

Issuance Date:
Effective Date:
Expiration Date:

DRAFT

Construction Stormwater General Permit

National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General
Permit for Stormwater Discharges Associated with Construction Activity

State of Washington
Department of Ecology
Olympia, Washington 98504

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

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

Kelly Susewind
Water Quality Program
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions within this permit for additional submittal requirements. Appendix A provides a list of definitions.

Table 1. Summary of Permit Report Submittals

Permit Section	Submittal	Frequency	First Submittal Date
S5.A	High Turbidity/Transparency Phone Reporting	As Necessary	Within 24 hours
S5.B	Discharge Monitoring Report	Monthly*	Within 15 days of applicable monitoring period
S5.F	Noncompliance Notification	As necessary	Immediately
S5.F	Noncompliance Notification – Written Report	As necessary	Within 5 Days of non-compliance
G2.	Notice of Change in Authorization	As necessary	
G6.	Permit Application for Substantive Changes to the Discharge	As necessary	
G8.	Application for Permit Renewal	1/permit cycle	No later than 180 days before expiration
G9.	Notice of Permit Transfer	As necessary	
G20.	Notice of Planned Changes	As necessary	
G22.	Reporting Anticipated Non-compliance	As necessary	

SPECIAL NOTE: *The Discharge Monitoring Report, commonly referred to as the “DMR,” is an important tracking tool used by the state and is required to be submitted to the Washington State Department of Ecology monthly, regardless of site discharge, for the full duration of permit coverage. Refer to Section S5.B. of this General Permit for more specific information regarding DMRs.

Table 2. Summary of Required On-site Documentation

Document Title	Permit Conditions
Permit Coverage Letter	See Conditions S2, S5
Construction Stormwater General Permit	See Conditions S2, S5
Site Log Book	See Conditions S4, S5
Stormwater Pollution Prevention Plan (SWPPP)	See Conditions S9, S5

1 **SPECIAL CONDITIONS**

2 **S1. PERMIT COVERAGE**

3 A. Permit Area

4 This Construction Stormwater General Permit (CSWGP) covers all areas of
5 Washington State, except for federal and Tribal lands as specified in S1.E.3.

6 B. Operators Required to Seek Coverage Under this General Permit:

7 1. Operators of the following construction activities are required to seek coverage
8 under this CSWGP:

9 a. Clearing, grading and/or excavation that results in the disturbance of one or
10 more acres and discharges stormwater to surface waters of the State; and
11 clearing, grading and/or excavation on sites smaller than one acre that are part
12 of a larger common plan of development or sale, if the common plan of
13 development or sale will ultimately disturb one acre or more and discharge
14 stormwater to surface waters of the State.

15 i. This includes forest practices (including but not limited to class IV
16 conversions) that are part of a construction activity that will result in the
17 disturbance of one or more acres, and discharge to surface waters of the
18 State (that is, forest practices that prepare a site for construction activities);
19 and

20 b. Any size construction activity discharging stormwater to waters of the State
21 that the Department of Ecology (used as “Department” or “Ecology”):

22 i. Determines to be a significant contributor of pollutants to waters of the
23 State of Washington.

24 ii. Reasonably expects to cause a violation of any water quality standard.

25 2. Operators of the following activities are not required to seek coverage under this
26 CSWGP (unless specifically required under Condition S1.B.1.b. above):

27 a. Construction activities that discharge all stormwater and non-stormwater to
28 ground water, and have no point source discharge to either surface water or a
29 storm sewer system that drains to surface waters of the State.

30 b. Construction activities covered under an Erosivity Waiver (Condition S2.C).

31 c. Routine maintenance that is performed to maintain the original line and grade,
32 hydraulic capacity, or original purpose of a facility.

33

1 C. Authorized Discharges:

- 2 1. Stormwater Associated with Construction Activity. Subject to compliance with
3 the terms and conditions of this permit, Permittees are authorized to discharge
4 stormwater associated with construction activity to surface waters of the State or to
5 a storm sewer system that drains to surface waters of the State from a designated
6 construction site. (Note that “surface waters of the state” may exist on a
7 construction site as well as off site; for example, a creek running through a site.]
- 8 2. Stormwater Associated with Construction Support Activity. This permit also
9 authorizes stormwater discharges from support activities related to the permitted
10 construction site (for example, on-site portable rock crusher, off-site equipment
11 staging yards, material storage areas, borrow areas, etc.) provided:
- 12 a. The support activity is directly related to the permitted construction site that is
13 required to have an NPDES permit; and
- 14 b. The support activity is not a commercial operation serving multiple unrelated
15 construction projects, and does not operate beyond the completion of the
16 construction activity; and
- 17 c. Appropriate controls and measures are identified in the Stormwater Pollution
18 Prevention Plan (SWPPP) for the discharges from the support activity areas.
- 19 3. Non-Stormwater Discharges. The categories and sources of non-stormwater
20 discharges identified below are authorized conditionally, provided the discharge is
21 consistent with the terms and conditions of this permit:
- 22 a. Discharges from fire fighting activities.
- 23 b. Fire hydrant system flushing.
- 24 c. Potable water including uncontaminated water line flushing (dechlorinated).
- 25 d. Pipeline hydrostatic test water.
- 26 e. Uncontaminated air conditioning or compressor condensate.
- 27 f. Uncontaminated ground water or spring water.
- 28 g. Uncontaminated excavation dewatering (in accordance with S9.D.10).
- 29 h. Uncontaminated discharges from foundation or footing drains.
- 30 i. Water used to control dust.
- 31 j. Routine external building wash down that does not use detergents.
- 32 k. Landscape irrigation water.

1 The SWPPP must adequately address all authorized non-stormwater discharges,
2 except for discharges from fire fighting activities, and must comply with Special
3 Condition S3.

4 D. Prohibited Discharges:

5 The following discharges are prohibited.

- 6 1. Wastewater from washout of concrete.
- 7 2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing
8 compounds and other construction materials.
- 9 3. Fuels, oils, or other pollutants used in vehicle and equipment operation and
10 maintenance.
- 11 4. Soaps or solvents used in vehicle and equipment washing.
- 12 5. Wheel wash or tire bath wastewater.
- 13 6. Discharges from dewatering activities, including discharges from dewatering of
14 trenches and excavations, unless managed according to S9.D.10.

15 E. Limitations on Coverage

16 The Director may require any discharger to apply for and obtain coverage under an
17 individual permit or another more specific general permit. Such alternative coverage
18 will be required when Ecology determines that this CSWGP does not provide adequate
19 assurance that water quality will be protected; or there is a reasonable potential for the
20 project to cause or contribute to a violation of water quality standards.

21 The following stormwater discharges are not covered by this permit:

- 22 1. Post-construction stormwater discharges that originate from the site after
23 completion of construction activities and the site has undergone final stabilization.
- 24 2. Non-point source silvicultural activities such as nursery operations, site
25 preparation, reforestation and subsequent cultural treatment, thinning, prescribed
26 burning, pest and fire control, harvesting operations, surface drainage, or road
27 construction and maintenance, from which there is natural runoff as excluded in 40
28 CFR Subpart 122.27.
- 29 3. Stormwater from any federal project or project on federal land or land within an
30 Indian Reservation except for the Puyallup Reservation. Within the Puyallup
31 Reservation, any project that discharges to surface water on land held in trust by
32 the federal government may be covered by this permit.

- 1 4. Stormwater from any site covered under an existing NPDES individual permit in
2 which stormwater management and/or treatment requirements are included for all
3 stormwater discharges associated with construction activity.
- 4 5. Stormwater from a site where an applicable Total Maximum Daily Load (TMDL)
5 requirement specifically precludes or prohibits discharges from construction
6 activity.

7 **S2. APPLICATION REQUIREMENTS**

8 **A. Permit Application Forms**

9 **1. Notice of Intent Form/Timeline**

- 10 a. Operators of new or previously unpermitted construction activities must
11 submit a complete and accurate permit application [Notice of Intent, or NOI]
12 to Ecology.
- 13 b. The operator must submit the NOI at least 60 days before discharging
14 stormwater from construction activities and must submit it on or before the
15 date of the first public notice (see Condition S2.B below for details). The 30-
16 day public comment period required by WAC 173-226-130(5) begins on the
17 publication date of the second public notice. Unless Ecology responds to the
18 complete application in writing, based on public comments, or any other
19 relevant factors, coverage under the general permit will automatically
20 commence on the thirty-first day following receipt by Ecology of a completed
21 NOI, or the issuance date of this permit, whichever is later, unless Ecology
22 specifies a later date in writing.
- 23 c. Applicants that propose to discharge to a storm sewer system operated by
24 Seattle, King County, Snohomish County, Tacoma, Pierce County, or Clark
25 County must also submit a copy of the NOI to the appropriate jurisdiction.
- 26 d. If an applicant intends to use a Best Management Practice (BMP) selected on
27 the basis of Condition S9.C.4. (“demonstrably equivalent” BMPs), the
28 applicant must notify Ecology of its selection as part of its NOI, unless it
29 makes the selection after submission of the NOI, in which case notice of the
30 selection of an equivalent BMP must be provided no less than 60 days before
31 intended use of the equivalent BMP.

32 **2. Transfer of Coverage Form**

33 Ecology can transfer current coverage under this permit to one or more new
34 operators, including operators of sites within a Common Plan of Development,
35 provided the Permittee submits a Transfer of Coverage Form in accordance with
36 Condition G9. Transfers do not require public notice.

37

1 B. Public Notice

2 For new or previously unpermitted construction activities, the applicant must publish a
3 public notice at least one time each week for two consecutive weeks, with a 7-day time
4 span between dates, in a newspaper that has general circulation in the county in which
5 the construction is to take place. The notice must contain the following:

- 6 1. A statement that “The applicant is seeking coverage under the Washington State
7 Department of Ecology’s Construction Stormwater NPDES and State Waste
8 Discharge General Permit”.
- 9 2. The name, address and location of the construction site.
- 10 3. The name and address of the applicant.
- 11 4. The type of construction activity that will result in a discharge, (for example,
12 residential construction, commercial construction, etc.) and the number of acres to
13 be disturbed.
- 14 5. The name of the receiving water(s) (that is, the surface water(s) to which the site will
15 discharge), or, if the discharge is through a storm sewer system, the name of the
16 operator of the storm sewer.
- 17 6. The statement: “Any person desiring to present their views to the Washington State
18 Department of Ecology regarding this application, or interested in Ecology’s action
19 on this application may notify Ecology in writing no later than thirty days of the last
20 date of publication of this notice. Comments can be submitted to: Department of
21 Ecology, P.O. Box 47696, Olympia, WA 98504-7696 Attn: Water Quality Program,
22 Construction Stormwater.”

23 C. Erosivity Waiver

24 Construction site operators may qualify for a waiver from the CSWGP if the following
25 conditions are met:

- 26 1. The site will result in the disturbance of fewer than 5 acres and the site is not a
27 portion of a common plan of development or sale that will disturb 5 acres or
28 greater.
- 29 2. Calculation of Erosivity “R” Factor and Regional Timeframe:
 - 30 a. The project’s rainfall erosivity factor (“R” Factor) must be less than 5 during
31 the period of construction activity, as calculated using the Texas A&M
32 University online rainfall erosivity calculator at: <http://ei.tamu.edu/>. The
33 period of construction activity starts when the land is first disturbed and ends
34 with final stabilization. In addition:
 - 35 b. The entire period of construction activity must fall within the following
36 timeframes:
 - 37 i. For sites west of the Cascades Crest: June 15 – September 15.

1 ii. For sites east of the Cascades Crest, excluding the Central Basin: June 15
2 – October 15.

3 iii. For sites east of the Cascades Crest, within the Central Basin*: no
4 additional timeframe restrictions apply.

5 *The Central Basin is defined as the portions of Eastern Washington with mean
6 annual precipitation of less than 12 inches.

7 3. Construction site operators must submit a complete Erosivity Waiver Certification
8 Form at least one week before disturbing the land. Certification must include:

9 a. A statement that the operator will comply with applicable local stormwater
10 requirements; and

11 b. A statement that the operator will implement appropriate erosion and sediment
12 control BMPs to prevent violations of water quality standards.

13 4. This waiver is not available for facilities declared significant contributors of
14 pollutants as defined in Condition S1.B.1.b.

15 5. This waiver does not apply to construction activities that generate prohibited, non-
16 stormwater discharges listed in S1.C.3.

17 6. If construction activity extends beyond the certified waiver period for any reason,
18 the operator must either:

19 a. Recalculate the rainfall erosivity “R” factor using the original start date and a
20 new projected ending date and, if the “R” factor is still under 5 and the entire
21 project falls within the applicable regional timeframe in S2.C.2.b, complete
22 and submit an amended waiver certification form before the original waiver
23 expires; or

24 b. Submit a complete permit application to Ecology in accordance with Condition
25 S2.A and B before the end of the certified waiver period.

26 **S3. COMPLIANCE WITH STANDARDS**

27 A. Discharges must not cause or contribute to a violation of surface water quality
28 standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200
29 WAC), sediment management standards (Chapter 173-204 WAC), and human health-
30 based criteria in the National Toxics Rule (40 CFR Part 131.36). Discharges not in
31 compliance with these standards are not authorized.

32 B. Prior to the discharge of stormwater and non-stormwater to waters of the State, the
33 Permittee must apply all known, available, and reasonable methods of prevention,
34 control, and treatment (AKART). This includes the preparation and implementation of
35 an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate
36 BMPs installed and maintained in accordance with the SWPPP and the terms and
37 conditions of this permit.

- 1 C. Ecology presumes that a Permittee complies with water quality standards unless
2 discharge monitoring data or other site-specific information demonstrates that a
3 discharge causes or contributes to a violation of water quality standards, when the
4 Permittee complies with the following conditions. The Permittee must fully:
- 5 1. Comply with all permit conditions, including planning, sampling, monitoring,
6 reporting, and recordkeeping conditions.
- 7 2. Implement stormwater BMPs contained in stormwater management manuals
8 published or approved by Ecology, or BMPs that are demonstrably equivalent to
9 BMPs contained in stormwater technical manuals published or approved by
10 Ecology, including the proper selection, implementation, and maintenance of all
11 applicable and appropriate BMPs for on-site pollution control.
- 12 D. Where construction sites also discharge to ground water, the ground water discharges
13 must also meet the terms and conditions of this CSWGP. Permittees who discharge to
14 ground water through an injection well must also comply with any applicable
15 requirements of the Underground Injection Control (UIC) regulations, Chapter 173-218
16 WAC.
- 17

1 **S4. MONITORING REQUIREMENTS, BENCHMARKS, REPORTING TRIGGERS**
 2 **AND LIMITS**

3 Table 3. Summary of Primary Monitoring Requirements¹

Size of Soil Disturbance ¹	Weekly Site Inspections	Weekly Sampling w/ Turbidity Meter	Weekly Sampling w/ Transparency Tube	Weekly pH sampling ²
Sites that disturb less than 1 acre, but are part of a larger Common Plan of Development	Required	Not Required	Not Required	Not Required
Sites that disturb 1 acre or more, but less than 5 acres	Required	Sampling Required – either method ³		Required
Sites that disturb 5 acres or more	Required	Required	Not Required ⁴	Required
Sites that disturb 10 acres or more and exceed 280 NTU	Required	Required		

4

5 A. Site Log Book

6 The Permittee must maintain a site log book that contains a record of the
 7 implementation of the SWPPP and other permit requirements, including the installation
 8 and maintenance of BMPs, site inspections, and stormwater monitoring.

9 B. Site Inspections

10 The Permittee’s (operator’s) site inspections must include all areas disturbed by
 11 construction activities, all BMPs, and all stormwater discharge points. (See Conditions
 12 S4.B.3 and B.4 below for detailed requirements of the Permittee’s Certified Erosion
 13 and Sediment Control Lead (CESCL). The Permittee must report changes in personnel
 14 for the responsibilities listed under S4.B of this permit to the applicable Ecology permit
 15 administrator.

¹ Soil disturbance is calculated by adding together all areas affected by construction activity. Construction activity means clearing, grading, excavation, and any other activity that disturbs the surface of the land, including ingress/egress from the *site*.

² If construction activity results in the disturbance of 1 acre or more, **and** involves *significant concrete work* (1,000 cubic yards of poured or recycled concrete) or the use of engineered soils (soil amendments including but not limited to Portland cement-treated base [CTB], cement kiln dust [CKD], or fly ash), **and** stormwater from the affected area drains to *surface waters of the State* or to a *storm sewer* stormwater collection system that drains to other *surface waters of the State*, the Permittee must conduct pH monitoring sampling in accordance with Condition S4.D.

³ *Sites* with one or more acres, but less than 5 acres of soil disturbance, must conduct turbidity or transparency sampling in accordance with Condition S4.C.

⁴ *Sites* greater than or equal to 5 acres of soil disturbance must conduct turbidity sampling using a turbidity meter in accordance with Condition S4.C.

- 1 1. The Permittee’s CESCL must examine stormwater visually for the presence of
2 suspended sediment, turbidity, discoloration, and oil sheen. The CESCL must
3 evaluate the effectiveness of BMPs and determine if it is necessary to install,
4 maintain, or repair BMPs to improve the quality of stormwater discharges.
- 5 Based on the results of the inspection, the Permittee must correct the problems
6 identified by:
- 7 a. Reviewing the SWPPP for compliance with Condition S9 and make
8 appropriate revisions within 7 days of the inspection.
- 9 b. Fully implementing and maintaining appropriate source control and/or
10 treatment BMPs as soon as possible, but no later than within 10 days of the
11 inspection. If installation of necessary treatment BMPs is not feasible within
12 10 days, Ecology may approve additional time when an extension is requested
13 by a Permittee within the initial 10-day response period.
- 14 c. Documenting BMP implementation and maintenance in the site log book.
- 15 2. The Permittee’s CESCL must conduct site inspections at least once every calendar
16 week where construction activities are occurring and within 24 hours of any
17 discharge from the site. The Permittee may reduce the inspection frequency for
18 temporarily stabilized, inactive sites to once every calendar month.
- 19 3. The Permittee’s CESCL must be knowledgeable in the principles and practices of
20 erosion and sediment control. The inspector must have the skills to assess the:
- 21 a. Site conditions and construction activities that could impact the quality of
22 stormwater, and
- 23 b. Effectiveness of erosion and sediment control measures used to control the
24 quality of stormwater discharges.
- 25 4. Construction sites one acre or larger that discharge stormwater to surface waters of
26 the State must have site inspections conducted by a CESCL. The SWPPP must
27 identify the CESCL, who must be present on site or on-call at all times. The
28 CESCL will obtain this certification through an approved erosion and sediment
29 control training program that meets the minimum training standards established by
30 Ecology (see BMP C160 in the manual referred to in S9.C).
- 31 5. The Permittee’s CESCL must summarize the results of each inspection in an
32 inspection report or checklist and enter the report/checklist into, or attach it to, the
33 site log book. At a minimum, each inspection report or checklist must include:
- 34 a. Inspection date and time.
- 35 b. Weather information, the general conditions during inspection and the
36 approximate amount of precipitation since the last inspection, and
37 precipitation within the last 24 hours.

- 1 c. A summary or list of all implemented BMPs, including observations of all
2 erosion/sediment control structures or practices.
- 3 d. A description of the locations:
- 4 i. Of BMPs inspected.
- 5 ii. Of BMPs that need maintenance and why.
- 6 iii. Of BMPs that failed to operate as designed or intended, and
- 7 iv. Where additional or different BMPs are needed, and why.
- 8 e. A description of stormwater discharged from the site. The CESCL must note
9 the presence of suspended sediment, turbidity, discoloration, and oil sheen, as
10 applicable.
- 11 f. Any water quality monitoring performed during inspection.
- 12 g. General comments and notes, including a brief description of any BMP
13 repairs, maintenance or installations made following the inspection.
- 14 h. A summary report and a schedule of implementation of the remedial actions
15 that the Permittee plans to take if the site inspection indicates that the site is
16 out of compliance. The remedial actions taken must meet the requirements of
17 the SWPPP and the permit.
- 18 i. The name, title, and signature of the person conducting the site inspection, a
19 phone number or other reliable method to reach this person, and the following
20 statement: "I certify that this report is true, accurate, and complete to the best
21 of my knowledge and belief."

22 C. Turbidity/Transparency Sampling Requirements

23 1. Sampling Methods

- 24 a. If construction activity involves the disturbance of 5 acres or more, the
25 Permittee's CESCL must conduct turbidity sampling per Condition S4.C.
- 26 b. If construction activity involves 1 acre or more but less than 5 acres of soil
27 disturbance, the Permittee's CESCL must conduct either transparency
28 sampling **or** turbidity sampling per Condition S4.C.

29 2. Sampling Frequency

- 30 a. The CESCL must conduct sampling at least once every calendar week when
31 there is a discharge of stormwater (or authorized non-stormwater) from the
32 site or when it enters waters of the state. Samples must be representative of
33 the flow and characteristics of the discharge.
- 34 b. Sampling is not required when there is no discharge during a calendar week.

- 1 c. Sampling is not required outside of normal working hours or during unsafe
2 conditions. If the Permittee's CESCL is unable to sample during a monitoring
3 period, the Permittee must include a brief explanation in the monthly
4 Discharge Monitoring Report (DMR).
- 5 d. Sampling is not required before initial clearing or construction activity.
- 6 3. Sampling Locations
- 7 a. Sampling is required at all points where stormwater associated with
8 construction activity (or authorized non-stormwater) is discharged off site,
9 including where it enters any on-site surface waters of the state (for example,
10 a creek running through a site).
- 11 b. The permittee may discontinue sampling at discharge points that drain areas of
12 the project that are fully stabilized from erosion.
- 13 c. The Permittee must identify all sampling point(s) on the SWPPP site map and
14 clearly mark these points in the field with a flag, tape, stake or other visible
15 marker.
- 16 d. Sampling is not required for discharge that is sent directly to sanitary sewer
17 systems; Permittees must have prior written permission from the sewer system
18 owner before discharge is allowed to take place.
- 19 4. Sampling and Analysis Methods
- 20 a. When applicable, the Permittee's CESCL must perform a turbidity analysis
21 with a calibrated turbidity meter (turbidimeter) or transparency tube
22 depending on site size, as noted in Table 3 above, either on site or at an
23 accredited lab. The CESCL must record the results in the site log book in
24 nephelometric turbidity units (NTU).
- 25 b. When applicable, the Permittee's CESCL must perform a transparency
26 analysis on-site with a 1¾-inch-diameter, 60-centimeter (cm)-long
27 transparency tube. The CESCL will record the results in the site log book in
28 centimeters (cm). Transparency tubes are available from:
29 <http://watermonitoringequip.com/pages/stream.html>.
- 30

1 Table 4. Monitoring and Reporting Requirements and Limits¹

Parameter	Unit	Analytical Method	Sampling Frequency	Benchmark Value	Phone Reporting Trigger Value	Maximum Daily Discharge Limitation
Turbidity	NTU	SM2130 or EPA180.1	Weekly, if discharging	25 NTU	250 NTU	280 NTU ²
Transparency	cm	Manufacturer instructions, or Ecology guidance	Weekly, if discharging	33 cm	6 cm	

2 ¹ Limitation does not apply during periods of time when fewer than 10 acres of soil are disturbed, but not yet final stabilized;
 3 or on days when total precipitation recorded on that day is greater than the local 2-year, 24-hour storm event.

4 ² Maximum daily discharge limitation means the highest allowable daily discharge. The daily discharge means the average
 5 measurement of the pollutant over a calendar day.

6 5. Turbidity/Transparency Benchmark Values, Reporting Triggers, and Limits

7 The benchmark value for turbidity is 25 NTU or less. The benchmark value for
 8 transparency is 33 centimeters (cm).

9 a. Turbidity 26 – 249 NTU, or Transparency 32 – 7 cm:

10 If the discharge turbidity is 26 to 249 NTU; or if discharge transparency is less
 11 than 33 cm, but equal to or greater than 6 cm, the CESCL must:

- 12 v. Review the SWPPP for compliance with Condition S9 and make
 13 appropriate revisions within 7 days of the date the discharge exceeded the
 14 benchmark.
- 15 vi. Fully implement and maintain appropriate source control and/or
 16 treatment BMPs as soon as possible, but within 10 days of the date the
 17 discharge exceeded the benchmark. If installation of necessary treatment
 18 BMPs is not feasible within 10 days, Ecology may approve additional
 19 time when an extension is requested by a Permittee within the initial 10-
 20 day response period.
- 21 vii. Document BMP implementation and maintenance in the site log book.

22 b. Turbidity 250 NTU or greater, or Transparency 6 cm or less:

23 If a discharge point's turbidity is 250 NTU or greater, or if discharge
 24 transparency is less than or equal to 6 cm, the Permittee's CESCL must
 25 complete the reporting process described below.

- 26 i. Telephone the applicable Ecology Region's Environmental Report
 27 Tracking System (ERTS) number within 24 hours, in accordance with
 28 Condition S5.F.
- 29 ii. Review the SWPPP for compliance with Condition S9 and make
 30 appropriate revisions within 7 days of the date the discharge exceeded the
 31 benchmark.

- 1 iii. Fully implement and maintain appropriate source control and/or
- 2 treatment BMPs as soon as possible, but within 10 days of the date the
- 3 discharge exceeded the benchmark. If installation of necessary treatment
- 4 BMPs is not feasible within 10 days, Ecology may approve additional
- 5 time when an extension is requested by a Permittee within the initial 10-
- 6 day response period.
- 7 iv. Document BMP implementation and maintenance in the site log book.
- 8 v. Continue to sample discharges daily until:
- 9 a) Turbidity is 25 NTU (or lower); and/or
- 10 b) Transparency is 33 cm (or greater); and/or
- 11 c) The CESCL has demonstrated compliance with the water quality
- 12 limit for turbidity:
- 13 1) No more than 5 NTU over background turbidity, if background is
- 14 less than 50 NTU, or
- 15 2) No more than 10% over background turbidity, if background is
- 16 50 NTU or greater; or
- 17 d) The discharge stops or is eliminated.
- 18 c. Numeric Effluent Limit: Turbidity greater than 280 NTU:
- 19 Permittees with 10 or more acres of disturbed land at any one time must
- 20 comply with a 280 NTU numeric effluent limit at all points from the site that
- 21 discharge into any on-site surface waters of the state.
- 22 i. The numeric effluent limit does not apply during periods of time when
- 23 fewer than 10 acres of soil are disturbed, but not yet fully stabilized.
- 24 ii. The numeric effluent limit does not apply on days when total precipitation
- 25 recorded on that day is greater than the local 2-year, 24-hour storm event.
- 26 iii. If the Permittee samples turbidity at a discharge point more than one time
- 27 during a 24-hour calendar day, the average of all discharge measurements
- 28 collected at the discharge point must be used to assess compliance with the
- 29 numeric effluent limit.
- 30 iv. Discharges not in compliance with the numeric effluent limit constitute a
- 31 violation of the permit and require the Permittee to complete the non-
- 32 compliance notification requirements in Condition S5.F.

33 D. pH Monitoring: Sites with Significant Concrete Work or Engineered Soils

34 If construction activity results in the disturbance of 1 acre or more, **and** involves

35 significant concrete work (greater than 1,000 cubic yards of poured concrete or

36 recycled concrete) or the use of engineered soils (soil amendments including but not

1 limited to Portland cement-treated base [CTB], cement kiln dust [CKD], or fly ash),
2 and stormwater from the affected area drains to surface waters of the state or to a storm
3 sewer system that drains to surface waters of the state, the CESCL must conduct pH
4 monitoring as set forth below:

- 5 1. For sites with significant concrete work, the pH monitoring period must commence
6 when the concrete is first poured and exposed to precipitation, and continue
7 weekly throughout and after the concrete pour and curing period, until stormwater
8 pH is 8.5 or less. "Significant concrete work" means greater than 1000 cubic
9 yards poured concrete or recycled concrete.
- 10 2. For sites with engineered soils, the CESCL must begin the pH monitoring period
11 when the soil amendments are first exposed to precipitation and must continue
12 until the area of engineered soils is fully stabilized. "Engineered soils" means soil
13 amendments including, but not limited, to Portland cement treated base (CTB),
14 cement kiln dust (CKD), or fly ash.
- 15 3. During the applicable pH monitoring period defined above, the CESCL must
16 obtain a representative sample of stormwater and conduct pH analysis at least once
17 per week.
- 18 4. The CESCL must monitor pH in the sediment trap/pond(s) or other locations that
19 receive stormwater runoff from the area of significant concrete work or engineered
20 soils before the stormwater discharges to surface waters.
- 21 5. The benchmark value for pH is 8.5 standard units. Anytime sampling indicates that
22 pH is 8.5 or greater, the CESCL must either:
 - 23 a. Prevent the high pH water (8.5 or above) from entering storm sewer systems
24 or surface waters; or
 - 25 b. If necessary, adjust or neutralize the high pH water using an appropriate
26 treatment BMP such as carbon dioxide (CO₂) sparging or dry ice. The
27 Permittee must obtain written approval from Ecology before using any form
28 of chemical treatment other than CO₂ sparging or dry ice.
- 29 6. The CESCL must perform pH analysis on site with a calibrated pH meter, pH test
30 kit, or wide range pH indicator paper. The Permittee must record pH monitoring
31 results in the site log book.

32 **S5. REPORTING AND RECORDKEEPING REQUIREMENTS**

33 A. High Turbidity Phone Reporting

34 Anytime sampling performed in accordance with Special Condition S4.C indicates
35 turbidity has reached the 250 NTU phone reporting level, the Permittee's CESCL must
36 call Ecology's Regional office ERTS number within 24 hours of discovery.

37 B. Discharge Monitoring Reports

1 Permitees required to conduct water quality sampling in accordance with Special
2 Conditions S4.C (Turbidity/Transparency), S4.D (pH), S8 (303[d]/TMDL sampling),
3 and/or G13 (Additional Sampling) must submit the results to Ecology monthly on
4 Discharge Monitoring Report (DMR) forms provided by Ecology.

5 Permitees must submit monitoring data using Ecology's WebDMR program. To find
6 out more information and to sign up for WebDMR go to:

7 <http://www.ecy.wa.gov/programs/wq/permits/paris/webdmr.html>.

8 Permitees unable to submit electronically (for example, those who do not have an
9 internet connection) must contact Ecology to request a waiver and obtain instructions
10 on how to obtain and file a paper copy DMR from:

Mailing Address: Department of Ecology Water Quality Program Attn: Stormwater Compliance Specialist PO Box 47696 Olympia, WA 98504-7696	Physical Address: Department of Ecology Water Quality Program Attn: Stormwater Compliance Specialist 300 Desmond Drive SE Lacey, WA 98503
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11
12 Paper copy DMRs must be mailed to either address above.

13 The Permittee shall submit DMR forms to be received by Ecology within 15 days
14 following the end of each month. If there was no discharge during a given monitoring
15 period, the Permittee shall submit the form as required with the "no discharge" entered
16 in place of the monitoring results.

17 C. Records Retention

18 The Permittee must retain records of all monitoring information (site log book,
19 sampling results, inspection reports/checklists, etc.), Stormwater Pollution Prevention
20 Plan, and any other documentation of compliance with permit requirements for the
21 entire life of the construction project and for a minimum of three years following the
22 termination of permit coverage. Such information must include all calibration and
23 maintenance records, and records of all data used to complete the application for this
24 permit. This period of retention must be extended during the course of any unresolved
25 litigation regarding the discharge of pollutants by the Permittee or when requested by
26 Ecology.

27 D. Recording Results

28 For each measurement or sample taken, the Permittee must record the following
29 information:

- 30 1. Date, place, method, and time of sampling or measurement.
- 31 2. The first and last name of the individual who performed the sampling or
32 measurement.
- 33 3. The date(s) the analyses were performed.

- 1 4. The first and last name of the individual who performed the analyses.
- 2 5. The analytical techniques or methods used.
- 3 6. The results of all analyses.

4 E. Additional Monitoring by the Permittee

5 If the Permittee monitors any pollutant more frequently than required by this permit
6 using test procedures specified by Condition S4 of this permit, the results of this
7 monitoring must be included in the calculation and reporting of the data submitted in
8 the Permittee's DMR.

9 F. Noncompliance Notification

10 In the event the Permittee is unable to comply with any part of the terms and conditions
11 of this permit, and the resulting noncompliance may cause a threat to human health or
12 the environment, the Permittee must:

- 13 1. Immediately notify Ecology of the failure to comply by calling the applicable
14 Regional office ERTS phone number.
- 15 2. Immediately take action to prevent the discharge/pollution, or otherwise stop or
16 correct the noncompliance, and, if applicable, repeat sampling and analysis of any
17 noncompliance immediately and submit the results to Ecology within five (5) days
18 of becoming aware of the violation.
- 19 3. Submit a detailed written report to Ecology within five (5) days, unless requested
20 earlier by Ecology. The report must contain a description of the noncompliance,
21 including exact dates and times, and if the noncompliance has not been corrected,
22 the anticipated time it is expected to continue; and the steps taken or planned to
23 reduce, eliminate, and prevent reoccurrence of the noncompliance.

24 The Permittee must report any unanticipated bypass and/or upset that exceeds any
25 effluent limitation in the permit in accordance with the 24-hour reporting
26 requirement contained in 40 C.F.R. 122.41(1)(6)).

27 Compliance with these requirements does not relieve the Permittee from
28 responsibility to maintain continuous compliance with the terms and conditions of
29 this permit or the resulting liability for failure to comply. Refer to Section G14 of
30 this permit for specific information regarding non-compliance.

31 G. Access to Plans and Records

- 32 1. The Permittee must retain the following permit documentation (plans and records)
33 on site, or within reasonable access to the site, for use by the operator; or for on-
34 site review by Ecology or the local jurisdiction:
 - 35 a. General Permit.
 - 36 b. Permit Coverage Letter.

- 1 c. Stormwater Pollution Prevention Plan (SWPPP).
- 2 d. Site Log Book.
- 3 2. The Permittee(s) must address written requests for plans and records listed above
- 4 (Condition S5.G.1) as follows:
- 5 3. The Permittee must provide a copy of plans and records to Ecology within 14 days
- 6 of receipt of a written request from Ecology.
- 7 a. The Permittee must provide a copy of plans and records to the public when
- 8 requested in writing. Upon receiving a written request from the public for
- 9 the Permittee's plans and records, the Permittee must either:
- 10 i. Provide a copy of the plans and records to the requester within 14 days of
- 11 a receipt of the written request; or
- 12 ii. Notify the requester within 10 days of receipt of the written request of the
- 13 location and times within normal business hours when the plans and
- 14 records may be viewed; and provide access to the plans and records within
- 15 14 days of receipt of the written request; or
- 16 Within 14 days of receipt of the written request, the Permittee may submit
- 17 a copy of the plans and records to Ecology for viewing and/or copying by
- 18 the requester at an Ecology office, or a mutually agreed location. If plans
- 19 and records are viewed and/or copied at a location other than at an
- 20 Ecology office, the Permittee will provide reasonable access to copying
- 21 services for which a reasonable fee may be charged. The Permittee must
- 22 notify the requester within 10 days of receipt of the request where the
- 23 plans and records may be viewed and/or copied.

24 **S6. PERMIT FEES**

25 The Permittee must pay permit fees assessed by Ecology. Fees for stormwater discharges
26 covered under this permit are established by Chapter 173-224 WAC. Ecology continues to
27 assess permit fees until the permit is terminated in accordance with Special Condition S10
28 or revoked in accordance with General Condition G5.

29 **S7. SOLID AND LIQUID WASTE DISPOSAL**

30 The Permittee must handle and dispose of solid and liquid wastes generated by construction
31 activity, such as demolition debris, construction materials, contaminated materials, and
32 waste materials from maintenance activities, including liquids and solids from cleaning
33 catch basins and other stormwater facilities, in accordance with:

- 34 A. Special Condition S3, Compliance with Standards.
- 35 B. WAC 173-216-110.

1 C. Other applicable regulations.

2 **S8. DISCHARGES TO 303(D) OR TMDL WATERBODIES**

3 A. Sampling and Numeric Effluent Limitations For Discharges to 303(d)-listed
4 Waterbodies

- 5 1. Permittees who discharge to water bodies listed as impaired by the State of
6 Washington under Section 303(d) of the Clean Water Act for turbidity, fine
7 sediment, high pH, or phosphorus, must conduct water quality sampling according
8 to the requirements of this section.
- 9 2. All references and requirements associated with Section 303(d) of the Clean Water
10 Act mean the most current listing by Ecology of impaired waters that exists on
11 December 16, 2010, or the date when the operator's complete permit application is
12 received by Ecology, whichever is later.
- 13 3. The provisions contained in Condition S4.C.2.c. apply to the sampling
14 requirements of Condition S8.

15 B. Discharges to 303(d)-Listed Water Bodies (Turbidity, Fine Sediment, or Phosphorus)

- 16 1. Permittees who discharge to waterbodies on the 303(d) list for turbidity, fine
17 sediment, or phosphorus must conduct turbidity sampling at the following
18 locations to evaluate compliance with the water quality standard for turbidity. The
19 Permittee must measure:
- 20 a. Background turbidity in the 303(d)-listed receiving water immediately
21 upstream (upgradient) or outside the area of influence of the discharge.
- 22 b. Discharge at the point of discharge into the 303(d) listed receiving waterbody,
23 inside the area of influence of the discharge.
- 24 Alternatively, discharge turbidity may be measured at the point where the
25 discharge leaves the construction site, rather than in the receiving waterbody.
- 26 2. Based on sampling, the discharge turbidity must meet the water quality standard
27 for turbidity (more than 5 NTU over background turbidity when the background
28 turbidity is 50 NTU or less, or more than a 10% increase in turbidity when the
29 background turbidity is more than 50 NTU).
- 30 3. If a discharge exceeds the water quality standard for turbidity, the Permittee must:
- 31 a. Review the SWPPP for compliance with Condition S9 and make appropriate
32 revisions within 7 days of the date the discharge exceeded the standard.
- 33 b. Fully implement and maintain appropriate source control and/or treatment
34 BMPs as soon as possible, but within 10 days of the date the discharge
35 exceeded the standard.

- 1 c. Document BMP implementation and maintenance in the site log book.
- 2 d. Notify the appropriate Ecology Regional Office by phone within 24 hours of
- 3 analysis (see the following web site for contact information
- 4 <http://www.ecy.wa.gov/programs/wq/stormwater/construction/contacts.html>).
- 5 e. Continue to sample daily until discharge turbidity meets the water quality
- 6 meets the water quality standard for turbidity.

7 C. Discharges to waterbodies on the 303(d) list for High pH

- 8 1. Permittees who discharge to waterbodies on the 303(d) list for high pH must
- 9 conduct sampling at one of the following locations to evaluate compliance with the
- 10 water quality standard for pH (in the range of 6.5 – 8.5):
- 11 a. pH must be measured at the point of discharge into the 303(d) listed
- 12 waterbody, inside the area of influence of the discharge; or
- 13 b. Alternatively, pH may be measured at the point where the discharge leaves the
- 14 construction site, rather than in the receiving water.
- 15 2. Based on the sampling set forth above, if the pH exceeds the water quality standard
- 16 for pH (in the range of 6.5 – 8.5), the Permittee must:
- 17 a. Review the SWPPP for compliance with Condition S9 and make appropriate
- 18 revisions within 7 days of the date the discharge exceeded the water quality
- 19 standard.
- 20 b. Fully implement and maintain appropriate source control and/or treatment
- 21 BMPs as soon as possible, but within 10 days of the date the discharge
- 22 exceeded the standards.
- 23 c. Document BMP implementation and maintenance in the site log book.
- 24 d. Notify the appropriate Ecology Regional Office by phone within 24 hours of
- 25 analysis.
- 26 e. Continue to sample daily until discharge meets the water quality standard for
- 27 pH (in the range of 6.5 – 8.5) or the discharge stops or is eliminated.

28 Table 5. Sampling and Numeric Effluent Limits—Discharges to 303(d) Listed Waters

Parameter identified in 303(d) listing	Parameter/ Units	Analytical Method	Sampling Frequency	Water Quality Standard
Turbidity Fine Sediment Phosphorus	Turbidity/ NTU	SM2130 or EPA180.1	Weekly, if discharging	If background is 50 NTU or less: 5 NTU over background; or If background is more than 50 NTU: 10% over background
High pH	pH/ Standard Units	pH meter	Weekly, if discharging	In the range of 6.5 – 8.5

29

30 D. Sampling and Limitations For Sites Discharging to Applicable TMDLs

- 1 1. Discharges to waterbodies subject to applicable Total Maximum Daily Loads
2 (TMDL) for turbidity, fine sediment, high pH, or phosphorus, must be consistent
3 with the assumptions and requirements of the TMDL.
- 4 a. Where an applicable TMDL sets specific waste load allocations or
5 requirements for discharges covered by this permit, discharges must be
6 consistent with any specific waste load allocations or requirements established
7 by the applicable TMDL.
- 8 i. The Permittee must sample discharges weekly or as otherwise specified by
9 the TMDL to evaluate compliance with the specific waste load allocations
10 or requirements.
- 11 ii. Analytical methods used to meet the monitoring requirements must
12 conform to the latest revision of the Guidelines Establishing Test
13 Procedures for the Analysis of Pollutants contained in 40 CFR Part 136.
14 Turbidity and pH methods need not be accredited or registered unless
15 conducted at a laboratory which must otherwise be accredited or
16 registered.
- 17 b. Where an applicable TMDL has established a general waste load allocation
18 for construction stormwater discharges, but has not identified specific
19 requirements, compliance with Conditions S4 (Monitoring) and S9 (SWPPPs)
20 will be assumed to be consistent with the approved TMDL.
- 21 c. Where an applicable TMDL has not specified a waste load allocation for
22 construction stormwater discharges, but has not excluded these discharges,
23 compliance with Conditions S4 (Monitoring) and S9 (SWPPPs) will be
24 assumed to be consistent with the approved TMDL.
- 25 d. Where an applicable TMDL specifically precludes or prohibits discharges
26 from construction activity, the operator is not eligible for coverage under this
27 permit.
- 28 2. Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or
29 phosphorus that is completed and approved by EPA before December 16, 2010, or
30 before the date the operator's complete permit application is received by Ecology,
31 whichever is later. TMDLs completed after the operator's complete permit
32 application is received by Ecology become applicable to the Permittee only if they are
33 imposed through an administrative order by Ecology, or through a modification of
34 permit coverage.

35 **S9. STORMWATER POLLUTION PREVENTION PLAN**

36 The Permittee must prepare and properly implement an adequate Stormwater Pollution
37 Prevention Plan (SWPPP) for construction activity in accordance with the requirements of
38 this permit beginning with initial soil disturbance and until final stabilization.

39 A. The Permittee's SWPPP must meet the following objectives:

- 1 1. To implement best management practices (BMPs) to prevent erosion and
2 sedimentation, and to identify, reduce, eliminate or prevent stormwater
3 contamination and water pollution from construction activity.
- 4 2. To prevent violations of surface water quality, ground water quality, or sediment
5 management standards.
- 6 3. To control peak volumetric flow rates and velocities of stormwater discharges.

7 **B. General Requirements**

- 8 1. The SWPPP must include a narrative and drawings. All BMPs must be clearly
9 referenced in the narrative and marked on the drawings. The SWPPP narrative
10 must include documentation to explain and justify the pollution prevention
11 decisions made for the project. Documentation must include:
 - 12 a. Information about existing site conditions (topography, drainage, soils,
13 vegetation, etc.).
 - 14 b. Potential erosion problem areas.
 - 15 c. The 12 elements of a SWPPP in S9.D.1-12, including BMPs used to address
16 each element.
 - 17 d. Construction phasing/sequence and general BMP implementation schedule.
 - 18 e. The actions to be taken if BMP performance goals are not achieved—for
19 example, a contingency plan for additional treatment and/or storage of
20 stormwater that would violate the water quality standards if discharged.
 - 21 f. Engineering calculations for ponds and any other designed structures.
- 22 2. The Permittee must modify the SWPPP if, during inspections or investigations
23 conducted by the owner/operator, or the applicable local or state regulatory
24 authority, it is determined that the SWPPP is, or would be, ineffective in
25 eliminating or significantly minimizing pollutants in stormwater discharges from
26 the site. The Permittee must then:
 - 27 a. Review the SWPPP for compliance with Condition S9 and make appropriate
28 revisions within 7 days of the inspection or investigation.
 - 29 b. Fully implement and maintain appropriate source control and/or treatment
30 BMPs as soon as possible, but no later than 10 days from the inspection or
31 investigation. If installation of necessary treatment BMPs is not feasible
32 within 10 days, Ecology may approve additional time when an extension is
33 requested by a Permittee within the initial 10-day response period,
 - 34 c. Document BMP implementation and maintenance in the site log book.

35 The Permittee must modify the SWPPP whenever there is a change in design,
36 construction, operation, or maintenance at the construction site that has, or could
37 have, a significant effect on the discharge of pollutants to waters of the State.

1 C. Stormwater Best Management Practices (BMPs)

2 BMPs must be consistent with:

- 3 1. Stormwater Management Manual for Western Washington (most recent edition),
4 for sites west of the crest of the Cascade Mountains; or
- 5 2. Stormwater Management Manual for Eastern Washington (most recent edition),
6 for sites east of the crest of the Cascade Mountains; or
- 7 3. Revisions to the manuals in S9.C.1. & 2., or other stormwater management
8 guidance documents or manuals which provide an equivalent level of pollution
9 prevention, that are approved by Ecology and incorporated into this permit in
10 accordance with the permit modification requirements of WAC 173-220-190; or
- 11 4. Documentation in the SWPPP that the BMPs selected provides an equivalent level
12 of pollution prevention, compared to the applicable Stormwater Management
13 Manuals, including:
 - 14 a. The technical basis for the selection of all stormwater BMPs (scientific,
15 technical studies, and/or modeling) that support the performance claims for
16 the BMPs being selected.
 - 17 b. An assessment of how the selected BMP will satisfy AKART requirements
18 and the applicable federal technology-based treatment requirements under 40
19 CFR part 125.3.

20 D. SWPPP – Narrative Contents and Requirements

21 The Permittee must include each of the 12 elements below in S9.D.1-12 in the narrative
22 of the SWPPP and implement them unless site conditions render the element
23 unnecessary and the exemption from that element is clearly justified in the SWPPP.

- 24 1. Preserve Vegetation/Mark Clearing Limits
 - 25 a. Before beginning land-disturbing activities, including clearing and grading,
26 clearly mark all clearing limits, sensitive areas and their buffers, and trees that
27 are to be preserved within the construction area.
 - 28 b. Retain the duff layer, native top soil, and natural vegetation in an undisturbed
29 state to the maximum degree practicable.
- 30 2. Establish Construction Access
 - 31 a. Limit construction vehicle access and exit to one route, if possible.
 - 32 b. Stabilize access points with a pad of quarry spalls, crushed rock, or other
33 equivalent BMPs, to minimize tracking sediment onto roads.
 - 34 c. Locate wheel wash or tire baths on site, if the stabilized construction entrance is
35 not effective in preventing tracking sediment onto roads.

- 1 d. If sediment is tracked off site, clean the affected roadway thoroughly at the end
2 of each day, or more frequently as necessary (for example, during wet weather).
3 Remove sediment from roads by shoveling, sweeping, or pickup and transport
4 of the sediment to a controlled sediment disposal area.
- 5 e. Conduct street washing only after sediment removal in accordance with
6 S9.D.2.d. Control street wash wastewater by pumping back on site or otherwise
7 preventing it from discharging into systems tributary to waters of the State.
- 8 3. Control Flow Rates
- 9 a. Protect properties and waterways downstream of development sites from
10 erosion and the associated discharge of turbid waters due to increases in the
11 velocity and peak volumetric flow rate of stormwater runoff from the project
12 site, as required by local plan approval authority.
- 13 b. Where necessary to comply with S9.D.3.a, construct stormwater retention or
14 detention facilities as one of the first steps in grading. Assure that detention
15 facilities function properly before constructing site improvements (for example,
16 impervious surfaces).
- 17 c. If permanent infiltration ponds are used for flow control during construction,
18 protect these facilities from siltation during the construction phase.
- 19 4. Install Sediment Controls
- 20 The Permittee must design, install and maintain effective erosion controls and
21 sediment controls to minimize the discharge of pollutants. At a minimum, the
22 Permittee must design, install and maintain such controls to:
- 23 a. Control stormwater volume and velocity within the site to minimize soil
24 erosion;
- 25 b. Control stormwater discharges, including both peak flow rates and total
26 stormwater volume, to minimize erosion at outlets and to minimize downstream
27 channel and stream bank erosion.
- 28 c. Construct sediment control BMPs (sediment ponds, traps, filters, etc.) as one of
29 the first steps in grading. These BMPs must be functional before other land
30 disturbing activities take place.
- 31 d. Direct stormwater runoff from disturbed areas through a sediment pond or other
32 appropriate sediment removal BMP, before leaving a construction site or before
33 discharge to an infiltration facility. Runoff from fully stabilized areas may be
34 discharged without a sediment removal BMP, but must meet the flow control
35 performance standard of S9.D.3.a.
- 36 e. Locate BMPs. Intended to trap sediment on site in a manner to avoid
37 interference with the movement of juvenile salmonids attempting to enter off-
38 channel areas or drainages.

- 1 f. Provide and maintain natural buffers around surface waters, direct stormwater
2 to vegetated areas to increase sediment removal and maximize stormwater
3 infiltration, unless infeasible; and
- 4 g. When discharging from basins and impoundments, use outlet structures that
5 withdraw water from the surface, unless infeasible.
- 6 5. Stabilize Soils
- 7 a. The Permittee must stabilize exposed and unworked soils by application of
8 effective BMPs that prevent erosion. Applicable BMPs include, but are not
9 limited to: temporary and permanent seeding, sodding, mulching, plastic
10 covering, erosion control fabrics and matting, soil application of
11 polyacrylamide (PAM), the early application of gravel base on areas to be
12 paved, and dust control.
- 13 b. Depending on the geographic location of the project, no soils must remain
14 exposed and unworked for more than the time periods set forth below to prevent
15 erosion:
- 16 West of the Cascade Mountains Crest
17 During the dry season (May 1 - Sept. 30): 7 days
18 During the wet season (October 1 - April 30): 2 days
19
- 20 East of the Cascade Mountains Crest, except for Central Basin*
21 During the dry season (July 1 - September 30): 10 days
22 During the wet season (October 1 - June 30): 5 days
23
- 24 The Central Basin*, East of the Cascade Mountains Crest
25 During the dry Season (July 1 - September 30): 30 days
26 During the wet season (October 1 - June 30): 15 days
27
- 28 *Note: The Central Basin is defined as the portions of Eastern
29 Washington with mean annual precipitation of less than 12 inches.
- 30 c. The Permittee must stabilize soils at the end of the shift before a holiday or
31 weekend if needed based on the weather forecast.
- 32 d. The Permittee must stabilize soil stockpiles from erosion, protected with
33 sediment trapping measures, and where possible, be located away from storm
34 drain inlets, waterways, and drainage channels.
- 35 e. Minimize the amount of soil exposed during construction activity;
- 36 f. Minimize the disturbance of steep slopes;

- 1 g. Minimize sediment discharges from the site. The design, installation and
2 maintenance of erosion and sediment controls must address factors such as the
3 amount, frequency, intensity and duration of precipitation, the nature of
4 resulting stormwater runoff, and soil characteristics, including the range of soil
5 particle sizes expected to be present on the site.
- 6 h. Minimize soil compaction and, unless infeasible, preserve topsoil.
- 7 6. Protect Slopes
- 8 a. The Permittee must design and construct cut-and-fill slopes in a manner to
9 minimize erosion. Applicable practices include, but are not limited to, reducing
10 continuous length of slope with terracing and diversions, reducing slope
11 steepness, and roughening slope surfaces (for example, track walking).
- 12 b. The Permittee must divert off-site stormwater (run-on) or ground water away
13 from slopes and disturbed areas with interceptor dikes, pipes, and/or swales.
14 Off-site stormwater should be managed separately from stormwater generated
15 on the site.
- 16 c. At the top of slopes, collect drainage in pipe slope drains or protected channels
17 to prevent erosion.
- 18 i. West of the Cascade Mountains Crest: Temporary pipe slope drains must
19 handle the peak 10-minute velocity of flow from a Type 1A, 10-year, 24-
20 hour frequency storm for the developed condition. Alternatively, the 10-
21 year, 1-hour flow rate predicted by an approved continuous runoff model,
22 increased by a factor of 1.6, may be used. The hydrologic analysis must
23 use the existing land cover condition for predicting flow rates from
24 tributary areas outside the project limits. For tributary areas on the project
25 site, the analysis must use the temporary or permanent project land cover
26 condition, whichever will produce the highest flow rates. If using the
27 Western Washington Hydrology Model (WWHM) to predict flows, bare
28 soil areas should be modeled as "landscaped area."
- 29 ii. East of the Cascade Mountains Crest: Temporary pipe slope drains must
30 handle the expected peak flow velocity from a 6-month, 3-hour storm for
31 the developed condition, referred to as the short duration storm.
- 32 d. Place excavated material on the uphill side of trenches, consistent with safety
33 and space considerations.
- 34 e. Place check dams at regular intervals within constructed channels that are cut
35 down a slope.
- 36 7. Protect Drain Inlets
- 37 a. Protect all storm drain inlets made operable during construction so that
38 stormwater runoff does not enter the conveyance system without first being
39 filtered or treated to remove sediment.

- 1 b. Clean or remove and replace inlet protection devices when sediment has filled
2 one-third of the available storage (unless a different standard is specified by the
3 product manufacturer).
- 4 8. Stabilize Channels and Outlets
- 5 a. Design, construct and stabilize all on-site conveyance channels to prevent
6 erosion from the following expected peak flows:
- 7 i. West of the Cascade Mountains Crest: Channels must handle the peak 10-
8 minute velocity of flow from a Type 1A, 10-year, 24-hour frequency storm
9 for the developed condition. Alternatively, the 10-year, 1-hour flow rate
10 indicated by an approved continuous runoff model, increased by a factor of
11 1.6, may be used. The hydrologic analysis must use the existing land cover
12 condition for predicting flow rates from tributary areas outside the project
13 limits. For tributary areas on the project site, the analysis must use the
14 temporary or permanent project land cover condition, whichever will
15 produce the highest flow rates. If using the WWHM to predict flows, bare
16 soil areas should be modeled as "landscaped area."
- 17 ii. East of the Cascade Mountains Crest: Channels must handle the expected
18 peak flow velocity from a 6-month, 3-hour storm for the developed
19 condition, referred to as the short duration storm.
- 20 b. Provide stabilization, including armoring material, adequate to prevent erosion
21 of outlets, adjacent stream banks, slopes, and downstream reaches at the outlets
22 of all conveyance systems.
- 23 9. Control Pollutants
- 24 Design, install, implement and maintain effective pollution prevention measures to
25 minimize the discharge of pollutants at a minimum. The Permittee must:
- 26 a. Handle and dispose of all pollutants, including waste materials and demolition
27 debris that occur on site in a manner that does not cause contamination of
28 stormwater.
- 29 b. Provide cover, containment, and protection from vandalism for all chemicals,
30 liquid products, petroleum products, and other materials that have the potential
31 to pose a threat to human health or the environment. On-site fueling tanks must
32 include secondary containment.
- 33 c. Conduct maintenance, fueling, and repair of heavy equipment and vehicles
34 using spill prevention and control measures. Clean contaminated surfaces
35 immediately following any spill incident.
- 36 d. Discharge wheel wash or tire bath wastewater to a separate on-site treatment
37 system that prevents discharge to surface or ground water, such as closed-loop
38 recirculation or upland land application, or to the sanitary sewer with local
39 sewer district approval.

- 1 e. Apply fertilizers and pesticides in a manner and at application rates that will not
2 result in loss of chemical to stormwater runoff. Follow manufacturers' label
3 requirements for application rates and procedures.
- 4 f. Use BMPs to prevent or treat contamination of stormwater runoff by pH-
5 modifying sources. These sources include, but are not limited to: bulk cement,
6 cement kiln dust, fly ash, new concrete washing and curing waters, waste
7 streams generated from concrete grinding and sawing, exposed aggregate
8 processes, dewatering concrete vaults, concrete pumping and mixer washout
9 waters. Permittees must adjust the pH of stormwater if necessary to prevent
10 violations of water quality standards.
- 11 g. Assure that washout of concrete trucks is performed offsite or in designated
12 concrete washout areas only. Do not wash out concrete trucks onto the ground,
13 or into storm drains, open ditches, streets, or streams. Do not dump excess
14 concrete onsite, except in designated concrete washout areas. Concrete spillage
15 or concrete discharge to surface waters of the state is prohibited.
- 16 h. Obtain written approval from Ecology before using chemical treatment other
17 than CO₂ or dry ice to adjust pH.
- 18 10. Control Dewatering
- 19 a. Discharge foundation, vault, and trench dewatering water, which have
20 characteristics similar to stormwater runoff at the site, into a controlled
21 conveyance system before discharge to a sediment trap or sediment pond.
- 22 b. Permittees can discharge clean, non-turbid dewatering water, such as well-point
23 ground water, can be discharged to systems tributary to, or directly into surface
24 waters of the State, as specified in S9.D.8, provided the dewatering flow does
25 not cause erosion or flooding of receiving waters. Do not route clean
26 dewatering water through stormwater sediment ponds. Note that "surface
27 waters of the state" may exist on a construction site as well as off site; for
28 example, a creek running through a site.
- 29 c. Other treatment or disposal options may include:
- 30 i. Infiltration
- 31 ii. Transport off site in a vehicle, such as a vacuum flush truck, for legal
32 disposal in a manner that does not pollute state waters.
- 33 iii. Ecology-approved on-site chemical treatment or other suitable treatment
34 technologies.
- 35 iv. Sanitary sewer discharge with local sewer district approval, if there is no
36 other option.
- 37 v. Use of a sedimentation bag with outfall to a ditch or swale for small
38 volumes of localized dewatering.

- 1 d. Permittees must handle highly turbid or contaminated dewatering water must be
2 handled separately from stormwater.

3 11. Maintain BMPs

- 4 a. Maintain and repair all temporary and permanent erosion and sediment control
5 BMPs as needed to assure continued performance of their intended function in
6 accordance with BMP specifications.
- 7 b. Remove all temporary erosion and sediment control BMPs within 30 days after
8 achieving final site stabilization or after the temporary BMPs are no longer
9 needed.

10 12. Manage the Project

- 11 a. Phase development projects to the maximum degree practicable and must take
12 into account seasonal work limitations.

13 b. Inspection and Monitoring

14 Inspect, maintain and repair all BMPs as needed to assure continued
15 performance of their intended function. Conduct site inspections and
16 monitoring in accordance with S4.

17 c. Maintaining an Updated Construction SWPPP

18 Maintain, update, and implement the SWPPP in accordance with Conditions
19 S3, S4 and S9.

20 E. SWPPP – Map Contents and Requirements

21 The Permittee’s SWPPP must also include a vicinity map or general location map (for
22 example, a USGS quadrangle map, a portion of a county or city map, or other
23 appropriate map) with enough detail to identify the location of the construction site and
24 receiving waters within one mile of the site.

25 The SWPPP must also include a legible site map (or maps) showing the entire
26 construction site. The following features must be identified, unless not applicable due
27 to site conditions:

- 28 1. The direction of north, property lines, and existing structures and roads.
- 29 2. Cut and fill slopes indicating the top and bottom of slope catch lines.
- 30 3. Approximate slopes, contours, and direction of stormwater flow before and after
31 major grading activities.
- 32 4. Areas of soil disturbance and areas that will not be disturbed.
- 33 5. Locations of structural and nonstructural controls (BMPs) identified in the
34 SWPPP.

- 1 6. Locations of off-site material, stockpiles, waste storage, borrow areas, and
2 vehicle/equipment storage areas.
- 3 7. Locations of all surface water bodies, including wetlands.
- 4 8. Locations where stormwater or non-stormwater discharges off-site and/or to a
5 surface water body, including wetlands.
- 6 9. Location of water quality sampling station(s), if sampling is required by state or
7 local permitting authority.
- 8 10. Areas where final stabilization has been accomplished and no further construction-
9 phase permit requirements apply.

10 **S10.NOTICE OF TERMINATION**

- 11 A. The site is eligible for termination of coverage when it has met any of the following
12 conditions:
- 13 1. The site has undergone final stabilization, the Permittee has removed all temporary
14 BMPs, and all stormwater discharges associated with construction activity have
15 been eliminated; or
 - 16 2. All portions of the site that have not undergone final stabilization per S10.A.1 have
17 been sold and/or transferred (per Condition G9), and the Permittee no longer has
18 operational control of the construction activity; or
 - 19 3. For residential construction only, the Permittee has completed temporary
20 stabilization and has transferred the ownership of the residence to the homeowner.
- 21 B. When the site is eligible for termination, the Permittee must submit a complete and
22 accurate Notice of Termination (NOT) form, signed in accordance with General
23 Condition G2, to:

24 Department of Ecology
25 Water Quality Program - Construction Stormwater
26 PO Box 47696
27 Olympia, Washington 98504-7696

28 The termination is effective on the date Ecology receives the NOT form, unless
29 Ecology notifies the Permittee within 30 days that termination request is denied
30 because the Permittee has not met the eligibility requirements in Condition S10.A.

31 Permittees transferring the property to a new property owner or operator/permittee are
32 required to complete and submit the Notice of Transfer form to Ecology, but are not
33 required to submit a Notice of Termination form for this type of transaction.

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GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

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

G2. SIGNATORY REQUIREMENTS

- A. All permit applications must bear a certification of correctness to be signed:
 - 1. In the case of corporations, by a responsible corporate officer of at least the level of vice president of a corporation;
 - 2. In the case of a partnership, by a general partner of a partnership;
 - 3. In the case of sole proprietorship, by the proprietor; or
 - 4. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Ecology.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.
- C. Changes to authorization. If an authorization under paragraph G2.B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph G2.B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section must make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the

1 information submitted. Based on my inquiry of the person or persons who
2 manage the system, or those persons directly responsible for gathering
3 information, the information submitted is, to the best of my knowledge and
4 belief, true, accurate, and complete. I am aware that there are significant
5 penalties for submitting false information, including the possibility of fine and
6 imprisonment for knowing violations.”

7 **G3. RIGHT OF INSPECTION AND ENTRY**

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

- 10 A. To enter upon the premises where a discharge is located or where any records are kept
11 under the terms and conditions of this permit.
- 12 B. To have access to and copy – at reasonable times and at reasonable cost -- any records
13 required to be kept under the terms and conditions of this permit.
- 14 C. To inspect -- at reasonable times – any facilities, equipment (including monitoring and
15 control equipment), practices, methods, or operations regulated or required under this
16 permit.
- 17 D. To sample or monitor – at reasonable times – any substances or parameters at any
18 location for purposes of assuring permit compliance or as otherwise authorized by the
19 Clean Water Act.

20 **G4. GENERAL PERMIT MODIFICATION AND REVOCATION**

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

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

1 **G5. REVOCATION OF COVERAGE UNDER THE PERMIT**

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

- 5 A. Violation of any term or condition of this permit.
- 6 B. Obtaining coverage under this permit by misrepresentation or failure to disclose fully all
7 relevant facts.
- 8 C. A change in any condition that requires either a temporary or permanent reduction or
9 elimination of the permitted discharge.
- 10 D. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- 11 E. A determination that the permitted activity endangers human health or the environment,
12 or contributes to water quality standards violations.
- 13 F. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and
14 Chapter 173-224 WAC.
- 15 G. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-
16 130(5), when applicable.

17 The Director may require any discharger under this permit to apply for and obtain
18 coverage under an individual permit or another more specific general permit.
19 Permittees who have their coverage revoked for cause according to WAC 173-226-240
20 may request temporary coverage under this permit during the time an individual permit
21 is being developed, provided the request is made within ninety (90) days from the time
22 of revocation and is submitted along with a complete individual permit application
23 form.

24 **G6. REPORTING A CAUSE FOR MODIFICATION**

25 The Permittee must submit a new application, or a supplement to the previous application,
26 whenever a material change to the construction activity or in the quantity or type of
27 discharge is anticipated which is not specifically authorized by this permit. This application
28 must be submitted at least sixty (60) days prior to any proposed changes. Filing a request
29 for a permit modification, revocation and reissuance, or termination, or a notification of
30 planned changes or anticipated noncompliance does not relieve the Permittee of the duty to
31 comply with the existing permit until it is modified or reissued.

32 **G7. COMPLIANCE WITH OTHER LAWS AND STATUTES**

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

1 **G8. DUTY TO REAPPLY**

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

4 **G9. TRANSFER OF GENERAL PERMIT COVERAGE**

5 Coverage under this general permit is automatically transferred to a new discharger,
6 including operators of lots/parcels within a common plan of development or sale, **if:**

- 7 A. A written agreement (Transfer of Coverage Form) between the current discharger
8 (Permittee) and new discharger, signed by both parties and containing a specific date
9 for transfer of permit responsibility, coverage, and liability is submitted to the Director;
10 and
- 11 B. The Director does not notify the current discharger and new discharger of the Director's
12 intent to revoke coverage under the general permit. If this notice is not given, the
13 transfer is effective on the date specified in the written agreement.

14 When a current discharger (Permittee) transfers a portion of a permitted site, the current
15 discharger must also submit an updated application form (NOI) to the Director
16 indicating the remaining permitted acreage after the transfer.

17 **G10. REMOVED SUBSTANCES**

18 The Permittee must not re-suspend or reintroduce collected screenings, grit, solids, sludges,
19 filter backwash, or other pollutants removed in the course of treatment or control of
20 stormwater to the final effluent stream for discharge to state waters.

21 **G11. DUTY TO PROVIDE INFORMATION**

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

27 **G12. OTHER REQUIREMENTS OF 40 CFR**

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

1 **G13. ADDITIONAL MONITORING**

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

4 **G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

5 Any person who is found guilty of willfully violating the terms and conditions of this permit
6 shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of
7 up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the
8 discretion of the court. Each day upon which a willful violation occurs may be deemed a
9 separate and additional violation.

10 Any person who violates the terms and conditions of a waste discharge permit shall incur, in
11 addition to any other penalty as provided by law, a civil penalty in the amount of up to ten
12 thousand dollars (\$10,000) for every such violation. Each and every such violation shall be
13 a separate and distinct offense, and in case of a continuing violation, every day's
14 continuance shall be deemed to be a separate and distinct violation.

15 **G15. UPSET**

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

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

25 A Permittee who wishes to establish the affirmative defense of upset must demonstrate,
26 through properly signed, contemporaneous operating logs or other relevant evidence that: 1)
27 an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the
28 permitted facility was being properly operated at the time of the upset; 3) the Permittee
29 submitted notice of the upset as required in condition S5.F; and 4) the Permittee complied
30 with any remedial measures required under this permit.

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

33 **G16. PROPERTY RIGHTS**

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

1 **G17. DUTY TO COMPLY**

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

6 **G18. TOXIC POLLUTANTS**

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

11 **G19. PENALTIES FOR TAMPERING**

12 The Clean Water Act provides that any person who falsifies, tampers with, or knowingly
13 renders inaccurate any monitoring device or method required to be maintained under this
14 permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation,
15 or by imprisonment for not more than two years per violation, or by both. If a conviction of
16 a person is for a violation committed after a first conviction of such person under this
17 Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or
18 imprisonment of not more than four (4) years, or both.

19 **G20. REPORTING PLANNED CHANGES**

20 The Permittee must, as soon as possible, give notice to Ecology of planned physical
21 alterations, modifications or additions to the permitted construction activity. The Permittee
22 should be aware that, depending on the nature and size of the changes to the original permit,
23 a new public notice and other permit process requirements may be required. Changes in
24 activities that require reporting to Ecology include those that will result in:

- 25 A. The permitted facility being determined to be a new source pursuant to 40 CFR
26 122.29(b).
- 27 B. A significant change in the nature or an increase in quantity of pollutants discharged,
28 including but not limited to: for sites 5 acres or larger, a 20% or greater increase in
29 acreage disturbed by construction activity.
- 30 C. A change in or addition of surface water(s) receiving stormwater or non-stormwater
31 from the construction activity.
- 32 D. A change in the construction plans and/or activity that affects the Permittee's
33 monitoring requirements in Special Condition S4.

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

5 **G21. REPORTING OTHER INFORMATION**

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

9 **G22. REPORTING ANTICIPATED NON-COMPLIANCE**

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

17 **G23. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER THE PERMIT**

18 Any discharger authorized by this permit may request to be excluded from coverage under
19 the general permit by applying for an individual permit. The discharger must submit to the
20 Director an application as described in WAC 173-220-040 or WAC 173-216-070,
21 whichever is applicable, with reasons supporting the request. These reasons will fully
22 document how an individual permit will apply to the applicant in a way that the general
23 permit cannot. Ecology may make specific requests for information to support the request.
24 The Director will either issue an individual permit or deny the request with a statement
25 explaining the reason for the denial. When an individual permit is issued to a discharger
26 otherwise subject to the construction stormwater general permit, the applicability of the
27 construction stormwater general permit to that Permittee is automatically terminated on the
28 effective date of the individual permit.

29 **G24. APPEALS**

- 30 A. The terms and conditions of this general permit, as they apply to the appropriate class
31 of dischargers, are subject to appeal by any person within 30 days of issuance of this
32 general permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.
- 33 B. The terms and conditions of this general permit, as they apply to an individual
34 discharger, are appealable in accordance with Chapter 43.21B RCW within 30 days of
35 the effective date of coverage of that discharger. Consideration of an appeal of general

1 permit coverage of an individual discharger is limited to the general permit's
2 applicability or nonapplicability to that individual discharger.

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

8 **G25. SEVERABILITY**

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

13 **G26. BYPASS PROHIBITED**

14 A. Bypass Procedures

15 Bypass, which is the intentional diversion of waste streams from any portion of a
16 treatment facility, is prohibited for stormwater events below the design criteria for
17 stormwater management. Ecology may take enforcement action against a Permittee for
18 bypass unless one of the following circumstances (1, 2, 3 or 4) is applicable.

- 19 1. Bypass of stormwater is consistent with the design criteria and part of an approved
20 management practice in the applicable stormwater management manual.
- 21 2. Bypass for essential maintenance without the potential to cause violation of permit
22 limits or conditions.

23 Bypass is authorized if it is for essential maintenance and does not have the
24 potential to cause violations of limitations or other conditions of this permit, or
25 adversely impact public health.

- 26 3. Bypass of stormwater is unavoidable, unanticipated, and results in noncompliance
27 of this permit.

28 This bypass is permitted only if:

- 29 a. Bypass is unavoidable to prevent loss of life, personal injury, or severe
30 property damage. "Severe property damage" means substantial physical
31 damage to property, damage to the treatment facilities which would cause
32 them to become inoperable, or substantial and permanent loss of natural
33 resources which can reasonably be expected to occur in the absence of a
34 bypass.
- 35 b. There are no feasible alternatives to the bypass, such as the use of auxiliary
36 treatment facilities, retention of untreated wastes, maintenance during normal

1 periods of equipment downtime (but not if adequate backup equipment should
2 have been installed in the exercise of reasonable engineering judgment to
3 prevent a bypass which occurred during normal periods of equipment
4 downtime or preventative maintenance), or transport of untreated wastes to
5 another treatment facility.

6 c. Ecology is properly notified of the bypass as required in Special Condition
7 S5.F of this permit.

8 4. A planned action that would cause bypass of stormwater and has the potential to
9 result in noncompliance of this permit during a storm event.

10 The Permittee must notify Ecology at least thirty (30) days before the planned date
11 of bypass. The notice must contain:

12 a. a description of the bypass and its cause

13 b. an analysis of all known alternatives which would eliminate, reduce, or
14 mitigate the need for bypassing.

15 c. a cost-effectiveness analysis of alternatives including comparative resource
16 damage assessment.

17 d. the minimum and maximum duration of bypass under each alternative.

18 e. a recommendation as to the preferred alternative for conducting the bypass.

19 f. the projected date of bypass initiation.

20 g. a statement of compliance with SEPA.

21 h. a request for modification of water quality standards as provided for in WAC
22 173-201A-110, if an exceedance of any water quality standard is anticipated.

23 i. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the
24 bypass.

25 5. For probable construction bypasses, the need to bypass is to be identified as early
26 in the planning process as possible. The analysis required above must be
27 considered during preparation of the Stormwater Pollution Prevention Plan
28 (SWPPP) and must be included to the extent practical. In cases where the probable
29 need to bypass is determined early, continued analysis is necessary up to and
30 including the construction period in an effort to minimize or eliminate the bypass.

31 Ecology will consider the following before issuing an administrative order for this
32 type bypass:

33 a. If the bypass is necessary to perform construction or maintenance-related
34 activities essential to meet the requirements of this permit.

35 b. If there are feasible alternatives to bypass, such as the use of auxiliary
36 treatment facilities, retention of untreated wastes, stopping production,

1 maintenance during normal periods of equipment down time, or transport of
2 untreated wastes to another treatment facility.

3 c. If the bypass is planned and scheduled to minimize adverse effects on the
4 public and the environment.

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

11 B. Duty to Mitigate

12 The Permittee is required to take all reasonable steps to minimize or prevent any
13 discharge or sludge use or disposal in violation of this permit that has a reasonable
14 likelihood of adversely affecting human health or the environment.

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APPENDIX A – DEFINITIONS

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

Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus, which was completed and approved by EPA before December 16, 2010, or before the date the operator’s complete permit application is received by Ecology, whichever is later.

Applicant means an operator seeking coverage under this permit.

Best Management Practices (BMPs) 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: stormwater associated with construction activity, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Buffer means an area designated by a local jurisdiction that is contiguous to and intended to protect a sensitive area.

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

Calendar Day A period of 24 consecutive hours starting at 12:00 midnight and ending the following 12:00 midnight.

Calendar Week (same as Week) means a period of seven consecutive days starting at 12:01 a.m. (0:01 hours) on Sunday.

Certified Erosion and Sediment Control Lead (CESCL) means a person who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by Ecology (see BMP C160 in the SWMM).

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.

Common Plan of Development or Sale means a site where multiple separate and distinct construction activities may be taking place at different times on different schedules and/or by different contractors, but still under a single plan. Examples include: 1) phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g., a development where lots are sold to separate

1 builders); 2) a development plan that may be phased over multiple years, but is still under a
2 consistent plan for long-term development; 3) projects in a contiguous area that may be
3 unrelated but still under the same contract, such as construction of a building extension and a
4 new parking lot at the same facility; and 4) linear projects such as roads, pipelines, or utilities. If
5 the project is part of a common plan of development or sale, the disturbed area of the entire plan
6 must be used in determining permit requirements.

7
8 Composite Sample means a mixture of grab samples collected at the same sampling point at
9 different times, formed either by continuous sampling or by mixing discrete samples. May be
10 "time-composite" (collected at constant time intervals) or "flow-proportional" (collected either as
11 a constant sample volume at time intervals proportional to stream flow, or collected by
12 increasing the volume of each aliquot as the flow increases while maintaining a constant time
13 interval between the aliquots.

14
15 Construction Activity means land disturbing operations including clearing, grading or excavation
16 which disturbs the surface of the land. Such activities may include road construction,
17 construction of residential houses, office buildings, or industrial buildings, and demolition
18 activity.

19
20 Contaminant means any hazardous substance that does not occur naturally or occurs at greater
21 than natural background levels. See definition of "hazardous substance" and WAC 173-340-200.

22
23 Demonstrably Equivalent means that the technical basis for the selection of all stormwater BMPs
24 is documented within a SWPPP, including:

- 25 1. The method and reasons for choosing the stormwater BMPs selected.
- 26 2. The pollutant removal performance expected from the BMPs selected.
- 27 3. The technical basis supporting the performance claims for the BMPs selected, including
28 any available data concerning field performance of the BMPs selected.
- 29 4. An assessment of how the selected BMPs will comply with state water quality standards.
- 30 5. An assessment of how the selected BMPs will satisfy both applicable federal technology-
31 based treatment requirements and state requirements to use all known, available, and
32 reasonable methods of prevention, control, and treatment (AKART).

33
34 Department means the Washington State Department of Ecology.

35
36 Detention means the temporary storage of stormwater to improve quality and/or to reduce the
37 mass flow rate of discharge.

38
39 Dewatering means the act of pumping ground water or stormwater away from an active
40 construction site.

41
42 Director means the Director of the Washington Department of Ecology or his/her authorized
43 representative.

1 Discharger means an owner or operator of any facility or activity subject to regulation under
2 Chapter 90.48 RCW or the Federal Clean Water Act.
3

4 Domestic Wastewater means water carrying human wastes, including kitchen, bath, and laundry
5 wastes from residences, buildings, industrial establishments, or other places, together with such
6 ground water infiltration or surface waters as may be present.
7

8 Ecology means the Washington State Department of Ecology.
9

10 Engineered Soils means the use of soil amendments including, but not limited, to Portland
11 cement treated base (CTB), cement kiln dust (CKD), or fly ash to achieve certain desirable soil
12 characteristics.
13

14 Equivalent BMPs means operational, source control, treatment, or innovative BMPs which result
15 in equal or better quality of stormwater discharge to surface water or to ground water than BMPs
16 selected from the SWMM.
17

18 Erosion means the wearing away of the land surface by running water, wind, ice, or other
19 geological agents, including such processes as gravitational creep.
20

21 Erosion and Sediment Control BMPs means BMPs intended to prevent erosion and
22 sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic
23 covering, filter fences, sediment traps, and ponds. Erosion and sediment control BMPs are
24 synonymous with stabilization and structural BMPs.
25

26 Final Stabilization (same as fully stabilized or full stabilization) means the establishment of a
27 permanent vegetative cover, or equivalent permanent stabilization measures (such as riprap,
28 gabions or geotextiles) which prevents erosion.
29

30 Ground Water means water in a saturated zone or stratum beneath the land surface or a surface
31 water body.
32

33 Hazardous Substance means any dangerous or extremely hazardous waste as defined in RCW
34 70.105.010 (5) and (6), or any dangerous or extremely dangerous waste as designated by rule
35 under chapter 70.105 RCW; any hazardous sub-stance as defined in RCW 70.105.010(14) or any
36 hazardous substance as defined by rule under chapter 70.105 RCW; any substance that, on the
37 effective date of this section, is a hazardous substance under section 101(14) of the federal
38 cleanup law, 42 U.S.C., Sec. 9601(14); petroleum or petroleum products; and any substance or
39 category of substances, including solid waste decomposition products, determined by the director
40 by rule to present a threat to human health or the environment if released into the environment.
41 The term hazardous substance does not include any of the following when contained in an
42 underground storage tank from which there is not a release: crude oil or any fraction thereof or
43 petroleum, if the tank is in compliance with all applicable federal, state, and local law.
44

45 Injection Well means a well that is used for the subsurface emplacement of fluids. (See Well.)
46

1 Jurisdiction means a political unit such as a city, town or county; incorporated for local self-
2 government.
3

4 National Pollutant Discharge Elimination System (NPDES) means the national program for
5 issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits, and
6 imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the
7 Federal Clean Water Act, for the discharge of pollutants to surface waters of the State from point
8 sources. These permits are referred to as NPDES permits and, in Washington State, are
9 administered by the Washington Department of Ecology.
10

11 Notice of Intent (NOI) means the application for, or a request for coverage under this general
12 permit pursuant to WAC 173-226-200.
13

14 Notice of Termination (NOT) means a request for termination of coverage under this general
15 permit as specified by Special Condition S10 of this permit.
16

17 Operator means any party associated with a construction project that meets either of the
18 following two criteria:

- 19 • The party has operational control over construction plans and specifications, including
20 the ability to make modifications to those plans and specifications; or
- 21 • The party has day-to-day operational control of those activities at a project that are
22 necessary to ensure compliance with a SWPPP for the site or other permit conditions
23 (e.g., they are authorized to direct workers at a site to carry out activities required by the
24 SWPPP or comply with other permit conditions).
25

26 Outfall means the location where stormwater leaves the site. It also includes the location where
27 stormwater is discharged to a surface waterbody within a site, but does not include discharges to
28 on-site stormwater treatment/infiltration devices or storm sewer systems.
29

30 Permittee means individual or entity that receives notice of coverage under this general permit.
31

32 pH means a liquid's measure of acidity or alkalinity. A pH of 7 is defined as neutral. Large
33 variations above or below this value are considered harmful to most aquatic life.
34

35 pH monitoring period means the time period in which the pH of stormwater runoff from a site
36 must be tested a minimum of once every seven days to determine if stormwater is above pH 8.5.
37

38 Point source means any discernible, confined, and discrete conveyance, including but not limited
39 to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, and container from which
40 pollutants are or may be discharged to surface waters of the State. This term does not include
41 return flows from irrigated agriculture. (See Fact Sheet for further explanation.)
42

43 Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage,
44 garbage, domestic sewage sludge (biosolids), munitions, chemical wastes, biological materials,
45 radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and

1 industrial, municipal, and agricultural waste. This term does not include sewage from vessels
2 within the meaning of section 312 of the CWA, nor does it include dredged or fill material
3 discharged in accordance with a permit issued under section 404 of the CWA.
4

5 Pollution means contamination or other alteration of the physical, chemical, or biological
6 properties of waters of the State; including change in temperature, taste, color, turbidity, or odor
7 of the waters; or such discharge of any liquid, gaseous, solid, radioactive or other substance into
8 any waters of the State as will or is likely to create a nuisance or render such waters harmful,
9 detrimental or injurious to the public health, safety or welfare; or to domestic, commercial,
10 industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild
11 animals, birds, fish or other aquatic life.
12

13 Receiving water means the waterbody at the point of discharge. If the discharge is to a storm
14 sewer system, either surface or subsurface, the receiving water is the waterbody that the storm
15 sewer system discharges to. Systems designed primarily for other purposes such as for ground
16 water drainage, redirecting stream natural flows, or for conveyance of irrigation water/return
17 flows that coincidentally convey stormwater are considered the receiving water.
18

19 Representative means a stormwater or wastewater sample which represents the flow and
20 characteristics of the discharge. Representative samples may be a grab sample, a time-
21 proportionate composite sample, or a flow proportionate sample. Ecology's Construction
22 Stormwater Monitoring Manual provides guidance on representative sampling.
23

24 Sanitary sewer means a sewer which is designed to convey domestic wastewater.
25

26 Sediment means the fragmented material that originates from the weathering and erosion of
27 rocks or unconsolidated deposits, and is transported by, suspended in, or deposited by water.
28

29 Sedimentation means the depositing or formation of sediment.
30

31 Sensitive area means a waterbody, wetland, stream, aquifer recharge area, or channel migration
32 zone.
33

34 SEPA (State Environmental Policy Act) means the Washington State Law, RCW 43.21C.020,
35 intended to prevent or eliminate damage to the environment.
36

37 Significant Amount means an amount of a pollutant in a discharge that is amenable to available
38 and reasonable methods of prevention or treatment; or an amount of a pollutant that has a
39 reasonable potential to cause a violation of surface or ground water quality or sediment
40 management standards.
41

42 Significant concrete work means greater than 1000 cubic yards poured concrete or recycled
43 concrete over the life of a project.
44

45 Significant Contributor of Pollutants means a facility determined by Ecology to be a contributor
46 of a significant amount(s) of a pollutant(s) to waters of the State of Washington.

1 Site means the land or water area where any "facility or activity" is physically located or
2 conducted.
3

4 Source control BMPs means physical, structural or mechanical devices or facilities that are
5 intended to prevent pollutants from entering stormwater. A few examples of source control
6 BMPs are erosion control practices, maintenance of stormwater facilities, constructing roofs over
7 storage and working areas, and directing wash water and similar discharges to the sanitary sewer
8 or a dead end sump.
9

10 Stabilization means the application of appropriate BMPs to prevent the erosion of soils, such as,
11 temporary and permanent seeding, vegetative covers, mulching and matting, plastic covering and
12 sodding. See also the definition of Erosion and Sediment Control BMPs.
13

14 Storm drain means any drain which drains directly into a storm sewer system, usually found
15 along roadways or in parking lots.
16

17 Storm sewer system means a means a conveyance, or system of conveyances (including roads
18 with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade
19 channels, or storm drains designed or used for collecting or conveying stormwater. This does
20 not include systems which are part of a combined sewer or Publicly Owned Treatment Works
21 (POTW) as defined at 40 CFR 122.2.
22

23 Stormwater means that portion of precipitation that does not naturally percolate into the ground
24 or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater
25 drainage system into a defined surface water body, or a constructed infiltration facility.
26

27 Stormwater Management Manual (SWMM) or Manual means the technical Manual published by
28 Ecology for use by local governments that contain descriptions of and design criteria for BMPs
29 to prevent, control, or treat pollutants in stormwater.
30

31 Stormwater Pollution Prevention Plan (SWPPP) means a documented plan to implement
32 measures to identify, prevent, and control the contamination of point source discharges of
33 stormwater.
34

35 Surface Waters of the State includes lakes, rivers, ponds, streams, inland waters, salt waters, and
36 all other surface waters and water courses within the jurisdiction of the state of Washington.
37

38 Temporary Stabilization means the exposed ground surface has been covered with appropriate
39 materials to provide temporary stabilization of the surface from water or wind erosion. Materials
40 include, but are not limited to, mulch, riprap, erosion control mats or blankets and temporary
41 cover crops. Seeding alone is not considered stabilization. Temporary stabilization is not a
42 substitute for the more permanent "final stabilization."
43

44 Total Maximum Daily Load (TMDL) means a calculation of the maximum amount of a pollutant
45 that a waterbody can receive and still meet state water quality standards. Percentages of the total
46 maximum daily load are allocated to the various pollutant sources. A TMDL is the sum of the

1 allowable loads of a single pollutant from all contributing point and nonpoint sources. The
2 TMDL calculations must include a "margin of safety" to ensure that the waterbody can be
3 protected in case there are unforeseen events or unknown sources of the pollutant. The
4 calculation must also account for reasonable variation in water quality.

5
6 Treatment BMPs means BMPs that are intended to remove pollutants from stormwater. A few
7 examples of treatment BMPs are detention ponds, oil/water separators, biofiltration, and
8 constructed wetlands.

9
10 Transparency means a measurement of water clarity in centimeters (cm), using a 60 cm
11 transparency tube. The transparency tube is used to estimate the relative clarity or transparency
12 of water by noting the depth at which a black and white Secchi disc becomes visible when water
13 is released from a value in the bottom of the tube. A transparency tube is sometimes referred to
14 as a "turbidity tube."

15
16 Turbidity means the clarity of water expressed as nephelometric turbidity units (NTU) and
17 measured with a calibrated turbidimeter.

18
19 Uncontaminated means free from any contaminant, as defined in MTCA cleanup regulations.
20 See definition of "contaminant" and WAC 173-340-200.

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

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

26
27 Waters of the State includes those waters as defined as "waters of the United States" in 40 CFR
28 Subpart 122.2 within the geographic boundaries of Washington State and "waters of the State" as
29 defined in Chapter 90.48 RCW, which include lakes, rivers, ponds, streams, inland waters,
30 underground waters, salt waters, and all other surface waters and water courses within the
31 jurisdiction of the state of Washington.

32
33 Well means a bored, drilled or driven shaft, or dug hole whose depth is greater than the largest
34 surface dimension. (See Injection well.)

35

APPENDIX B – ACRONYMS

1		
2		
3	AKART	All Known, Available, and Reasonable Methods of Prevention, Control, and
4		Treatment
5		
6	BMP	Best Management Practice
7		
8	CESCL	Certified Erosion and Sediment Control Lead
9	CFR	Code of Federal Regulations
10	CKD	Cement Kiln Dust
11	cm	Centimeters
12	CTB	Cement-Treated Base
13	CWA	Clean Water Act
14		
15	DMR	Discharge Monitoring Report
16		
17	EPA	Environmental Protection Agency
18	ESC	Erosion and Sediment Control
19		
20	FR	Federal Register
21	NOI	Notice of Intent
22	NOT	Notice of Termination
23	NPDES	National Pollutant Discharge Elimination System
24	NTU	Nephelometric Turbidity Unit
25		
26	RCW	Revised Code of Washington
27		
28	SEPA	State Environmental Policy Act
29	SWMM	Stormwater Management Manual
30	SWPPP	Stormwater Pollution Prevention Plan
31		
32	TMDL	Total Maximum Daily Load
33		
34	UIC	Underground Injection Control
35	USC	United States Code
36	USEPA	United States Environmental Protection Agency
37		
38	WAC	Washington Administrative Code
39	WQ	Water Quality
40	WWHM	Western Washington Hydrology Model