

DRAFT PHASE II PERMIT FOR EASTERN WASHINGTON

Permit No. _____
Issuance Date: _____
Effective Date: _____
Expiration Date: _____

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

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
OLYMPIA, WASHINGTON 98504-7600

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

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

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Water Quality Program
Department of Ecology

FORMAL PUBLIC COMMENT DRAFT

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1 **SPECIAL CONDITIONS**

2 **S1. PERMIT COVERAGE AND PERMITTEES**

3 A. Geographic Area of Permit Coverage

4 This permit is applicable to owners or operators of regulated small municipal separate
5 storm sewer systems (MS4s) located in eastern Washington State, which is bounded on
6 the western side by the Cascade Mountains crest except in Yakima and Klickitat
7 counties which are, in their entireties, included.

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

18 B. Regulated small municipal separate storm sewer systems (MS4s)

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

22 1. **A regulated small MS4:**

- 23 a. Is a “small MS4” as defined in the DEFINITIONS AND ACRONYMS
24 section at the end of this permit; and
- 25 b. Is located within, or partially located within, an urbanized area as defined by
26 the latest decennial census conducted by the U.S. Bureau of Census; or is
27 designated by the Department pursuant to either 40 CFR 122.35(b) or 40 CFR
28 122.26(f); and
- 29 c. Discharges stormwater from the MS4 to a surface water of Washington State;
30 and
- 31 d. Is not eligible for a waiver or exemption under S1.C below.
- 32 2. All other operators of MS4s, including special purpose districts which meet the
33 criteria for a regulated small MS4, shall obtain coverage under this permit. Other
34 operators of MS4s may include, but are not limited to: flood control, or diking and
35 drainage districts, schools including universities and correctional facilities which
36 own or operate a small MS4 serving non-agricultural land uses.
- 37 3. Any other operators of small MS4s may be required by the Department to obtain
38 coverage under this permit or an alternative NPDES permit if the Department
39 determines the small MS4 is a significant source of pollution to surface waters of

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1 the state. Notification of the Department’s determination that permit coverage is
2 required will be through the issuance of an Administrative Order issued in
3 accordance with RCW 90.48.

4 4. The owner or operator of a regulated small MS4 may obtain coverage under this
5 permit as a Primary Permittee, Co-Permittee, or Secondary Permittee as defined in
6 S1.D.1 below.

7 C. The owner or operator of an otherwise regulated small MS4 is not required to obtain
8 coverage under this permit if:

9 1. The small MS4 is operated by:

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

15 Or,

16 2. The portions of the small MS4 located within the census-defined urban area(s)
17 serve a total population of less than 1,000 people and a, b, and c below all apply:

- 18 a. The small MS4 is not contributing substantially to the pollutant loadings of a
19 physically interconnected MS4 that is regulated by the NPDES stormwater
20 program; and
21 b. The discharge of pollutants from the small MS4 has not been identified as a
22 cause of impairment of any water body to which the MS4 discharges; and
23 c. In areas where an EPA approved TMDL has been completed, stormwater
24 controls on the MS4 have not been identified as being necessary.

25 In determining the total population served by the small MS4, both resident and
26 commuter populations shall be included. For example:

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

33 D. Obtaining coverage under this permit

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

37 1. Unless otherwise noted, the term “Permittee” shall include Primary Permittee, Co-
38 Permittee, and Secondary Permittee as defined below:

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- 1 a. A “Primary Permittee” is a City, Town or County owning or operating a
2 regulated small MS4.
- 3 b. A “Co-Permittee” is any operator of a regulated small MS4 that is applying
4 jointly with another applicant for coverage under this permit. A Co-Permittee
5 owns or operates a regulated small MS4 located within or adjacent to another
6 regulated small MS4.
- 7 c. A “Secondary Permittee” is an operator of a regulated small MS4 that is not a
8 City, Town or County. Secondary Permittees include special purpose districts
9 and other MS4s that meet the criteria for a regulated small MS4 in S1.B
10 above.
- 11 2. Operators of **regulated small MS4s** shall submit an application to the Department
12 by either the *Notice of Intent (NOI) for Coverage under National Pollutant*
13 *Discharge Elimination System (NPDES) Municipal Stormwater General Permit*
14 provided in Appendix 5; or the individual permit application provided at:
15 http://www.ecy.wa.gov/programs/wq/stormwater/phase_2/index.html#permit.
- 16 a. All Cities, Towns and Counties listed below and operating regulated small
17 MS4s shall apply either as a Primary Permittee or Co-Permittee with another
18 City, Town or County.
- 19 i. Cities and Towns: Asotin, Clarkston, East Wenatchee, Ellensburg,
20 Liberty Lake, Kennewick, Millwood, Moses Lake, Pasco, Pullman,
21 Richland, Selah, Spokane, Spokane Valley, Sunnyside, Union Gap,
22 Walla Walla, Wenatchee, West Richland, Yakima
- 23 ii. Counties: Asotin County, Benton County, Chelan County, Douglas
24 County, Franklin County, Spokane County, Walla Walla County,
25 Yakima County
- 26 b. All other **regulated small MS4s** shall apply as a Secondary Permittee or as a
27 Co-Permittee by submitting a NOI or an individual permit application to the
28 Department.
- 29 c. The following Cities, Towns and Counties submitted applications to the
30 Department prior to February 15, 2006, for individual permits:
- 31 i. Cities and Towns: Asotin, Clarkston, East Wenatchee, Ellensburg,
32 Kennewick, Pasco, Richland, Selah, Spokane, Spokane Valley, Union
33 Gap, Wenatchee, Yakima
- 34 ii. Counties: Asotin County, Chelan County, Douglas County, Spokane
35 County, Yakima County
- 36 d. Operators of **regulated small MS4s** listed in S1.D.2.c above do not need to
37 submit a new application to be covered under this permit. For these
38 operators, coverage under this permit is automatic and begins on the effective
39 date of this permit, unless:
- 40 i. The operator chooses to reapply before the effective date of this
41 permit; or

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- 1 ii. The operator will be relying on another entity to satisfy one or more
2 of their permit obligations in accordance with S1.D.2.g and S1.D.3.d
3 below; or
- 4 iii. The operator chooses be a Co-Permittee in accordance with S1.D.2.f
5 and S1.D.3.c below; or
- 6 iv. The operator chooses to opt out of this General Permit. Any operator
7 of a **regulated small MS4** that is opting out of this permit must
8 submit an application for an individual MS4 permit in accordance
9 with 40 CFR 122.33(b)(2)(ii) no later than the issuance date of this
10 permit.
- 11 e. Operators of **regulated small MS4s** listed in S1.D.2.a but not in S1.D.2.c
12 must submit to the Department a NOI or individual permit application before
13 the effective date of this permit, with the following exceptions: the Cities of
14 Moses Lake, Pullman, Sunnyside, and Walla Walla must submit a NOI or
15 application to the Department no later than 30 days after the effective date of
16 this permit.
- 17 f. Operators of regulated small MS4s which want to be covered under this
18 permit as Co-Permittees shall submit to the Department a joint NOI before the
19 effective date of this permit.
- 20 g. Operators of regulated small MS4s which are relying on another entity to
21 satisfy one or more of their permit obligations shall submit a NOI to the
22 Department before the effective date of this permit.
- 23 h. Operators of small MS4s designated by the Department pursuant to S1.B.3 of
24 this permit shall submit a NOI to the Department within 120 days of receiving
25 notification from the Department that permit coverage is required.
- 26 3. Application requirements
- 27 a. NOIs and individual permit applications and shall be submitted to:
- 28 Department of Ecology
29 Water Quality Program
30 Municipal Stormwater Permits
31 P.O. Box 47696
32 Olympia, WA 98504-7696
- 33 b. For NOIs and applications submitted after February 15, 2006 the applicant or
34 co-applicant shall provide public notice of the application in accordance with
35 WAC 173-226-130(5). The applicant or co-applicant shall include a
36 certification that the public notification requirements of WAC 173-226-130(5)
37 have been satisfied. Unless the Department responds in writing, coverage
38 under this permit will be effective 60 days after receipt of a complete NOI. A
39 complete NOI shall include certification.
- 40 c. Permittees which are applying as co-applicants shall submit a joint NOI. The
41 joint NOI shall clearly identify the areas of the MS4 for which each of the co-
42 applicants are responsible.

- 1 d. Permittees which are relying on another entity or entities to satisfy one or
2 more of their permit obligations shall include with the NOI a summary of the
3 permit obligations that will be carried out by another entity. The summary
4 shall identify the other entity or entities and shall be signed by the other entity
5 or entities. During the term of the permit, Permittees may terminate or amend
6 shared responsibility arrangements by notifying the Department, provided this
7 does not alter implementation deadlines.

8 **S2. AUTHORIZED DISCHARGES**

- 9 A. This permit authorizes the discharge of stormwater to surface waters and to ground
10 waters of the state from municipal separate storm sewers owned or operated by each
11 Permittee covered under this permit, in the geographic area covered pursuant to S1.A,
12 subject to the following limitations:
- 13 1. All discharges into and from municipal separate storm sewers owned or operated by
14 the Permittees must be in compliance with this permit.
 - 15 2. Discharges from municipal separate storm sewers constructed after the effective
16 date of this permit must receive all applicable state and local permits and use
17 authorizations, including compliance with Chapter 43.21C RCW (the State
18 Environmental Policy Act).
 - 19 3. Discharges to ground waters of the state through facilities regulated under the
20 Underground Injection Control (UIC) program, Chapter 173-218 WAC, are not
21 covered under this permit.
 - 22 4. Discharges to ground waters not subject to regulation under the federal Clean Water
23 Act are covered in this permit only under state authorities, Chapter 90.48 RCW,
24 the Water Pollution Control Act
- 25 B. This permit authorizes discharges of stormwater associated with industrial and
26 construction activity and process wastewater discharges from municipal separate storm
27 sewers owned or operated by the Permittee to waters of the state only under the
28 following conditions:
- 29 1. Stormwater associated with construction or industrial activity, as defined by 40
30 CFR 122.26, must be authorized by a separate individual or general National
31 Pollutant Discharge Elimination (NPDES) permit; or
 - 32 2. Process wastewater must be authorized by another NPDES permit.
- 33 C. This permit authorizes discharges from emergency fire fighting activities, unless the
34 discharges from fire fighting activities are identified as significant sources of pollutants
35 to waters of the State.
- 36 D. This permit does not authorize any other illicit or non-stormwater discharges except as
37 provided in Special Condition S5.B.3.b or S6.C.3.b, nor does it relieve entities
38 responsible for illicit discharges, including spills of oil or hazardous substances, from
39 responsibilities and liabilities under state and federal laws and regulations pertaining to
40 those discharges.

1 **S3. RESPONSIBILITIES OF PERMITTEES**

- 2 A. Each Permittee is responsible for compliance with the terms of this permit for the
3 **regulated small MS4s** which they operate. Compliance with (1) or (2) below is
4 required as applicable to each Permittee, whether the Permittee has applied for
5 coverage as a Primary Permittee, a Co-Permittee or a Secondary Permittee as described
6 in S1.D.1.
- 7 1. All Cities, Towns and Counties are required to comply with all conditions of this
8 permit, including any appendices referenced therein, except for section S6
9 *Stormwater Management Program for Secondary Permittees*.
- 10 2. All Secondary Permittees are required to comply with all conditions of this permit,
11 including any appendices referenced therein, except for sections S5 *Stormwater*
12 *Management Program for Cities, Towns and Counties* and S8.C.1 and 2.
- 13 B. Permittees may rely on another entity to satisfy one or more of the requirements of this
14 permit. Permittees that are relying on another entity to satisfy one or more of their
15 permit obligations remain responsible for permit compliance if the other entity fails to
16 implement the permit conditions. Permittees may rely on another entity provided all of
17 the requirements of 40 CFR 122.35(a) are satisfied, including but not limited to:
- 18 1. The other entity agrees to take on responsibility for implementation of the permit
19 requirement(s), and
- 20 2. The other entity, in fact, implements the permit requirements.

21 **S4. COMPLIANCE WITH STANDARDS**

- 22 A. In accordance with RCW 90.48.520, the discharge of toxicants to waters of the State of
23 Washington which would violate any water quality standard, including toxicant
24 standards, sediment criteria, and dilution zone criteria are prohibited.
- 25 B. This permit does not authorize a violation of Washington State surface water quality
26 standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200
27 WAC), sediment management standards (Chapter 173-204 WAC), or human health-
28 based criteria in the national Toxics Rule (Federal Register, Vol. 57, NO. 246, Dec. 22,
29 1992, pages 60848-60923).
- 30 C. The Permittee shall reduce the discharge of pollutants to the maximum extent
31 practicable (MEP).
- 32 D. The Permittee shall use all known, available, and reasonable methods of prevention,
33 control and treatment (AKART) to prevent and control pollution of waters of the State
34 of Washington.
- 35 E. In order to meet the goals of the Clean Water Act, demonstrate compliance with S4.C
36 and S4.D, and make progress towards compliance with applicable surface water,
37 ground water and sediment management standards, each Permittee shall comply with
38 the requirements of this permit.
- 39 F. The Department may modify or revoke and reissue this General Permit in accordance
40 with G14 *General Permit Modification and Revocation* if the Department becomes

1 aware of additional control measures, management practices or other actions beyond
2 what is required in this permit, that are necessary to:

- 3 1. Reduce the discharge of pollutants to the MEP;
- 4 2. Comply with the state AKART requirements; or
- 5 3. Control the discharge of toxicants to waters of the State of Washington.

6 **S5. STORMWATER MANAGEMENT PROGRAM FOR CITIES, TOWNS AND**
7 **COUNTIES**

8 This section shall apply to all Cities, Towns and Counties covered under this permit.
9 Where the term “Permittee” is used in this section, the requirements shall apply to any City,
10 Town or County, whether permit coverage is obtained as a Permittee or as a Co-Permittee.

11 A. All Permittees shall develop and implement a Stormwater Management Program
12 (SWMP) during the term of this permit. The SWMP shall be implemented, at a
13 minimum, throughout the geographic area described for the Permittee in S1.A.

- 14 1. A SWMP is a set of actions and activities comprising the components listed in S5.B
15 and any additional actions necessary to meet the requirements of applicable Total
16 Maximum Daily Loads (TMDLs) pursuant to *S7 Compliance with TMDL*
17 *Requirements* and Appendix 2. The SWMP shall be designed to reduce the
18 discharge of pollutants from the **regulated small MS4** to the Maximum Extent
19 Practicable (MEP), to satisfy the state requirement under Chapter 90.48 RCW to
20 apply All Known, Available, and Reasonable methods of prevention, control and
21 Treatment (AKART) prior to discharge, and to protect water quality.
- 22 2. The SWMP must be developed and implemented in accordance with the schedules
23 contained in this section and shall be fully developed and implemented no later than
24 180 days prior to the expiration date of this permit. The SWMP described in this
25 section supersedes the SWMP descriptions provided by Permittees in individual
26 permit applications submitted by Permittees to the Department prior to February 15,
27 2006. Notwithstanding the schedules for implementation of SWMP components
28 contained in this permit, Permittees that are already implementing some or all of the
29 SWMP components in this section shall continue implementation of those
30 components of their SWMP.
- 31 3. Each Permittee shall prepare written documentation of the SWMP. The SWMP
32 documentation shall be organized according to the program components in S5.B
33 below and shall be updated at least annually for submittal with the Permittee’s
34 annual reports to the Department (see *S9 Reporting and Record Keeping*). The
35 SWMP documentation shall include:
 - 36 a. A description of each of the program components included in S5.B.1 through
37 S5.B.6, and
 - 38 b. Any additional actions implemented by the Permittee pursuant to S5.B, and
 - 39 c. Any additional actions necessary to meet the requirements of applicable
40 TMDLs pursuant to *S7 Total Maximum Daily Load Requirements*.

1 4. Gathering, maintaining, and using information:

2 a. From the effective date of this permit, each Permittee shall have an ongoing
3 process for gathering, maintaining, and using information to conduct planning,
4 set priorities, track the development and implementation of the SWMP,
5 evaluate permit compliance/ non-compliance, and evaluate the effectiveness
6 of SWMP implementation.

7 i. Each Permittee shall track the number of inspections performed,
8 official enforcement actions taken, and types of public education
9 activities implemented as required for each SWMP component. This
10 information shall be included in the annual report.

11 ii. Beginning no later than January 1, 2009, each Permittee shall track
12 the cost of development and implementation of the SWMP. This
13 information shall be provided to the Department upon request.

14 b. Beginning with the third annual report, the Permittee's annual reports shall
15 include a discussion of the Permittee's evaluation of the effectiveness of the
16 SWMP components implemented during the reporting period and earlier.

17 B. The SWMP shall include the components listed below. Within the limits of state and
18 federal law, all components are mandatory for each City, Town and County covered
19 under this permit, whether covered as an individual Permittee or as a Co-Permittee. In
20 accordance with S3 *Responsibilities of Permittees* and 40 CFR 122.35(a), a Permittee
21 may rely on another entity to implement one or more of the components in this section.

22 1. Public Education and Outreach

23 Permittees must develop and implement a public education and outreach program to
24 distribute educational materials to the community or conduct equivalent outreach
25 activities about the impacts of stormwater discharges to water bodies and the steps
26 the public can take to reduce pollutants in stormwater. Outreach and educational
27 efforts should include a multimedia approach and must be targeted and presented to
28 specific audiences for increased effectiveness.

29 The minimum performance measures are:

30 a. All Permittees shall develop and begin implementation of a public education
31 and outreach program which, at a minimum, includes the following, based on
32 the land uses and target audiences found within the community:

33 i. Information for the general public about: the importance of improving
34 water quality and protecting beneficial uses of waters of the state;
35 potential impacts from stormwater discharges; methods for avoiding,
36 minimizing, reducing and/or eliminating the adverse impacts of
37 stormwater discharges; and actions individuals can take to improve
38 water quality, including encouraging participation in local
39 environmental stewardship activities.

40 ii. Information for businesses and the general public about: preventing
41 illicit discharges, including what constitutes illicit discharges and the
42 impacts of illicit discharges and promoting the proper management

1 and disposal of toxic materials, and including all education and
2 outreach activities pursuant to S5.B.3.d. Permittees must also include
3 educational activities to reduce the types of discharges listed in
4 S5.B.3.b.iv.

5 iii. Information for engineers, construction contractors, developers,
6 development review staff, and land use planners about: technical
7 standards, the development of stormwater site plans and erosion
8 control plans, and stormwater Best Management Practises (BMPs) for
9 reducing adverse impacts from stormwater runoff from development
10 sites, including all education and outreach activities pursuant to
11 S5.B.4.d and S5.B.5.d.

12 No later than three years from the effective date of this permit, all Permittees
13 shall identify and characterize target audiences within their jurisdiction to
14 meet the education and outreach goals listed above. This provision does not
15 supersede requirements in other sections of this permit to implement specific
16 public education activities in advance of this date.

17 b. No later than 180 days prior to the expiration date of this permit, all
18 Permittees shall have developed and fully implemented a public education and
19 outreach strategy. The strategy must be designed to reach all of the target
20 audiences identified within the geographic area of the Permittee's jurisdiction
21 covered under this permit to meet the education and outreach goals listed in
22 (a) above.

23 2. Public Involvement and Participation

24 At a minimum, Permittees must comply with applicable state, tribal and local public
25 notice requirements when implementing a public involvement and participation
26 program. The SWMP shall include ongoing opportunities for public involvement
27 and participation such as advisory panels, public hearings, watershed committees,
28 participation in developing rate-structures, stewardship programs, environmental
29 activities, other volunteer opportunities, or other similar activities.

30 The minimum performance measures are:

31 a. No later than one year from the effective date of this permit, all Permittees
32 shall adopt a program or policy directive to create opportunities for the public
33 to participate in the decision making processes involving the development,
34 implementation and update of the SWMP, including development and
35 adoption of all required ordinances and regulatory mechanisms. All
36 Permittees must develop and implement a process for consideration of public
37 comments on their SWMP, including required ordinances and regulatory
38 mechanisms.

39 b. No later than May 31 each year beginning in 2008, all Permittees shall make
40 the latest updated version of the SWMP available to the public. If the
41 Permittee maintains a website, the SWMP that was submitted with the latest
42 annual report, or a more current version, shall be posted on the website. Co-

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1 Permittees and other groups of Permittees that are developing the SWMP in a
2 cooperative effort may post the updated SWMP on a single entity's website.

3 3. Illicit Discharge Detection and Elimination

4 Each Permittee must develop, implement and enforce, to the extent allowable under
5 federal and state law, a program to detect and eliminate illicit discharges (as defined
6 at 40 CFR 122.26(b)(2)) into the MS4.

7 The minimum performance measures are:

8 a. Each Permittee shall develop a map of the MS4, showing the location of all
9 known and new connections to the MS4 authorized or approved by the
10 Permittee; all known outfalls; and the names and locations of all waters of the
11 state that receive discharges from those outfalls.

12 i. The map must be: at least approximately one-third complete no later
13 than three years from the effective date of this permit; at least
14 approximately two-thirds complete no later than four years from the
15 effective date of this permit; and complete before the expiration date
16 of this permit.

17 ii. Field surveys shall be conducted no later than 180 days prior to the
18 expiration date of this permit to verify outfall locations and identify
19 previously unknown outfalls on priority water bodies.

20 iii. Permittees shall, upon request and to the extent appropriate, provide
21 maps and mapping information to the Department and/or other
22 entities covered under this permit.

23 iv. The preferred, but not required, format of submission is an electronic
24 format with fully described mapping standards. An example
25 description is provided at
26 <http://www.ecy.wa.gov/services/gis/data/standards.htm>.

27 v. The Permittee shall maintain documentation of the information
28 included in the map, and the map shall be updated periodically.

29 b. Each Permittee shall effectively prohibit, through ordinance or other
30 regulatory mechanism, non-stormwater discharges into the MS4.

31 i. An ordinance or other regulatory mechanism that prohibits illicit
32 discharges and authorizes enforcement actions, including on private
33 property, must be adopted no later than two years from the effective
34 date of this permit.

35 ii. Non-stormwater discharges covered by another NPDES permit and
36 discharges from emergency fire fighting activities are allowed in the
37 MS4 in accordance with *S2 Authorized Discharges*.

38 iii. The ordinance or other regulatory mechanism does not need to
39 prohibit the following categories of non-stormwater discharges:

- 40 • Diverted stream flows;

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

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- 1 v. The SWMP shall, at a minimum, address each category in (iv) above
2 accordance with the conditions stated therein.
- 3 vi. The SWMP must further address any category of discharges in (iii)
4 or (iv) above if the discharge is identified as a significant source of
5 pollutants to waters of the state.
- 6 vii. The ordinance or other regulatory mechanism must include
7 appropriate, escalating enforcement procedures and actions.
- 8 viii. The Permittee must develop an enforcement strategy and implement
9 the enforcement provisions of the ordinance or other regulatory
10 mechanism.
- 11 c. All Permittees must develop and implement an ongoing program to detect and
12 address non-stormwater discharges to the MS4, including spills, illicit
13 connections and illegal dumping. The plan must be fully implemented no
14 later than 180 days prior to the expiration date of this permit and shall include:
- 15 i. Procedures for locating priority areas likely to have illicit discharges,
16 including at a minimum: evaluating land uses and associated
17 business/industrial activities present; areas where complaints have
18 been registered in the past; and areas with storage of large quantities
19 of materials that could result in spills.
- 20 ii. Field assessment activities, including visual inspection of priority
21 outfalls identified in (i), above, during dry weather and for the
22 purposes of verifying outfall locations, identifying previously
23 unknown outfalls, and detecting illicit discharges.
- 24 • Compliance with this provision shall be achieved by: prioritizing
25 receiving waters for visual inspection no later than three years
26 from the effective date of this permit; field assessing three high
27 priority water bodies no later than four years from the effective
28 date of this permit, and field assessing at least one high priority
29 water body each year thereafter.
- 30 iii. Procedures for characterizing the nature of, and potential public or
31 environmental threat posed by, any illicit discharges found by or
32 reported to the Permittee. Procedures shall include detailed
33 instructions for evaluating whether the discharge must be
34 immediately contained and steps to be taken for containment of the
35 discharge.
- 36 • Compliance with this provision shall be achieved by: investigating
37 (or referring to the appropriate agency) within 7 days, on average,
38 any complaints, reports or monitoring information that indicates a
39 potential illicit discharge, spill, or illegal dumping; and
40 immediately investigating (or referring) problems and violations
41 determined to be emergencies or otherwise judged by the

1 illicit connection to the MS4 and proper procedures for reporting the illicit
2 discharge.

3 4. Construction Site Stormwater Runoff Control

4 To the extent allowable under federal and state law, all Permittees shall develop,
5 implement and enforce a program to reduce pollutants in any stormwater runoff to
6 the MS4 from construction activities that disturb one acre or more, and from
7 construction projects of less than one acre that are part of a common plan of
8 development or sale.

9 Public and private projects, including projects proposed by the Permittee's own
10 departments and agencies, must comply with these requirements. The Permittee
11 shall determine a process for ensuring proper project review, inspection, and
12 compliance by its own departments and agencies.

13 The minimum performance measures are:

14 a. No later than three years from the effective date of this permit, all Permittees
15 shall develop and adopt an ordinance or other regulatory mechanism to
16 require erosion and sediment controls, as well as sanctions to ensure
17 compliance.

18 i. The ordinance or other regulatory mechanism must apply, at a
19 minimum, to construction sites disturbing greater than or equal to one
20 acre and to construction projects of less than one acre that are part of
21 a common plan of development or sale.

22 ii. The ordinance or other regulatory mechanism shall require
23 construction operators to adhere, at a minimum, to the requirements
24 of Appendix 1, Core Element #2, including preparation of
25 *Construction Stormwater Pollution Prevention Plans* (Construction
26 SWPPPs) and application of BMPs as necessary to protect water
27 quality, reduce the discharge of pollutants to the MEP, and satisfy
28 state AKART requirements.

29 • All Permittees shall adopt requirements for construction site
30 operators to implement appropriate erosion and sediment control
31 BMPs.

32 • All Permittees shall adopt requirements for construction site
33 operators to control waste such as discarded building materials,
34 concrete truck washout, chemicals, litter, and sanitary waste at
35 the construction site that may cause adverse impacts to water
36 quality.

37 • Permittees shall document how the requirements of the ordinance
38 or other regulatory mechanism protect water quality, reduce the
39 discharge of pollutants to the MEP, and satisfy state AKART
40 requirements. Documentation shall include:

41 o How stormwater BMPs were selected;

- 1 o The pollutant removal expected from the selected BMPs;
- 2 o The technical basis which supports the performance
- 3 claims for the selected BMPs; and
- 4 o How the selected BMPs will comply with applicable state
- 5 water quality standards and satisfy the state requirement to
- 6 apply AKART prior to discharge.

7 Permittees who choose to use the BMP selection, design,
8 installation, operation and maintenance standards in the
9 *Stormwater Management Manual for Eastern Washington*
10 (2004), or another technical stormwater manual approved by the
11 Department, may cite this reference as the sole documentation
12 that the ordinance or regulatory mechanism is protecting water
13 quality, reducing the discharge of pollutants to the MEP, and
14 satisfying state AKART requirements.

- 15 iii. The ordinance or other regulatory mechanism must include
- 16 appropriate, escalating enforcement procedures and actions.
- 17 iv. The Permittee must develop an enforcement strategy and implement
- 18 the enforcement provisions of the ordinance or other regulatory
- 19 mechanism.
- 20 v. If the Permittee chooses to allow construction sites to apply the
- 21 “Erosivity Waiver” in Appendix 1, Core Element #2, the ordinance or
- 22 regulatory mechanism shall include appropriate, escalating
- 23 enforcement sanctions for construction sites that provide notice to the
- 24 Permittee of their intention to apply the waiver but do not meet the
- 25 requirements (including timeframe restrictions, limits on activities
- 26 that result in non-stormwater discharges, and implementation of
- 27 appropriate BMPs to prevent violations of water quality standards) to
- 28 qualify for the waiver.
- 29 iv. The ordinance shall include a provision for access by **qualified**
- 30 **personnel** to inspect construction-phase stormwater BMPs on private
- 31 properties that discharge to the MS4.

- 32 b. No later than four years from the effective date of this permit, all Permittees
- 33 shall adopt and implement procedures for site plan review which incorporate
- 34 consideration of potential water quality impacts.
- 35 i. Prior to construction, Permittees shall review Construction SWPPPs
- 36 for, at a minimum, all construction sites that disturb one acre or more,
- 37 or are less than one acre and are part of a common plan of
- 38 development or sale, to ensure that the plans are complete pursuant to
- 39 the requirements of Appendix 1, Core Element #2. The Construction
- 40 SWPPP review shall be performed by **qualified personnel** and shall
- 41 be performed in coordination with S5.B.5.b.i review of *Stormwater*
- 42 *Site Plans*.

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- To comply with this provision, Permittees shall keep records of all projects disturbing more than one acre, and all projects of any size that are part of a common plan of development or sale that is greater than one acre, that are approved after the effective date of this permit. Permittees shall keep records of these projects for five years or until construction is completed, whichever is longer.
 - If the Permittee chooses to allow construction sites to apply the “Erosivity Waiver” in Appendix 1, Core Element #2, the Permittee is not required to review Construction SWPPPs for individual sites applying the waiver.
- ii. Permittees shall provide adequate training for all staff involved in permitting, planning, and review to carry out these provisions.
- c. No later than four years from the effective date of this permit, all Permittees shall adopt and implement procedures for site inspection and enforcement of construction stormwater pollution control measures.
- i. Each Permittee shall adopt a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records.
 - ii. Permittees shall provide adequate training for all staff involved in plan review, field inspection and enforcement to carry out the provisions of this SWMP component.
 - iii. All new construction sites that disturb one acre or more, or are part of a common plan of development or sale shall be inspected at least once by **qualified personnel**.
 - To comply with this provision, Permittees shall keep records of all projects disturbing more than one acre, and all projects of any size that are part of a common plan of development or sale that is greater than one acre, that are approved after the effective date of this permit.
 - Compliance with this inspection requirement shall be determined by the Permittee having and maintaining records of an inspection program that is designed to inspect all sites, and by the Permittee achieving an inspection rate of at least 95% of the sites.
- d. From the effective date of this permit, all Permittees shall provide information to construction site operators about training available on how to install and maintain effective erosion and sediment controls and how to comply with the requirements of Appendix 1 and apply the BMPs described in Chapter 7 of the *Stormwater Management Manual for Eastern Washington (2004)*, or another technical stormwater manual approved by the Department.

1 e. All Permittees shall adopt and implement procedures for receipt and
2 consideration of information submitted by the public. This shall include, but
3 not be limited to, publicly listing and publicizing a hotline or other telephone
4 number for public reporting of spills and other illicit discharges pursuant to
5 S5.B.3.d.ii above.

6 f. If the Permittee chooses to allow construction sites to apply the “Erosivity
7 Waiver” in Appendix 1, Core Element #2, the Permittee shall keep a record of
8 all construction sites that provide notice to the Permittee of their intention to
9 apply the waiver. The Permittee shall investigate complaints about these sites
10 in the same manner as it shall investigate complaints about sites that have
11 submitted Construction SWPPPs for review pursuant to S5.B.5.b.i above.

12 5. Post-Construction Stormwater Management for New Development and
13 Redevelopment

14 To the extent allowable under federal and state law, all Permittees must develop,
15 implement and enforce a program to address post-construction stormwater runoff to
16 the MS4 from new development and redevelopment projects that disturb one acre or
17 more, and from projects of less than one acre that are part of a common plan of
18 development or sale. The program must ensure that controls to prevent or minimize
19 water quality impacts are in place. For new development and redevelopment
20 projects that are vested before the effective date of this permit, Permittees must
21 require post-construction stormwater controls to the extent allowable under local
22 and state law.

23 Public and private projects, including projects proposed by the Permittee’s own
24 departments and agencies, must comply with these requirements. The Permittee
25 shall determine a process for ensuring proper project review, inspection, and
26 compliance by its own departments and agencies.

27 The minimum performance measures are:

28 a. No later than three years from the effective date of this permit, all Permittees
29 shall develop and adopt an ordinance or other regulatory mechanism that
30 requires post-construction stormwater controls at new development and
31 redevelopment projects. The ordinance or other regulatory mechanism shall
32 include sanctions to ensure compliance, to the extent allowable under state
33 law.

34 i. The ordinance or other regulatory mechanism must apply, at a
35 minimum, to new development and redevelopment sites that
36 discharge to the MS4 and that disturb one acre or more or are less
37 than one acre and are part of a common plan of development or sale.

- 38 • To comply with this provision, the ordinance or regulatory
39 mechanism must apply, at a minimum, to all new development
40 and re-development projects that meet these thresholds and that
41 are vested after the effective date of the ordinance or regulatory
42 mechanism, or three years from the effective date of this permit,
43 whichever is sooner.

- 1 • To comply with this provision, new development and
2 redevelopment projects that are vested after the effective date of
3 this permit but before the adoption of the ordinance or regulatory
4 mechanism, Permittees must require post-construction
5 stormwater controls to the extent allowable under local and state
6 law.
- 7 • To comply with this provision, Permittees shall keep records of
8 all projects disturbing more than one acre, and all projects of any
9 size that are part of a common plan of development or sale that is
10 greater than one acre, that are approved after the effective date of
11 this permit.
- 12 ii. The ordinance or other regulatory mechanism shall require project
13 proponents to adhere to the minimum technical requirements in
14 Appendix 1 and shall include BMP selection, design, installation,
15 operation, and maintenance standards necessary to protect water
16 quality, reduce the discharge of pollutants to the MEP, and satisfy
17 state AKART requirements.
 - 18 • All Permittees shall adopt a policy of encouraging project
19 proponents to maintain natural drainages to the maximum extent
20 possible, including reducing the total amount of impervious
21 surfaces created by the project.
 - 22 • All Permittees shall adopt requirements for project proponents to
23 implement appropriate runoff treatment, flow control, and source
24 control BMPs considering the proposed land use at the site to
25 minimize adverse impacts to water quality.
 - 26 ○ Each Permittee shall define a specific hydrologic method or
27 methods for calculating runoff volumes and flow rates to
28 ensure consistent sizing of structural BMPs in their
29 jurisdiction and to facilitate plan review. Permittees may
30 allow proponents of unique or complex projects to use other
31 methodologies.
 - 32 ○ To meet the requirements of Appendix 1, Core Element #5,
33 Permittees may choose to apply the criteria in Chapter 2.2.6
34 of the *Stormwater Management Manual for Eastern*
35 *Washington* (2004), or portions thereof, and the methods
36 described in Chapters 4 and 6 of the *Stormwater*
37 *Management Manual for Eastern Washington* (2004).
 - 38 • All Permittees shall adopt requirements for project proponents to
39 ensure adequate ongoing long-term operation and maintenance
40 of the BMPs approved by the Permittee.
 - 41 • Permittees shall document how the requirements of the ordinance
42 or other regulatory mechanism protect water quality, reduce the

1 discharge of pollutants to the MEP, and satisfy state AKART
2 requirements. Documentation shall include:

- 3 o How stormwater BMPs were selected;
- 4 o The pollutant removal expected from the selected BMPs;
- 5 o The technical basis which supports the performance
6 claims for the selected BMPs; and
- 7 o How the selected BMPs will comply with applicable state
8 water quality standards and satisfy the state requirement to
9 apply AKART prior to discharge.

10 Permittees who choose to use the BMP selection, design,
11 installation, operation and maintenance standards in the
12 *Stormwater Management Manual for Eastern Washington*
13 (2004), or another technical stormwater manual approved by the
14 Department, may cite this reference as the sole documentation
15 that the ordinance or regulatory mechanism is protecting water
16 quality, reducing the discharge of pollutants to the MEP, and
17 satisfying state AKART requirements.

- 18 iii. The ordinance or other regulatory mechanism shall include provisions
19 for both construction-phase and post-construction access for
20 Permittees to inspect stormwater BMPs on private properties that
21 discharge to the MS4. Access must be granted to the Permittee's staff
22 or **qualified personnel** to inspect BMPs during construction. If
23 deemed necessary for post-construction access, the ordinance or other
24 regulatory mechanism may, in lieu of requiring that continued access
25 be granted to the Permittee's staff or **qualified personnel**, instead
26 require private property owners to provide annual certification by a
27 qualified third party that adequate maintenance has been performed
28 and the facilities are operating as designed to protect water quality.
- 29 iv. The ordinance or other regulatory mechanism must include
30 appropriate, escalating enforcement procedures and actions.
- 31 v. The Permittee must develop an enforcement strategy and implement
32 the enforcement provisions of the ordinance or other regulatory
33 mechanism.

34 b. No later than four years from the effective date of this permit, all Permittees
35 shall adopt and implement procedures for site plan review which incorporate
36 consideration of potential water quality impacts.

- 37 i. Prior to construction, Permittees shall review *Stormwater Site Plans*
38 for, at a minimum, all new development and redevelopment sites that
39 meet the thresholds in S5.B.5.a.i to ensure that the plans include
40 stormwater pollution prevention measures that meet the requirements
41 in S5.B.5.a.ii.

1 requirements of Appendix 1 and apply the BMPs described in the *Stormwater*
2 *Management Manual for Eastern Washington* (2004), or another technical
3 stormwater manual approved by the Department.

4 6. Pollution Prevention and Good Housekeeping for Municipal Operations

5 All Permittees must develop and implement an operation and maintenance program
6 that includes a training component and has the ultimate goal of preventing or
7 reducing pollutant runoff from municipal operations.

8 The minimum performance measures are:

9 a. No later than three years from the effective date of this permit, all Permittees
10 shall develop and implement a schedule of municipal Operation and
11 Maintenance activities (an O&M Plan). The schedule shall include BMPs
12 that, when applied to the municipal activity or facility, will protect water
13 quality, reduce the discharge of pollutants to the MEP, and satisfy state
14 AKART requirements. Chapter 8 of the *Stormwater Management Manual for*
15 *Eastern Washington* provides a selection of appropriate BMPs that meet these
16 requirements for various types of facilities. Operation and maintenance
17 standards in the O&M Plan shall be at least as protective as those included in
18 Chapters 5, 6, and 8 of the *Stormwater Management Manual for Eastern*
19 *Washington* (2004), or another technical stormwater manual approved by the
20 Department. Record keeping shall be done pursuant to the requirements in S9
21 *Reporting and Record Keeping Requirements*.

22 i. The O&M Plan shall include appropriate pollution prevention and
23 good housekeeping procedures for all of the following types of
24 facilities and/or activities listed below:

- 25 • Stormwater collection and conveyance system, including catch
26 basins, stormwater sewer pipes, open channels, culverts,
27 structural stormwater controls, and structural runoff treatment
28 and/or flow control facilities. The O&M Plan must address, but
29 is not limited to: regular inspections, cleaning, proper disposal of
30 waste removed from the system, and record keeping. No later
31 than 180 days prior to the expiration date of this permit,
32 Permittees shall implement catch basin cleaning, stormwater
33 system maintenance, scheduled structural BMP inspections and
34 maintenance, and pollution prevention/good housekeeping
35 practices.
- 36 • Roads, highways, and parking lots. The O&M Plan must
37 address, but is not limited to: deicing, anti-icing, and snow
38 removal practices; snow disposal areas; material (e.g. salt, sand,
39 or other chemical) storage areas; and all-season BMPs to reduce
40 road and parking lot debris and other pollutants from entering the
41 MS4. No later than 180 days prior to the expiration date of this
42 permit, Permittees shall implement all pollution prevention/good
43 housekeeping practices established in the O&M Plan for all

- 1 roads, highways, and parking lots with more than 5,000 square
2 feet of **PGIS** that are owned, operated, or maintained by the
3 Permittee.
- 4 • Vehicle fleets. The O&M Plan must address, but is not limited
5 to: storage, washing, and maintenance of municipal vehicle
6 fleets. No later than 180 days prior to the expiration date of this
7 permit, Permittees shall conduct all vehicle and equipment
8 washing and maintenance in a self-contained covered building or
9 in designated wash and/or maintenance areas operated to
10 separate wash water from stormwater.
 - 11 • Municipal buildings. The O&M Plan must address, but is not
12 limited to: cleaning, washing, painting and other maintenance
13 activities. No later than 180 days prior to the expiration date of
14 this permit, Permittees shall implement all pollution
15 prevention/good housekeeping practices established in the O&M
16 Plan for buildings owned, operated, or maintained by the
17 Permittee.
 - 18 • Parks and open space. The O&M Plan must address, but is not
19 limited to: proper application of fertilizer, pesticides, and
20 herbicides; sediment and erosion control; BMPs for landscape
21 maintenance and vegetation disposal; trash management; and
22 BMPs for building exterior cleaning and maintenance. No later
23 than 180 days prior to the expiration date of this permit,
24 Permittees shall implement park and open space maintenance
25 pollution prevention/good housekeeping practices at all park
26 areas and other open spaces owned or operated by the Permittee.
 - 27 • Construction Projects. Public construction projects must comply
28 with the requirements applied to private projects. All
29 construction projects owned or operated by the Permittee that are
30 required to have an NPDES permit must be covered under either
31 the *General NPDES Permit for Stormwater Discharges*
32 *Associated with Construction Activities* or another NPDES
33 permit that covers stormwater discharges associated with the
34 activity. All public projects approved after the effective date of
35 this permit must include construction and post-construction
36 controls selected and implemented pursuant to the requirements
37 in Appendix 1.
 - 38 • Industrial Activities. All facilities owned or operated by the
39 Permittee that are required to have NPDES permit coverage must
40 be covered under the *General NPDES Permit for Stormwater*
41 *Discharges Associated with Industrial Activities* or another
42 NPDES permit that covers stormwater discharges associated
43 with the activity.

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- Material storage areas, heavy equipment storage areas and maintenance areas. No later than 180 days prior to the expiration date of this permit, Permittees shall develop and implement a *Stormwater Pollution Prevention Plan* to protect water quality at each of these facilities owned or operated by the Permittee and not covered under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities* or another NPDES permit that covers stormwater discharges associated with the activity. Generic *Stormwater Pollution Prevention Plans* that can be applied at multiple sites may be used to comply with this requirement.
 - Flood management projects. No later than 180 days prior to the expiration date of this permit, Permittees shall implement provisions to assess water quality impacts in the design of all new flood management projects that are associated with the MS4 or that discharge to the MS4, including considering use of controls that minimize impacts to site hydrology and still meet project objectives. Existing flood management projects that are associated with the MS4 or that discharge to the MS4 shall be prioritized and at least five shall be reviewed and evaluated to determine whether changes or additions should be made to improve water quality.
 - Other facilities that would reasonably be expected to discharge contaminated runoff. Permittees must identify these facilities, include BMPs to protect water quality from discharges from these sites in the O&M Plan, and implement the BMPs no later than 180 days prior to the expiration date of this permit.
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- ii. The O&M plan shall include a schedule of inspections and requirements for record keeping pursuant to *S9 Reporting and Record Keeping Requirements*.
 - A minimum of 95% of all known stormwater treatment and flow control facilities owned, operated or maintained by the Permittee shall be inspected at least twice: once no later than three years from the effective date of this permit and again before the expiration date of this permit.
 - Spot checks for potentially damaged stormwater treatment and flow control facilities shall be conducted after major storm events (greater than 10-year recurrence interval rainfall or snowmelt).
 - Any needed repair or maintenance shall be performed as soon as practicable pursuant to the findings of a regular inspection or spot check.

- 1 iii. The O&M plan shall identify the department (and where appropriate,
2 the specific staff) responsible for performing each activity.
- 3 b. Permittees shall provide training for all employees whose construction,
4 operations, or maintenance job functions may impact stormwater quality.
5 Training shall address the importance of protecting water quality, the
6 requirements of this permit, operation and maintenance requirements,
7 inspection procedures, ways to perform their job activities to prevent or
8 minimize impacts to water quality, and procedures for reporting water quality
9 concerns, including potential illicit discharges. Follow-up training shall be
10 provided as needed to address changes in procedures, methods or staffing.

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

12 This section applies to all Secondary Permittees, whether coverage under this Permit is
13 obtained individually or as a Co-Permittee with a City and/or Town and/or County and/or
14 another Secondary Permittee. To the extent provided under state and federal law,
15 compliance with this section is mandatory for all Secondary Permittees.

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

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

27 A. Coordination

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

33 B. Legal Authority

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

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

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

17 C. SWMP components

18 1. Public Education and Outreach

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

- 21 a. Storm drain inlets owned or operated by the Secondary Permittee that are
22 located in maintenance yards, in parking lots, along sidewalks, and at pedestrian
23 access points shall be clearly and permanently labeled with the message “Dump
24 no waste” and indicating the point of discharge as a river, lake, bay, or
25 groundwater. No later than three years from the date of permit coverage, at
26 least 50 percent of these inlets must be labeled; and no later than 180 days prior
27 to the expiration date of this Permit, all of these inlets shall be labeled. As
28 identified during visual inspection and regular maintenance of storm drain inlets
29 per the requirements of S6.C.3.d and S6.C.6.a.i below, or as otherwise reported
30 to the Secondary Permittee, any inlet having a label that is no longer clearly
31 visible and/or easily readable must be re-labeled within 90 days.
- 32 b. Each year beginning no later than three years from the date of permit coverage,
33 Public Ports, Colleges and Universities shall distribute educational information
34 to tenants and residents about the impact of stormwater discharges on receiving
35 waters, and steps that can be taken to reduce pollutants in stormwater runoff.
36 Different combinations of topics shall be addressed each year, and, no later than
37 180 days prior to the expiration date of this Permit, tenants and residents shall
38 receive educational information about the following topics, where relevant:
 - 39 i. How stormwater runoff affects local waterbodies;
 - 40 ii. Proper use and application of pesticides and fertilizers;

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

10 Compliance with this requirement can be achieved through participation in the

11 local jurisdiction’s public education and outreach programs.

12 2. Public Involvement and Participation

13 No later than 180 days prior to the expiration date of this Permit, each Secondary

14 Permittee shall:

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

20 3. Illicit Discharge Detection and Elimination

21 Each Secondary Permittee shall:

- 22 a. From the date of permit coverage, comply with all relevant ordinances, rules,
- 23 and regulations of the local jurisdiction(s) in which the Secondary Permittee is
- 24 located that govern non-stormwater discharges.
- 25 b. Develop and adopt appropriate policies prohibiting illicit discharges and illegal
- 26 dumping no later than one year from the date of permit coverage. Identify
- 27 possible enforcement mechanisms no later than one year from the date of permit
- 28 coverage; and, no later than eighteen months from the date of permit coverage,
- 29 develop and implement an enforcement plan using these mechanisms to ensure
- 30 compliance with illicit discharge policies. These policies shall address, at a
- 31 minimum: illicit connections; non-stormwater discharges as defined below; and
- 32 spilling, dumping, or otherwise improperly disposing of: hazardous materials,
- 33 pet waste, and litter.
- 34 i. Non-stormwater discharges covered by another NPDES permit and
- 35 discharges from emergency fire fighting activities are allowed in the MS4
- 36 in accordance with *S2 Authorized Discharges*.
- 37 ii. The policies do not need to prohibit the following categories of non-
- 38 stormwater discharges:
 - 39 • Diverted stream flows;

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

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- 1 v. The SWMP must further address any category of discharges in ii or iii
2 above if the discharge is identified as a significant source of pollutants to
3 waters of the State.
- 4 c. No later than 180 days prior to the expiration date of this Permit, develop a
5 storm sewer system map showing the locations of all known storm drain
6 outfalls, labeling the receiving waters, and delineating the areas contributing
7 runoff to each outfall. Make the map (or completed portions of the map)
8 available on request to the Department and/or to other Permittees or Secondary
9 Permittees. The preferred, but not required, format of submission is an
10 electronic format with fully described mapping standards. An example
11 description is provided at www.ecy.wa.gov/services/gis/data/standards.htm.
- 12 d. Conduct field inspections and visually inspect for illicit discharges at all known
13 outfalls that discharge to surface waters. Visually inspect at least one third (on
14 average) of all known outfalls each year beginning no later than two years from
15 the date of permit coverage. Develop and implement procedures to identify and
16 remove any illicit discharges. Keep records of inspections and follow-up
17 activities.
- 18 e. No later than 180 days prior to the expiration date of this Permit, develop and
19 implement a spill response plan that includes coordination with a qualified spill
20 responder.
- 21 f. Provide staff training or coordinate with existing training efforts to educate
22 relevant staff on proper best management practices for preventing spills and
23 illicit discharges. All relevant staff must be trained.
- 24 4. Construction Site Stormwater Runoff Control
- 25 From the date of permit coverage, each Secondary Permittee shall:
- 26 a. Comply with all relevant ordinances, rules, and regulations of the local
27 jurisdiction(s) in which the Secondary Permittee is located that govern
28 construction phase stormwater pollution prevention measures.
- 29 b. For all construction projects under the control of the Secondary Permittee that
30 require NPDES permits under 40 CFR 122.26 and where required by the
31 Department's *General NPDES Permit for Stormwater Discharges Associated*
32 *with Construction Activities*, the Secondary Permittee shall obtain NPDES
33 permit coverage under that General Permit, or under another NPDES permit that
34 covers the stormwater discharges associated with the construction activity, prior
35 to discharging.
- 36 c.. To the extent allowable under local, state and federal law, coordinate with the
37 local jurisdiction regarding projects owned and operated by other entities which
38 discharge into the Secondary Permittee's municipal separate storm sewer, and
39 assist the local jurisdiction in achieving compliance with all relevant ordinances,
40 rules, and regulations of the local jurisdiction(s), including implementation of
41 the Minimum Technical Requirements for Construction Stormwater Pollution
42 Prevention contained in Appendix 1, Core Element #2.

- d. Provide training or coordinate with existing training efforts to educate relevant staff in erosion and sediment control BMPs and requirements, or hire trained contractors to perform the work.
- e. Coordinate as requested with the Department or the local jurisdiction to provide access for inspection of construction sites or other land disturbances greater than or equal to one acre, including projects of less than one acre that are part of a common plan of development or sale, that are under the control of the Secondary Permittee during the active grading and/or construction period.

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

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

- a. Comply with all relevant ordinances, rules and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern post-construction stormwater pollution prevention measures.
- b. To the extent allowable under local, state and federal law, coordinate with the local jurisdiction regarding projects owned and operated by other entities which discharge into the Secondary Permittee's municipal separate storm sewer, and assist the local jurisdiction in achieving compliance with all relevant ordinances, rules, and regulations of the local jurisdiction(s), including implementation of the Minimum Technical Requirements in Appendix 1.
- c. No later than one year from the date of permit coverage, and to the extent allowable under local, state and federal law, new projects owned or operated by the Secondary Permittee, must comply with the Minimum Technical Requirements in Appendix 1 for post construction stormwater controls.

6. Pollution Prevention and Good Housekeeping for Municipal Operations

Each Secondary Permittee shall:

- a. No later than three years from the date of permit coverage, develop and implement a municipal operation and maintenance (O&M) plan to minimize stormwater pollution from activities conducted by the Secondary Permittee. The O&M Plan must include appropriate pollution prevention and good housekeeping procedures for all of the following operations, activities, and/or types of facilities that are present within the Secondary Permittee's boundaries. Record keeping is required to track performance of operational source control activities; performance of scheduled inspections and maintenance activities; and response to spills and other potential pollution incidents not addressed in S6.C.3
 - i. Stormwater collection and conveyance system, including catch basins, stormwater sewer pipes, open channels, culverts, structural stormwater controls, and structural runoff treatment and/or flow control facilities. The O&M Plan must address, but is not limited to: scheduled inspections and maintenance activities, including cleaning and proper disposal of waste removed from the system. Secondary Permittees shall properly maintain stormwater collection and conveyance systems owned or operated by the

1 Secondary Permittee and regularly inspect and maintain all structural post-
2 construction stormwater BMPs to ensure facility function. The Secondary
3 Permittee shall establish maintenance standards that are as protective or
4 more protective of facility function as those specified in Chapters 5, 6 and
5 8 of the *Stormwater Management Manual for Eastern Washington* (2004).

6 Secondary Permittees shall conduct spot checks of stormwater treatment
7 and flow control facilities following a 10-year or greater recurrence
8 interval precipitation or snowmelt event.

- 9 ii. Roads, highways, and parking lots. The O&M Plan must address, but is
10 not limited to: deicing, anti-icing, and snow removal practices; snow
11 disposal areas; material (e.g. salt, sand, or other chemical) storage areas;
12 all-season BMPs to reduce road and parking lot debris and other pollutants
13 from entering the MS4. Secondary Permittees shall store all de-icing and
14 anti-icing materials in a permanent walled and roof structure.
- 15 iii. Vehicle fleets. The O&M Plan must address, but is not limited to: storage,
16 washing, and maintenance of municipal vehicle fleets; and fueling
17 facilities. Secondary Permittees shall conduct all vehicle and equipment
18 washing and maintenance in a self-contained covered building or in
19 designated wash and/or maintenance areas.
- 20 iv. External building maintenance. The O&M Plan must address, building
21 exterior cleaning and maintenance including BMPs for cleaning, washing,
22 painting and other maintenance activities.
- 23 v. Parks and open space. The O&M Plan must address, but is not limited to:
24 proper application of fertilizer, pesticides, and herbicides; sediment and
25 erosion control; BMPs for landscape maintenance and vegetation disposal;
26 and trash management.
- 27 vi. Material storage areas, heavy equipment storage areas, and maintenance
28 areas. Secondary Permittees shall develop and implement a Stormwater
29 Pollution Prevention Plan to protect water quality at each of these facilities
30 owned or operated by the Secondary Permittee and not covered under the
31 *General NPDES Permit for Stormwater Discharges Associated with*
32 *Industrial Activities* or under another NPDES permit that covers
33 stormwater discharges associated with the activity.
- 34 vii. Other facilities that would reasonably be expected to discharge
35 contaminated runoff. The O&M Plan must address proper stormwater
36 pollution prevention practices for each facility.
- 37 viii. The O&M Plan shall include documentation and record keeping to
38 demonstrate compliance with the O&M Plan requirements in S6.C.6.a.i
39 through vii above.
- 40 b. Have permit coverage for all facilities owned, operated or maintained by the
41 Secondary Permittee that are required to be covered under the *General NPDES*
42 *Permit for Stormwater Discharges Associated with Industrial Activities*.

- 1 c. Train all employees whose construction, operations, or maintenance job
2 functions may impact stormwater quality. The training shall address:
 - 3 i. The importance of protecting water quality,
 - 4 ii. The requirements of this Permit,
 - 5 iii. Operation and maintenance requirements,
 - 6 iv. Inspection procedures,
 - 7 v. Ways to perform their job activities to prevent or minimize impacts to
8 water quality, and
 - 9 vi. Procedures for reporting water quality concerns, including potential illicit
10 discharges.

11 **S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD ALLOCATIONS**

12 The following requirements apply if an applicable Total Maximum Daily Load (TMDL) is
13 approved for stormwater discharges from MS4s owned or operated by the Permittee.
14 Applicable TMDLs are TMDLs which have been approved by EPA either on or before the
15 issuance date of this permit, or prior to the date that the Permittee's application is received
16 by the Department, whichever is later. All Permittees must be in compliance with the
17 requirements of applicable TMDLs.

- 18 A. For applicable TMDLs not listed in Appendix 2, compliance with this permit shall
19 constitute compliance with those TMDLs. Each Permittee shall keep records of all
20 actions required by this permit that are relevant to applicable TMDLs within their
21 jurisdiction. The status of the TMDL implementation must be included as part of the
22 annual report submitted to the Department for this permit. Where monitoring is
23 required in Appendix 2, the Permittee shall conduct the monitoring according to a
24 Quality Assurance Project Plan (QAPP) approved by the Department.
- 25 B. For applicable TMDLs listed in Appendix 2, affected Permittees shall comply with the
26 specific requirements identified in Appendix 2 to this permit. The status of the TMDL
27 implementation must be included as part of the annual report submitted to the
28 Department for this permit.
- 29 C. For TMDLs that are approved by EPA after this permit is issued, the Department may
30 establish TMDL-related permit requirements through future permit modification, or
31 when this permit is reissued. Permittees are encouraged to participate in development
32 of TMDLs within their jurisdiction and to begin implementation. The Department may
33 modify this permit to incorporate requirements from TMDLs completed after the
34 issuance of this permit if the Department determines implementation of actions,
35 monitoring or reporting necessary to demonstrate reasonable further progress toward
36 achieving TMDL waste load allocations, and other targets, are not occurring and must
37 be implemented during the term of this permit.

1 **S8. MONITORING AND PROGRAM EVALUATION REQUIREMENTS**

2 A. Permittees are not required to conduct water sampling or other testing during the
3 effective term of this permit, with the following exceptions:

- 4 1. Any water quality monitoring required for compliance with TMDLs, pursuant to
5 section *S7 Total Maximum Daily Load Requirements* and Appendix 2 of this
6 permit; and
7 2. Any sampling or testing required for characterizing illicit discharges pursuant to
8 section *S5.B.3.c.iii* of this permit.

9 B. The Permittee shall provide the following information in each annual report:

- 10 1. A description of any stormwater monitoring or studies conducted by the Permittee
11 during the reporting period. If stormwater monitoring was conducted on behalf of
12 the Permittee, or if studies or investigations conducted by other entities were
13 reported to the Permittee, a brief description of the type of information gathered or
14 received shall be included in the annual report(s) covering the time period(s) during
15 which the information was received.
16 2. An assessment of the appropriateness of the BMPs identified by the Permittee for
17 each component of the SWMP; and any changes made, or anticipated to be made, to
18 the BMPs that were previously selected to implement the SWMP, and why.
19 3. Information required pursuant to *S8.C.2* below.

20 C. Preparation for future, long-term monitoring

21 This section does not apply to Secondary Permittees. However, Secondary Permittees
22 are required to provide information, maps and access for sampling efforts, as necessary.
23 Secondary Permittees are encouraged to participate in the monitoring program.

- 24 1. All Cities, Towns and Counties shall prepare to participate in the implementation of
25 a future comprehensive long-term monitoring program. The monitoring program
26 will include three components: stormwater monitoring, Stormwater Management
27 Program (SWMP) effectiveness monitoring, and runoff treatment Best Management
28 Practice (BMP) effectiveness monitoring. The monitoring program will include
29 long-term monitoring and may include short-term studies. The results of the
30 monitoring program will be used to support the adaptive management process and
31 lead to refinements of the SWMP.

32 a. Stormwater monitoring

33 Cities having a population greater than 10,000 and Counties having a population
34 greater than 25,000 shall identify sites for long-term stormwater monitoring.
35 Adequate sites will be: completely mapped as required in *S5.B.3.a* and
36 including land use delineation; and suitable for permanent installation and
37 operation of flow-weighted composite sampling equipment. No later than four
38 years from the effective date of this permit:

- 39 i. Each County having a population greater than 100,000 shall identify
40 three outfalls or conveyances where stormwater sampling will be

1 conducted. One outfall or conveyance shall represent commercial land
2 use, the second shall represent low-density residential land use, and the
3 third shall represent medium-to-high-density residential land use.

4 ii. Each City having a population greater than 75,000 shall identify two
5 outfalls or conveyances where stormwater sampling will be conducted.
6 One outfall or conveyance shall represent commercial land use, the
7 second shall represent high-density residential land use, and the third
8 shall represent industrial land use.

9 iii. Each County having a population between 25,000 and 100,000 shall
10 identify two outfalls or conveyances where stormwater sampling will
11 be conducted. One outfall or conveyance shall represent commercial
12 land use and the second shall represent low-density residential land
13 use.

14 iv. Each City having a population between 10,000 and 75,000 shall
15 identify two outfalls or conveyances where stormwater sampling will
16 be conducted. One outfall or conveyance shall represent commercial
17 land use and the second shall represent high-density residential land
18 use.

19 b. SWMP effectiveness monitoring

20 Each City, Town and County shall prepare to conduct monitoring to determine
21 the effectiveness of the Permittee's SWMP at controlling stormwater-related
22 problems that are directly addressed by actions in the SWMP.

23 i. This component of the monitoring program shall be designed to
24 answer the following types of questions:

- 25 • How effective is a targeted action or narrow suite of actions?
26 and/or
- 27 • Is the SWMP achieving a targeted environmental outcome?

28 ii. No later than four years from the effective date of this permit, each
29 City, Town and County shall identify at least two suitable questions
30 and select sites where monitoring will be conducted. This monitoring
31 shall include, at a minimum, plans for either stormwater or receiving
32 water monitoring of physical, chemical and/or biological
33 characteristics. This monitoring may also include evaluation of
34 regulatory processes, programmatic actions or other similar
35 evaluations.

36 iii. No later than four years from the effective date of this permit, each
37 City, Town and County shall develop a monitoring plan containing for
38 each question. The plan shall include the following elements:

- 39 • A statement of the problem, an explanation of how and why the
40 problem is significant to the Permittee, and a discussion of whether
41 and how the results of the monitoring may be significant to other
42 MS4s;

- 1 • A specific hypothesis about the problem or management actions
- 2 that will be tested;
- 3 • Specific parameters or attributes to be measured; and
- 4 • Expected modifications to management actions depending on the
- 5 outcome of hypothesis testing.
- 6 c. Runoff treatment Best Management Practice (BMP) effectiveness monitoring
- 7 Each City having a population greater than 25,000 and each County having a
- 8 population greater than 50,000 shall prepare to conduct monitoring to evaluate
- 9 the effectiveness of runoff treatment BMPs applied in their jurisdiction. No
- 10 later than four years from the effective date of this permit, these cities and
- 11 counties shall select BMPs and sites according to the requirements below:
- 12 i. Each City having a population greater than 50,000 and each County
- 13 having a population greater than 100,000 shall prepare to monitor at
- 14 least two BMPs, at no fewer than two sites per BMP.
- 15 ii. Each City having a population between 25,000 and 50,000 and each
- 16 County having a population between 50,000 and 100,000 shall prepare
- 17 to monitor at least one BMP, at no fewer than two sites per BMP.
- 18 iii. BMPs shall be selected from the following list:
- 19 • Basic treatment
- 20 - Biofiltration swale
- 21 - Vegetated filter strip
- 22 - Wetpond
- 23 - Wetvault
- 24 - Treatment wetland
- 25 - Sand filter
- 26 - Dry pond
- 27 - Extended detention dry pond
- 28 • Metals treatment
- 29 - Amended sand filter
- 30 - Two facility treatment train
- 31 - Bio-infiltration swale
- 32 • Oil treatment
- 33 - Bio-infiltration swale
- 34 - Biofiltration swale
- 35 - Vegetated filter strip
- 36 - Linear sand filter
- 37 - Catch basin insert
- 38 2. Monitoring program reporting requirements
- 39 a. The third and following annual reports shall:
- 40 i. Describe the status of identification of sites for stormwater monitoring,
- 41 if required for the Permittee;

- 1 ii. Include a summary of proposed questions for the SWMP effectiveness
- 2 monitoring and describe the status of developing the monitoring plan,
- 3 including the proposed purpose, design, and methods; and
- 4 iii. Identify the BMP(s) selected for runoff treatment BMP effectiveness
- 5 monitoring, and describe the status of identification of sites for BMP
- 6 effectiveness monitoring, if required for the Permittee.
- 7 b. To comply with the requirements of all or part(s) of this section, Permittees in a
- 8 single Urbanized Area may choose to submit a collaborative report or reports in
- 9 lieu of separate reports.

10 **S9. REPORTING AND RECORD KEEPING REQUIREMENTS**

- 11 A. Each Permittee shall submit, no later than March 31 each year beginning in 2008, an
- 12 annual report. The reporting period for the first annual report shall be from the
- 13 effective date of this permit through December 31, 2007. The reporting period for all
- 14 subsequent annual reports shall be the previous calendar year.
- 15 B. The reporting form provided in Appendix 3 shall be used by all Cities, Towns and
- 16 Counties; the reporting form provided in Appendix 4 shall be used by all Secondary
- 17 Permittees. The form shall be fully completed by each Permittee. Two printed copies
- 18 and an electronic (PDF) copy of each document shall be submitted to the Department.
- 19 All submittals shall be delivered to:
 - 20 Department of Ecology
 - 21 Water Quality Program
 - 22 Municipal Stormwater Permits
 - 23 P.O. Box 47696
 - 24 Olympia, WA 98504-7696
- 25 B. The annual report shall include the following:
 - 26 1. Two printed copies and one electronic (PDF) copy of the Permittee's current
 - 27 SWMP.
 - 28 2. The status of compliance with the conditions of this permit, including:
 - 29 a. Status of implementation of each component of the SWMP in section S5
 - 30 *Stormwater Management Program for Primary Permittees and Co-Permittees*
 - 31 or in section S6 *Stormwater Management Program for Secondary Permittees*
 - 32 of this permit, as applicable to the Permittee.
 - 33 b. An assessment of the Permittee's progress in meeting the minimum
 - 34 performance standards established for each of the minimum control measures
 - 35 of the SWMP.
 - 36 c. A description of activities being implemented to comply with each component
 - 37 of the SWMP, including the number and type of inspections, enforcement
 - 38 actions, public education and involvement activities, and illicit discharges
 - 39 detected and eliminated.

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- 1 d. The Permittee's detailed SWMP implementation schedule and plans for
2 meeting permit deadlines, and a discussion of the status of SWMP
3 implementation to date. If permit deadlines are not met, or may not be met in
4 the future, include: reasons why, corrective steps taken and proposed, and
5 expected dates that the deadlines will be met.
- 6 e. A summary of the Permittee's evaluation of their SWMP, pursuant to sections
7 S5.A.4 and S8.B.2.
- 8 3. Notification of any annexations or incorporations resulting in an increase or
9 decrease in the Permittee's geographic area of permit coverage during the reporting
10 period, and implications for the SWMP.
- 11 4. If applicable, notice that the MS4 is relying on another governmental entity to
12 satisfy any of the obligations under this permit.
- 13 5. Updated information from the prior annual report plus any new information
14 received during the reporting period, pursuant to S8.B.2 above.
- 15 6. Certification and signature pursuant to G19.D and notification of any changes to
16 authorization pursuant to G19.C.
- 17 C. Each Permittee is required to keep all records related to this permit and the SWMP for
18 at least five years. Records must be submitted to the Department only upon request,
19 except for the requirements of the annual reports described in this permit.
- 20 D. Each Permittee must make all records related to this permit and the Permittee's SWMP
21 available to the public at reasonable times during business hours.
- 22 1. A reasonable charge may be assessed by the Permittee for making photocopies of
23 records.
- 24 2. The Permittee may require reasonable advance notice of intent to review records
25 related to this permit.

1 **GENERAL CONDITIONS**

2 **G1. DISCHARGE VIOLATIONS**

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

5 **G2. PROPER OPERATION AND MAINTENANCE**

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

10 **G3. NOTIFICATION OF SPILL**

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

15 **G4. BYPASS PROHIBITED**

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

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

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

28 **G5. RIGHT OF ENTRY**

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

- 32 A. To enter upon the Permittee's premises where a discharge is located or where any
33 records must be kept under the terms and conditions of this permit;
- 34 B. To have access to, and copy at reasonable cost and at reasonable times, any records that
35 must be kept under the terms of the permit;
- 36 C. To inspect at reasonable times any monitoring equipment or method of monitoring
37 required in the permit;
- 38 D. To inspect at reasonable times any collection, treatment, pollution management, or
39 discharge facilities; and

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

2 **G6. DUTY TO MITIGATE**

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

6 **G7. PROPERTY RIGHTS**

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

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

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

11 **G9. MONITORING**

12 A. Representative Sampling: Samples and measurements taken to meet the requirements of
13 this permit shall be representative of the volume and nature of the monitored discharge,
14 including representative sampling of any unusual discharge or discharge condition,
15 including bypasses, upsets, and maintenance-related conditions affecting effluent
16 quality.

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

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

30 D. Test Procedures: All sampling and analytical methods used to meet the monitoring
31 requirements specified in this permit shall conform to the Guidelines Establishing Test
32 Procedures for the Analysis of Pollutants contained in 40 CFR Part 136, unless
33 otherwise specified in this permit or approved in writing by the Department.

34 E. Flow Measurement: Appropriate flow measurement devices and methods consistent
35 with accepted scientific practices shall be selected and used to ensure the accuracy and
36 reliability of measurements of the volume of monitored discharges. The devices shall
37 be installed, calibrated, and maintained to ensure that the accuracy of the measurements
38 is consistent with the accepted industry standard for that type of device. Frequency of
39 calibration shall be in conformance with manufacturer's recommendations or at a
40 minimum frequency of at least one calibration per year. Calibration records should be
41 maintained for a minimum of three years.

1 F. Lab Accreditation: All monitoring data, except for flow, temperature, conductivity, pH,
2 total residual chlorine, and other exceptions approved by the Department, shall be
3 prepared by a laboratory registered or accredited under the provisions of, Accreditation
4 of Environmental Laboratories, Chapter 173-50 WAC. Soils and hazardous waste data
5 are exempted from this requirement pending accreditation of laboratories for analysis of
6 these media by the Department.

7 G. Additional Monitoring: the Department may establish specific monitoring requirements
8 in addition to those contained in this permit by permit modification.

9 **G10. REMOVED SUBSTANCES**

10 With the exception of decant from street waste vehicles, the Permittee shall not allow
11 collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in
12 the course of treatment or control of stormwater to be re-suspended or reintroduced to the
13 storm sewer system or to waters of the state. Decant from street waste vehicles resulting
14 from cleaning stormwater facilities may be reintroduced only when other practical means
15 are not available and only in accordance with Recommendations for Disposal of Street
16 Waste Liquids, pp. 8B-9 through 8B-12 in Appendix 8B of the *Stormwater Management*
17 *Manual for Eastern Washington* (2004), or another technical stormwater manual approved
18 by the Department.

19 **G11. SEVERABILITY**

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

24 **G12. REVOCATION OF COVERAGE**

25 The director may terminate coverage under this General Permit in accordance with Chapter
26 43.21B RCW and Chapter 173-226 WAC. Cases where coverage may be terminated
27 include, but are not limited to the following:

- 28 A. Violation of any term or condition of this General Permit;
29 B. Obtaining coverage under this General Permit by misrepresentation or failure to
30 disclose fully all relevant facts;
31 C. A change in any condition that requires either a temporary or permanent reduction or
32 elimination of the permitted discharge;
33 D. A determination that the permitted activity endangers human health or the environment,
34 or contributes significantly to water quality standards violations;
35 E. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;
36 F. Nonpayment of permit fees assessed pursuant to RCW 90.48.465;

37 Revocation of coverage under this General Permit may be initiated by the Department or
38 requested by any interested person.

1 **G13. TRANSFER OF COVERAGE**

2 The director may require any discharger authorized by this General Permit to apply for and
3 obtain an individual permit in accordance with Chapter 43.21B RCW and Chapter 173-226
4 WAC.

5 **G14. GENERAL PERMIT MODIFICATION AND REVOCATION**

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

- 9 A. A change occurs in the technology or practices for control or abatement of pollutants
10 applicable to the category of dischargers covered under this General Permit;
- 11 B. Effluent limitation guidelines or standards are promulgated pursuant to the CWA or
12 chapter 90.48 RCW, for the category of dischargers covered under this General Permit;
- 13 C. A water quality management plan containing requirements applicable to the category of
14 dischargers covered under this General Permit is approved; or
- 15 D. Information is obtained which indicates that cumulative effects on the environment
16 from dischargers covered under this General Permit are unacceptable.

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

18 A Permittee who knows or has reason to believe that any activity has occurred or will occur
19 which would constitute cause for modification or revocation and re-issuance under
20 Condition G12, G14, or 40 CFR 122.62 must report such plans, or such information, to the
21 Department so that a decision can be made on whether action to modify, or revoke and
22 reissue this permit will be required. The Department may then require submission of a new
23 or amended application. Submission of such application does not relieve the Permittee of
24 the duty to comply with this permit until it is modified or reissued.

25 **G16. APPEALS**

- 26 A. The terms and conditions of this General Permit, as they apply to the appropriate class
27 of dischargers, are subject to appeal within thirty days of issuance of this general
28 permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.
- 29 B. The terms and conditions of this General Permit, as they apply to an individual
30 discharger, can be appealed in accordance with Chapter 43.21B RCW within thirty
31 days of the effective date of coverage of that discharger. Consideration of an appeal of
32 general permit coverage of an individual discharger is limited to the general permit's
33 applicability or non-applicability to that individual discharger.
- 34 C. The appeal of general permit coverage of an individual discharger does not affect any
35 other dischargers covered under this General Permit. If the terms and conditions of this
36 general permit are found to be inapplicable to any individual discharger(s), the matter
37 shall be remanded to the Department for consideration of issuance of an individual
38 permit or permits.
- 39 D. Modifications of this permit can be appealed in accordance with chapter 43.21B RCW
40 and chapter 173-226 WAC.

1 **G17. PENALTIES**

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

4 **G18. DUTY TO REAPPLY**

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

7 **G19. CERTIFICATION AND SIGNATURE**

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

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

12 B. All reports required by this permit and other information requested by the Department
13 shall be signed by a person described above or by a duly authorized representative of
14 that person. A person is a duly authorized representative only if:

15 1. The authorization is made in writing by a person described above and submitted to
16 the Department, and

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

21 C. Changes to authorization. If an authorization under General Condition G19.B.2 is no
22 longer accurate because a different individual or position has responsibility for the
23 overall development and implementation of the stormwater management program, a
24 new authorization satisfying the requirements of General Condition G19.B.2 must be
25 submitted to the Department prior to or together with any reports, information, or
26 applications to be signed by an authorized representative.

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

29 “I certify under penalty of law, that this document and all attachments were prepared
30 under my direction or supervision in accordance with a system designed to assure that
31 Qualified Personnel properly gathered and evaluated the information submitted. Based
32 on my inquiry of the person or persons who manage the system or those persons
33 directly responsible for gathering information, the information submitted is, to the best
34 of my knowledge and belief, true, accurate, and complete. I am aware that there are
35 significant penalties for submitting false information, including the possibility of fine
36 and imprisonment for willful violations.”

1 **DEFINITIONS AND ACRONYMS**

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

5 “ADT” means Average Daily Traffic.

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

8 “All known, available, and reasonable methods of prevention, control, and treatment” refers to
9 the state Water Pollution Control Act, RCW 90.48.010 and 90.48.520.

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

13 “Average Daily Traffic” (ADT) means the expected number of vehicles using a roadway.
14 Projected average daily traffic volumes are considered in designing a roadway or roadway
15 improvement. ADT volumes must be estimated using “Trip Generation” published by the
16 *Institute of Transportation Engineers* or from a traffic study prepared by a professional
17 engineer or transportation specialist with expertise in traffic volume estimation. ADT
18 volumes shall be estimated for the design year or expected life of the project (the intent is for
19 treatment facilities to be added in the soonest period of disruptive construction). For project
20 sites with seasonal or varied use, evaluate the highest period of expected traffic impacts.

21 “Best Management Practices” are the schedules of activities, prohibitions of practices,
22 maintenance procedures, and structural and/or managerial practices approved by the
23 Department that, when used singly or in combination, prevent or reduce the release of
24 pollutants and other adverse impacts to receiving waters.

25 “BMP” means Best Management Practice.

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

27 “Certified Erosion and Sediment Control Lead” (CESCL) means an individual who is
28 knowledgeable in the principles and practices of erosion and sediment control. The CESCL
29 must have the skills to assess: the site conditions and construction activities that could impact
30 the quality of stormwater; and the effectiveness of erosion and sediment control measures
31 used to control the quality of stormwater discharges. The CESCL shall have current
32 certification through an approved erosion and sediment control training program that meets
33 the minimum training standards established by the Department (see BMP C160 in the
34 *Stormwater Management Manual for Eastern Washington* (2004)).

35 “CESCL” means Certified Erosion and Sediment Control Lead.

36 “Common plan of development or sale” means a site where multiple separate and distinct
37 construction activities may be taking place at different times on different schedules, but still
38 under a single plan. Examples include: phased projects and projects with multiple filings or
39 lots, even if the separate phases or filings/lots will be constructed under separate contract or
40 by separate owners (e.g. a development where lots are sold to separate builders); a
41 development plan that may be phased over multiple years, but is still under a consistent plan

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1 for long-term development; and projects in a contiguous area that may be unrelated but still
2 under the same contract, such as construction of a building extension and a new parking lot at
3 the same facility. If the project is part of a common plan of development or sale, the
4 disturbed area of the entire plan shall be used in determining permit requirements.

5 “Component” or “Program Component” means an element of the Stormwater Management
6 Program listed in S5 *Stormwater Management Program for Cities, Towns, and Counties* or
7 S6 *Stormwater Management Program for Secondary Permittees* of this permit.

8 “Co-Permittee” means any operator of a regulated small MS4 that is applying jointly with
9 another applicant for coverage under this permit. A Co-Permittee owns or operates a
10 regulated small MS4 located within or adjacent to another regulated MS4. A Co-Permittee is
11 only responsible for complying with the conditions of this permit relating to discharges from
12 the MS4 the Co-Permittee owns or operates. See also 40 CFR 122.26(b)(1)

13 “CWA” means the federal Clean Water Act (formerly referred to as the Federal Water Pollution
14 Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500,
15 as amended in Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117, 33
16 U.S.C. 1251 *et. seq.*

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

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

21 “Entity” means a governmental body or a public or private organization.

22 “Equivalent document” means a technical stormwater management manual developed by a state
23 agency, local government or other entity that includes the Minimum Technical Requirements
24 in Appendix 1 of this permit and BMPs approved by the Department. The Department may
25 conditionally approve manuals that do not include the Minimum Technical Requirements in
26 Appendix 1; in general, the Best Management Practices (BMPs) included in those documents
27 may be applied at new development and redevelopment sites, but the Minimum Technical
28 Requirements in Appendix 1 must still be met.

29 “Existing conditions” are the impervious surfaces, drainage systems, land cover, native
30 vegetation and soils that exist at a site prior to any changes associated with achieving the
31 proposed development conditions. Approved permits and engineering plans may be
32 required. If sites have impervious areas and drainage systems that were built without
33 approved permits, then the existing condition is defined as those that existed prior to the issue
34 date of this Permit. Existing conditions may be verified by using aerial photography or other
35 records. Existing conditions are used for hydrologic analysis at the site unless a City or
36 County imposes other requirements.

37 “Freeways” are multilane arterial highways with full access control. For the purposes of
38 applying the Minimum Technical Requirements in Appendix 1, freeways may be located
39 either inside or outside of Urban Growth Management Areas.

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

1 “Heavy equipment maintenance or storage yard” means an uncovered area where any heavy
2 equipment, such as mowing equipment, excavators, dump trucks, backhoes, or bulldozers are
3 washed or maintained, or where at least five pieces of heavy equipment are stored.

4 “High ADT Roadways and Parking Areas” are any road with ADT greater than 30,000 vehicles
5 per day; and parking areas with more than 100 trip ends per 1,000 SF of gross building area
6 or greater than 300 total trip ends are considered to be high-use traffic areas. Examples
7 include commercial buildings with a frequent turnover of customers and other visitors.

8 “High-Use Sites” generate high concentrations of oil due to high traffic turnover or the frequent
9 transfer of oil and/or other petroleum products. High-use sites are land uses where sufficient
10 quantities of free oil are likely to be present such that they can be effectively removed with
11 special treatment. A high-use site is any one of the following:

- 12 • A road intersection with expected ADT of 25,000 vehicles or more on the main
13 roadway and 15,000 vehicles or more on any intersecting roadway, excluding projects
14 proposing primarily pedestrian or bicycle use improvements; or
- 15 • A commercial or industrial site with an expected trip end count equal to or greater than
16 100 vehicles per 1,000 square feet of gross building area (best professional judgment
17 should be used in comparing this criterion with the following criterion); or
- 18 • A customer or visitor parking lot with an expected trip end count equal to or greater
19 than 300 vehicles (best professional judgment should be used in comparing this
20 criterion with the preceding criterion); or
- 21 • Commercial on-street parking areas on streets with an expected total ADT count equal
22 to or greater than 7,500; or
- 23 • Fueling stations and facilities; or
- 24 • A commercial or industrial site subject to petroleum storage and transfer in excess of
25 1,500 gallons per year (not including locations where heating fuel is routinely delivered
26 to end users and the annual amount of heating oil used at the site is the sole basis for
27 the site meeting this definition; heating fuel handling and storage facilities are subject
28 to this definition); or
- 29 • A commercial or industrial site subject to use, storage, or maintenance of a fleet of 25
30 or more diesel vehicles that are over 10 tons gross weight (trucks, buses, trains, heavy
31 equipment, etc.); or
- 32 • Maintenance and repair facilities for vehicles, aircraft, construction equipment, railroad
33 equipment or industrial machinery and equipment; or
- 34 • Outdoor areas where hydraulic equipment is stored; or
- 35 • Log storage and sorting yards and other sites subject to frequent use of forklifts and/or
36 other hydraulic equipment; or
- 37 • Railroad yards.

38 “Hydrologic modification of a wetland” means, for the purpose of stormwater management, that
39 the wetland will receive a greater total volume of surface runoff following the proposed
40 development than it receives in the current condition.

41 “Illicit connection” means any man-made conveyance that is connected to a municipal separate
42 storm sewer without a permit, excluding roof drains and other similar type connections.
43 Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits,
44 inlets, or outlets that are connected directly to the municipal separate storm sewer system.

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1 “Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed
2 entirely of storm water except discharges pursuant to a NPDES permit (other than the
3 NPDES permit for discharges from the municipal separate storm sewer) and discharges
4 resulting from fire fighting activities.

5 “Industrial or Construction Activity” means manufacturing, processing or raw materials storage
6 areas at an industrial plant; or clearing, grading and/or excavation. These activities are
7 required to NPDES permit coverage in accordance with 40 CFR 122.26.

8 “Large Municipal Separate Storm Sewer System” means all MS4s located in an incorporated
9 place with a population of 250,000 or more, a County with unincorporated urbanized areas
10 with a population of 250,000 or more according to the 1990 decennial census by the Bureau
11 of Census.

12 “Low ADT Roadways and Parking Areas” are urban roads with ADT fewer than 7,500 vehicles
13 per day; rural roads and freeways with ADT less than 15,000 vehicles per day; and parking
14 areas with less than 40 trip ends per 1,000 SF of gross building area or fewer than 100 total
15 trip ends per day are considered to be low-use traffic areas. Examples include most
16 residential parking, and employee-only parking areas for small office parks or other
17 commercial buildings. Urban roads are located within designated Urban Growth
18 Management Areas; rural roads are located outside designated Urban Growth Management
19 Areas. Freeways, defined as fully controlled and partially controlled limited access
20 highways, may be located either inside or outside of Urban Growth Management Areas.

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

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

27 “Maximum Extent Practicable” refers to paragraph 402(p)(3)(B)(iii) of the federal Clean Water
28 Act which reads as follows: Permits for discharges from municipal storm sewers shall require
29 controls tot reduce the discharge of pollutants to the maximum extent practicable, including
30 management practices, control techniques, and system, design, and engineering methods, and
31 other such provisions as the Administrator or the State determines appropriate for the control
32 of such pollutants.

33 “MEP” means Maximum Extent Practicable.

34 “Minimum Technical Requirements” means the definitions, thresholds, BMP selection process,
35 and design, operation, and maintenance criteria for stormwater management that must be
36 applied to new development and redevelopment projects regulated under this permit. The
37 Minimum Technical Requirements for this permit are defined in Appendix 1.

38 “Moderate ADT Roadways and Parking Areas” are urban roads with ADT between 7,500 and
39 30,000 vehicles per day; rural roads and freeways with ADT between 15,000 and 30,000
40 vehicles per day; and parking areas with between 40 and 100 trip ends per 1,000 SF of gross
41 building area or between 100 and 300 total trip ends per day are considered to be moderate-
42 use traffic areas. Examples include visitor parking for small to medium commercial

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1 buildings with a limited number of daily customers. Urban roads are located within
2 designated Urban Growth Management Areas; rural roads are located outside designated
3 Urban Growth Management Areas. Freeways, defined as fully controlled and partially
4 controlled limited access highways, may be located either inside or outside of Urban Growth
5 Management Areas.

6 “Moderate-Use Sites” include moderate ADT roadways and parking areas (see definition
7 above); primary access points for high-density residential apartments; most intersections
8 controlled by traffic signals; and transit center bus stops. These sites are expected to generate
9 sufficient concentrations of metals that additional runoff treatment is needed to protect water
10 quality in non-exempt surface waters.

11 “MS4” means Municipal Separate Storm Sewer System.

12 “MTRs” means Minimum Technical Requirements.

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

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

30 “New development” is the conversion of previously undeveloped or pervious surfaces to
31 impervious surfaces and managed landscape areas not specifically exempt in the
32 “Exemptions” or “Partial Exemptions” sections of Appendix 1. Projects that add new lanes
33 on an existing roadway or otherwise expand the pavement edge are included in the definition
34 of new development because they create new impervious surfaces; these projects are subject
35 to the thresholds and requirements for new development as set forth in Appendix 1.

36 “NOI” means Notice of Intent.

37 “Non-Pollutant Generating Impervious Surfaces” (NPGIS) are considered to be insignificant
38 sources of pollutants in stormwater runoff. Roofs that are subject only to atmospheric
39 deposition or normal heating, ventilation, and air conditioning vents are considered NPGIS,
40 unless the roofing material is uncoated metal. The following may also be considered NPGIS:
41 paved bicycle pathways and pedestrian sidewalks that are separated from and not subject to
42 drainage from roads for motor vehicles, fenced fire lanes, infrequently used maintenance

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- 1 access roads, and “in-slope” areas of roads. Sidewalks that are regularly treated with sand,
2 salt or other de-icing/anti-icing agents are not considered NPGIS.
- 3 “Notice of Intent” means an application or request for coverage under a General NPDES Permit
4 pursuant to WAC 173-226-200.
- 5 “NPDES” means National Pollutant Discharge Elimination System.
- 6 “NPGIS” means Non-Pollutant Generating Impervious Surfaces.
- 7 “Outfall” means point source as defined by 40 CFR 122.2 at the point where a municipal
8 separate storm sewer discharges to waters of the State and does not include open
9 conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other
10 conveyances which connect segments of the same stream or other waters of the State and are
11 used to convey waters of the State.
- 12 “Permittee” means any Primary Permittee, Co-Permittee, or Secondary Permittee unless
13 specifically stated otherwise for a particular section of this permit.
- 14 “PGIS” means Pollutant Generating Impervious Surfaces.
- 15 “Physically interconnected” means that one MS4 is connected to a second MS4 in such a way
16 that it allows for direct discharges to the second system. For example, the roads with
17 drainage systems and municipal streets of one entity are physically connected directly to a
18 MS4 belonging to another entity.
- 19 “Pollutant Generating Impervious Surfaces” (PGIS) are surfaces that are considered to be
20 significant sources of pollutants in stormwater runoff. Such surfaces include those that are
21 subject to vehicular use, industrial activities, or storage of erodible or leachable materials that
22 receive direct rainfall or run-on or blow-in of rainfall. Metal roofs are considered to be PGIS
23 unless coated with an inert, non-leachable material. Roofs that are subject to venting of
24 indoor pollutants from manufacturing, commercial or other operations or processes are also
25 considered PGIS. A surface, whether paved or not, shall be considered PGIS if it is regularly
26 used by motor vehicles. The following are considered regularly-used surfaces: roads,
27 unvegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways,
28 parking lots, unfenced fire lanes, vehicular equipment storage yards, and airport runways.
- 29 “Primary Permittee” means a City, Town or County owning or operating a regulated small MS4.
- 30 “Process wastewater” means any water which, during manufacture or processing, comes into
31 direct contact with or results from the production or use of any raw material, intermediate
32 product, finished product, by product, or waste product.
- 33 “Proposed development conditions” are the impervious surfaces, drainage systems, land cover,
34 native vegetation and soils that are proposed to exist at the site at the completion of the
35 project (complete build-out). Also called “post-developed conditions.”
- 36 “Qualified Personnel” means staff members or contractors who have had professional training in
37 the aspects of stormwater management for which they are responsible and are under the
38 functional control of the Permittee.
- 39 “RCW” means the Revised Code of Washington State.

1 “Redevelopment” is the replacement or improvement of impervious surfaces on a developed site.
2 The project proponent must identify what Core Elements in Appendix 1 apply to all of the
3 new and replaced impervious surfaces created by the project. All new impervious surfaces
4 added during a redevelopment project are subject to the Core Elements in Appendix 1. The
5 requirements for redevelopment projects set forth in the Core Elements in Appendix 1 apply
6 to the impervious surfaces altered or replaced by a redevelopment project. Impervious
7 surface replacements defined as exempt activities in the “Exemptions” section of Appendix 1
8 and at other projects identified in the “Partial Exemptions” section of Appendix 1 have
9 reduced requirements.

10 “Regulated Small Municipal Separate Storm Sewer System” means a MS4 which is
11 automatically designated for inclusion in the Phase II stormwater permitting program by its
12 location within an Urbanized Area, or by designation by the Department.

13 “Regulatory Threshold” refers to the one-acre size, including the exception noted below, of new
14 development and redevelopment projects that must be regulated under this permit. The
15 threshold includes construction site activities and new development and redevelopment
16 projects that result in a land disturbance of equal to or greater than one acre and construction
17 activities and projects less than one acre that are part of a larger common plan of
18 development or sale. This threshold is a minimum requirement that may be exceeded by a
19 local jurisdiction.

20 “Replaced impervious surfaces” means, for structures, the removal and replacement of any
21 exterior impervious surfaces or foundation; or, for other impervious surfaces, the removal
22 down to bare soil, or base course, and replacement. Exemptions and partial exemptions are
23 defined in Appendix 1 of this permit.

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

26 “Rural roads” are roads located outside designated Urban Growth Management Areas.

27 “Secondary Permittee” is an operator of regulated small MS4 that is not a Primary Permittee or
28 Co-Permittee. Secondary Permittees include special purpose districts and other MS4s that
29 meet the criteria for a regulated small MS4 in S1.B.

30 “Short Duration Storm” means the 3-hour duration design storm distribution, described in
31 Chapter 4.2.1 of the *Stormwater Management Manual for Eastern Washington* (2004), which
32 represents the short durations, high intensities, and smaller volumes that characterize summer
33 thunderstorms in eastern Washington.

34 “Significant contributor” means a discharge contributes a loading of pollutants considered to be
35 sufficient to cause or exacerbate the deterioration of receiving water quality or instream
36 habitat conditions.

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

40 a. Is owned or operated by a city; town; county; or district, association or other public
41 body created pursuant to State law having jurisdiction over disposal of stormwater,

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1 sewage, industrial wastes, or other wastes, including special districts such as a sewer
2 districts, flood control districts or drainage districts, or similar entities;

3 b. Is designed or used for collecting or conveying stormwater;

4 c. Is not a combined sewer system;

5 d. Is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2;
6 and

7 e. Is not defined as a “large” or “medium” MS4 pursuant to 40 CFR 122.26(b)(4) & (7) or
8 designated under 40 CFR 122.26 (a)(1)(v).

9 Small MS4s include systems similar to separate storm sewer systems in municipalities such
10 as: universities, prison complexes, and highways and other thoroughfares. Storm sewer
11 systems in very discrete areas such as individual buildings do not require coverage under this
12 permit. Small MS4s do not include storm drain systems operated by non-governmental
13 entities such as: individuals, private schools, private colleges, private universities, and
14 industrial and commercial entities.

15 “SWMMEW” means the *Stormwater Management Manual for Eastern Washington* (2004).

16 “Stormwater” means runoff during and following precipitation and snowmelt events, including
17 surface runoff and drainage.

18 “Stormwater Associated with Industrial and Construction Activity” means the discharge from
19 any conveyance used for collecting and conveying stormwater directly related to
20 manufacturing, processing or raw materials storage areas at an industrial plant, or associated
21 with clearing, grading and/or excavation, and required to have an NPDES permit in
22 accordance with 40 CFR 122.26.

23 “Stormwater Management Manual for Eastern Washington” means the technical manual
24 (Publication No. 04-10-076) published by the Department of Ecology in September 2004.

25 “Stormwater Management Program” means a set of actions and activities designed to reduce the
26 discharge of pollutants from the regulated small MS4 to the maximum extent practicable and
27 to protect water quality, and comprising the components listed in S5 or S6 of this permit and
28 any additional actions necessary to meet the requirements of applicable TMDLs.

29 “SWMMEW” means the Stormwater Management Manual for Eastern Washington.

30 “SWMP” means Stormwater Management Program.

31 “TMDL” means Total Maximum Daily Load.

32 “TMDL waste load allocation” means the allowable load of a single pollutant from a single
33 contributing point source.

34 “Total Maximum Daily Load” means a water cleanup plan. A TMDL is a calculation of the
35 maximum amount of a pollutant that a water body can receive and still meet water quality
36 standards, and an allocation of that amount to the pollutant’s sources. A TMDL is the sum of
37 the allowable loads of a single pollutant from all contributing point and nonpoint sources.
38 The calculation must include a margin of safety to ensure that the water body can be used for
39 the purposes the state has designated. The calculation must also account for seasonable
40 variation in water quality. Water quality standards are set by states, territories, and tribes.

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1 They identify the uses for each water body, for example, drinking water supply, contact
2 recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support
3 that use. The Clean Water Act, section 303, establishes the water quality standards and
4 TMDL programs.

5 “Trip Ends” means the expected number of vehicles using a parking area. Projected trip end
6 counts for a parking area are associated with the proposed land use. Trip end counts must be
7 estimated using “Trip Generation” published by the Institute of Transportation Engineers or
8 from a traffic study prepared by a professional engineer or transportation specialist with
9 expertise in traffic volume estimation. Trip end counts shall be made for the design year or
10 expected life of the project (the intent is for treatment facilities to be added in the soonest
11 period of disruptive construction). For project sites with seasonal or varied use, evaluate the
12 highest period of expected traffic impacts.

13 “UA” means Urbanized Area.

14 “Urban Growth Area” means the designated area within which urban growth shall be encouraged
15 and outside of which growth can occur only if it is not urban in nature, as defined at Chapter
16 36.70A.110 RCW (Growth Management Act) Comprehensive plans, Urban growth areas.

17 “Urbanized Area” is a land area comprising one or more places and the adjacent densely settled
18 surrounding area that together have a residential population of at least 50,000 and an overall
19 population density of at least 1,000 people per square mile. For the year 2000 Census, the
20 U.S. Census Bureau classified “urban” as all territory, population, and housing units located
21 within an Urbanized Area (UA) or an Urban Cluster (UC). It delineated UA and UC
22 boundaries to encompass densely settled territory, which consists of: core census block
23 groups or blocks that have a population density of at least 1,000 people per square mile and
24 surrounding census blocks that have an overall density of at least 500 people per square mile.
25 In addition, under certain conditions, less densely settled territory may be part of each UA or
26 UC. The U.S. Census Bureau announced the “Census 2000 Urbanized Areas” on May 1,
27 2002. More information can be found at the U.S. Census Bureau website at:
28 http://www.census.gov/geo/www/ua/ua_2k.html.

29 “Urban roads” are roads located within designated Urban Growth Management Areas. Partially
30 controlled limited access highways located inside of Urban Growth Management Areas are
31 considered urban roads. Freeways, as defined above, are not considered urban roads for the
32 purpose of applying the Minimum Technical Requirements in Appendix 1.

33 “Vested” refers to the date, established by local government, that is used to determine which
34 development regulations apply to the review of a complete development permit application
35 or approved development permit.

36 “Waters of the state” includes those waters as defined as “waters of the United States” in 40 CFR
37 122.2 within the geographic boundaries of Washington State and “waters of the state” as
38 defined in Chapter 90.48 RCW which includes: lakes, rivers, ponds, streams, inland waters,
39 underground waters, salt waters and all other surface waters and water courses within the
40 jurisdiction of the State of Washington.

41 “Water quality standards” means Surface Water Quality Standards, Chapter 173-201A WAC;
42 Ground Water Quality Standards, Chapter 173-200 WAC; and Sediment Management
43 Standards, Chapter 173-204 WAC.