

Permit No. _____

Coverage Date: _____

Issuance Date: October 4, 2000
Effective Date: November 18, 2000
Expiration Date: November 18, 2005

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND STATE
WASTE DISCHARGE GENERAL PERMIT FOR
STORMWATER DISCHARGES ASSOCIATED WITH

CONSTRUCTION ACTIVITIES

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7696

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.

Megan White, P.E., Manager
Water Quality Program
Department of Ecology

Table of Contents

	<u>Page</u>
Definitions.....	1
Acronyms	5
Introduction	6
Special Conditions	6
S1. Application for Coverage	6
S2. Permit Coverage.....	7
S3. Authorized Discharges	8
S4. Discharge Prohibitions	8
S5. Compliance with Standards.....	9
S6. Sampling and Analysis.....	9
S7. Permit Fees.....	9
S8. Solid and Liquid Waste Disposal.....	10
S9. Stormwater Pollution Prevention Plan (SWPPP) for Construction Activities	10
S10. Notice of Termination (NOT)	14
General Conditions.....	15

Definitions

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

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

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

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

Constructed Wetland means wetlands intentionally created, on sites that are not natural wetlands, for the primary purpose of wastewater or stormwater treatment and managed as such. Constructed wetlands are normally considered as part of the stormwater collection and treatment system.

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

Construction Dewatering means the act of pumping ground water or stormwater away from an active construction site.

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

Director means the Director of the Washington Department of Ecology or his/her authorized representative.

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

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

Ecology means the Washington Department of Ecology.

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

Equivalent Stormwater Management Manual means a manual that has been deemed by Ecology as being equivalent to the SWMM.

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

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

sediment traps and ponds. Erosion and sediment control BMPs are synonymous with stabilization and structural BMPs.

Erosion and Sediment Control Plan means a document which describes the potential for erosion and sedimentation problems, and explains and illustrates the measures which are to be taken to control those problems.

Final Stabilization means the completion of all soil disturbing activities at the site and the establishment of a permanent vegetative cover, or equivalent permanent stabilization measures (such as riprap, gabions or geotextiles) which will prevent erosion.

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

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

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

Illicit discharge means any discharge that is not composed entirely of stormwater except discharges authorized under a separate NPDES permit and discharges resulting from fire fighting activities.

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

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

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

Municipal Entity means incorporated cities and counties (municipalities) as well as service districts such as school districts, sanitary sewer districts, flood control districts, fire districts, port districts and unincorporated towns and townships.

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

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

Notice of Termination (NOT) means a request for termination of coverage under this general permit as specified by Special Condition S10 of this permit.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure and container from which pollutants are or may be discharged to surface waters of the state. This term does not include return flows from irrigated agriculture. (See Fact Sheet for further explanation.)

Pollutant means the discharge of any of the following to waters of the state: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, domestic sewage sludge (biosolids), munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste. This term does not include sewage from

vessels within the meaning of section 312 of the FWPCA, nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

Pollution means contamination or other alteration of the physical, chemical, or biological properties of waters of the state; including change in temperature, taste, color, turbidity, or odor of the waters; or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare; or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish or other aquatic life.

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

Puget Sound Basin means the Puget Sound south of Admiralty Inlet (including Hood Canal and Saratoga Passage); the waters north to the Canadian border, including portions of the Strait of Georgia; the Strait of Juan de Fuca south of the Canadian border; and all the lands draining into these waters as mapped in Water Resources Inventory Areas numbers 1 through 19, set forth in WAC 173-500-040.

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

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

Sedimentation means the depositing or formation of sediment.

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

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

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

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

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

Site means the land or water area where any "facility or activity" is physically located or conducted.

Source Control BMPs means physical, structural or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. A few examples of source control BMPs are erosion control practices, maintenance of stormwater facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead end sump.

Stabilization means the application of appropriate BMPs to prevent the erosion of soils, such as, temporary and permanent seeding, vegetative covers, mulching and matting, plastic covering and sodding. See also the definition of Erosion and Sediment Control BMPs.

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

Stormwater means rainfall and snow melt runoff.

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

Stormwater Management Manual for the Puget Sound Basin (SWMM) or Manual means the technical manual prepared by Ecology for use by local governments and published in 1992, or statewide revisions when they become available, that contain descriptions of and design criteria for BMPs to prevent, control, or treat pollutants in stormwater.

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

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

Treatment BMPs means BMPs that are intended to remove pollutants from stormwater. A few examples of treatment BMPs are detention ponds, oil/water separators, biofiltration, and constructed wetlands.

USEPA means the United States Environmental Protection Agency.

Water Quality means the chemical, physical, and biological characteristics of water, usually with respect to its suitability for a particular purpose.

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

Acronyms

BMP	Best Management Practice
CERCLA	Comprehensive Environmental Response Compensation & Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
EPA	Environmental Protection Agency
ESC	Erosion and Sediment Control
FWPCA	Federal Water Pollution Control Act
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
RCRA	Resource Conservation and Recovery Act
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act
SWMM	Stormwater Management Manual for the Puget Sound Basin
SWPPP	Stormwater Pollution Prevention Plan
USC	United States Code
USEPA	United States Environmental Protection Agency
WAC	Washington Administrative Code
WQ	Water Quality

Introduction

The Ecology stormwater pollution control program is based, in part, on the federal regulations of 40 CFR Parts 122, 123, and 124 Subchapter D (Water Programs) issued on November 16, 1990, and the implementation of section 402(p) of the Federal Clean Water Act. The goals of these federal regulations are to reduce or eliminate stormwater pollution from construction activity by requiring the implementation of technology based Stormwater Pollution Prevention Plans (SWPPP), and to eliminate surface water quality standards violations caused by stormwater.

Under the authority of Chapter 90.48 RCW, Ecology has expanded the scope of its stormwater program beyond the federal government's requirements. Ecology's program requires compliance with ground water quality and sediment management standards for those operations that are required to obtain an NPDES permit for a stormwater discharge to surface waters or storm drains.

To comply with 40 CFR Parts 122, 123, and 124, and pursuant to the provisions of Chapters 90.48 and 90.52 RCW and Chapter 173-226 WAC, all those who file a Notice of Intent and are covered under this baseline general permit (see Special Condition S2) shall comply with the following:

Special Conditions

S1. Application for Coverage

A. Notice of Intent (NOI) Submission Deadline

The permit application called a Notice of Intent (NOI) shall be submitted to Ecology on or before the date of the first public notice and at least 38 days prior to the start of construction activities. (see NOI instructions in Appendix 1)

B. Public Notice Requirement

At the time of application the permittee must publish a notice that they are seeking coverage under Ecology's general stormwater permit for construction activities. This notice must be published at least once each week for two consecutive weeks, in a single newspaper which has general circulation in the county in which the construction is to take place. Refer to the NOI instructions for public notice language requirements. State law requires a 30 day public comment period prior to permit coverage, therefore permit coverage will not be granted sooner than 31 days after the date of the last public notice.

C. Stormwater Pollution Prevention Plan (SWPPP) Deadlines

Permit coverage will not be granted until the permittee has indicated completion of the SWPPP or certified that development of a SWPPP in accordance with S9 of this permit will occur prior to the commencement of the construction activity. SWPPPs are not submitted to Ecology but retained on-site or within reasonable access to the site to be made available to Ecology and local governmental agencies upon request.

D. State Environmental Policy Act (SEPA) Notification

The permittee must comply with the SEPA process and provide the following information prior to receiving permit coverage: the type of SEPA document required, the date and agency which issued the final determination and whether or not the permittee is aware of any appeals of the adequacy of the SEPA document. If the above information is not supplied on the NOI it must be supplied in writing to Ecology prior to permit coverage.

S2. Permit Coverage

A. How to Obtain Coverage

Coverage under this general stormwater permit for construction activities may be obtained by submitting a NOI to Ecology to discharge "Stormwater Associated With Construction Activity" (Appendix 1). Ecology intends to notify applicants by mail of their status concerning coverage under this permit within 10 working days of Ecology's receipt of a complete NOI. An NOI is only deemed complete after it is fully filled out and signed, and a final SEPA determination has been made, the applicant has certified that a SWPPP will be developed prior to the start of construction, the 30 day public comment period has been satisfied, and all other NOI information has been supplied.

Upon receipt of a complete NOI Ecology will notify the applicant of their permit status either through written authorization of permit coverage or by sending a letter to the applicant giving a date when permit coverage will automatically commence. Coverage will begin from the date of Ecology's written authorization or will automatically commence on the date specified by Ecology.

Applicants which discharge stormwater associated with construction activity to a storm drain operated by any of the following municipalities shall submit a **copy** of the NOI to the municipality.

Seattle, King County, Snohomish County, Tacoma, Pierce County, Clark County, Spokane County, and Washington Department of Transportation (WSDOT), if discharge occurs within these permit areas.

B. Construction Activities Required to Seek Coverage

Construction Activity which results in the disturbance of five acres or more of land (or other minimum land area to be determined by federal regulation), including clearing, grading and excavation activities; and those sites or common plans of development or sale that will result in the total disturbance of five acres or more land area and also have a discharge of stormwater to a surface water or storm drain.

C. Construction Activities not Required to Apply

The following construction activities are not required to apply for coverage under this permit to discharge stormwater associated with construction activity:

1. Construction activities which discharge stormwater only to the ground through infiltration basins, dry wells, drain fields, and any other discharge to the ground and have no point source discharge to surface water or a municipal storm sewer;
2. Any part of a facility with a stormwater discharge resulting from remedial action conducted by the USEPA or Ecology or a potentially liable/responsible person under an order or consent decree issued under the Comprehensive Environmental Response, Compensation, and Liability Act. These facilities must still comply with the requirements in this general permit determined by Ecology to be applicable, relevant, and appropriate requirements under these laws;
3. Any emergency construction activity required to protect public health and safety;
4. Any construction activity for routine maintenance of existing facilities to maintain original line and grade, or hydraulic capacity.

D. Facilities EXCLUDED from Coverage Under This Permit

Ecology will not consider coverage for the following facilities:

1. Nonpoint source silvicultural activities; such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff as excluded in 40 CFR Subpart 122.27;
2. Construction projects that are federally owned or operated or are on Tribal land, or discharge stormwater directly to tribal waters with EPA approved water quality standards, including portions of the Puyallup River and other waters on trust or restricted lands within the 1873 Survey Area of the Puyallup Tribe of Indians Reservation;
3. Stormwater discharges that originate from the site after construction activities have been completed and the site has undergone final stabilization;
4. Any facility covered under an existing NPDES individual or general permit in which stormwater management or treatment requirements or both are included for all stormwater discharges associated with construction activity.

E. Coverage for Significant Contributors of Pollutants

This permit may also cover any construction activity discharging stormwater which Ecology determines to be a significant contributor of pollutants to waters of the state of Washington or may reasonably be expected to cause a violation of a water quality standard.

F. Coverage for Discharges to Ground Water

This permit also covers discharges of stormwater associated with construction activity to ground water from any facility which has a discharge of stormwater to a surface water or a storm sewer requiring permit coverage.

S3. Authorized Discharges

This permit authorizes the discharge of stormwater and construction dewatering waters associated with construction activity to waters of the state of Washington and/or to municipal storm drains from construction sites owned or operated by permittees identified in Special Condition S2 (Permit Coverage).

S4. Discharge Prohibitions

- A. Discharges to a storm drain or surface water of process wastewater, domestic wastewater or noncontact cooling water not covered by an NPDES permit are prohibited.
- B. Discharges of stormwater to sanitary or combined sewers shall be limited pursuant to Chapter 173-245 WAC and WAC 173-226-100. Discharges of stormwater to sanitary or combined sewers shall not occur without the approval of the municipality which owns or operates the sanitary or combined sewer system.
- C. This permit does not authorize illicit discharges, including spills of oil or hazardous substances, nor does it relieve entities from obligations under state and federal laws and regulations pertaining to those discharges.

S5. Compliance with Standards

The permittee is responsible for achieving compliance with state of Washington surface water quality standards (Chapter 173-201A WAC), sediment management standards (Chapter 173-204 WAC), ground water quality standards (Chapter 173-200 WAC), and human health based criteria in the National Toxics Rule (Federal Register, Vol. 57, No. 246, Dec. 22, 1992, pages 60848-60923).

Where construction sites are not in compliance with these standards, the permittee shall take immediate action(s) to achieve compliance by implementing additional BMPs and/or improved maintenance of existing BMPs.

For permit compliance purposes compliance with standards means:

- i) An adequate SWPPP has been prepared and fully implemented;
- ii) The SWPPP and its implementation are adequate to prevent the discharge of toxic pollutants, floating materials, and erosion; and
- iii) All available and reasonable means have been taken to prevent the discharge of settleable solids and to reduce turbidity in discharges directly or indirectly to surface waters.

In determining compliance Ecology will consider:

- i) Weather conditions as related to design storms for BMPs;
- ii) Available dilution and background conditions in the receiving water if the SWPPP and its implementation are determined adequate; and
- iii) Other requirements of Chapters 173-200 WAC, 173-201A WAC, and 173-204 WAC.

S6. Sampling and Analysis

Sampling and analysis of stormwater for pollutants and ground water, surface water, or sediments for impacts of stormwater discharges are not required by this permit. However, sampling and analysis are encouraged and may be appropriate during the development and implementation of the SWPPP. Analysis conducted in accordance with 40 CFR Part 136 and Puget Sound Estuary Program Protocols is recommended but not required. Sampling procedures may be conducted in accordance with USEPA's NPDES Stormwater Sampling Guidance Document (EPA 833-B-92-001), July 1992, or Ecology guidance when it becomes available.

Sampling and analysis may be needed on a case-by-case basis for the discharge of construction dewatering waters to ensure compliance with standards. Dewatering in areas where the potential for ground water contamination exists should not be discharged without characterization of the ground water to be discharged. For guidance on the discharge of dewatering waters contact your Ecology Regional Office.

S7. Permit Fees

Annual payment of fees in accordance with RCW 90.48.465 is a condition of this permit. Fees for stormwater discharges covered under this permit shall be established by Chapter 173-224 WAC.

S8. Solid and Liquid Waste Disposal

The following requirements apply in the handling of solid and liquid wastes generated in compliance with the requirements of this general permit:

- A. Disposal of waste materials from maintenance activities, including liquids and solids from cleaning catch basins and other stormwater facilities, shall be conducted in accordance with the Minimum Functional Standards for Solid Waste Handling, Chapter 173-304 WAC, and where appropriate, the Dangerous Waste Regulations, Chapter 173-303 WAC.
- B. Leachate from the solid waste material handling and disposal sites shall not be discharged to state ground or surface waters without providing all known, available, and reasonable methods of treatment, nor shall such leachate cause violations of the state water quality standards for ground water or surface water or violations of sediment management standards.

S9. Stormwater Pollution Prevention Plan (SWPPP) for Construction Activities

A SWPPP for construction activity, including construction dewatering, shall be prepared and implemented in accordance with the schedule of Special Condition S1 and the requirements of this Special Condition.

A. Objectives

- 1. To implement Best Management Practices (BMPs) to minimize erosion and sediments from rainfall runoff at construction sites, and to identify, reduce, eliminate, or prevent the pollution of stormwater.
- 2. To prevent violations of surface water quality, ground water quality, or sediment management standards.
- 3. To prevent, during the construction phase, adverse water quality impacts including impacts on beneficial uses of the receiving water by controlling peak rates and volumes of stormwater runoff at the permittee's outfalls and downstream of the outfalls.
- 4. To eliminate the discharges of unpermitted process wastewater, domestic wastewater, illicit discharges, and non-contact cooling water to stormwater drainage systems and surface waters of the state.

B. General Requirements

- 1. The site owner shall be the permittee and responsible for the implementation of a SWPPP. At construction sites for which a lease, easement, or other use agreement has been obtained from the site owner, the entity obtaining the use agreement shall be the permittee. The SWPPP shall be prepared sufficiently in advance of construction to allow the contractor sufficient time to plan the implementation of the SWPPP.
- 2. The permittee shall designate on the NOI, a contact person who will be available 24 hours a day to respond to emergencies, and to inquiries or directives from Ecology. The contact person shall have authority over the SWPPP implementation. While the site owner is ultimately responsible for proper activities under the general permit and for proper implementation of the SWPPP, both the owner and/or operator of the site may be held liable for any permit violations.

3. The permittee shall retain the SWPPP on-site or within reasonable access to the site and make it available upon request to Ecology and local governmental agencies with jurisdiction. If stormwater is discharged to a municipal storm drain system, the SWPPP shall be available to the municipality upon request. The public may obtain a copy of a permittee's SWPPP by request from Ecology.
4. The permittee shall retain the SWPPP and copies of the Notice of Intent, inspection reports and all other reports required by this permit for, at least three years after the date of final stabilization of the construction site. The permittee shall make these documents available upon request to Ecology and to the local government agencies with jurisdiction.
5. Reports on incidents, such as discharge of spills and other noncompliance notification (see G3), shall be included in the records.
6. Modifications:
 - a. Ecology may notify the permittee when the SWPPP does not meet one or more of the requirements of this Special Condition S9. Upon notification by Ecology, the permittee shall take appropriate action(s) to come into compliance with this Special Condition S9.
 - b. Ecology may require SWPPP and BMP modifications if compliance with standards is not being achieved as required in accordance with Special Condition S5.
 - c. The permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance of any BMP which cause(s) the SWPPP to be less effective in controlling the pollutants.
 - d. Whenever a self-inspection reveals that the description of pollutant sources or the BMPs identified in the SWPPP are inadequate, due to the actual discharge of or potential to discharge a significant amount of any pollutant, the SWPPP shall be modified, as appropriate. The permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.
7. Applicability of Current and Future Editions of the Stormwater Management Manual for the Puget Sound Basin (SWMM):

BMPs shall be selected from the most recent published edition of the SWMM, that has been available for at least 120 days prior to BMP selection, or other equivalent manuals available at the time of BMP selection or when the selection of additional BMPs is necessary. If new BMPs are required they shall be implemented in accordance with Special Condition S9.B.6.

C. SWPPP Contents and Requirements:

The SWPPP shall consist of and make provision for the following:

1. An Erosion and Sediment Control Plan:

The Erosion and Sediment Control Plan shall describe stabilization and structural practices, both of which shall be implemented to minimize erosion and the transport of sediments.

a. Stabilization Practices:

The Erosion and Sediment Control Plan shall include a description of stabilization Best Management Practices (BMPs), including site-specific scheduling of the implementation of the practices. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. The plan shall ensure that the following requirements are satisfied:

- i) All exposed and unworked soils shall be stabilized by suitable and timely application of BMPs.
- ii) Existing vegetation should be preserved where attainable. In the field, mark areas which are not to be disturbed, including setbacks, sensitive/critical areas and their buffers, trees and drainage courses shall be marked or flagged on site before construction activities are initiated. These areas should not be harmed when measures under the SWPPP and/or construction activities are undertaken.
- iii) Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Slopes shall be stabilized in accordance with requirement a. above.
- iv) Stabilization adequate to prevent erosion of outlets and adjacent stream banks shall be provided at the outlets of all conveyance systems.
- v) All storm drain inlets made operable during construction shall be properly maintained.
- vi) Wherever construction vehicle access routes intersect paved roads, provisions must be made to minimize the transport of sediment (mud) onto the paved road. If sediment is transported onto a road surface, the roads adjacent to the construction site shall be cleaned on a regular basis. Street washing shall be allowed only after other methods to prevent the transport or to remove the sediments are unsuccessful.

b. Structural Practices:

In addition to stabilization practices, the Erosion and Sediment Control Plan shall include a description of structural BMPs to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the Federal Clean Water Act. The plan shall ensure that the following requirements are satisfied:

- i) Prior to leaving the site, stormwater runoff shall pass through a sediment pond or sediment trap, or other appropriate BMPs.
 - ii) Properties adjacent to the project site shall be protected from sediment deposition.
 - iii) Sediment ponds and traps, perimeter dikes, sediment barriers, and other BMPs intended to trap sediment on-site shall be constructed as a first step in grading. These BMPs shall be functional before land disturbing activities take place. Earthen structures used for sediment control such as dams, dikes, and diversions shall be stabilized as soon as possible.
 - iv) Properties and waterways downstream from the construction site shall be protected from erosion due to increases in volume, velocity, and peak flow of stormwater runoff from the project site.
 - v) All temporary erosion and sediment control BMPs shall be removed within 30 days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on-site. Disturbed soil areas resulting from removal shall be permanently stabilized.
- c. Selection of Stabilization and Structural BMPs:

Permittees within the Puget Sound Basin shall select from BMPs described in Volume II of the most recent edition of Ecology's Stormwater Management Manual (SWMM) that has been available at least 120 days prior to the BMP selection, or other equivalent and appropriate BMPs to comply with the requirements listed in sections a. and b. above.

Permittees outside the Puget Sound Basin shall select from BMPs described in the Erosion and Sediment Control Handbook, by Goldman et al; Volume II of the most recent edition of Ecology's SWMM, that has been available at least 120 days prior to the BMP selection, as adapted for local conditions using best professional judgment; or other equivalent and appropriate BMPs to comply with the requirements listed in subsections a. and b. above.

- d. Inspection and Maintenance:

All BMPs shall be inspected, maintained, and repaired as needed to assure continued performance of their intended function. All on-site erosion and sediment control measures shall be inspected at least once every seven days and within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period.

- e. Recordkeeping:

Reports summarizing the scope of inspections, the personnel conducting the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken as a result of these inspections shall be prepared and retained as part of the SWPPP.

f. Compliance Reporting Requirement:

Compliance with the maintenance and schedule requirements of the SWPPP and other schedule requirements of this permit constitutes compliance with the reporting requirements of WAC 173-226-180.

g. Format:

The Erosion and Sediment Control Plan shall consist of two parts: a narrative and a set of site plans (drawings). Permittees may refer to Volume II, *Construction Stormwater Pollution Prevention*, of Ecology's SWMM for guidance on the content and format.

2. Control of Pollutants Other Than Sediment on Construction Sites:

All pollutants other than sediment that occur on-site during construction shall be handled and disposed of in a manner that does not cause contamination of stormwater. Chapter II-3 of the SWMM can be referenced for guidance in controlling other potential pollutants.

3. Coordination with Local Requirements:

This permit does not relieve the permittee of compliance with any more stringent requirements of local government.

Also, as required by the Puget Sound Water Quality Management Plan, local governments within the Puget Sound Basin are to adopt requirements for construction which are at least equivalent to the requirements listed in Volume I, *Minimum Technical Requirements*, of Ecology's SWMM. Where Ecology has determined such requirements to be equivalent, compliance with these requirements meets the SWMM requirements of this permit.

S10. Notice of Termination (NOT)

After the site has undergone final stabilization, and all stormwater discharges from soil disturbing activities have ceased, and all exposed soils have a permanent vegetative cover, or equivalent permanent stabilization measure which prevent erosion, the permittee shall submit a Notice of Termination form (Appendix 2 of this permit). A Notice of Termination, that is signed in accordance with General Condition G20 of this permit, will end permit coverage and the responsibility of the permittee(s) to be subject to the conditions of this permit. The permittee is responsible for submitting the termination notice in order to end permit coverage. Unless the permit is terminated, Ecology will continue to assess a fee for the permit.

Where the site owner changes, the site owner listed as the permittee shall submit a NOT that is signed in accordance with General Condition G20 of this permit. The new site owner shall submit a new Notice of Intent.

General Conditions

G1. Discharge Violations:

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

G2. Proper Operation and Maintenance:

The Permittee shall at all times properly operate and maintain all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by the Permittee for pollution control.

G3. Non-compliance Notification:

If for any reason, the Permittee does not comply with, or will be unable to comply with conditions specified in the permit, the Permittee shall, at a minimum, provide the Department of Ecology (Ecology) with the following information:

- A. A description of the nature and cause of noncompliance, including the quantity and quality of any unauthorized waste discharges;
- B. The period of noncompliance, including exact dates and times and/or the anticipated time when the Permittee will return to compliance; and
- C. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the noncompliance.

In addition, the Permittee shall take immediate action as expeditiously as practicable, to stop, contain, and clean up any discharge of spills and take all reasonable steps to minimize any adverse impacts to waters of the state and correct the problem. The Permittee shall notify Ecology by telephone so that an investigation can be made to evaluate any resulting impacts and the corrective actions taken to determine if additional action should be taken.

In the case of any discharge which could constitute a threat to human health, welfare, or the environment, 40 CFR Part 122 requires that the information specified in Sections G3.A., G3.B., and G3.C., above, shall be provided not later than 24 hours from the time the Permittee becomes aware of the circumstances. If this information is provided orally, a written submission covering these points shall be provided within five days of the time the Permittee becomes aware of the circumstances, unless Ecology waives or extends this requirement on a case-by-case basis.

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

G4. Bypass Prohibited:

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

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

- B. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated stormwater, maintenance during normal periods of equipment down time, or temporary reduction or termination of production;

G5. Right of Entry:

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

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;
- B. To have access to and copy at reasonable times any records that must be kept under the terms of the permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;
- D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
- E. To sample at reasonable times any discharge of pollutants.

G6. Revocation of Coverage:

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

- A. Violation of any term or condition of the general permit;
- B. Obtaining coverage under a general permit by misrepresentation or failure to disclose fully all relevant facts;
- C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
- D. A determination that the permitted activity endangers human health or the environment, or contributes significantly to water quality standards violations;
- E. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090;
- F. Nonpayment of permit fees assessed pursuant to RCW 90.48.610;
- G. Failure of the permittee to satisfy the public notice requirements of WAC 173-226-130(6); or

Revocation of coverage under a general permit may be initiated by Ecology or requested by any interested person.

G7. Transfer of Coverage:

Pursuant with Chapter 43.21 RCW and Chapter 173-226 WAC, the director may require any discharger authorized by this general permit to apply for and obtain an individual permit or to apply for coverage under an industry-specific general permit.

G8. General Permit Modification and Revocation:

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

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

G9. Permit Coverage Modification:

A Permittee who knows, or has reason to believe, that any activity has occurred or will occur which would constitute cause for revocation or transfer of coverage under General Conditions G6 and G7 respectively, or 40 CFR Subpart 122.62, must report such plans, or such information to Ecology. Activities which shall be reported include facility expansions, production increases, or process modifications which will: 1) result in new or substantially increased discharges of pollutants into stormwater or a change in the nature of the discharge of pollutants into stormwater; or 2) violate the terms and conditions of this permit. Ecology may then require submission of a new Notice of Intent or an application for an individual permit.

Submission of a new Notice of Intent for coverage under this or another general permit, or an application for an individual permit does not relieve the Permittee of the duty to comply with the terms and conditions of the existing permit until the new notice of intent has been approved or an individual permit has been issued.

G10. Toxic Pollutants:

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in this general permit, Ecology shall institute proceedings to modify or revoke and reissue this general permit to conform to the new toxic effluent standard or prohibition.

G11. Other Requirements of Title 40 Code of Federal Regulations:

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

G12. Compliance With Other Laws and Statutes:

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

G13. Additional Monitoring:

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

G14. Removed Substances:

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

G15. Duty to Reapply:

The Permittee must reapply for coverage under this general permit, at least 180 days prior to the specified expiration date of this permit. An expired general permit continues in force and effect until a new general permit is issued or until the department cancels it. Only those facilities which have reapplied for coverage under the general permit are covered under the continued permit.

G16. Transfer of Permit Coverage:

Coverage under this permit is not transferable to any other person or entity except in compliance with WAC 173-226-210. The new operator shall submit a new Notice of Intent for coverage under this or another general permit, or apply for and obtain an individual discharge permit. The previous operator shall submit a Notice of Termination.

G17. Requests to be Excluded from Coverage Under a General Permit:

Any discharger authorized by a general permit may request to be excluded from coverage under the general permit by applying for an individual permit. The discharger shall submit to the director an application as described in WAC 173-220-040 (NPDES permit program), with reasons supporting the request. The director will either issue an individual permit or deny the request with a statement explaining the reason for denial.

G18. Appeals:

- A. The terms and conditions of this general permit, as they apply to the appropriate class of dischargers, are subject to appeal by any person within 30 days of issuance of this general permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.
- B. The terms and conditions of this general permit, as they apply to an individual discharger, are appealable in accordance with Chapter 43.21B RCW within 30 days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or nonapplicability to that individual discharger.
- C. The appeal of general permit coverage of an individual discharger does not affect any other dischargers covered under this general permit. If the terms and conditions of this general permit are found to be inapplicable to any individual discharger(s), the matter shall be remanded to the department for consideration of issuance of an individual permit or permits.

G19. Record Keeping Requirements:

The permittee shall maintain records required as a condition of the application for, as a condition of coverage under, and as conditions of this permit.

The permittee shall retain for a minimum of five (5) years reports required by this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the department or regional administrator.

Upon termination of coverage under this permit, the owner shall retain all records and reports required under this General Condition for at least three (3) years from the date of termination of coverage under this permit.

G20. Signatory Requirements:

All Notices of Intent and Termination, plans (including the SWPPP), reports, certifications or information either submitted to the Department of Ecology or to the operator of a municipal storm sewer system, (or that this permit requires be maintained by the permittee), shall be signed as follows:

- A. In the case of corporations, by a responsible corporate officer or a duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.
- B. In the case of a partnership, by a general partner.
- C. In the case of a sole proprietorship, by the proprietor.
- D. In the case of a municipal, state or other public agency, by either a principal executive officer, ranking elected official, or other duly authorized employee.

G21. Use of Registered or Accredited Laboratories:

Except for flow, temperature and internal process control parameters, sampling and analysis data required as a condition of coverage under this general permit shall be prepared by a laboratory accredited under the provisions of Chapter 173-50 WAC (Accreditation of Environmental Laboratories).

G22. Commencement of Coverage Under a General Permit:

Unless the department responds in writing to an application for coverage, coverage of a discharger under a general permit will automatically commence on the later of the following:

- A. On the effective date of the general permit;
- B. On the 31st day following the end of the 30 day comment period required by WAC 173-226-130(5)(iv) for new operations;
- C. On the 31st day following receipt by the department of a completed application for coverage under a general permit; or
- D. On the coverage date specified in this permit.

G23. Termination of coverage upon issuance of an individual permit or an industry-specific general permit:

When an individual permit is issued to a discharger otherwise subject to this general permit, the applicability of the general permit to that permittee is automatically terminated on the effective date of the individual permit.

When coverage under an industry-specific general permit is granted to a discharger otherwise subject to this general permit, the applicability of this general permit to that permittee is automatically terminated 90 days after the effective date of the industry-specific general permit.

G24. Severability:

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