

Permit No. \_\_\_\_\_  
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  
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.

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David C. Peeler  
Water Quality Program Manager  
Department of Ecology

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**SUMMARY OF PERMIT REPORT SUBMITTALS AND COMPLIANCE DATES**

**Table 1. Report Submittals & Compliance Dates**

Permit Section	Submittal and/or Compliance Requirement	Frequency	First Submittal Date
S5.A	Cities, towns and counties status report of development & implementation their Stormwater Management Program (SWMP)	On-going per Tables in Appendix 3	March 31, 2008
S6	Secondary Permittees status report of SWMP development & implementation	On-going per Tables in Appendix 3	March 31, 2008
S7.B.1	Develop a TMDL monitoring Quality Assurance Project Plan	As needed	Within 90 days of Permit effective date
S8	Monitoring site identification	Once	180 days prior to Permit expiration date
S9.A	SWMP Annual Report Conditions – See Appendix 3 for Annual Report Forms	Annually	March 31, 2008
G3	Notification of Spill	As needed	Immediately when known
G18	Duty to Reapply	Once	180 days prior to Permit expiration date
G20	Non-Compliance Notification	As necessary	Within 30 days

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**SPECIAL CONDITIONS**

**S1. PERMIT COVERAGE AREA AND PERMITTEES**

**A. Geographic Area of Permit Coverage**

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

1. For all cities required to obtain coverage under this Permit, the requirements of this Permit are applicable and shall be implemented throughout the entire incorporated area of the city.
2. For all counties required to obtain coverage under this Permit, the requirements of this Permit are applicable and shall be implemented throughout the urbanized area and the urban growth areas associated with cities within the urbanized areas which are under the jurisdictional control of the county.
3. For other entities required to obtain coverage under this Permit, the requirements of this Permit are applicable and shall be implemented throughout the areas served by and under the effective control of the entity.

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

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

1. A regulated small MS4:
2. Is a “Small MS4” as defined in the Definitions and Acronyms section at the end of this Permit; and
3. Is located within, or partially located within, an urbanized area as defined by the latest decennial census conducted by the U.S. Bureau of Census, or designated by the Department pursuant to 40 CFR 123.35(b) or 40 CFR 122.26(f);
4. Discharges stormwater from the MS4 to a surface water of Washington State; and
5. Is not eligible for a waiver or exemption under S1.C below.
6. All other operators of municipal separate storm sewers, including special purpose districts, which meet the criteria for a regulated small MS4 shall obtain coverage under this Permit. Other operators of municipal separate storm sewers may include, but are not limited to: flood control, or diking and drainage districts, schools including universities, and correctional facilities that own or operate a small MS4 serving non-agricultural land uses.

- 1 7. Any other operators of small municipal separate storm sewers systems may be  
2 required by the Department to obtain coverage under this permit or an alternative  
3 NPDES permit if the Department determines the small MS4 is a significant source of  
4 pollution to surface waters of the state. Notification of the Department's  
5 determination that permit coverage is required will be through the issuance of an  
6 Administrative Order issued in accordance with RCW 90.48.
- 7 8. The owner or operator of a regulated small MS4 may obtain coverage under this  
8 Permit as a Permittee, Co-Permittee, or Secondary Permittee as defined in S1.D.1  
9 below.

10 C. Owners and operators of an otherwise regulated small MS4 is not required to obtain  
11 coverage under this Permit if :

- 12 1. The small MS4 is operated by:
  - 13 a. The federal government on military bases or other federal lands; or by the United  
14 States Military, the Bureau of Land Management, the United States Park Service  
15 or other federal agencies; or
  - 16 b. Federally recognized Indian Tribes located within Indian Country Lands; or
  - 17 c. The Washington State Department of Transportation.
- 18 or:
- 19 2. The portions of the small MS4 located within the census defined urban area(s) serve  
20 a total population of less than 1000 people and a, b, and c, below all apply:
  - 21 a. The small MS4 is not contributing substantially to the pollutant loadings of a  
22 physically interconnected MS4 that is regulated by the NPDES stormwater  
23 program,
  - 24 b. The discharge of pollutants from the small MS4 have not been identified as a  
25 cause of impairment of any water body to which the MS4 discharges, and
  - 26 c. In areas where an EPA approved TMDL has been completed, stormwater  
27 controls on the MS4 have not been identified as being necessary.

28 In determining the total population served both resident and commuter  
29 populations shall be included. For example:

- 30 • For publicly operated school complexes including universities and colleges  
31 the total population served would include the sum of the average annual  
32 student enrollment plus staff.
- 33 • For flood control, diking, and drainage districts the total population served  
34 would include residential population and any non-residents regularly  
35 employed in the areas served by the small MS4.

36 D. Obtaining Coverage under This Permit

37 All operators of **regulated small MS4s** are required to apply for and obtain coverage in  
38 accordance with this section, unless waived or exempted in accordance with section  
39 S1.C.

1 1. Permittees: unless otherwise noted, the term “Permittee” shall include Permittee, Co-  
2 Permittee, and Secondary Permittee, as defined below:

- 3 a. A “Permittee” is a city, town, or county owning or operating a regulated small  
4 MS4 applying and receiving a permit as a single entity.
- 5 b. A “Co-Permittee” is any operator of a regulated small MS4 that is applying  
6 jointly with another applicant for coverage under this Permit. Co-Permittees own  
7 or operate a regulated small MS4 located within or adjacent to another regulated  
8 small MS4.
- 9 c. A “Secondary Permittee” is an operator of regulated small MS4 that is not a city,  
10 town or county. Secondary Permittees include special districts and other MS4s  
11 that meet the criteria for a regulated small MS4 in S1.B.2 above.

12 2. Operators of **regulated small MS4s** shall submit an application to the Department  
13 using a Notice of Intent (NOI). The NOI is provided in Appendix 4, and is available  
14 at: [www.ecy.wa.gov/programs/wq/stormwater/phase\\_2/index.html#permit](http://www.ecy.wa.gov/programs/wq/stormwater/phase_2/index.html#permit).

15 a. All cities, towns and counties listed in i and ii below and operating regulated  
16 small MS4s shall apply as either a Permittee or Co-Permittee.

17 i. Cities of: Aberdeen, Algona, Anacortes, Arlington, Auburn, Bainbridge  
18 Island, Battle Ground, Bellevue, Bellingham, Black Diamond, Bonney  
19 Lake, Bothell, Bremerton, Brier, Buckley, Burien, Burlington, Camas,  
20 Centralia, Clyde Hill, Covington, Des Moines, DuPont, Duvall,  
21 Edgewood, Edmonds, Enumclaw, Everett, Federal Way, Ferndale, Fife,  
22 Fircrest, Gig Harbor, Granite Falls, Issaquah, Kelso, Kenmore, Kent,  
23 Kirkland, Lacey, Lake Forest Park, Lake Stevens, Lakewood, Longview,  
24 Lynnwood, Maple Valley, Marysville, Medina, Mercer Island, Mill Creek,  
25 Milton, Monroe, Mountlake Terrace, Mount Vernon, Mukilteo,  
26 Newcastle, Normandy Park, Oak Harbor, Olympia, Orting, Pacific, Port  
27 Orchard, Port Angeles, Poulsbo, Puyallup, Renton, Sammamish, SeaTac,  
28 Sedro-Woolley, Shoreline, Snohomish, Steilacoom, Sumner, Tukwila,  
29 Tumwater, University Place, Vancouver, Washougal, Woodinville, and  
30 Yarrow Point.

31 ii. Counties: Cowlitz, Kitsap, Thurston, Skagit, and Whatcom.

32  
33 b. All other **regulated small MS4s** shall apply as a Secondary Permittee or as a  
34 Co-Permittee.

35 c. The following cities, towns and counties submitted applications to the  
36 Department prior to March 10, 2003, for individual permits:

37 i. Cities and towns: Algona, Arlington, Auburn, Bainbridge Island,  
38 Battle Ground, Bellevue, Bellingham, Black Diamond, Bonney Lake,  
39 Bothell, Bremerton, Brier, Buckley, Burien, Burlington, Camas,  
40 Covington, Des Moines, DuPont, Duvall, Edgewood, Edmonds,  
41 Everett, Federal Way, Fife, Fircrest, Gig Harbor, Granite Falls,  
42 Issaquah, Kelso, Kenmore, Kent, Kirkland, Lacey, Lake Forest Park,

- 1 Lake Stevens, Lakewood, Longview, Lynnwood, Maple Valley,  
2 Marysville, Medina, Mercer Island, Mill Creek, Milton, Monroe,  
3 Mountlake Terrace, Mount Vernon, Mukilteo, Newcastle, Normandy  
4 Park, Olympia, Orting, Pacific, Port Orchard, Poulsbo, Puyallup,  
5 Renton, Sammamish, SeaTac, Sedro-Woolley, Shoreline, Snohomish,  
6 Steilacoom, Sumner, Tukwila, Tumwater, University Place,  
7 Vancouver, Washougal, Woodinville, and Yarrow Point.
- 8 ii. Counties: Cowlitz, Kitsap, Thurston, Skagit, and Whatcom.
- 9 d. Operators of regulated small MS4s listed in S2.D.c. do not need to submit  
10 a new application to be covered under this Permit. For these operators,  
11 coverage under this Permit is automatic and begins on the effective date of  
12 this permit, unless the operator:
- 13 i. Chooses to reapply before the effective date of this Permit, or  
14 ii. Is relying on another entity to satisfy one or more of their Permit  
15 obligations,  
16 iii. Chooses to be a Co-Permittee, or  
17 iv. Chooses to opt out of this Permit. If the operator of a regulated small  
18 MS4 listed in S1.A.4 chooses to opt out of this Permit they must do  
19 so no later than the issuance date of this Permit. Any operator of a  
20 regulated small MS4, which chooses to opt out of this Permit must  
21 submit an application for an individual MS4 permit in accordance  
22 with 40 CFR 122.33(b)(2)(ii).
- 23 e. Operators of **regulated small MS4s** listed in S1.D.2.a but not in S1.D.2.c  
24 must submit to the Department a NOI or individual permit application  
25 before the effective date of this permit, with the following exceptions: The  
26 Cities of Aberdeen, Anacortes, Centralia, Ferndale, Oak Harbor, and Port  
27 Angeles must submit an application or NOI to the Department no later  
28 than 30 days after the effective date of this permit.
- 29 f. In accordance with 40 CFR 122.33, Secondary Permittees operating a  
30 regulated small MS4 must submit to the Department a NOI or an  
31 application for an individual MS4 permit in accordance with 40 CFR  
32 122.33(b)(2)(ii).
- 33 g. Operators of regulated small MS4s which want to be covered under this  
34 Permit as a Co-Permittee shall submit to the Department a joint NOI  
35 before the effective date of this Permit.
- 36 h. Operators of small MS4s designated by the Department pursuant to S1.B.3  
37 of this Permit shall submit a NOI to the Department within 120 days of  
38 receiving notification from the Department that permit coverage is  
39 required.
- 40 i. Operators of regulated small MS4s which are relying on another entity to  
41 satisfy one or more of their Permit obligations shall submit an NOI to the  
42 Department before the effective date of this Permit.

1           3. Application Requirements

2               a. NOIs shall be submitted to:

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

8               b. For NOIs submitted after February 15, 2006, the permit applicant shall  
9                     provide public notice of the application in accordance with WAC 173-226-  
10                    130(5). The applicant or co-applicant shall include a certification that the  
11                    public notification requirements of WAC 173-226-130(5) have been satisfied.  
12                    Unless Ecology responds in writing, coverage under this Permit will be  
13                    effective 60 days after receipt of a complete NOI. A complete NOI shall  
14                    include the certification of public notice.

15              c. Permittees applying as co-applicants shall submit a joint NOI. The joint NOI  
16                     shall clearly identify the areas of the MS4 for which each of the co-applicants  
17                     are responsible.

18              d. Permittees relying on another entity to satisfy one or more of their Permit  
19                     obligations shall include, with the NOI, a summary of the Permit obligations  
20                     that will be carried out by the other entity. The summary shall identify the  
21                     other entity and shall be signed by the other entity. During the term of the  
22                     Permit, Permittees may terminate or amend shared responsibility  
23                     arrangements by notifying the Department, provided this does not alter  
24                     implementation deadlines.

25   **S2. AUTHORIZED DISCHARGES.**

26           A. This permit authorizes the discharge of stormwater to surface waters and to ground  
27               waters of the state from municipal separate storm sewers owned or operated by each  
28               Permittee covered under this permit in the geographic area covered by this permit  
29               pursuant to S1.A, subject to the following limitations:

- 30               1. All discharges into and from municipal separate storm sewers owned or operated by  
31                     Permittees must be in compliance with this permit.
- 32               2. Discharges from municipal separate storm sewers constructed after the effective date  
33                     of this permit must receive all applicable state and local permits and use  
34                     authorizations, including compliance with Ch. 43.21C RCW (the State Environmental  
35                     Policy Act).
- 36               3. Discharges to ground waters of the state through facilities regulated under the  
37                     Underground Injection Control (UIC) program, Chapter 173-218 WAC, are not  
38                     covered under this permit.

- 1           4. Discharges to ground waters not subject to regulation under the federal Clean Water  
2           Act are covered in this permit only under state authorities, Chapter 90.48 RCW, the  
3           Water Pollution Control Act.
- 4           B. This permit authorizes discharges of stormwater associated with industrial and  
5           construction activity and process wastewater discharges from municipal separate storm  
6           sewers owned or operated by the Permittee to waters of the state only under either  
7           condition:
- 8           1. Stormwater associated with construction or industrial activity, as defined by  
9           40CFR122.26, is authorized by a separate individual or general National Pollutant  
10           Discharge Elimination (NPDES) permit; or
- 11           2. Process wastewater is authorized by another NPDES permit.
- 12           C. This permit authorizes discharges from emergency fire fighting activities unless the  
13           discharges from fire fighting activities are identified as significant sources of pollutants  
14           to waters of the State.
- 15           D. This permit does not authorize any other illicit or non-stormwater discharges except as  
16           provided in Special Condition S5.C.3.b or S6.C.3, nor does it relieve entities responsible  
17           for illicit discharges, including spills of oil or hazardous substances, from responsibilities  
18           and liabilities under state and federal laws and regulations pertaining to those discharges.

19   **S3. RESPONSIBILITIES OF PERMITTEES**

- 20           A. Each Permittee covered under this Permit is responsible for compliance with the terms of  
21           this Permit for the regulated small MS4s that they own or operate. Compliance with (1)  
22           or (2) below is required as applicable to each Permittee.
- 23           1. All city, town and county Permittees are required to comply with all conditions of this  
24           Permit, including any appendices referenced therein, except for Special Condition S6  
25           *Stormwater Management Program for Secondary Permittees.*
- 26           2. All Secondary Permittees are required to comply with all conditions of this Permit,  
27           including any appendices referenced therein, except for Special Conditions S8.C  
28           *Monitoring* and S5 *Stormwater Management Program for Permittees and Co-*  
29           *Permittees.*
- 30           B. Permittees may rely on another entity to satisfy one or more of the requirements of this  
31           Permit. Permittees that are relying on another entity to satisfy one or more of their permit  
32           obligations remain responsible for permit compliance if the other entity fails to  
33           implement permit conditions. Permittees may rely on another entity provided all the  
34           requirements of 40 CFR 122.35(a) are satisfied, including but not limited to:

- 1           1. The other entity, in fact, implements the Permit requirements.
- 2           2. The other entity agrees to take on responsibility for implementation of the Permit
- 3           requirement(s) as indicated on the NOI.

4   **S4. COMPLIANCE WITH STANDARDS**

- 5           A. In accordance with RCW 90.48.520, the discharge of toxicants to waters of the state of
- 6           Washington which would violate any water quality standard, including toxicant
- 7           standards, sediment criteria, and dilution zone criteria are prohibited.
- 8           B. This Permit does not authorize a violation of Washington State surface water quality
- 9           standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200
- 10           WAC), sediment management standards (chapter 173-204 WAC), or human health-
- 11           based criteria in the national Toxics Rule (Federal Register, Vol. 57, NO. 246, Dec. 22,
- 12           1992, pages 60848-60923).
- 13           C. The Permittee shall reduce the discharge of pollutants to the maximum extent practicable
- 14           (MEP).
- 15           D. The Permittee shall use all known, available, and reasonable methods of prevention,
- 16           control and treatment (AKART) to prevent and control pollution of waters of the state of
- 17           Washington.
- 18           E. In order to meet the goals of the Clean Water Act, to demonstrate compliance with S4.C
- 19           and S4.D and make progress towards compliance with applicable surface water, ground
- 20           water and sediment management standards, each Permittee shall comply with the
- 21           requirements of this Permit.
- 22           F. Ecology may modify or revoke and reissue this General Permit in accordance with
- 23           General Condition G14, if Ecology becomes aware of additional control measures,
- 24           management practices or other actions beyond what is required in this Permit that are
- 25           necessary to:
  - 26               1. Reduce the discharge of pollutants to the MEP,
  - 27               2. Comply with the state AKART requirements, or
  - 28               3. Control the discharge of toxicants to waters of the State of Washington.

29   **S5. STORMWATER MANAGEMENT PROGRAM FOR CITIES, TOWNS AND**  
30   **COUNTIES**

- 31           A. Each Permittee shall develop and implement a Stormwater Management Program
- 32           (SWMP). A SWMP is a set of actions and activities comprising the components
- 33           listed in S5.B and S5.C.1 through S5.C.6, and any additional actions necessary to
- 34           meet the requirements of applicable TMDLs (see S7). The SWMP shall be designed
- 35           to reduce the discharge of pollutants from the regulated small MS4 to the maximum
- 36           extent practicable and to protect water quality. This Section applies to all cities, towns
- 37           and counties covered under this Permit, including cities, towns and counties that are
- 38           Co-Permittees. Where the term “Permittee” is used in this section the requirements
- 39           apply to all cities, towns and counties covered under this Permit.

- 1 1. The SWMP must be developed and implemented in accordance with the  
2 schedules contained in this section and shall be fully developed and implemented  
3 no later than 180 days prior to the expiration date of this Permit. At a minimum  
4 the Permittees SWMP must be implemented throughout the geographic area  
5 subject to this permit as described in S1.A.
- 6 2. Each Permittee shall prepare written documentation of their SWMP in accordance  
7 with *S9 Reporting and Recordkeeping Requirements*. The documentation of the  
8 SWMP shall be organized according to the program components in S5.C and shall  
9 be updated annually. The SWMP documentation shall include a description of  
10 each of the program components included in S5.C and any additional actions  
11 necessary to meet the requirements of applicable TMDLs. Timely submittals of  
12 completed Annual Reports (Forms provided in Appendix 3) satisfy this  
13 requirement.
- 14 3. The SWMP shall include an ongoing program for gathering, maintaining, and  
15 using information to track SWMP development and implementation, evaluate  
16 permit compliance/non-compliance and determine the effectiveness of the SWMP  
17 implementation.
  - 18 a. Each Permittee shall track the cost of development and implementation of  
19 the SWMP. This information shall be included in the Annual Report  
20 required by this Permit.
  - 21 b. Each Permittee shall track the number of inspections, official enforcement  
22 actions and types of public education activities as stipulated by the  
23 respective program component. This information shall be included in the  
24 Annual Report.
- 25 4. The SWMP described herein supersedes SWMP descriptions provided by permit  
26 applicants in individual applications submitted by applicants to the Department.
- 27 B. The SWMP shall be designed to reduce the discharge of pollutants from regulated  
28 small MS4s to the maximum extent practicable (MEP), meet state AKART  
29 requirements, and protect water quality. Notwithstanding the schedules for  
30 implementation of SWMP components contained in this Permit, permittees who are  
31 implementing some or all of the SWMP components in this section shall continue  
32 implementation of those components of their SWMP.
- 33 C. The SWMP shall include the components listed below. Within the limits of State and  
34 Federal law, all components are mandatory for county, town or city Permittees and  
35 Co-Permittees covered under this Permit. In accordance with 40 CFR 122.35(a) and  
36 Special Condition S3, a city, town or county may rely on another entity to implement  
37 one or more of the components in this section.
  - 38 1. Public Education and Outreach  
39 The SWMP shall include an education program aimed at residents, businesses,  
40 industries, elected officials, policy makers, planning staff and other employees of  
41 the Permittee. The goal of the education program is to reduce or eliminate

1 behaviors and practices that cause or contribute to adverse stormwater impacts.  
2 An education program may be developed locally or regionally.

3 The minimum measures are:

- 4 a. No later than two years after the effective date of this Permit, the  
5 Permittee shall implement or participate in an education and outreach  
6 program targeting a minimum of two of the audiences listed in i - viii  
7 below. The outreach program shall be designed to achieve measurable  
8 improvements in each target audience's understanding of the problem and  
9 what they can do to solve it and measurable improvements in the  
10 percentage of each target audience regularly carrying out the intended  
11 action or behavior change. The education and outreach program shall  
12 increase regular adoption of the behaviors in the chosen target audiences  
13 by four years after the effective date of this Permit.
- 14 i. Awareness among the general public of the importance of  
15 improving water quality, reducing impervious surfaces, and  
16 protecting the existing and designated uses of waters of the state  
17 and the potential impacts caused by stormwater discharges, and  
18 promote specific actions and opportunities for avoiding,  
19 minimizing, reducing and/or eliminating the adverse impacts of  
20 stormwater runoff, especially through the use of source control  
21 BMPs.
- 22 ii. Awareness of natural yard care techniques (e.g. composting lawn  
23 and yard clippings, using compost and mulch, using natural  
24 organic fertilizers, watering infrequently and deeply) among  
25 homeowners, the general public, landscape professionals, and  
26 property managers to protect water quality.
- 27 iii. Awareness by homeowners, the general public, landscape  
28 professionals, and property managers of the need to protect water  
29 quality by reducing their purchase of and properly storing, using  
30 and disposing of pesticides, fertilizers, and other yard care  
31 chemicals.
- 32 iv. Awareness by the general public and businesses of the need to  
33 protect water quality by reducing their purchase of and properly  
34 storing, using, and disposing of automotive chemicals, hazardous  
35 cleaning supplies, and other hazardous materials, and by  
36 facilitating use of source control BMPs that minimize the  
37 discharge of soap/detergents (e.g., supplying or providing grant  
38 funding for carwash kits, etc.).
- 39 v. Use of technical standards to develop stormwater site plans and  
40 erosion control plans, and use Best Management Practices to  
41 mitigate contaminated runoff and the quantity of runoff from  
42 development sites by engineers, construction contractors,  
43 developers, development review staff, and land use planners.

- 1                   vi.     Understanding and use of Low Impact Development (LID)  
2                   techniques (e.g. appropriate site design, pervious paving, full  
3                   dispersion BMPs, and retention of forests and mature trees) among  
4                   engineers, contractors, developers, architects, landscape architects,  
5                   realtors, and potential home buyers to avoid or minimize  
6                   stormwater impacts of new development.
- 7                   vii.    Awareness by small businesses and the general public about the  
8                   impacts of illicit discharges and encourage [actions they can take  
9                   to] identify and remove or avoid impacts to water quality.
- 10                  viii.   Involvement by the general public in environmental stewardship  
11                  activities (e.g. habitat restoration and community involvement and  
12                  education projects) to increase awareness of the importance of  
13                  water quality and mitigate, reduce, or eliminate adverse impacts of  
14                  stormwater runoff.
- 15                  b.     Each Permittee shall implement or participate in an effort to measure  
16                  understanding and adoption of the targeted behaviors among the targeted  
17                  audiences. The resulting measurements shall be used to direct education  
18                  and outreach resources most effectively as well as to evaluate changes in  
19                  adoption of the targeted behaviors.
- 20                  c.     Each Permittee shall track and maintain records of public education and  
21                  outreach activities.

22                  2. Public Involvement and Participation

23                  The SWMP shall include ongoing opportunities for public involvement through advisory  
24                  councils, watershed committees, participation in developing rate-structures, stewardship  
25                  programs, environmental activities and other similar activities. Each Permittee shall  
26                  comply with applicable State and local public notice requirements when developing their  
27                  SWMP.

28                  The minimum performance measures are:

- 29                  a.     No later than one year from the effective date of this Permit, all permittees  
30                  shall create opportunities for the public to participate in the decision-  
31                  making processes involving the development, implementation and update  
32                  of the Permittee’s entire SWMP. Each Permittee must develop and  
33                  implement a process for consideration of public comments on their  
34                  SWMP.
- 35                  b.     Each Permittee must make their SWMP, the annual report required under  
36                  S9.A and all other submittals required by this Permit, available to the  
37                  public. The annual report, and SWMP that was submitted with the latest  
38                  annual report, shall be posted on the permittees website. To comply with  
39                  the posting requirement, a Permittee that does not maintain a website may  
40                  submit the updated SWMP in electronic format to the Department for  
41                  posting on the Department’s website.

1           3.       Illicit Discharge Detection and Elimination

2           The SWMP shall include an ongoing program to detect, remove, and prevent illicit  
3           connections, discharges, and improper disposal, including spills, into the municipal  
4           separate storm sewers owned or operated by the Permittee. Permittees shall fully  
5           implement an ongoing illicit discharge detection and elimination program no later than  
6           three years from the effective date of this Permit

7           The minimum performance measures are:

8           a.       A municipal storm sewer system map shall be developed no later than four years  
9           from the effective date of this permit. Municipal storm sewer system maps shall  
10          be periodically updated and shall include the following information:

11          i.       The location of all known municipal separate storm sewer outfalls and  
12          receiving waters and structural stormwater BMPs owned, operated, or  
13          maintained by the Permittee. Each Permittee shall map the attributes  
14          listed below for all storm sewer outfalls with a 24 inch nominal diameter  
15          or larger, or an equivalent cross-sectional area for non-pipe system:

- 16               • Tributary conveyances (indicate type, material, and size where  
17               known),
- 18               • Associated drainage areas, and
- 19               • Land use.

20          ii.       Each Permittee shall initiate a program to develop and maintain a map of  
21          all connections to the municipal separate storm sewer authorized or  
22          allowed by the permittee after the effective date of this Permit.

23          iii.       Geographic areas served by the Permittee's MS4 that do not discharge  
24          stormwater to surface waters.

25          iv.       Each Permittee shall make available to Ecology, upon request, municipal  
26          storm sewer system map(s) depicting the information required in  
27          S5.C.3.a.i - iv above. The preferred format of submission will be an  
28          electronic format with fully described mapping standards. An example  
29          description is provided at  
30          <http://www.ecy.wa.gov/services/gis/data/standards.htm>.

31          vi.       Upon request, and to the extent appropriate, Permittees shall provide  
32          mapping information to Co-Permittees and Secondary Permittees.

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

39          i.       The regulatory mechanism does not need to prohibit the following  
40          categories of non-stormwater discharges:

- 1 • Diverted stream flows,
- 2 • Rising ground waters,
- 3 • Uncontaminated ground water infiltration (as defined at 40 CFR
- 4 35.2005(20)),
- 5 • Uncontaminated pumped ground water,
- 6 • Foundation drains,
- 7 • Air conditioning condensation,
- 8 • Irrigation water from agricultural sources that is commingled with
- 9 urban stormwater,
- 10 • Springs,
- 11 • Water from crawl space pumps,
- 12 • Footing drains, and
- 13 • Flows from riparian habitats and wetlands.
- 14 ii. The regulatory mechanism shall prohibit the following categories of non-
- 15 stormwater discharges unless the stated conditions are met:
  - 16 • Discharges from potable water sources, including water line flushing,
  - 17 hyperchlorinated water line flushing, fire hydrant system flushing, and
  - 18 pipeline hydrostatic test water. Planned discharges shall be de-
  - 19 chlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if
  - 20 necessary, and volumetrically and velocity controlled to prevent re-
  - 21 suspension of sediments.
  - 22 • Discharges from lawn watering and other landscape irrigation runoff.
  - 23 These must be reduced through, at a minimum, public education
  - 24 activities (see section S5.C.1) and water conservation efforts.
  - 25 • Dechlorinated swimming pool discharges. The discharges shall be
  - 26 dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if
  - 27 necessary, reoxygenated, and volumetrically and velocity controlled to
  - 28 prevent resuspension of sediments. Swimming pool cleaning
  - 29 wastewater and filter backwash shall not be discharged to the MS4.
  - 30 • Street and sidewalk wash water, water used to control dust, and routine
  - 31 external building wash down that does not use detergents. The
  - 32 Permittee shall reduce these discharges through, at a minimum, public
  - 33 education activities (see section S5.C.1) and/or water conservation
  - 34 efforts. To avoid washing pollutants into the MS4, Permittees must
  - 35 minimize the amount of street wash and dust control water used. At
  - 36 active construction sites, street sweeping must be performed prior to
  - 37 washing the street.
- 38 iii. The Permittee's SWMP shall, at a minimum, address each category in ii
- 39 above in accordance with the conditions stated therein.

- 1           iv.     The SWMP must further address any category of discharges in i or ii  
2                 above if the discharges are identified as significant sources of pollutants to  
3                 waters of the State.
- 4           v.     The ordinance or other regulatory mechanism must include appropriate,  
5                 escalating enforcement procedures and actions.
- 6           vi.    The Permittee must develop an enforcement strategy and implement the  
7                 enforcement provisions of the ordinance or other regulatory mechanism.
- 8        c.     Each Permittee must develop and implement an ongoing program to detect and  
9                 address non-stormwater discharges, spills, illicit connections and illegal dumping  
10                into the Permittee’s municipal separate storm sewer system. The program must be  
11                fully implemented no later than 180 days prior to the expiration date of this  
12                Permit and shall include:
- 13           i.     Procedures for locating priority areas likely to have illicit discharges,  
14                 including at a minimum: evaluating land uses and associated  
15                 business/industrial activities present; areas where complaints have been  
16                 registered in the past; and areas with storage of large quantities of  
17                 materials that could result in spills.
- 18           ii.    Field assessment activities, including visual inspection of priority outfalls  
19                 identified in i, above, during dry weather and for the purposes of verifying  
20                 outfall locations, identifying previously unknown outfalls, and detecting  
21                 illicit discharges.
- 22                     •   Receiving waters shall be prioritized for visual inspection no later  
23                     than three years from the effective date of this Permit, with field  
24                     assessments of three high priority water bodies made no later than  
25                     four years from the effective date of this Permit. Field assessments  
26                     on at least one high priority water body shall be made each year  
27                     thereafter.
- 28                     •   Screening for illicit connections shall be conducted using: *Illicit*  
29                     *Discharge Detection and Elimination: A Guidance Manual for*  
30                     *Program Development and Technical Assessments*, Center for  
31                     Watershed Protection, October 2004, or other comparable  
32                     methodology.
- 33           iii.   Procedures for characterizing the nature of, and potential public or  
34                 environmental threat posed by, any illicit discharges found by or reported  
35                 to the Permittee. Procedures shall include detailed instructions for  
36                 evaluating whether the discharge must be immediately contained and steps  
37                 to be taken for containment of the discharge.
- 38                     •   Compliance with this provision shall be achieved by investigating  
39                     (or referring to the appropriate agency) within 7 days, on average,  
40                     any complaints, reports or monitoring information that indicates a  
41                     potential illicit discharge, spill, or illegal dumping; and  
42                     immediately investigating (or referring) problems and violations

- 1                                   determined to be emergencies or otherwise judged to be urgent or  
2                                   severe.
- 3                   iv.     Procedures for tracing the source of an illicit discharge; including visual  
4                                   inspections, and when necessary, opening manholes, using mobile  
5                                   cameras, collecting and analyzing water samples, and/or other detailed  
6                                   inspection procedures.
- 7                   v.     Procedures for removing the source of the discharge, including  
8                                   notification of appropriate authorities; notification of the property owner;  
9                                   technical assistance for eliminating the discharge; follow-up inspections;  
10                                  and escalating enforcement and legal actions if the discharge is not  
11                                  eliminated.
- 12                                   •    Compliance with this provision shall be achieved by: initiating an  
13                                   investigation within 21 days of a report or discovery of a suspected  
14                                   illicit connection to determine the source of the connection, the  
15                                   nature and volume of discharge through the connection, and the  
16                                   party responsible for the connection. Upon confirmation of the  
17                                   illicit nature of a storm drain connection, termination of the  
18                                   connection within 180 days must be ensured using enforcement  
19                                   authority as needed.
- 20           d.     Permittees shall inform public employees, businesses, and the general public of  
21                                   hazards associated with illegal discharges and improper disposal of waste.
- 22                   i.     No later than 180 days prior to the expiration date of this Permit, distribute  
23                                   appropriate information to target audiences identified pursuant to S5.C.1.
- 24                   ii.    No later than two years from the effective date of this Permit, publicly list  
25                                   and publicize a hotline or other local telephone number for public  
26                                   reporting of spills and other illicit discharges. Keep a record of all calls  
27                                   received and of all follow-up actions taken in accordance with S5.C.3.c.ii  
28                                   through v above; include a summary in the Annual Report (see section S9  
29                                   *Reporting and Record Keeping Requirements*).
- 30           e.     Permittees shall adopt and implement procedures for program evaluation and  
31                                   assessment, including tracking the number and type of spills or illicit discharges  
32                                   identified; inspections made; and any feedback received from public education  
33                                   efforts. A summary of this information shall be included in the Permittee's  
34                                   Annual Report (see section S9 *Reporting and Recordkeeping Requirements*).
- 35           f.     Each permittee will provide appropriate training for municipal field staff on the  
36                                   identification and reporting of illicit discharges into MS4s.
- 37                   i.     No later than two and one-half years after the effective date of this Permit,  
38                                   each Permittee shall ensure that all municipal field staff who are  
39                                   responsible for identification, investigation, termination, cleanup, and  
40                                   reporting illicit discharges, including spills, improper disposal and illicit  
41                                   connections are trained to conduct these activities. Follow-up training  
42                                   shall be provided as needed to address changes in procedures, techniques

1 or requirements. Permittees shall document and maintain records of the  
2 training provided and the staff trained.

- 3 ii. No later than three years after the effective date of this permit, an ongoing  
4 training program shall be developed and implemented for all municipal  
5 field staff, which as part of their normal job responsibilities might come  
6 into contact with or otherwise observe an illicit discharge or illicit  
7 connection to the storm sewer system shall be trained on the identification  
8 of an illicit discharge/connection, and on the proper procedures for  
9 reporting and responding to the illicit discharge/connection. Follow-up  
10 training shall be provided as needed to address changes in procedures,  
11 techniques or requirements. Permittees shall document and maintain  
12 records of the training provided and the staff trained.

13 4. Controlling Runoff from New Development, Redevelopment and Construction  
14 Sites

15 To the extent allowable under federal and state law, each permittee shall develop,  
16 implement, and enforce a program to reduce pollutants in stormwater runoff to a  
17 regulated small MS4 from new development, redevelopment and construction site  
18 activities. This program shall be applied to all sites that disturb a land area 1 acre or  
19 greater, including projects less than one acre that are part of a larger common plan of the  
20 development or sale. The program shall apply to private and public development,  
21 including roads. The “Technical Thresholds” in Appendix 1 shall be applied to all sites 1  
22 acre or greater, including projects less than one acre that are part of a larger common plan  
23 of the development or sale.

24 The minimum performance measures are:

- 25 a. The program shall include an ordinance or other enforceable mechanism that  
26 addresses runoff from new development, redevelopment, and construction site  
27 projects. The ordinance or other enforceable mechanism shall be in place no later  
28 than two years from the effective date of this Permit. The ordinance or other  
29 enforceable mechanism shall include, at a minimum:
- 30 i. The Minimum Requirements, technical thresholds, and definitions in  
31 Appendix 1 or an equivalent approved by Ecology under the NPDES Phase I  
32 Municipal Stormwater Permit, for new development, redevelopment, and  
33 construction sites. Adjustment and variance criteria equivalent to those in  
34 Appendix 1 must be included. More stringent requirements may be used,  
35 and/or certain requirements may be tailored to local circumstances through  
36 the use of basin plans or other similar water quality and quantity planning  
37 efforts. Such local requirements must provide equal protection of receiving  
38 waters and equal levels of pollutant control to those provided in Appendix 1.
- 39 ii. A site planning process and BMP selection and design criteria that, when  
40 used to implement the minimum requirements in Appendix 1 (or equivalent  
41 approved by Ecology under the Phase I Permit) which will protect water  
42 quality, reduce the discharge of pollutants to the maximum extent practicable  
43 and satisfy the State requirement under Chapter 90.48 RCW to apply all

1 known, available and reasonable methods of prevention, control and  
2 treatment (AKART) prior to discharge. Permittees must document how the  
3 criteria and requirements will protect water quality, reduce the discharge of  
4 pollutants to the maximum extent practicable, and satisfy State AKART  
5 requirements.

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

- 11 iii. The legal authority, through the approval process for new development, to  
12 inspect private stormwater facilities that discharge to the Permittees MS4.
- 13 iv. Provisions to allow non-structural preventive actions and source reduction  
14 approaches such as *Low Impact Development Techniques (LID)*, measures to  
15 minimize the creation of impervious surfaces and measures to minimize the  
16 disturbance of soils and vegetation.
- 17 v. If the Permittee chooses to allow construction sites to apply the “Erosivity  
18 Waiver” in Appendix 1, Minimum Requirement #2, the ordinance or  
19 regulatory mechanism shall include appropriate, escalating enforcement  
20 sanctions for construction sites that provide notice to the Permittee of their  
21 intention to apply the waiver but do not meet the requirements (including  
22 timeframe restrictions, limits on activities that result in non-stormwater  
23 discharges, and implementation of appropriate BMPs to prevent violations of  
24 water quality standards) to qualify for the waiver.

25 b. The program shall include a permitting process with plan review, inspection and  
26 enforcement capability to meet the standards listed in (i) through (iv) below, for  
27 both private and public projects, using qualified personnel (as defined in  
28 Definitions and Acronyms). At a minimum, this program shall be applied to all  
29 sites that disturb a land area 1 acre or greater, including projects less than one acre  
30 that are part of a larger common plan of the development or sale. The process  
31 shall be in place no later than two years from the effective date of this Permit.

- 32 i. Except as provided in S5.C.4.b.vii below, review of all stormwater site plans  
33 for proposed development activities.
- 34 ii. Except as provided in S5.C.4.b.vii below, inspect, prior to clearing and  
35 construction, all development sites that have a high potential for sediment  
36 transport as determined through plan review based on definitions and  
37 requirements in Appendix 6 *Identifying Construction Site Sediment*  
38 *Transport Potential*.
- 39 iii. Except as provided in S5.C.4.b.vii below, inspect all permitted development  
40 sites during construction to ensure proper installation and maintenance of  
41 required erosion and sediment controls. Enforce as necessary based on the  
42 inspection.

- 1           iv. Inspect all permitted development sites upon completion of construction and
- 2           prior to final approval or occupancy to ensure proper installation of
- 3           permanent stormwater controls such as stormwater facilities and structural
- 4           BMPs. Also, ensure a maintenance plan is completed and responsibility for
- 5           maintenance is assigned. Enforce as necessary based on the inspection.
  
- 6           v. Compliance with the inspection requirements in (ii), (iii) and (iv) above shall
- 7           be determined by the presence and records of an established inspection
- 8           program designed to inspect all sites and achieving at least 95% of scheduled
- 9           inspections.
  
- 10          vi. An enforcement strategy shall be developed and implemented to respond to
- 11          issues of non-compliance.
  
- 12          vii. If the Permittee chooses to allow construction sites to apply the “Erosivity
- 13          Waiver” in Appendix 1, Minimum Requirement #2, the Permittee is not
- 14          required to review the construction stormwater pollution prevention plans as
- 15          part of the site plan review in (i) above, and is not required to perform the
- 16          construction phase inspections identified in (ii) and (iii) above related to
- 17          construction sites which are eligible for the erosivity waiver.
  
- 18          c. The program shall include provisions to ensure adequate long-term operation and
- 19          maintenance (O&M) of post-construction stormwater facilities and BMPs that are
- 20          permitted and constructed pursuant to (b) above. These provisions shall be in
- 21          place no later than two years from the effective date of this permit and shall
- 22          include:
  - 23            i. Adoption of an ordinance or other enforceable mechanism that clearly
  - 24            identifies the party responsible for maintenance, requires inspection of
  - 25            facilities in accordance with the requirements in (ii) through (vi) below,
  - 26            and establishes enforcement procedures.
  
  - 27            ii. Adoption of maintenance standards that are as protective, or more
  - 28            protective of facility function, than those specified in Chapter 4 of Volume
  - 29            V of the 2005 *Stormwater Management Manual for Western Washington*.
  
  - 30            The facility-specific maintenance standards are conditions for determining
  - 31            if maintenance actions related to facility function are required as identified
  - 32            through inspection. They are not a measure of the facility's required
  - 33            condition at all times between inspections. Exceeding the maintenance
  - 34            standards between inspections and/or maintenance does not automatically
  - 35            constitute a violation of these standards. However, based upon inspection
  - 36            observations, the inspection and maintenance schedules shall be adjusted
  - 37            to minimize the length of time that a facility is in a condition that requires
  - 38            a maintenance action. These standards are violated when an inspection
  - 39            identifies a required maintenance action related to facility function, and
  - 40            that action is not performed within six months for typical maintenance,
  - 41            within 9 months for re-vegetation, and within two years for maintenance
  - 42            that requires capital construction of less than \$25,000.

- 1           iii.     Inspection program to ensure compliance with the adopted maintenance
   
2                     standards of flow control and water quality treatment facilities including
   
3                     catch basins. Inspections must be conducted annually unless there is
   
4                     sufficient data to justify a different frequency. The annual inspection
   
5                     schedule of a facility may be changed to a lesser or greater frequency of
   
6                     inspection as appropriate to ensure compliance with maintenance
   
7                     standards. Changing the inspection frequency to less frequently than
   
8                     annually shall be based on maintenance records of double the length of
   
9                     time of the proposed inspection frequency.
  
- 10          iv.     Inspection of all new flow control and water quality treatment facilities,
   
11                     including catch basins, for new residential developments that are a part of
   
12                     a larger common plan of development or sale, every 6 months during the
   
13                     period of heaviest house construction (i.e., 1 to 2 years following
   
14                     subdivision approval) to identify maintenance needs and enforce
   
15                     compliance with maintenance standards as needed.
  
- 16          v.     Compliance with the inspection requirements in (iii) and (iv) above shall
   
17                     be determined by the presence of an established inspection program
   
18                     designed to inspect all sites and achieving inspection of at least 95% of the
   
19                     sites.
  
- 20          d.     The program shall include a procedure for keeping records of inspections and
   
21                     enforcement actions by staff, including inspection reports, warning letters, notices
   
22                     of violations, and other enforcement records. Records of maintenance inspections
   
23                     and maintenance activities shall be maintained. Permittees shall keep records of
   
24                     all projects disturbing more than one acre, and all projects of any size that are part
   
25                     of a common plan of development or sale that is greater than one acre that are
   
26                     approved after the effective date of this permit.
  
- 27          e.     The program shall make available copies of the "Notice of Intent for Construction
   
28                     Activity" and/or copies of the "Notice of Intent for Industrial Activity" to
   
29                     representatives of proposed new development and redevelopment. Permittees
   
30                     will continue to enforce local ordinances controlling runoff from sites that are also
   
31                     covered by stormwater permits issued by Ecology.
  
- 32          f.     No later than one year from the effective date of this Permit, each Permittee shall
   
33                     ensure that all staff responsible for implementing the program to Control
   
34                     Stormwater Runoff from New Development, Redevelopment, and Construction
   
35                     Sites, including permitting, plan review, construction site inspections, and
   
36                     enforcement, are trained to conduct these activities. Follow-up training shall be
   
37                     provided as needed to address changes in procedures, techniques or staffing.
   
38                     Permittees shall document and maintain records of the training provided and the
   
39                     staff trained.
  
- 40          5.     Pollution Prevention and Operation and Maintenance for Municipal Operations
  
41                     Within three years of the effective date of this Permit, each Permittee shall develop and
   
42                     implement an operations and maintenance (O&M) program that includes a training

1 component and has the ultimate goal of preventing or reducing pollutant runoff from  
2 municipal operations.

3 The minimum performance measures are:

- 4 a. Adoption of maintenance standards that are as protective, or more protective, of  
5 facility function as those specified in Chapter 4 of Volume V of the 2005  
6 *Stormwater Management Manual for Western Washington*.

7 The facility-specific maintenance standards are conditions for determining if  
8 maintenance actions related to facility function are required as identified through  
9 inspection. They are not a measure of the facility's required condition at all times  
10 between inspections. Exceeding the maintenance standards between inspections  
11 and/or maintenance does not automatically constitute a violation of these  
12 standards. However, based upon inspection observations, the inspection and  
13 maintenance schedules shall be adjusted to minimize the length of time that a  
14 facility is in a condition that requires a maintenance action. These standards are  
15 violated when an inspection identifies a required maintenance action related to  
16 facility function, and that action is not performed within 6 months for typical  
17 maintenance, within 9 months for re-vegetation, and within 2 years for  
18 maintenance that requires capital construction of less than \$25,000.

- 19 b. Annual inspection of all municipally owned or operated permanent stormwater  
20 treatment and flow control facilities and taking appropriate maintenance actions in  
21 accordance with the adopted maintenance standards. Changing the inspection  
22 frequency to less frequently than annually shall be based on maintenance records  
23 of double the length of time of the proposed inspection frequency. In the absence  
24 of maintenance records for permanent stormwater treatment and flow control  
25 facilities, the Permittee may substitute written statements, including the signature  
26 certification in General Condition G19, proposing a specific less frequent  
27 inspection schedule, based on inspection and maintenance experience.

- 28 c. Spot checks of potentially damaged permanent treatment and flow control  
29 facilities (other than catch basins) after major (greater than 24-hour-10-year  
30 recurrence interval rainfall) storm events. If spot checks indicate widespread  
31 damage/maintenance needs, inspect all stormwater treatment and flow control  
32 facilities that may be affected. Conduct repairs or take appropriate maintenance  
33 action in accordance with maintenance standards established above, based on the  
34 results of the inspections.

- 35 d. Inspection of all catch basins and inlets owned or operated by the Permittee at  
36 least once before the end of the Permit term. Clean catch basins if the inspection  
37 indicates cleaning is needed to comply with maintenance standards established in  
38 the 2005 *Stormwater Management Manual for Western Washington*. Decant  
39 water shall be disposed of in accordance with Appendix 5 *Street Waste Disposal*.

- 40 e. Compliance with the inspection requirements in a, b, c and d above shall be  
41 determined by the presence of an established inspection program designed to  
42 inspect all sites and achieving inspection of 95% of all sites.

- 1 f. Establishment and implementation of practices to reduce stormwater impacts  
2 associated with runoff from streets, parking lots, roads or highways owned or  
3 maintained by the Permittee, and road maintenance activities conducted by the  
4 Permittee. The following activities must be addressed:
- 5 • Pipe cleaning,
  - 6 • Cleaning of culverts that convey stormwater in ditch systems,
  - 7 • Ditch maintenance,
  - 8 • Street cleaning,
  - 9 • Road repair and resurfacing, including pavement grinding,
  - 10 • Snow and ice control,
  - 11 • Utility installation,
  - 12 • Pavement striping maintenance,
  - 13 • Maintaining roadside areas, including vegetation management, and
  - 14 • Dust control.
- 15 g. Establishment and implementation of policies and procedures to reduce pollutants  
16 in discharges from all lands owned or maintained by the Permittee and subject to  
17 this Permit, including but not limited to: parks, open space, road right-of-way,  
18 maintenance yards, and at stormwater treatment and flow control facilities. These  
19 policies and procedures must address, but are not limited to:
- 20 i. Application of fertilizer, pesticides, and herbicides including the  
21 development of nutrient management and integrated pest  
22 management plans, application of fertilizer, pesticides and herbicides  
23 including the development of nutrient management and integrated  
24 pest management plans;
  - 25 ii. Sediment and erosion control;
  - 26 iii. Landscape maintenance and vegetation disposal;
  - 27 iv. Trash management; and
  - 28 v. Building exterior cleaning and maintenance.
- 29 h. Develop and implement an on-going training program for appropriate employees  
30 of the Permittee whose construction, operations or maintenance job functions may  
31 impact stormwater quality. The training program shall address the importance of  
32 protecting water quality, the requirements of this Permit, operation and  
33 maintenance standards, inspection procedures, selecting appropriate BMPs, ways  
34 to perform their job activities to prevent or minimize impacts to water quality, and  
35 procedures for reporting water quality concerns, including potential illicit  
36 discharges. Follow-up training shall be provided as needed to address changes in  
37 procedures, techniques or requirements. Permittees shall document and maintain  
38 records of training provided.

- 1           i.       Development and implementation of a Stormwater Pollution Prevention Plan  
2                   (SWPPP) for all heavy equipment maintenance or storage yards, and material  
3                   storage facilities owned or operated by the Permittee in areas subject to this  
4                   Permit that are not required to have coverage under the Industrial Stormwater  
5                   General Permit. Implementation of non-structural BMPs shall begin immediately  
6                   after the pollution prevention plan is developed. A schedule for implementation  
7                   of structural BMPs shall be included in the SWPPP. Generic SWPPPs that can be  
8                   applied at multiple sites may be used to comply with this requirement. The  
9                   SWPPP shall include periodic visual observation of discharges from the facility to  
10                  evaluate the effectiveness of the BMP.
- 11          j.       Records of inspections and maintenance or repair activities conducted by the  
12                  Permittee shall be maintained in accordance with S9.

13   **S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES**

14           This section applies to all Secondary Permittees, whether coverage under this Permit is  
15           obtained individually or as a Co-Permittee with a city and/or town and/or county and/or  
16           another Secondary Permittee. To the extent provided under State and Federal law,  
17           compliance with this section is mandatory for all Secondary Permittees.

18           Each Secondary Permittee shall develop and implement a Stormwater Management  
19           Program (SWMP) during the term of this Permit. The SWMP shall be designed to reduce  
20           the discharge of pollutants from regulated small MS4s to the maximum extent practicable  
21           and protect water quality. A SWMP is a set of actions and activities comprising all of the  
22           components listed below.

23           The SWMP must be developed and implemented in accordance with the schedules  
24           contained in this section and shall be fully developed and implemented no later than 180  
25           days before the expiration date of this Permit. Notwithstanding the schedules contained in  
26           this section for implementation of SWMP components, Secondary Permittees that are  
27           already implementing some or all of the SWMP components in this section shall continue  
28           implementation of those components of their SWMP.

29    A. Coordination

30           The SWMP shall include mechanisms to encourage coordinated stormwater-related  
31           policies, programs and projects within a watershed and interconnected MS4s. Where  
32           relevant and appropriate, the SWMP shall also include coordination among departments  
33           of the Secondary Permittee to ensure compliance with the terms of this Permit.

34    B. Legal Authority

35           To the extent allowable under State law and Federal law, each Secondary Permittee  
36           must be able to demonstrate that they can operate pursuant to legal authority which  
37           authorizes or enables the Secondary Permittee to control discharges to and from  
38           municipal separate storm sewers owned or operated by the Secondary Permittee.

39           This legal authority, which may be a combination of statutes, ordinances, permits,  
40           contracts, orders, interagency agreements, or similar means, shall include the ability to:

- 1 1. Control the contribution of pollutants to municipal separate storm sewers owned or  
2 operated by the Secondary Permittee from stormwater discharges associated with  
3 industrial activity and control the quality of stormwater discharged from sites of  
4 industrial activity into the Secondary Permittee’s municipal separate storm sewer;
- 5 2. Prohibit illicit discharges to the municipal separate storm sewer owned or operated by  
6 the Secondary Permittee;
- 7 3. Control the discharge of spills and the dumping or disposal of materials other than  
8 stormwater into the municipal separate storm sewer owned or operated by the Secondary  
9 Permittee;
- 10 4. Control through interagency agreements among co-applicants, the contribution of  
11 pollutants from one portion of the MS4 to another portion of the MS4;
- 12 5. Require compliance with conditions in ordinances, permits, contracts, or orders; and,
- 13 6. Within the limitations of State law, carry out inspection, surveillance, and monitoring  
14 procedures necessary to determine compliance and non-compliance with Permit  
15 conditions, including the prohibition on illicit discharges to the MS4.

16 C. SWMP components

17 1. Public Education and Outreach

18 Each Secondary Permittee shall implement the following stormwater education  
19 strategies:

20 a. Storm drain inlets owned and operated by the Secondary Permittee that are  
21 located in maintenance yards, in parking lots, along sidewalks, and at pedestrian  
22 access points shall be clearly and permanently labeled with the message “Dump  
23 no waste” and indicate the point of discharge as a river, lake, bay, or  
24 groundwater. No later than three years from the date of permit coverage, at  
25 least 50 percent of these inlets must be labeled; and no later than 180 days prior  
26 to the expiration date of this Permit, all of these inlets shall be labeled. As  
27 identified during visual inspection and regular maintenance of storm drain inlets  
28 per the requirements of S6.C.3.d and S6.C.6.a.i below, or as otherwise reported  
29 to the Secondary Permittee, any inlet having a label that is no longer clearly  
30 visible and/or easily readable must be re-labeled within 90 days.

31 b. Each year beginning no later than three years from the date of permit coverage,  
32 public ports, colleges and universities shall distribute educational information to  
33 tenants and residents on the impact of stormwater discharges on receiving  
34 waters, and steps that can be taken to reduce pollutants in stormwater runoff.  
35 Different combinations of topics shall be addressed each year, and no later than  
36 180 days prior to the expiration date of this Permit, tenants and residents shall  
37 receive educational information about the following topics, where relevant:

38 i. How stormwater runoff affects local waterbodies,

- 1                   ii.     Proper use and application of pesticides and fertilizers,
- 2                   iii.     Benefits of using native and well-adapted vegetation,
- 3                   iv.     Alternative equipment washing practices including cars and trucks
- 4                         that minimize pollutants in stormwater,
- 5                   v.     Benefits of proper vehicle maintenance and alternative
- 6                         transportation choices,
- 7                   vi.     Proper handling and disposal of wastes, including the location of
- 8                         hazardous waste collection facilities in the area,
- 9                   vii.    Hazards associated with illicit connections; and
- 10                  viii.   Benefits of litter control and proper disposal of pet waste.

11                   Compliance with this requirement can be achieved through participation in the  
12                   local jurisdiction's public education and outreach programs.

13                   2. Public Involvement and Participation

14                   No later than 180 days prior to the expiration date of this Permit, each Secondary  
15                   Permittee shall:

- 16                   a.     Publish a public notice in the local newspaper and solicit public review of their
- 17                         SWMP.
- 18                   b.     Make the latest updated version of the SWMP available to the public. If the
- 19                         Secondary Permittee maintains a website, the SWMP shall be posted on the
- 20                         Secondary Permittee's website.

21                   3. Illicit Discharge Detection and Elimination

22                   Each Secondary Permittee shall:

- 23                   a.     From the date of Permit coverage, comply with all relevant ordinances, rules,
- 24                         and regulations of the local jurisdiction(s) in which the Secondary Permittee is
- 25                         located that govern non-stormwater discharges.
- 26                   b.     Develop and adopt appropriate policies prohibiting illicit discharges and illegal
- 27                         dumping no later than one year from the date of Permit coverage. Identify
- 28                         possible enforcement mechanisms no later than one year from the date of Permit
- 29                         coverage; and, no later than eighteen months from the date of permit coverage,
- 30                         develop and implement an enforcement plan using these mechanisms to ensure
- 31                         compliance with illicit discharge policies. These policies shall address, at a
- 32                         minimum: illicit connections, non-stormwater discharges as defined in iii below
- 33                         and spilling, dumping, or otherwise improperly disposing of hazardous
- 34                         materials, pet waste, and litter.
- 35                   i.     Non-stormwater discharges covered by another NPDES permit and
- 36                         discharges from emergency fire fighting activities are allowed in the MS4
- 37                         in accordance with S2 *Authorized Discharges*.

- 1                   ii. The policies do not need to prohibit the following categories of non-  
2 stormwater discharges:
- 3                   • Diverted stream flows,
  - 4                   • Rising ground waters,
  - 5                   • Uncontaminated ground water infiltration (as defined at 40 CFR  
6 35.2005(20)),
  - 7                   • Uncontaminated pumped ground water,
  - 8                   • Foundation drains,
  - 9                   • Air conditioning condensation,
  - 10                  • Irrigation water from agricultural sources that is commingled with  
11 urban stormwater,
  - 12                  • Springs,
  - 13                  • Water from crawl space pumps,
  - 14                  • Footing drains, and
  - 15                  • Flows from riparian habitats and wetlands.
- 16                  iii. The policies shall prohibit the following categories of non-stormwater  
17 discharges unless the stated conditions are met:
- 18                  • *Discharges from potable water sources*, including water line flushing,  
19 hyperchlorinated water line flushing, fire hydrant system flushing, and  
20 pipeline hydrostatic test water. Planned discharges shall be de-  
21 chlorinated to a concentration of 0.1 ppm or less, pH-adjusted if  
22 necessary, and volumetrically and velocity controlled to prevent  
23 resuspension of sediments.
  - 24                  • *Discharges from lawn watering and other landscape irrigation runoff*.  
25 These discharges must be reduced through, at a minimum, public  
26 education activities and water conservation efforts conducted by the  
27 Secondary Permittee and/or the local jurisdiction.
  - 28                  • *Dechlorinated swimming pool discharges*. The discharges shall be  
29 dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if  
30 necessary, reoxygenated, and volumetrically and velocity controlled to  
31 prevent resuspension of sediments. Swimming pool cleaning  
32 wastewater and filter backwash shall not be discharged to the MS4.
  - 33                  • *Street and sidewalk wash water, water used to control dust, and*  
34 *routine external building wash down that does not use detergents*. The  
35 Secondary Permittee shall reduce these discharges through, at a  
36 minimum, public education activities and/or water conservation efforts  
37 conducted by the Secondary Permittee and/or the local jurisdiction.  
38 To avoid washing pollutants into the MS4, the Secondary Permittee  
39 shall minimize the amount of street wash and dust control water used.

1                   At active construction sites, street sweeping must be performed prior  
2                   to washing the street.

- 3                   iv. The Secondary Permittee’s SWMP shall, at a minimum, address each  
4                   category in iii above accordance with the conditions stated therein.
- 5                   v. The SWMP must further address any category of discharges in ii or iii  
6                   above if the discharge is identified as a significant source of pollutants to  
7                   waters of the State.
- 8                   c. No later than 180 days prior to the expiration date of this Permit, develop  
9                   a storm sewer system map showing the locations of all known storm drain  
10                  outfalls, labeling the receiving waters, and delineating the areas  
11                  contributing runoff to each outfall. Make the map (or completed portions  
12                  of the map) available on request to the Department and/or to other  
13                  Permittees or Secondary Permittees. The preferred, but not required,  
14                  format of submission will be an electronic format with fully described  
15                  mapping standards. An example description is provided at  
16                  <http://www.ecy.wa.gov/services/gis/data/standards.htm>.
- 17                  d. Conduct field inspections and visually inspect for illicit discharges at all  
18                  known outfalls that discharge to surface waters. Visually inspect at least  
19                  one third (on average) of all known outfalls each year beginning no later  
20                  than two years from the date of permit coverage. Develop and implement  
21                  procedures to identify and remove any illicit discharges. Keep records of  
22                  inspections and follow-up activities.
- 23                  e. No later than 180 days prior to the expiration date of this Permit, develop  
24                  and implement a spill response plan that includes coordination with a  
25                  qualified spill responder.
- 26                  f. Provide staff training or coordinate with existing training efforts to  
27                  educate relevant staff on proper best management practices for preventing  
28                  spills and illicit discharges. All relevant staff must be trained.

29                  4. Construction Site Stormwater Runoff Control

30                  From the date of permit coverage, each Secondary Permittee shall:

- 31                  a. Comply with all relevant ordinances, rules, and regulations of the local  
32                  jurisdiction(s) in which the Secondary Permittee is located that govern  
33                  construction phase stormwater pollution prevention measures.
- 34                  b. For all construction projects under the control of the Secondary Permittee  
35                  that require NPDES permits under 40 CFR 122.26 and where required by  
36                  the Department’s *General NPDES Permit for Stormwater Discharges*  
37                  *Associated with Construction Activities*, the Secondary Permittee shall  
38                  obtain NPDES permit coverage under that General Permit, or under  
39                  another NPDES permit that covers the stormwater discharges associated  
40                  with the construction activity, prior to discharging.

- 1 c. To the extent allowable under local, State and Federal law, coordinate
- 2 with the local jurisdiction regarding projects owned and operated by other
- 3 entities which discharge into the Secondary Permittee’s MS4, to assist the
- 4 local jurisdiction with achieving compliance with all relevant ordinances,
- 5 rules, and regulations of the local jurisdiction(s), including implementation
- 6 of the Minimum Technical Requirements for Construction Stormwater
- 7 Pollution Prevention contained in Appendix 1, Minimum Requirement #2.
- 8 d. Provide training or coordinate with existing training efforts to educate
- 9 relevant staff in erosion and sediment control BMPs and requirements, or
- 10 hire trained contractors to perform the work.
- 11 e. Coordinate as requested with the Department or the local jurisdiction to
- 12 provide access for inspection of construction sites or other land
- 13 disturbances greater than or equal to one acre, including projects of less
- 14 than one acre that are part of a common plan of development or sale, that
- 15 are under the control of the Secondary Permittee during the active grading
- 16 and/or construction period.

17 5. Post-Construction Stormwater Management for New Development and

18 Redevelopment

19 From the date of Permit coverage, each Secondary Permittee shall:

- 20 a. Comply with all relevant ordinances, rules and regulations of the local
- 21 jurisdiction(s) in which the Secondary Permittee is located that govern
- 22 post-construction stormwater pollution prevention measures.
- 23 b. To the extent allowable under local, State and Federal law, coordinate
- 24 with the local jurisdiction regarding projects owned and operated by other
- 25 entities which discharge into the Secondary Permittee’s MS4, to assist the
- 26 local jurisdiction with achieving compliance with all relevant ordinances,
- 27 rules, and regulations of the local jurisdiction(s), including implementation
- 28 of the Minimum Technical Requirements in Appendix 1.
- 29 c. No later than one year from the date of Permit coverage, and to the extent
- 30 allowable under local, state and federal law, new projects owned or
- 31 operated by the Secondary Permittee, must comply with the Minimum
- 32 Technical Requirements in Appendix 1 for post construction stormwater
- 33 controls.

34 6. Pollution Prevention and Good Housekeeping for Municipal Operations

35 Each Secondary Permittee shall:

- 36 a. No later than three years from the date of Permit coverage, develop and
- 37 implement a municipal operation and maintenance (O&M) plan to minimize
- 38 stormwater pollution from activities conducted by the Secondary Permittee.
- 39 The O&M Plan must include appropriate pollution prevention and good
- 40 housekeeping procedures for all of the following operations, activities, and/or
- 41 types of facilities that are present within the Secondary Permittee’s boundaries.

1 Record keeping is required to track 1) performance of operational source control  
2 activities, 2) performance of scheduled inspections and maintenance activities,  
3 3) responses to spills and 4) other potential pollution incidents not addressed in  
4 S6.C.3. Operations, activities and/or types of facilities include:

- 5 i. *Stormwater collection and conveyance systems*, including catch basins,  
6 stormwater sewer pipes, open channels, culverts, structural stormwater  
7 controls, and structural runoff treatment and/or flow control facilities. The  
8 O&M Plan must address, but is not limited to, scheduled inspections and  
9 maintenance activities, including cleaning and proper disposal of waste  
10 removed from the system. Secondary Permittees shall properly maintain  
11 stormwater collection and conveyance systems owned or operated by the  
12 Secondary Permittee and regularly inspect and maintain all structural post-  
13 construction stormwater BMPs to ensure facility function. The Secondary  
14 Permittee shall establish maintenance standards that are as protective or  
15 more protective of facility function as those specified in Chapter 4  
16 Volume V of the 2005 *Stormwater Management Manual for Western*  
17 *Washington*. Secondary Permittees shall conduct spot checks of  
18 stormwater treatment and flow control facilities following a 24 hour storm  
19 event with a 10-year or greater recurrence interval.
- 20 ii. *Roads, highways, and parking lots*. The O&M Plan must address, but is  
21 not limited to: deicing, anti-icing, snow removal practices; snow disposal  
22 areas; material (e.g. salt, sand, or other chemical) storage areas; and all-  
23 season BMPs to reduce road and parking lot debris and other pollutants  
24 from entering the MS4. Secondary Permittees shall store all de-icing and  
25 anti-icing materials in a permanent walled and roof structure.
- 26
- 27 iii. *Vehicle fleets*. The O&M Plan must address, but is not limited to: storage,  
28 washing, and maintenance of municipal vehicle fleets; and fueling  
29 facilities. Secondary Permittees shall conduct all vehicle and equipment  
30 washing and maintenance in a self-contained covered building or in  
31 designated wash and/or maintenance areas.
- 32 iv. *External building maintenance*. The O&M Plan must address, building  
33 exterior cleaning and maintenance including cleaning, washing, painting  
34 and other maintenance activities.
- 35 v. *Parks and open space*. The O&M Plan must address, but is not limited to:  
36 proper application of fertilizer, pesticides, and herbicides; sediment and  
37 erosion control; BMPs for landscape maintenance and vegetation disposal;  
38 and trash management.
- 39 vi. *Material storage areas, heavy equipment storage areas, and maintenance*  
40 *areas*. Secondary Permittees shall develop and implement a Stormwater  
41 Pollution Prevention Plan to protect water quality at each of these facilities  
42 owned or operated by the Secondary Permittee and not covered under the  
43 General NPDES Permit for Stormwater Discharges Associated with

1 Industrial Activities or under another NPDES permit that covers  
2 stormwater discharges associated with the activity.

3 vii. *Other facilities* that would reasonably be expected to discharge  
4 contaminated runoff. The O&M Plan must address proper stormwater  
5 pollution prevention practices for each facility.

6 The O&M Plan shall include sufficient documentation and records as  
7 necessary to demonstrate compliance with the O&M Plan requirements in  
8 S6.C.5.a.i through vii above.

9 b. Have permit coverage for all facilities owned, operated or maintained by the  
10 Secondary Permittee that are required to be covered under the General NPDES  
11 Permit for Stormwater Discharges Associated with Industrial Activities.

12 c. Train all employees whose construction, operations, or maintenance job  
13 functions may impact stormwater quality. The training shall address:

14 i. The importance of protecting water quality,

15 ii. The requirements of this Permit,

16 iii. Operation and maintenance requirements,

17 iv. Inspection procedures,

18 v. Ways to perform their job activities to prevent or minimize impacts to  
19 water quality, and

20 vi. Procedures for reporting water quality concerns, including potential illicit  
21 discharges.

## 22 **S7. TOTAL MAXIMUM DAILY LOAD ALLOCATIONS**

23 The following requirements apply if an applicable Total Maximum Daily Load (TMDL) is  
24 approved for stormwater discharges from MS4s owned or operated by the Permittee. Applicable  
25 TMDLs are TMDLs which have been approved by EPA on or before the issuance date of this  
26 Permit, or which have been approved by EPA prior to the date that the Permittee's application is  
27 received by Ecology, or prior to a modification of this Permit, which ever is later. All Permittees  
28 must be in compliance with the requirements of applicable TMDLs.

29 A. For applicable TMDLs listed in Appendix 2, affected Permittees shall comply with the  
30 specific requirements identified in Appendix 2 of this Permit. The status of the TMDL  
31 implementation must be included as part of the annual report submitted to Ecology for  
32 this Permit. Where monitoring is required in Appendix 2, the permittee shall submit a  
33 Quality Assurance Project Plan (QAPP) to Ecology for review and approval, or if  
34 available conducting the monitoring according to a QAPP developed by Ecology.

35 B. For applicable TMDLs not listed in Appendix 2, compliance with this Permit shall  
36 constitute compliance with those TMDLs. Each Permittee shall keep records of all  
37 actions required by this Permit that are relevant to applicable TMDLs within their  
38 jurisdiction. The status of the TMDL implementation must be included as part of the  
39 annual report submitted to Ecology for this Permit.

- 1 C. For TMDLs that are approved by EPA after this Permit is issued, the Department may  
2 establish TMDL related Permit requirements through future Permit modification, or  
3 when this Permit is reissued. Permittees are encouraged to participate in development of  
4 TMDLs within their jurisdiction and to begin implementation. The Department may  
5 modify this Permit to incorporate requirements from TMDLs completed after the  
6 issuance of this Permit if the Department determines implementation of actions,  
7 monitoring or reporting necessary to demonstrate reasonable further progress toward  
8 achieving TMDL waste load allocations, and other targets, are not occurring and must be  
9 implemented during the term of this Permit.

10 **S8. MONITORING**

- 11 A. Permittees are not required to conduct water sampling or other testing during the  
12 effective term of this permit, with the following exceptions:
- 13 1. Any water quality monitoring required for compliance with TMDLs, pursuant to  
14 section S7 *Total Maximum Daily Load Requirements* and Appendix 2 of this  
15 permit, and
  - 16 2. Any sampling or testing required for characterizing illicit discharges pursuant to  
17 section S5.B.3.c.iii of this permit.
- 18 B. The Permittee shall provide the following information in each Annual Report:
- 19 1. A description of any stormwater monitoring or studies conducted by the Permittee  
20 during the reporting period. If stormwater monitoring was conducted on behalf of  
21 the Permittee, or if studies or investigations conducted by other entities were  
22 reported to the Permittee, a brief description of the type of information gathered or  
23 received shall be included in the annual report(s) covering the time period(s) during  
24 which the information was received.
  - 25 2. An assessment of the appropriateness of the BMPs identified by the Permittee for  
26 each component of the SWMP; and any changes made, or anticipated to be made,  
27 to the BMPs that were previously selected to implement the SWMP, and why.
  - 28 3. Information required pursuant to S8.C.2 below.
- 29 C. Preparation for future, long-term monitoring
- 30 This section does not apply to Secondary Permittees. However, Secondary Permittees  
31 are required to provide information, maps and access for sampling efforts, as necessary.  
32 Secondary Permittees are encouraged to participate in the monitoring program.
- 33 1. All cities, towns and counties shall prepare to participate in the implementation of a  
34 future comprehensive long-term monitoring program. The monitoring program  
35 would include three components: stormwater monitoring, Stormwater Management  
36 Program (SWMP) effectiveness monitoring, and runoff treatment Best Management  
37 Practice (BMP) effectiveness monitoring. The monitoring program could include  
38 long-term monitoring and/or short-term studies. The results of the monitoring

1 program would be used to support the adaptive management process and lead to  
2 refinements of the SWMP.

3 a. Stormwater monitoring

4 Cities having a population greater than 10,000 and counties having a population  
5 greater than 25,000 shall identify sites for long-term stormwater monitoring.  
6 Adequate sites will be those completely mapped as required in S5.C.3.a, include  
7 land use delineation, and be suitable for permanent installation and operation of  
8 flow-weighted composite sampling equipment. No later than 180 days prior to  
9 the expiration date of this Permit:

- 10 i. Each County having a population greater than 100,000 shall identify  
11 two outfalls or conveyances where stormwater sampling could be  
12 conducted. One outfall or conveyance shall represent commercial land  
13 use and the second shall represent low-density residential land use.
- 14 ii. Each city having a population greater than 75,000 shall identify two  
15 outfalls or conveyances where stormwater sampling could be  
16 conducted. One outfall or conveyance shall represent commercial land  
17 use and the second shall represent high-density residential land use.
- 18 iii. Each county having a population between 25,000 and 100,000 shall  
19 identify one outfall or conveyance where stormwater sampling could  
20 be conducted. The outfall shall represent either commercial or low-  
21 density residential land use.
- 22 iv. Each city having a population between 10,000 and 75,000 shall  
23 identify one outfall or conveyance where stormwater sampling could  
24 be conducted. The outfall shall represent either commercial or high-  
25 density residential land use.

26 b. SWMP effectiveness monitoring

- 27 i. Each city, town and county shall prepare to conduct monitoring to  
28 determine the effectiveness of the Permittee's SWMP at controlling  
29 stormwater-related problems that are directly addressed by actions in  
30 the SWMP. This component of the monitoring program shall be  
31 designed to answer the following types of questions:
- 32 • How effective is a targeted action or narrow suite of actions?  
33 and/or
  - 34 • Is the SWMP achieving a targeted environmental outcome?
- 35 ii. No later than 180 days prior to the expiration date of this permit,  
36 each city, town and county shall identify at least two suitable questions  
37 and select sites where monitoring will be conducted. This monitoring  
38 shall include, at a minimum, plans for either stormwater or receiving  
39 water monitoring of physical, chemical and/or biological  
40 characteristics. This monitoring may also include evaluation of

1 regulatory processes, programmatic actions or other similar  
2 evaluations.

3 iii. For each question, the Permittee shall develop a monitoring plan  
4 containing the following elements:

- 5 • A statement of the problem, an explanation of how and why the  
6 problem is significant to the Permittee, and a discussion of whether  
7 and how the results of the monitoring may be significant to other  
8 MS4s;
- 9 • A specific hypothesis about the problem or management actions  
10 that will be tested;
- 11 • Specific parameters or attributes to be measured; and
- 12 • Expected modifications to management actions depending on the  
13 outcome of hypothesis testing.

14 c. Runoff treatment Best Management Practice (BMP) effectiveness monitoring

- 15 i. Each city having a population greater than 25,000 and each county  
16 having a population greater than 50,000 shall prepare to conduct  
17 monitoring to evaluate the effectiveness of runoff treatment BMPs  
18 applied in their jurisdiction.
- 19 ii. Each city having a population greater than 50,000 and each county  
20 having a population greater than 100,000 shall prepare to monitor at  
21 least two BMPs, at no fewer than two sites per BMP. Each city having  
22 a population between 25,000 and 50,000 and each county having a  
23 population between 50,000 and 100,000 shall prepare to monitor at  
24 least one BMP, at no fewer than two sites per BMP. BMPs shall be  
25 selected from the following list:
  - 26 • Basic treatment
    - 27 - Biofiltration swale
    - 28 - Vegetated filter strip
    - 29 - Wetpond
    - 30 - Wetvault
    - 31 - Treatment wetland
    - 32 - Sand filter
    - 33 - Dry pond
    - 34 - Extended detention dry pond
  - 35 • Metals treatment
    - 36 - Amended sand filter
    - 37 - Two facility treatment train
    - 38 - Bio-infiltration swale
  - 39 • Oil control
    - 40 - Bio-infiltration swale
    - 41 - Biofiltration swale
    - 42 - Vegetated filter strip

- Linear sand filter
- Catch basin insert

2. Monitoring program reporting requirements

- a. The third Annual Report shall:
  - i. Describe the status of identification of sites for stormwater monitoring, if required for the Permittee;
  - ii. Include a summary of proposed questions for the SWMP effectiveness monitoring and describe the status of developing the monitoring plan, including the proposed purpose, design, and methods; and
  - iii. Identify the BMP(s) selected for runoff treatment BMP effectiveness monitoring, and describe the status of identification of sites for BMP effectiveness monitoring, if required for the Permittee.
- b. To comply with the requirements of all or part(s) of this section, Permittees in a single Urbanized Area may choose to submit a collaborative report or reports in lieu of separate reports.

**S9. REPORTING REQUIREMENTS**

- A. Each Permittee shall submit, no later than March 31 each year beginning in the year 2008, an Annual Report. The reporting period for the first Annual Report shall be from the effective date of this permit through December 31, 2008. The reporting period for all subsequent annual reports shall be the previous calendar year.
- B. The reporting forms provided in Appendix 3 shall be used by Permittees. Separate forms are provided for Secondary Permittees in this appendix. Forms shall be fully completed by each Permittee. Two printed copies and an electronic (PDF) copy of each document shall be submitted to the Department. All submittals shall be delivered to:
  - Department of Ecology
  - Water Quality Program
  - Municipal Stormwater Permits
  - P.O. Box 47696
  - Olympia, WA 98504-7696
- C. The Annual Report shall include the following:
  - 1. Two printed copies and one electronic (PDF) copy of the Permittee's current SWMP.
  - 2. The status of compliance with the conditions of this Permit, including:
    - a. Status of implementation of each component of the SWMP in section S5 *Stormwater Management Program for Primary Permittees and Co-Permittees* or in section S6 *Stormwater Management Program for Secondary Permittees* of this Permit, as applicable to the Permittee.

- 1           b. An assessment of the Permittee’s progress in meeting the minimum
- 2           performance standards established for each of the minimum control measures
- 3           of the SWMP.
- 4           c. A description of activities being implemented to comply with each component
- 5           of the SWMP, including the number and type of inspections, enforcement
- 6           actions, public education and involvement activities, and illicit discharges
- 7           detected and eliminated.
- 8           d. The Permittee’s detailed SWMP implementation schedule and plans for
- 9           meeting permit deadlines, and a discussion of the status of SWMP
- 10          implementation to date. If Permit deadlines are not met, or may not be met in
- 11          the future, include: reasons why, corrective steps taken and proposed, and
- 12          expected dates that the deadlines will be met.
- 13          e. A summary of the Permittee’s evaluation of their SWMP, pursuant to sections
- 14          S5.A.3 and S8.B.2.
- 15          3. Notification of any annexations or incorporations resulting in an increase or
- 16          decrease in the Permittee’s geographic area of permit coverage during the reporting
- 17          period, and implications for the SWMP.
- 18          4. If applicable, notice that you are relying on another governmental entity to satisfy
- 19          any of your obligations under this permit.
- 20          5. Updated information from the prior annual report plus any new information
- 21          received during the reporting period, pursuant to S8.B.2 above.
- 22          6. Certification and signature pursuant to G19.D and notification of any changes to
- 23          authorization pursuant to G19.C.
- 24          C. Each Permittee is required to keep all records related to this permit and the SWMP for
- 25          at least five years. Records must be submitted to the Department only upon request,
- 26          except for the requirements of the annual reports described in this permit.
- 27          D. Each Permittee must make all records related to this permit and the Permittees SWMP
- 28          available to the public at reasonable times during business hours.
- 29                  1. A reasonable charge may be assessed by the Permittee for making photocopies of
- 30                  records for entities other than Ecology.
- 31                  2. The Permittee may require reasonable advance notice of intent to review records
- 32                  related to this permit.

**GENERAL CONDITIONS**

**G1. DISCHARGE VIOLATIONS**

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

1 **G2. PROPER OPERATION AND MAINTENANCE**

2 The Permittee shall at all times properly operate and maintain all facilities and systems of  
3 collection, treatment, and control (and related appurtenances) which are installed or used by  
4 the Permittee for pollution control to achieve compliance with the terms and conditions of  
5 this Permit.

6 **G3. NOTIFICATION OF SPILL**

7 If a Permittee has knowledge of a spill into a municipal storm sewer which could constitute  
8 a threat to human health, welfare, or the environment, the Permittee shall notify the Ecology  
9 regional office and other appropriate spill response authorities immediately but in no case  
10 later than within 24 hours of obtaining that knowledge. Spills which might cause bacterial  
11 contamination of shellfish, such as might result from broken sewer lines, shall be reported  
12 immediately to the Department of Ecology and to the Department of Health, Shellfish  
13 Program. The Department of Ecology's regional office 24-hour number is (425)649-7000  
14 for NWRO and (360)407-6300 for SWRO and the Department of Health's shellfish 24-hour  
15 number is (360)236-3330.

16 **G4. BYPASS PROHIBITED**

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

20 A. Bypass is: (1) unavoidable to prevent loss of life, personal injury, or severe property  
21 damage; or (2) necessary to perform construction or maintenance-related activities  
22 essential to meet the requirements of the Clean Water Act (CWA); and

23 B. There are no feasible alternatives to bypass, such as the use of auxiliary treatment  
24 facilities, retention of untreated stormwater, or maintenance during normal dry periods.

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

29 **G5. RIGHT OF ENTRY**

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

32 A. To enter upon the Permittee's premises where a discharge is located or where any  
33 records must be kept under the terms and conditions of this Permit;

34 B. To have access to, and copy at reasonable cost and at reasonable times, any records that  
35 must be kept under the terms of the Permit;

36 C. To inspect at reasonable times any monitoring equipment or method of monitoring  
37 required in the Permit;

1 D. To inspect at reasonable times any collection, treatment, pollution management, or  
2 discharge facilities; and

3 E. To sample at reasonable times any discharge of pollutants.

4 **G6. DUTY TO MITIGATE**

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

8 **G7. PROPERTY RIGHTS**

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

10 **G8. COMPLIANCE WITH OTHER LAWS AND STATUTES**

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

13 **G9. MONITORING**

14 A. Representative Sampling:

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

19 B. Records Retention:

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

27 C. Recording of Results:

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

33 D. Test Procedures:

34 All sampling and analytical methods used to meet the monitoring requirements in this  
35 permit shall conform to the Guidelines Establishing Test Procedures for the Analysis of

1 Pollutants contained in 40 CFR Part 136, unless otherwise specified in this permit or  
2 approved in writing by 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 from  
17 this requirement pending accreditation of laboratories for analysis of these media by  
18 Ecology.

19 G. Additional Monitoring:

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

22 **G10. REMOVED SUBSTANCES**

23 With the exception of decant from street waste vehicles, the Permittee shall not allow  
24 collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in  
25 the course of treatment or control of stormwater to be resuspended or reintroduced to the  
26 storm sewer system or to waters of the state. Decant from street waste vehicles resulting  
27 from cleaning stormwater facilities may be reintroduced only when other practical means  
28 are not available and only in accordance with the Street Waste Disposal Guidelines in  
29 Appendix 4.

30 **G11. SEVERABILITY**

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

35 **G12. REVOCATION OF COVERAGE**

36 The director may terminate coverage under this General Permit in accordance with  
37 Chapter 43.21B RCW and Chapter 173-226 WAC. Cases where coverage may be  
38 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 Chapter 90.48.090  
9 RCW;
  - 10 F. Nonpayment of permit fees assessed pursuant to Chapter 90.48.465 RCW;
- 11 Revocation of coverage under this general permit may be initiated by Ecology or  
12 requested by any interested person.

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 **G14. GENERAL PERMIT MODIFICATION AND REVOCATION**

18 This General Permit may be modified, revoked and reissued, or terminated in  
19 accordance with the provisions of WAC 173-226-230. Grounds for modification,  
20 revocation and reissuance, or termination include, but are not limited to the following:

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

31 **G15. REPORTING A CAUSE FOR MODIFICATION OR REVOCATION**

32 A Permittee who knows or has reason to believe that any activity has occurred or will  
33 occur which would constitute cause for modification or revocation and reissuance under  
34 Condition G12, G14, or 40 CFR 122.62 must report such plans, or such information, to  
35 Ecology so that a decision can be made on whether action to modify, or revoke and  
36 reissue this Permit will be required. Ecology may then require submission of a new or

1 amended application. Submission of such application does not relieve the Permittee of  
2 the duty to comply with this Permit until it is modified or reissued.

3 **G16. APPEALS**

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

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

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

18 D. Modifications of this Permit are appealable in accordance with chapter 43.21B  
19 RCW and chapter 173-226 WAC.

20 **G17. PENALTIES**

21 40 CFR 122.41(a)(2) and (3), 40 CFR 122.41(j)(5), and 40 CFR 122.41(k)(2) are hereby  
22 incorporated into this Permit by reference.

23 **G18. DUTY TO REAPPLY**

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

26 **G19. CERTIFICATION AND SIGNATURE**

27 All applications, reports, or information submitted to the Department shall be signed and  
28 certified.

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

31 B. All reports required by this Permit and other information requested by the Department  
32 shall be signed by a person described above or by a duly authorized representative of  
33 that person. A person is a duly authorized representative only if:

- 1           1. The authorization is made in writing by a person described above and submitted
- 2           to the Department, and
- 3           2. The authorization specifies either an individual or a position having responsibility
- 4           for the overall development and implementation of the stormwater management
- 5           program. (A duly authorized representative may thus be either a named individual
- 6           or any individual occupying a named position.)
- 7           C. Changes to authorization. If an authorization under condition G19.B.2 is no longer
- 8           accurate because a different individual or position has responsibility for the overall
- 9           development and implementation of the stormwater management program, a new
- 10          authorization satisfying the requirements of condition G19.B.2 must be submitted to
- 11          the Department prior to or together with any reports, information, or applications to
- 12          be signed by an authorized representative.
- 13          D. Certification. Any person signing a document under this Permit shall make the
- 14          following certification:
- 15          “I certify, under penalty of law, that this document and all attachments were prepared
- 16          under my direction or supervision in accordance with a system designed to assure that
- 17          Qualified Personnel properly gathered and evaluated the information submitted.
- 18          Based on my inquiry of the person or persons who manage the system or those
- 19          persons directly responsible for gathering information, the information submitted is,
- 20          to the best of my knowledge and belief, true, accurate, and complete. I am aware that
- 21          there are significant penalties for submitting false information, including the
- 22          possibility of fine and imprisonment for willful violations.”

**G20. NON-COMPLIANCE NOTIFICATION**

- 24          In the event the Permittee is unable to comply with any of the terms and conditions of
- 25          this permit, including discharges from the Permittees MS4 which may cause a threat to
- 26          human health or the environment, the Permittee shall:
- 27          A. Take appropriate action to correct or minimize the threat to human health or the
  - 28          environment or otherwise stop or correct the condition of noncompliance.
  - 29          B. Notify Ecology of the failure to comply with the permit terms and conditions within
  - 30          30 days of becoming aware of the non-compliance.
  - 31          C. Notify Ecology immediately in cases where the Permittee becomes aware of a
  - 32          discharge from the Permittees MS4 which may cause or contribute to an eminent
  - 33          threat to human health or the environment.

1 **DEFINITIONS AND ACRONYMS**

2 “AKART” means All Known, Available, and Reasonable methods of prevention control and Treatment.

3 “All known, available and reasonable methods of prevention, control and treatment” refers to the  
4 State Water Pollution Control Act, Chapter 90.48.010 and 90.48.520 RCW.

5 “Applicable TMDL” means a TMDL which has been approved by EPA on or before the issuance  
6 date of this Permit, or prior to the date that the Permittee’s application is received by  
7 Ecology, or prior to a modification of this Permit, whichever is later.

8 “Best Management Practices” (“BMPs”) are the schedules of activities, prohibitions of practices,  
9 maintenance procedures, and structural and/or managerial practices approved by the  
10 Department that, when used singly or in combination, prevent or reduce the release of  
11 pollutants and other adverse impacts to waters of Washington State.

12 “BMP” means Best Management Practice.

13 “Bypass” means the diversion of stormwater from any portion of a stormwater treatment facility.

14 “Common plan of development or sale” means a site where multiple separate and distinct  
15 construction activities may be taking place at different times on different schedules, but still  
16 under a single plan. Examples include: phased projects and projects with multiple filings or  
17 lots, even if the separate phases or filings/lots will be constructed under separate contract or  
18 by separate owners (*e.g.* a development where lots are sold to separate builders); a  
19 development plan that may be phased over multiple years, but is still under a consistent plan  
20 for long-term development; and projects in a contiguous area that may be unrelated but still  
21 under the same contract, such as construction of a building extension and a new parking lot at  
22 the same facility. If the project is part of a common plan of development or sale, the  
23 disturbed area of the entire plan shall be used in determining permit requirements.

24 “Component” or “Program Component” means an element of the Stormwater Management  
25 Program listed in S5 Stormwater Management Program for Cities, Towns, and Counties or  
26 S6 Stormwater Management Program for Secondary Permittees of this permit.

27 “Co-permittee” means an operator of a regulated small MS4 which is applying jointly with  
28 another applicant for coverage under this permit. A co-permittee is an owner or operator of a  
29 regulated small MS4 located within or adjacent to another regulated MS4. A co-permittee is  
30 only responsible for complying with the condition of this permit relating to discharges from  
31 the MS4 the co-permittee owns or operates. See also 40 CFR 122.26(b)(1)

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

35 “Director” means the Director of the Washington State Department of Ecology, or an authorized  
36 representative.

37 “Discharge” for the purpose of this permit means, unless indicated otherwise, any discharge from  
38 a MS4 owned or operated by the permittee.

39 “Entity” means another governmental body, or public or private organization, such as another  
40 permittee, a conservation district, or volunteer organization.

- 1    “Equivalent document” means a technical stormwater management manual developed by a state  
2    agency, local government or other entity that includes the Minimum Technical Requirements  
3    in Appendix 1 of this Permit. The Department may conditionally approve manuals that do  
4    not include the Minimum Technical Requirements in Appendix 1; in general, the Best  
5    Management Practices (BMPs) included in those documents may be applied at new  
6    development and redevelopment sites, but the Minimum Technical Requirements in  
7    Appendix 1 must still be met.
- 8    “40 CFR” means Title 40 of the Code of Federal Regulations, which is the codification of the  
9    general and permanent rules published in the Federal Register by the executive departments  
10   and agencies of the federal government.
- 11   “General” Permit” means a permit which covers multiple dischargers of a point source category  
12   within a designated geographical area, in lieu of individual permits being issued to each  
13   discharger.
- 14   “Heavy equipment maintenance or storage yard” means an uncovered area where any heavy  
15   equipment, such as mowing equipment, excavators, dump trucks, backhoes, or bulldozers are  
16   washed or maintained, or where at least five pieces of heavy equipment are stored.
- 17   “Hydraulically Near” means runoff from the site discharges to the sensitive feature without  
18   significant natural attenuation of flows that allows for suspended solids removal. See  
19   Appendix 4 for a more detailed definition.
- 20   “Illicit connection” means any man-made conveyance that is connected to a municipal separate  
21   storm sewer without a permit, excluding roof drains and other similar type connections.  
22   Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits,  
23   inlets, or outlets that are connected directly to the municipal separate storm sewer system.
- 24   “Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed  
25   entirely of storm water except discharges pursuant to a NPDES permit (other than the  
26   NPDES permit for discharges from the municipal separate storm sewer) and discharges  
27   resulting from fire fighting activities.
- 28   “Large Municipal Separate Storm Sewer System” means all municipal Separate Storm Sewers  
29   located in an incorporated place with a population of 250,000 or more, a County with  
30   unincorporated urbanized areas with a population of 250,000 or more according to the 1990  
31   decennial census by the Bureau of Census.
- 32   “Low Impact Development (LID)” means a stormwater management and land development  
33   strategy applied at the parcel and subdivision scale that emphasizes conservation and use of  
34   on-site natural features integrated with engineered, small-scale hydrologic controls to more  
35   closely mimic pre-development hydrologic functions.
- 36   “Major Municipal Separate Storm Sewer Outfall” means a municipal separate storm sewer  
37   outfall from a single pipe with an inside diameter of 36 inches or more, or its equivalent  
38   (discharge from a single conveyance other than circular pipe which is associated with a  
39   drainage area of more than 50 acres); or for municipal separate storm sewers that receive  
40   stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or  
41   the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12  
42   inches or more or from its equivalent (discharge from other than a circular pipe associated  
43   with a drainage area of 12 acres or more).

- 1    “Material Storage Facilities” means an uncovered area where bulk materials (liquid, solid,  
2    granular, etc.) are stored in piles, barrels, tanks, bins, crates, or other means.
- 3    “Maximum Extent Practicable” (MEP) refers to paragraph 402(p)(3)(B)(iii) of the federal Clean  
4    Water Act which reads as follows: Permits for discharges from municipal storm sewers shall  
5    require controls to reduce the discharge of pollutants to the maximum extent practicable,  
6    including management practices, control techniques, and system, design, and engineering  
7    methods, and other such provisions as the Administrator or the State determines appropriate  
8    for the control of such pollutants.
- 9    “Medium Municipal Separate Storm Sewer System” means all Municipal Separate Storm Sewers  
10    located in an incorporated place with a population of more than 100,000 but less than  
11    250,000, or a county with unincorporated urbanized areas of more than 100,000 but less than  
12    250,000 according to the 1990 decennial census by the Bureau of Census.
- 13    “MEP” means Maximum Extent Practicable
- 14    “MTRs” means Minimum Technical Requirements.
- 15    “Municipal Separate Storm Sewer” (MS4) means a conveyance, or system of conveyances  
16    (including roads with drainage systems, municipal streets, catch basins, curbs, gutters,  
17    ditches, manmade channels, or storm drains):
- 18    (i)    owned or operated by a state, city, town, borough, county, parish, district, association,  
19    or other public body (created by or pursuant to State Law) having jurisdiction over  
20    disposal of wastes, storm water, or other wastes, including special districts under State  
21    Law such as a sewer district, flood control district or drainage district, or similar entity,  
22    or an Indian tribe or an authorized Indian tribal organization, or a designated and  
23    approved management agency under section 208 of the CWA that discharges to waters  
24    of the United States;
- 25    (ii)   designed or used for collecting or conveying stormwater;
- 26    (iii)  which is not a combined sewer; and (iv) which is not part of a Publicly Owned  
27    Treatment Works (POTW) as defined at 40 CFR 122.2.
- 28    “National Pollutant Discharge Elimination System (NPDES)” means the national program for  
29    issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits,  
30    and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and  
31    405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the  
32    state from point sources. These permits are referred to as NPDES permits and, in  
33    Washington State, are administered by the Washington Department of Ecology.
- 34    “Notice of Intent” (NOI) means the application for, or a request for coverage under this General  
35    Permit pursuant to WAC 173-226-200.
- 36    “Notice of Intent for Construction Activity,” and “Notice of Intent for Industrial Activity” mean  
37    the application forms for coverage under the “Baseline General Permit for Stormwater  
38    Discharges Associated with Industrial Activities.”
- 39    “Outfall” means point source as defined by 40 CFR 122.2 at the point where a municipal  
40    separate storm sewer discharges to waters of the State and does not include open  
41    conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other

1 conveyances which connect segments of the same stream or other waters of the State and are  
2 used to convey waters of the State. “Permittee” unless otherwise noted, the term “Permittee”  
3 includes Permittee, Co-Permittee, and Secondary Permittee, as defined below:

4 (i) A “Permittee” is a city, town, or county owning or operating a regulated small MS4  
5 applying and receiving a permit as a single entity.

6 (ii) A “Co-Permittee” is any operator of a regulated small MS4 that is applying jointly with  
7 another applicant for coverage under this Permit. Co-Permittees own or operate a  
8 regulated small MS4 located within or adjacent to another regulated small MS4.

9 (iii) A “Secondary Permittee” is an operator of regulated small MS4 that is not a city, town or  
10 county.

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

15 “Pollutant Generating Impervious Surfaces (PGIS)” are surfaces considered to be significant  
16 sources of pollutants in stormwater runoff. Such surfaces include those that are subject to  
17 vehicular use, industrial activities, or storage of erodible or leachable materials that receive  
18 direct rainfall or run-on or blow-in of rainfall. Metal roofs are considered to be PGIS unless  
19 coated with an inert, non-leachable material. Roofs that are subject to venting of indoor  
20 pollutants from manufacturing, commercial or other operations or processes are also  
21 considered PGIS. A surface, whether paved or not, shall be considered PGIS if it is regularly  
22 used by motor vehicles. The following are considered regularly-used surfaces: roads,  
23 unvegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways,  
24 parking lots, unfenced fire lanes, vehicular equipment storage yards, and airport runways.

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

28 “Qualified Personnel or Consultant” means someone who has had professional training in the  
29 aspects of stormwater management for which they are responsible and are under the  
30 functional control of the Permittee.

31 “RCW” means the Revised Code of Washington State.

32 “Regulated Small Municipal Separate Storm Sewer System (MS4)” means a Municipal Separate  
33 Storm Sewer System which is automatically designated for inclusion in the Phase II  
34 stormwater permitting program by its location within an Urbanized Area, or by designation  
35 by the NPDES permitting authority and is not eligible for a waiver or exemption under S1.C.

36 “Replaced impervious surfaces” means, for structures, the removal and replacement of any  
37 exterior impervious surfaces or foundation; or, for other impervious surfaces, the removal  
38 down to bare soil, or base course, and replacement. Exemptions and partial exemptions are  
39 defined in Appendix 1 of this Permit.

40 “Runoff” is water that travels across the land surface and discharges to water bodies either  
41 directly or through a collection and conveyance system. See also “Stormwater.”

1 "Shared Waterbodies" means waterbodies, including downstream segments, lakes and estuaries  
2 that receive discharges from more than one permittee.

3 "Secondary Permittee" is an operator of regulated small municipal separate storm sewer system  
4 which is not a city, town or county. Secondary Permittees include special purpose districts  
5 and other MS4s that meet the criteria for a regulated small MS4 in S1.B.

6 "Significant contributor" means a discharge contributes a loading of pollutants considered to be  
7 sufficient to cause or exacerbate the deterioration of receiving water quality or instream  
8 habitat conditions.

9 "Sediment/Erosion-Sensitive Feature" means an area subject to significant degradation due to  
10 the effect of construction runoff or areas requiring special protection to prevent erosion. See  
11 Appendix 6 Determining Construction Site Sediment Transport Potential for a more detailed  
12 definition.

13 "Small Municipal Separate Storm Sewer System" or "Small MS4" is a conveyance or system of  
14 conveyances including roads with drainage systems, municipal streets, catch basins, curbs,  
15 gutters, ditches, man-made channels and/or storm drains which is:

16 a. Owned or operated by a city, town, county, district, association or other public body  
17 created pursuant to State law having jurisdiction over disposal of sewage, industrial  
18 wastes, stormwater, or other wastes, including special districts under State law such as a  
19 sewer districts, flood control districts or drainage districts, or similar entity;

20 b. Designed or used for collecting or conveying stormwater;

21 c. Not a combined sewer system;

22 d. Not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2;  
23 and

24 e. Not defined as "large" or "medium" pursuant to 40 CFR 122.26(b)(4) & (7) or designated  
25 under 40 CFR 122.26 (a)(1)(v).

26 Small MS4s include systems similar to separate storm sewer systems in municipalities such  
27 as: universities, large publicly owned hospitals, prison complexes, highways and other  
28 thoroughfares. Storm sewer systems in very discrete areas such as individual buildings do not  
29 require coverage under this permit.

30 Small MS4s do *not* include storm drain systems operated by non-governmental entities such  
31 as: individual buildings, private schools, private colleges, private universities, and industrial  
32 and commercial entities.

33 "Stormwater," means runoff during and following precipitation and snowmelt events, including  
34 surface runoff and drainage.

35 "Stormwater Associated with Industrial and Construction Activity" means the discharge from  
36 any conveyance which is used for collecting and conveying stormwater, which is directly  
37 related to manufacturing, processing or raw materials storage areas at an industrial plant, or  
38 associated with clearing grading and/or excavation, and is required to have an NPDES permit  
39 in accordance with 40 CFR 122.26.

- 1 "Stormwater Management Manual for Western Washington" means the 5-volume technical  
2 manual (Publication Nos. 99-11 through 15 for the 2001 version and Publication Nos. 05-10-  
3 029-033 for the 2005 version (The 2005 version replaces the 2001 version) prepared by  
4 Ecology for use by local governments that contains BMPs to prevent, control, or treat  
5 pollution in storm water.
- 6 "Stormwater Management Program" (SWMP) means a set of actions and activities designed to  
7 reduce the discharge of pollutants from the regulated small MS4 to the maximum extent  
8 practicable and to protect water quality, and comprising the components listed in S5 or S6 of  
9 this Permit and any additional actions necessary to meet the requirements of applicable  
10 TMDLs.
- 11 "Total Maximum Daily Load" (TMDL) means a water cleanup plan. A TMDL is a calculation  
12 of the maximum amount of a pollutant that a water body can receive and still meet water  
13 quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the  
14 sum of the allowable loads of a single pollutant from all contributing point and nonpoint  
15 sources. The calculation must include a margin of safety to ensure that the water body can be  
16 used for the purposes the state has designated. The calculation must also account for  
17 reasonable variation in water quality. Water quality standards are set by states, territories,  
18 and tribes. They identify the uses for each water body, for example, drinking water supply,  
19 contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to  
20 support that use. The Clean Water Act, section 303, establishes the water quality standards  
21 and TMDL programs.
- 22 "Urbanized Area" (UA) is a land area comprising one or more places and the adjacent densely  
23 settled surrounding area that together have a residential population of at least 50,000 and an  
24 overall population density of at least 1,000 people per square mile. For the year 2000  
25 Census, the U.S. Census Bureau classified "urban" as all territory, population, and housing  
26 units located within an Urbanized Area (UA) or an Urban Cluster (UC). It delineated UA  
27 and UC boundaries to encompass densely settled territory, which consists of: core census  
28 block groups or blocks that have a population density of at least 1,000 people per square mile  
29 and surrounding census blocks that have an overall density of at least 500 people per square  
30 mile. In addition, under certain conditions, less densely settled territory may be part of each  
31 UA or UC. The U.S. Census Bureau announced the "Census 2000 Urbanized Areas" on May  
32 1, 2002. More information can be found at the U.S. Census Bureau website at:  
33 [http://www.census.gov/geo/www/ua/ua\\_2k.html](http://www.census.gov/geo/www/ua/ua_2k.html).
- 34 "Urban/higher density rural subbasins" means any subbasin or portion thereof that is within or  
35 proposed to be within the urban growth area (UGA), or any rural area subbasin or portion  
36 thereof fifty percent or more of which is comprised of lots smaller than 5 acres in size.
- 37 "Vehicle Maintenance or Storage Facility" means an uncovered area where any vehicles are  
38 regularly washed or maintained, or where at least 10 vehicles are stored.
- 39 "Waters of the State" includes those waters as defined as "waters of the United States" in 40  
40 CFR Subpart 122.2 within the geographic boundaries of Washington State and "waters of the  
41 state" as defined in Chapter 90.48 RCW which includes lakes, rivers, ponds, streams, inland  
42 waters, underground waters, salt waters and all other surface waters and water courses within  
43 the 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
- 3 Standards, Chapter 173-204 WAC.