law such as a sewer district, flood control district or drainage district, or similar
31 entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and
32 approved management agency under section 208 of the CWA that discharges to waters of the
33 United States; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a
34 combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as
35 defined at 40 CFR 122.2.

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

42 "New stormwater discharge" includes new stormwater sources and new stormwater outfalls.

1 “New stormwater outfall” means a municipal separate storm sewer, at the point where it
2 discharges to receiving waters, that is authorized after the effective date of this permit, and is
3 constructed at a location where a municipal separate stormwater discharge did not exist at the
4 effective date of the permit. A new stormwater outfall may consist of new stormwater sources,
5 existing stormwater sources or a combination of new and existing stormwater sources. A new
6 stormwater outfall does not include a replacement of an existing outfall, provided that the
7 replacement does not increase the volume, flow rate, or pollutant load of the discharge, and
8 discharges to the same water body at approximately the same location.

9 “New stormwater source” means any New Development and Redevelopment, as defined in
10 Appendix 1, that is vested after the effective date of this permit, increases the volume, flow rate,
11 or pollutant load of the stormwater runoff from the site, and discharges to a municipal separate
12 storm sewer owned or operated by the Permittee or Co-permittee.

13 “Notice of Intent” (NOI) means the application for, or a request for coverage under this General
14 Permit pursuant to WAC 173-226-200.

15 “Notice of Intent for Construction Activity,” and “Notice of Intent for Industrial Activity” mean
16 the application forms for coverage under the “Baseline General Permit for Stormwater
17 Discharges Associated with Industrial Activities.”

18 “Outfall” means point source as defined by 40 CFR 122.2 at the point where a municipal
19 separate storm sewer discharges to waters of the State and does not include open conveyances
20 connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances which
21 connect segments of the same stream or other waters of the State and are used to convey waters
22 of the State.

23 “Permittee” See S1.D.

24 “Physically Interconnected” means that one MS4 is connected to a second MS4 in such a way
25 that it allows for direct discharges to the second system. For example, the roads with drainage
26 systems and municipal streets of one entity are physically connected directly to a MS4 belonging
27 to another entity.

28 “Process Wastewater” means any water which, during manufacture or processing, comes into
29 direct contact with or results from the production or use of any raw material, intermediate
30 product, finished product, by product, or waste product.

31 “Qualified Personnel” means someone who has had professional training in the aspects of
32 stormwater management they are responsible for.

33 “Regulated Small Municipal Separate Storm Sewer System (MS4)” means a Municipal Separate
34 Storm Sewer System which is automatically designated for inclusion in the Phase II stormwater
35 permitting program by its location within an Urbanized Area, or by designation by the NPDES
36 permitting authority.

37 “Runoff” see Stormwater.

38 “Secondary Permittee” is an operator of regulated small municipal separate storm sewer system
39 which is not a Permittee or Co-permittee. (See S1.D.)

1 “Sediment/Erosion-Sensitive Feature” means an area subject to significant degradation due to the
2 effect of construction runoff or areas requiring special protection to prevent erosion. See
3 Appendix 4 for a more detailed definition.

4 “Shared Waterbodies” means waterbodies, including downstream segments, lakes and estuaries,
5 that receive discharges from more than one Permittee.

6 “Site-specific information” includes but is not limited to: information in water quality
7 management plans such as watershed or stormwater basin plans, TMDLs, groundwater
8 management plans, and lake management plans; information about hydrology, soils, or the
9 sensitivity of the receiving waters that is obtained through professional field observations or
10 monitoring; and information about likely pollutant sources.

11 “Small Municipal Separate Storm Sewer System” See S1.B.1.

12 “Stormwater,” means stormwater runoff, snow melt runoff and surface runoff and drainage.

13 “Stormwater Associated with Industrial Activity” means the discharge from any conveyance
14 which is used for collecting and conveying stormwater, which is directly related to
15 manufacturing, processing or raw materials storage areas at an industrial plant, and is required to
16 have an NPDES permit in accordance with 40 CFR 122.26.

17 “Stormwater Management Manual for Western Washington” means the 5-volume technical
18 manual (Publication Nos. 05-10-029 through 05-10-033). Published by The Department of
19 Ecology in February 2005.

20 “Urban Growth Area” as defined at Chapter 36.70A.110 RCW; Growth Management Act,
21 Comprehensive plans, Urban Growth Areas.

22 “Urbanized Area” means that, for the year 2000 Census, the U.S. Census Bureau classified
23 “urban” as all territory, population, and housing units located within an Urbanized Area (UA) or
24 an Urban Cluster (UC). It delineated UA and UC boundaries to encompass densely settled
25 territory, which consists of: core census block groups or blocks that have a population density of
26 at least 1,000 people per square mile and surrounding census blocks that have an overall density
27 of at least 500 people per square mile. In addition, under certain conditions, less densely settled
28 territory may be part of each UA or UC. The U.S. Census Bureau announced the “Census 2000
29 Urbanized Areas” on May 1, 2002. More information can be found at the U.S. Census Bureau
30 website at: http://www.census.gov/geo/www/ua/ua_2k.html. [An urbanized area is a land area
31 comprising one or more places – central places(s) – and the adjacent densely settled surrounding
32 area – urban fringe – that together have a residential population of at least 50,000 and an overall
33 population density of at least 1,000 people per square mile. EPA 833-F-00-004, Dec.1999, Fact
34 Sheet 2.2]

35 “Vesting” means the date, established by local government, that is used to determine which
36 development regulations apply to the review of a complete development permit application or
37 approved development permit.

38 “Waters of the State” includes those waters as defined as “waters of the United States” in 40
39 CFR Subpart 122.2 within the geographic boundaries of Washington State and “waters of the
40 state” as defined in Chapter 90.48 RCW which includes lakes, rivers, ponds, streams, inland
41 waters, underground waters, salt waters and all other surface waters and water courses within the
42 jurisdiction of the State of Washington.

1 “Water Quality Standards” means Surface Water Quality Standards, Chapter 173-201A WAC,
2 Ground Water Quality Standards, Chapter 173-200 WAC, and Sediment Management Standards,
3 Chapter 173-204 WAC.

4

5

6

7

8

9

10

11

12

13