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Issuance Date:
Effective Date:
Expiration Date:

DRAFT

Phase I Municipal Stormwater Permit

National Pollutant Discharge Elimination System and
State Waste Discharge General Permit
for discharges from
Large and Medium Municipal Separate Storm Sewer Systems

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.

Kelly Susewind, P.E., P.G.
Water Quality Program Manager
Department of Ecology

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SPECIAL CONDITIONS

Notice: If Legislation related to this permit is passed into law, Ecology will, as necessary, modify, revoke and re-issue, or terminate this permit to carry out Legislative requirements. Any such modification will be in accordance with General Condition G14 *General Permit Modification and Revocation*, and in accordance with the provisions of WAC 173-226-230.

In 2011, the Washington State Legislature and Governor enacted Engrossed Substitute House Bill 1478 to give cities and counties fiscal relief during periods of economic downturn by delaying or modifying certain regulatory and statutory requirements. RCW 90.48.260 requires that by July 31, 2012, Ecology must:

- (a) Reissue without modification for a term of one year any national pollutant discharge elimination system municipal stormwater general permit first issued on January 17, 2007.
- (b) Issue an updated national pollutant discharge elimination system municipal stormwater general permit for any permit first issued on January 17, 2007. An updated permit issued under this subsection shall become effective beginning August 1, 2013.

This bill applies to the Eastern and Western Washington Phase II Municipal Stormwater General Permits.

To keep the timelines consistent with the Phase II Municipal Stormwater General Permits, Ecology is reissuing the 2007-2012 Western Washington Phase I Municipal Stormwater General Permit (effective from August 1, 2012 to August 1, 2013) without changes except for section S8 Monitoring.

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S1. PERMIT COVERAGE AND PERMITTEES

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A. Geographic Area of Permit Coverage

This permit covers *discharges* from Large and Medium *Municipal Separate Storm Sewer Systems* (MS4s) as established at Title 40 *CFR* 122.26, except for *municipal separate storm sewers* (MS3s) owned or operated by the Washington State Department of Transportation. Large and medium MS4s include all MS3s located within cities or counties required to have permit coverage.

For *Secondary Permittees* required to obtain coverage under this permit, the minimum geographic area of coverage includes the portion of the MS4 which is located within the unincorporated areas of Clark, King, Snohomish, and Pierce Counties and the incorporated areas of the cities of Seattle and Tacoma. Ecology may establish additional geographic areas of coverage specific to an individual Secondary permittee.

B. The following Cities and Counties are covered under this permit as Permittees:

- 1 1. The City of Tacoma and the City of Seattle.
- 2 2. Clark, King, Pierce, and Snohomish Counties.
- 3 C. King County is covered as a *Co-Permittee* with the City of Seattle for discharges
4 from outfalls King County owns or operates within the City of Seattle.
- 5 D. Upon application and coverage in accordance with Special Condition S1.F., the
6 following entities are covered under this permit as *Secondary Permittees*:
- 7 1. Port of Seattle, excluding Seattle-Tacoma International Airport.
- 8 2. Port of Tacoma.
- 9 3. Active drainage, diking, flood control, or diking and drainage districts located in
10 the Cities or unincorporated portions of the Counties listed in S1.B. above,
11 which own or operate municipal separate storm sewers serving non-agricultural
12 land uses.
- 13 4. Other owners or operators of municipal separate storm sewers located in the
14 Cities or unincorporated portions of the Counties listed in S1.B above.
- 15 E. Unless otherwise noted, the term “Permittee” includes Permittee, Co-Permittee, and
16 Secondary Permittee, as defined above in Special Conditions S1.B., S1.C. and S1.D.
- 17 F. Coverage for Secondary Permittees
- 18 1. To obtain coverage under this permit, each Secondary Permittee identified
19 under Special Condition S1.D. shall either:
- 20 a. Submit a *Notice of Intent* (NOI) and provide public notice of the
21 application for coverage in accordance with WAC 173-226-130. The NOI
22 shall constitute the application for coverage. Ecology will notify
23 applicants in writing of their status concerning coverage under this permit
24 within 90 days of Ecology's receipt of a complete NOI.
- 25 b. Submit a co-application jointly with a permittee named in S1.B. and
26 provide public notice of the application for coverage in accordance with
27 WAC 173-226-130. The co-application shall consist of an amendment to
28 the Phase I Part 1, and Part 2 permit applications. Ecology will notify
29 applicants in writing of their status concerning their co-application.
- 30 2. Secondary Permittees required to get coverage under this permit, and the
31 NPDES and State Waste Discharge Permit for discharges from Small Municipal
32 Separate Storm Sewers in Western Washington and/or the NPDES and State
33 Waste Discharge Permit for discharges from Small Municipal Separate Storm
34 Sewers in Eastern Washington may obtain coverage by submitting a single NOI.
- 35 3. NOIs and co-applications shall be submitted to:
- 36 Department of Ecology
37 Water Quality Program

1 Municipal Stormwater Permit Program
2 P.O. Box 47696
3 Olympia, WA 98504-7696

- 4 G. All MS4s and MS3s owned or operated by Permittees named in S1.B. and located in
5 another city or county area requiring coverage under this permit or either the *Western*
6 *Washington Phase II Municipal Stormwater Permit* or the *Eastern Washington Phase*
7 *II Municipal Stormwater Permit* are also covered under this permit.

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 by this permit
12 pursuant to S1.A. subject to the following limitations:

- 13 1. Discharges to ground waters of the state through facilities regulated under the
14 Underground Injection Control (UIC) program, Chapter 173-218 WAC, are not
15 covered under this permit.
- 16 2. Discharges to ground waters not subject to regulation under the federal *Clean*
17 *Water Act* are covered in this permit only under state authorities, Chapter 90.48
18 RCW, the Water Pollution Control Act.

- 19 B. This permit authorizes discharges of non-stormwater flows to surface waters and
20 ground waters of the state from municipal separate storm sewers owned or operated
21 by each Permittee covered under this permit, in the geographic area covered pursuant
22 to S1.A, only under the following conditions:

- 23 1. The discharge is authorized by a separate individual or general National
24 Pollutant Discharge Elimination System (NPDES) permit; or
- 25 2. The discharge is from emergency fire fighting activities; or
- 26 3. The discharge from another illicit or non-stormwater discharge that is managed
27 by the Permittee as provided in Special Condition S5.C.8., S6.D.3., or S6.E.3.
- 28 4. These discharges are also subject to the limitations in S2.A.1. and S2.A.2.
29 above.

- 30 C. This permit does not relieve entities that cause illicit discharges, including spills of oil
31 or hazardous substances, from responsibilities and liabilities under state and federal
32 laws and regulations pertaining to those discharges.

- 33 D. Discharges from municipal separate storm sewers constructed after the effective date
34 of this permit shall receive all applicable state and local permits and use
35 authorizations, including compliance with Chapter 43.21C RCW (the State
36 Environmental Policy Act).

- 37 E. This permit does not authorize discharges of stormwater to waters within Indian
38 Reservations except where authority has been specifically delegated to Ecology by

1 the U.S. Environmental Protection Agency. The exclusion of such discharges from
2 this permit does not waive any rights the State may have with respect to the
3 regulation of the discharges.

4 **S3. RESPONSIBILITIES OF PERMITTEES**

5 A. Each Permittee, Co-Permittee and Secondary Permittee is responsible for complying
6 with the terms of this permit for the municipal separate storm sewers it owns or
7 operates.

8 1. Each Permittee, as listed in S1.B., is required to comply with all conditions of
9 this permit, except for S6. *Stormwater Management Program for Co-Permittees*
10 *and Secondary Permittees*.

11 2. King County, as a Co-Permittee, is required to comply with all conditions of
12 this permit except for S6.D. and S6.E.

13 3. The Port of Tacoma and the Port of Seattle, are required to comply with all
14 conditions of this permit except for S5. *Stormwater Management Program* and
15 conditions S6.D. and S6.F.

16 4. All other Secondary Permittees, except for the Port of Tacoma and the Port of
17 Seattle are required to comply with all conditions of this permit except for S5.
18 *Stormwater Management Program* and conditions S6.E., S6.F., and S8.C.
19 through S8.H.

20 B. Permittees may rely on another *entity* to satisfy one or more of the requirements of
21 this permit. Permittees that are relying on another entity to satisfy one or more of their
22 permit obligations remain responsible for permit compliance if the other entity fails to
23 implement the permit conditions. Where permit responsibilities are shared they shall
24 be documented as follows:

25 1. Permittees and Co-Permittees that are continuing coverage under this permit
26 shall submit a statement that describes the permit requirements that will be
27 implemented by other entities. The statement must be signed by all participating
28 entities. There is no deadline for submitting such a statement, provided that this
29 does not alter implementation deadlines. Permittees and Co-Permittees may
30 amend their statement during the term of the permit to establish, terminate, or
31 amend their shared responsibilities statement, and submit the amended
32 statements to Ecology.

33 2. Secondary Permittees shall submit an NOI that describes which requirements
34 they will implement and identify the entities that will implement the other
35 permit requirements in the area served by the Secondary Permittee's MS4. A
36 statement confirming the shared responsibilities, signed by all participating
37 entities, shall accompany the NOI. Secondary Permittees may amend their NOI,
38 during the term of the permit, to establish, terminate, or amend shared
39 responsibility arrangements, provided this does not alter implementation
40 deadlines.

- 1 C. Unless otherwise noted, all appendices to this permit are incorporated by this
2 reference as if set forth fully within this permit.

3 **S4. COMPLIANCE WITH STANDARDS**

- 4 A. In accordance with RCW 90.48.520, the discharge of toxicants to waters of the State
5 of Washington which would violate any water quality standard, including toxicant
6 standards, sediment criteria, and dilution zone criteria is prohibited. The required
7 response to such discharges is defined in section S4.F., below.

- 8 B. This permit does not authorize a discharge which would be a violation of Washington
9 State surface water quality standards (Chapter 173-201A WAC), ground water quality
10 standards (Chapter 173-200 WAC), sediment management standards (Chapter 173-
11 204 WAC), or human health-based criteria in the national Toxics Rule (Federal
12 Register, Vol. 57, NO. 246, Dec. 22, 1992, pages 60848-60923). The required
13 response to such discharges is defined in section S4.F., below.

- 14 C. The Permittee shall reduce the discharge of pollutants to the *maximum extent*
15 *practicable* (MEP).

- 16 D. The Permittee shall use all known, available, and reasonable methods of prevention,
17 control and treatment (*AKART*) to prevent and control pollution of waters of the State
18 of Washington.

- 19 E. In order to meet the goals of the Clean Water Act, and comply with S4.A., S4.B.,
20 S4.C., and S4.D., each Permittee shall comply with all of the applicable requirements
21 of this permit as defined in S3. Responsibilities of Permittees.

- 22 F. A Permittee remains in compliance with S4. despite any discharges prohibited by
23 S4.A. or S4.B., when the Permittee undertakes the following response toward long-
24 term water quality improvement:

- 25 1. A Permittee shall notify Ecology in writing within 30 days of becoming aware,
26 based on credible site-specific information, that a discharge from the municipal
27 separate storm sewer owned or operated by the Permittee is causing or
28 contributing to a known or likely violation of Water Quality Standards in the
29 receiving water. Written notification provided under this subsection shall, at a
30 minimum, identify the source of the site-specific information, describe the
31 nature and extent of the known or likely violation in the receiving water, and
32 explain the reasons why the MS4 discharge is believed to be causing or
33 contributing to the problem. For ongoing or continuing violations, a single
34 written notification to Ecology will fulfill this requirement.

- 35 2. In the event that Ecology determines, based on a notification provided under
36 S4.F.1., or through any other means, that a discharge from a municipal separate
37 storm sewer owned or operated by the Permittee is causing or contributing to a
38 violation of Water Quality Standards in a receiving water, Ecology will notify
39 the Permittee in writing that an adaptive management response outlined in
40 S4.F.3. below is required unless Ecology also determines that:

- 1 a. The violation of Water Quality Standards is already being addressed by a
2 Total Maximum Daily Load or other enforceable water quality cleanup
3 plan; or
- 4 b. Ecology concludes the violation will be eliminated through
5 implementation of other permit requirements.
- 6 3. Adaptive Management Response
- 7 a. Within 60 days of receiving a notification under S4.F.2., or by an
8 alternative date established by Ecology, the Permittee shall review its
9 Stormwater Management Program and submit a report to Ecology. The
10 report shall include:
- 11 i. A description of the operational and/or structural BMPs that are
12 currently being implemented to prevent or reduce any pollutants that
13 are causing or contributing to the violation of Water Quality
14 Standards, including a qualitative assessment of the effectiveness of
15 each BMP.
- 16 ii. A description of potential additional operational and/or structural
17 BMPs that will or may be implemented in order to apply AKART on
18 a site-specific basis to prevent or reduce any pollutants that are
19 causing or contributing to the violation of Water Quality Standards.
- 20 iii. A description of the potential monitoring or other assessment and
21 evaluation efforts that will or may be implemented to monitor, assess,
22 or evaluate the effectiveness of the additional BMPs.
- 23 iv. A schedule for implementing the additional BMPs including, as
24 appropriate: funding, training, purchasing, construction, monitoring,
25 and other assessment and evaluation components of implementation.
- 26 b. Ecology will, in writing, acknowledge receipt of the report within a
27 reasonable time and notify the Permittee when it expects to complete its
28 review of the report. Ecology will either approve the additional BMPs and
29 implementation schedule or require the Permittee to modify the report as
30 needed to meet AKART on a site-specific basis. If modifications are
31 required, Ecology will specify a reasonable time frame in which the
32 Permittee shall submit and Ecology will review the revised report.
- 33 c. The Permittee shall implement the additional BMPs, pursuant to the
34 schedule approved by Ecology, beginning immediately upon receipt of
35 written notification of approval.
- 36 d. The Permittee shall include with each subsequent annual report a summary
37 of the status of implementation, and the results of any monitoring,
38 assessment or evaluation efforts conducted during the reporting period. If,
39 based on the information provided under this subsection, Ecology
40 determines that modification of the BMPs or implementation schedule is

1 necessary to meet AKART on a site-specific basis, the Permittee shall
2 make such modifications as Ecology directs. In the event there are
3 ongoing violations of water quality standards despite the implementation
4 of the BMP approach of this section, the Permittee may be subject to
5 compliance schedules to eliminate the violation under WAC 173-201A-
6 510(4) and WAC 173-226-180 or other enforcement orders as Ecology
7 deems appropriate during the term of this permit.

8 e. Provided the Permittee is implementing the approved adaptive
9 management response under this section, the Permittee remains in
10 compliance with Condition S4., despite any on-going violations of Water
11 Quality Standards identified under S4.F.A or B above.

12 f. The adaptive management process provided under Section S.4.F is not
13 intended to create a shield for the Permittee from any liability it may face
14 under 42 U.S.C. 9601 *et seq.* or RCW 70.105D.

15 G. Ecology may modify or revoke and reissue this General Permit in accordance with
16 G14 *General Permit Modification and Revocation* if Ecology becomes aware of
17 additional control measures, management practices or other actions beyond what is
18 required in this permit, that are necessary to:

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

22 **S5. STORMWATER MANAGEMENT PROGRAM**

23 A. Each Permittee listed in S1.B. shall implement a Stormwater Management Program
24 (SWMP) during the term of this permit. For the purpose of this permit a stormwater
25 management program is a set of actions comprising the *components* listed in S5.C.,
26 and additional actions and activities, where necessary, to meet the requirements of S7
27 *Compliance with Total Maximum Daily Load Requirements*.

28 1. In accordance with the requirements in S9 *Reporting Requirements*, each
29 Permittee shall prepare written documentation of their SWMP and submit it to
30 Ecology in written and electronic formats with the first year annual report. The
31 documentation of the SWMP shall be organized according to the program
32 components in S5.C., and shall be updated annually. The SWMP documentation
33 shall include a description of each of the program components included in
34 S5.C., and any additional actions necessary to meet the requirements of
35 *applicable TMDLs*.

36 2. Each Permittee shall track the cost or estimated cost of development and
37 implementation of each component of the SWMP. This information shall be
38 provided to Ecology upon request.

1 3. Each Permittee shall track the number of inspections, official enforcement
2 actions and types of public education activities as required by the respective
3 program component. This information shall be included in the annual report.

4 B. The SWMP shall be designed to reduce the discharge of pollutants from MS4s to the
5 maximum extent practicable, meet state AKART requirements, and protect water
6 quality.

7 Permittees are to continue implementation of existing stormwater management
8 programs until they begin implementation of the updated stormwater management
9 program in accordance with the terms of this permit, including implementation
10 schedules.

11 C. The SWMP shall include the components listed below. The requirements of the
12 stormwater management program shall apply to municipal separate storm sewers, and
13 areas served by municipal separate storm sewers owned or operated by the Permittee.
14 To the extent allowable under state and federal law, all SWMP components are
15 mandatory.

16 1. Legal Authority

17 a. No later than the effective date of this permit, each Permittee shall be able
18 to demonstrate that they can operate pursuant to legal authority which
19 authorizes or enables the Permittee to control discharges to and from
20 municipal separate storm sewers owned or operated by the Permittee.

21 b. This legal authority, which may be a combination of statute, ordinance,
22 permit, contracts, orders, interagency agreements, or similar means, shall
23 authorize or enable the Permittee, at a minimum, to:

24 i. Control through ordinance, order, or similar means, the contribution
25 of pollutants to municipal separate storm sewers owned or operated
26 by the Permittee from stormwater discharges associated with
27 industrial activity, and control the quality of stormwater discharged
28 from sites of industrial activity;

29 ii. Prohibit through ordinance, order, or similar means, illicit discharges
30 to the municipal separate storm sewer owned or operated by the
31 Permittee;

32 iii. Control through ordinance, order, or similar means, the discharge of
33 spills and disposal of materials other than stormwater into the
34 municipal separate storm sewers owned or operated by the
35 Permittee;

36 iv. Control through interagency agreements among co-applicants, the
37 contribution of pollutants from one portion of the municipal separate
38 storm sewer system to another portion of the municipal separate
39 storm sewer system;

- v. Require compliance with conditions in ordinances, permits, contracts, or orders; and,
- vi. Within the limitations of state law, carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and non-compliance with permit conditions, including the prohibition on illicit discharges to the municipal separate storm sewer and compliance with local ordinances.

2. Municipal Separate Storm Sewer System Mapping and Documentation

- a. The SWMP shall include an ongoing program for mapping and documenting the MS4.
- b. Minimum performance measure information and its form of retention shall include:
 - i. No later than 2 years from the effective date of this permit each Permittee shall map all known municipal separate storm sewer *outfalls* and receiving waters, and structural stormwater treatment and flow control BMPs owned, operated, or maintained by the Permittee. Mapping of outfalls and structural BMPs shall continue on an on-going basis as additional outfalls are found, and as new BMPs are constructed or installed. No later than 2 years from the effective date of this permit each permittee shall initiate a program to map connection points between municipal separate storm sewers owned or operated by the Permittee and other municipalities or other public entities.
 - ii. No later than 4 years from the effective date of this permit each Permittee shall map the attributes listed below for all storm sewer outfalls with a 24 inches nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems. For Counties, the mapping shall be done within *urban/higher density rural sub-basins*. For Cities, the mapping shall be done throughout the City. Attributes mapped shall include: Land use, Tributary conveyances (indicate type, material, and size where known); and associated drainage areas.
 - iii. Each Permittee shall initiate a program to develop and maintain a map of all connections to the municipal separate storm sewer authorized or allowed by the Permittee after the effective date of this permit.
 - iv. Each Permittee shall map existing, known connections over 8” to municipal separate storm sewers tributary to all storm sewer outfalls with a 24” inches nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems, according to the following schedule:

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- City of Seattle and City of Tacoma: 2 years after the effective date of this permit.
 - Clark, King Pierce and Snohomish Counties: one half the area of the County within urban/higher density rural sub-basins 4 years after the effective date of this permit.
- v. No later than 4 years from the effective date of this permit each Permittee shall map geographic areas served by the Permittee’s MS4 that do not discharge stormwater to surface water.
- vi. To the extent consistent with national security laws and directives, each Permittee shall make available to Ecology, upon request, available maps depicting the information required in S5.C.2.b.i. through v., above. The preferred format of submission will be an electronic format with fully described mapping standards. An example description is available on Ecology’s website. Notification of updated GIS data layers shall be included in annual reports.
- vii. Upon request, and to the extent appropriate, Permittees shall provide mapping information to Co-Permittees and Secondary Permittees. This permit does not preclude Permittees from recovering reasonable costs associated with fulfilling mapping information requests by Co-Permittees and Secondary Permittees.

21 3. Coordination

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- a. The SWMP shall include coordination mechanisms among departments within each jurisdiction to eliminate barriers to compliance with the terms of this permit. The SWMP shall also include coordination mechanisms among entities covered under a municipal stormwater NPDES permit to encourage coordinated stormwater-related policies, programs and projects within a watershed.
- b. Minimum Performance Measures:
- i. No later than 1 year after the effective date of this permit, establish, in writing, and begin implementation of, intra-governmental (internal) coordination agreement(s) or Executive Directive(s) to facilitate compliance with the terms of this permit.
- ii. No later than 2 years after the effective date of this permit, or within 2 years following the addition of a new Secondary Permittee, establish:
- Coordination mechanisms clarifying roles and responsibilities for the control of pollutants between *physically interconnected* MS3s of the Permittee and any other Permittee covered by a municipal stormwater permit.

- Coordinating stormwater management activities for *shared waterbodies*, among Permittees and Secondary Permittees, to avoid conflicting plans, policies and regulations.

Permittees shall document their efforts to establish the required coordination mechanisms. Failure to effectively coordinate is not a permit violation provided other entities, whose actions the Permittee has no or limited control over, refuse to cooperate.

4. Public Involvement and Participation

- a. The SWMP shall provide ongoing opportunities for public involvement in the Permittee's stormwater management program and implementation priorities.
- b. Minimum performance measures:
 - i. No later than 6 months after the effective date of this permit, develop and begin implementing a process to create opportunities for the public to participate in processes involving the development, implementation and update of the Permittee's SWMP. Each Permittee shall develop and implement a process for consideration of public comments on their SWMP.
 - ii. Each Permittee shall make their SWMP, the SWMP documentation required under S5.A.1. and all submittals required by this permit, including annual reports, available to the public, starting with the first annual report, on the Permittee's website or submitted in electronic format to Ecology for posting on Ecology's website.

5. Controlling Runoff from New Development, Redevelopment and Construction Sites

- a. The SWMP shall include a program to prevent and control the impacts of runoff from new development, redevelopment, and construction activities. The program shall apply to private and public development, including roads.
- b. Minimum performance measures:
 - i. The Minimum Requirements, thresholds, and definitions in Appendix 1, or Minimum Requirements, thresholds, and definitions determined by Ecology to be equivalent to Appendix 1, for new development, redevelopment, and construction sites shall be included in ordinances or other enforceable documents adopted by the local government. Adjustment and variance criteria equivalent to those in Appendix 1 shall be included. More stringent requirements may be used, and/or certain requirements may be tailored to local circumstances through the use of basin plans or other similar water quality and quantity planning efforts. Such local requirements and

1 thresholds shall provide equal or similar protection of receiving
2 waters and equal or similar levels of pollutant control as compared to
3 Appendix 1.

- 4 ii. The local requirements shall include a site planning process and
5 BMP selection and design criteria that, when used to implement the
6 minimum requirements in Appendix 1, will protect water quality,
7 reduce the discharge of pollutants to the maximum extent
8 practicable, and satisfy the state requirement under chapter 90.48
9 RCW to apply all known, available, and reasonable methods of
10 prevention, control and treatment (AKART) prior to discharge.
11 Permittees shall document how the criteria and requirements will
12 protect water quality, reduce the discharge of pollutants to the
13 maximum extent practicable, and satisfy the state AKART
14 requirements.

15 Permittees who choose to use the site planning process, and BMP
16 selection and design criteria in the 2005 *Stormwater Management*
17 *Manual for Western Washington*, or an equivalent manual approved
18 by Ecology, may cite this choice as their sole documentation to meet
19 this requirement.

- 20 iii. Low Impact Development

- 21 • The program must allow non-structural preventative actions
22 and source reduction approaches such as Low Impact
23 Development Techniques (LID), to minimize the creation of
24 impervious surfaces, and measures to minimize the disturbance
25 of soils and vegetation.
- 26 • The program must require¹ non-structural preventive actions
27 and source reduction approaches including *Low Impact*
28 *Development Techniques (LID)*, to minimize the creation of
29 impervious surfaces, and measures to minimize the disturbance
30 of soils and vegetation where feasible.

- 31 iv. No later than 18 months from the effective date of this permit, each
32 Permittee shall adopt a local program that meets the requirements in
33 S5.C.5.b.i through iii(1)., above. Ecology review and approval of the
34 local manual and ordinances is required. Approved manuals and
35 ordinances are listed in Appendix 10. Permittees shall provide

¹ In order to implement the Pollution Control Hearings Board's language in S5.C.5.b.iii, Ecology will initiate a process to define the scope of LID techniques to be considered, criteria for determining the feasibility of LID techniques, and a LID performance standard. When the process is complete, Ecology will incorporate the results and a deadline for implementation of S5.C.5.b.iii(2) into the permit through a permit modification.

1 detailed, written justification of any of the requirements which differ
2 from those contained in Appendix 1 of this permit.

3 The Permittee shall submit draft enforceable requirements, technical
4 standards and manual to Ecology no later than 12 months after the
5 effective date of this permit. Ecology will review and provide written
6 response to the Permittee. If Ecology takes longer than 60 days to
7 provide a written response, the required deadline for adoption will be
8 automatically extended by the number of calendar days that Ecology
9 exceeds a 60 day period for written response.

10 In the case of circumstances beyond the Permittee's control, such as
11 litigation or administrative appeals that may result in noncompliance
12 with the requirements of this section, the Permittee shall promptly
13 notify Ecology and submit a written request for an extension.

14 v. No later than 18 months after the effective date of this permit, the
15 program shall establish legal authority to inspect private stormwater
16 facilities and enforce maintenance standards for all new development
17 and redevelopment approved under the provisions of this section.

18 vi. No later than 18 months after the effective date of this permit, the
19 program shall include a process of permits, plan review, inspections,
20 and enforcement capability to meet the following standards for both
21 private and public projects, using qualified personnel:

22 • Review all stormwater site plans submitted to the Permittee for
23 proposed development involving land disturbing activity that
24 meet the thresholds in S5.C.5.b.i., above.

25 • Inspect prior to clearing and construction, all permitted
26 development sites that meet the thresholds in S5.C.5.b.i., and
27 that have a high potential for sediment transport as determined
28 through plan review based on definitions and requirements in
29 Appendix 7.

30 • Inspect all permitted development sites involving land
31 disturbing activity that meet the thresholds in S5.C.5.b.i.,
32 above, during construction to verify proper installation and
33 maintenance of required erosion and sediment controls.
34 Enforce as necessary based on the inspection.

35 • Inspect all development sites that meet the thresholds in
36 S5.C.5.b.i., upon completion of construction and prior to final
37 approval/occupancy to verify proper installation of permanent
38 erosion controls and stormwater facilities/BMPs. Enforce as
39 necessary based on the inspection. A maintenance plan shall be
40 developed for permanent stormwater facilities/BMPs and
41 responsibility for maintenance shall be assigned.

- 1 • Compliance with the above inspection requirements shall be
2 determined by the presence of an established inspection
3 program designed to inspect all sites involving land disturbing
4 activity that meet the thresholds in S5.C.5.b.i. Compliance
5 during this permit term shall be determined by achieving at
6 least 80% of scheduled inspections. The inspections may be
7 combined with other inspections provided they are performed
8 using qualified personnel.

- 9 • The program shall include a procedure for keeping records of
10 inspections and enforcement actions by staff, including
11 inspection reports, warning letters, notices of violations, and
12 other enforcement records. Records of maintenance inspections
13 and maintenance activities shall be maintained.

- 14 • The program shall include an enforcement strategy to respond
15 to issues of non-compliance.

- 16 vii. No later than the effective date of this permit, the Permittee shall
17 make available the "*Notice of Intent for Construction Activity*"
18 and/or copies of the "*Notice of Intent for Industrial Activity*" to
19 representatives of proposed new development and redevelopment.
20 Permittees will continue to enforce local ordinances controlling
21 runoff from sites that are covered by other stormwater permits issued
22 by Ecology.

- 23 viii. No later than 18 months after the effective date of this permit, each
24 permittee shall ensure that all staff whose primary job duties are
25 implementing the program to Control Stormwater Runoff from New
26 Development, Redevelopment, and Construction Sites, including
27 permitting, plan review, construction site inspections, and
28 enforcement, are trained to conduct these activities. As determined
29 necessary by the Permittee, follow-up training shall be provided to
30 address changes in procedures, techniques or staffing. Permittees
31 shall document and maintain records of the training provided and the
32 staff trained.

33 6. Structural Stormwater Controls

- 34 a. The SWMP shall include a program to construct structural stormwater
35 controls to prevent or reduce impacts to waters of the state caused by
36 discharges from the MS4. Impacts that shall be addressed include
37 disturbances to watershed hydrology and stormwater pollutant discharges.
38 The program shall consider impacts caused by stormwater discharges from
39 areas of existing development, including runoff from highways, streets
40 and roads owned or operated by the Permittee, and areas of new
41 development, where impacts are anticipated as development proceeds. The
42 program shall address impacts that are not adequately controlled by the

1 other required actions of the SWMP, and shall provide proposed projects
2 and an implementation schedule.

3 The program shall consider the construction of projects such as: regional
4 flow control facilities; water quality treatment facilities; facilities to trap
5 and collect contaminated particulates; retrofitting of existing stormwater
6 facilities; and rights-of-way, or other property acquisition to provide
7 additional water quality and flow control benefits. Permittees should also
8 consider other means to address impacts, such as reduction or prevention
9 of hydrologic changes through the use of on-site (infiltration and
10 dispersion) stormwater management BMPs and site design techniques,
11 riparian habitat acquisition, or restoration of forest cover and riparian
12 buffers, for compliance with this requirement. Permittees may not use in-
13 stream culvert replacement or channel restoration projects for compliance
14 with this requirement.

15 b. Minimum Performance Measures:

16 i. No later than 1 year after the effective date of this permit, each
17 Permittee shall develop a Structural Stormwater Control program
18 designed to control stormwater impacts that are not adequately
19 controlled by other required actions of the SWMP. Implementation
20 of the program shall begin no later than 18 months after the effective
21 date of this permit. Permittees shall provide a list of planned
22 individual projects that are scheduled for implementation during the
23 term of this permit and describe how the selected projects comply
24 with AKART and MEP requirements. Updates and revisions to the
25 list will be provided in the annual report and will address any
26 concerns identified by Ecology during its review of the Structural
27 Stormwater Control program.

28 The Structural Stormwater Control program may also include a
29 program designed to implement small scale projects that are not
30 planned in advance.

31 ii. Each Permittee shall include a description of the Structural
32 Stormwater Control Program in the written documentation of their
33 SWMP. The description of the Structural Stormwater Control
34 Program shall include the following:

- 35 • The goals that the Structural Stormwater Control Program are
36 intended to achieve.
- 37 • The planning process used to develop the Structural
38 Stormwater Control Program, including: the geographic scale
39 of the planning process, the issues and regulations addressed,
40 the steps in the planning process, the types of characterization
41 information considered, the amount budgeted for
42 implementation, and the public involvement process.

- 1 • A description of the prioritization process, procedures and
2 criteria used to select the Structural Stormwater Control
3 projects
- 4 iii. For planned individual projects, and programs of small projects,
5 provide the following information:
- 6 • The estimated pollutant load reduction that will result from
7 each project designed to provide stormwater treatment.
- 8 • The expected outcome of each project designed to provide flow
9 control.
- 10 • Any other expected environmental benefits.
- 11 • If planned, monitoring or evaluation of the project and
12 monitoring/evaluation results.
- 13 iv. Information about the Structural Stormwater Control Program shall
14 be updated with each annual report.

15 7. Source Control Program for Existing Development

- 16 a. The SWMP shall include a program to reduce pollutants in runoff from
17 areas that discharge to municipal separate storm sewers owned or operated
18 by the Permittee. The program shall include the following:
- 19 i. Application of operational and structural source control BMPs, and,
20 if necessary, treatment BMPs to pollution generating sources
21 associated with existing land uses and activities.
- 22 ii. Inspections of pollutant generating sources at commercial, industrial
23 and multifamily properties to enforce implementation of required
24 BMPs to control pollution discharging into municipal separate storm
25 sewers owned or operated by the Permittee.
- 26 iii. Application and enforcement of local ordinances at applicable sites,
27 including sites that are covered by other stormwater permits issued
28 by Ecology. Permittees that are in compliance with the terms of this
29 permit will not be held liable by Ecology for water quality standard
30 violations or receiving water impacts caused by industries and other
31 Permittees covered, or which should be covered under an NPDES
32 permit issued by Ecology.
- 33 iv. Reduction of pollutants associated with the application of pesticides,
34 herbicides, and fertilizer discharging into municipal separate storm
35 sewers owned or operated by the Permittee.
- 36 b. Minimum Performance Measures for Source Control Program:

1 i. No later than 18 months after the effective date of this permit, adopt
2 and begin enforcement of an ordinance, or other enforceable
3 documents, requiring the application of source control BMPs for
4 pollutant generating sources associated with existing land uses and
5 activities (See Appendix 8 to identify pollutant generating sources).

6 The requirements of this subsection are met by using the source
7 control BMPs in Volume IV of the 2005 *Stormwater Management*
8 *Manual for Western Washington*, or a functionally equivalent
9 manual approved by Ecology.

10 Ecology review and approval of the ordinance, or other enforceable
11 documents, and source control program is required. Each Permittee
12 shall submit the proposed source control program and all necessary
13 documentation to Ecology for review, no later than 12 months after
14 the effective date of this permit. If Ecology does not request changes
15 within 60 days, the proposed source control BMPs are considered
16 approved.

17 Operational source control BMPs shall be required for all pollutant
18 generating sources. Structural source control BMPs shall be required
19 for pollutant generating sources if operational source control BMPs
20 do not prevent illicit discharges or violations of surface water,
21 ground water, or sediment management standards because of
22 inadequate stormwater controls. Implementation of source control
23 requirements may be done through education and technical
24 assistance programs, provided that formal enforcement authority is
25 available to the Permittee and is used as determined necessary by the
26 Permittee, in accordance with S5.C.7.b.iv., below.

27 ii. No later than 18 months after the effective date of this permit,
28 establish a program to identify sites which are potentially pollution
29 generating. The program shall include:

- 30 • Inventory or listing of the land uses/businesses using the
31 categories of land uses and businesses in Appendix 8. The
32 Permittee shall periodically update the inventory as new
33 businesses are identified and business ownership/management
34 and responsibilities change.
- 35 • Complaint-based response to identify other pollutant
36 generating sources, such as mobile or home-based businesses.

37 iii. Starting no later than 24 months after the effective date of this
38 permit, implement an audit/inspection program for sites identified
39 pursuant to S5.C.7.b.ii. above.

- 40 • All identified sites with a business address shall be provided,
41 by mail, telephone, or in person, information about activities

1 that may generate pollutants and the source control
2 requirements applicable to those activities. This information
3 may be provided all at one time or spread out over the last
4 three years of the permit term to allow for some tailoring and
5 distribution of the information during site inspections.
6 Businesses may self-certify compliance with the source control
7 requirements at the discretion of the Permittee. The Permittee
8 shall inspect 20% of these sites annually to assure BMP
9 effectiveness and compliance with source control requirements.
10 The Permittee may select which sites to inspect each year and
11 is not required to inspect 100% of sites over a 5-year period.
12 Sites may be prioritized for inspection based on their land use
13 category, potential for pollution generation, proximity to
14 receiving waters, or to address an identified pollution problem
15 within a specific geographic area or sub-basin. The Permittee
16 may count follow up compliance inspections at the same site
17 toward the 20% inspection rate.

- 18 • Each Permittee shall inspect 100% of sites identified through
19 legitimate complaints.

20 iv. No later than 24 months after the effective date of this permit, each
21 Permittee shall implement a progressive enforcement policy to
22 require sites to come into compliance with stormwater requirements
23 within a reasonable time period as specified below:

- 24 • If the Permittee determines, through inspections or otherwise,
25 that a site has failed to adequately implement required BMPs,
26 the Permittee shall take appropriate follow-up action(s) which
27 may include: phone calls, reminder letters or follow-up
28 inspections.
- 29 • When a Permittee determines that a facility has failed to
30 adequately implement BMPs after a follow-up inspection, the
31 Permittee shall take further enforcement action as established
32 through authority in its municipal code and ordinances, or
33 through the judicial system.
- 34 • Each Permittee shall maintain records, including
35 documentation of each site visit, inspection reports, warning
36 letters, notices of violations, and other enforcement records,
37 demonstrating an effort to bring facilities into compliance.
38 Each Permittee shall also maintain records of sites that are not
39 inspected because the property owner denies entry.
- 40 • A Permittee shall contact Ecology immediately upon
41 discovering a source control violation that presents a severe
42 threat to human health or the environment. A Permittee may

1 refer non-emergency violations of local ordinances to Ecology,
2 provided, the Permittee also makes a documented effort of
3 progressive enforcement. At a minimum, a Permittee's
4 enforcement effort shall include documentation of inspections
5 and warning letters or notices of violation.

- 6 v. No later than 24 months after the effective date of this permit, each
7 Permittee shall ensure that all staff whose primary job duties are
8 implementing the source control program are trained to conduct
9 these activities. The training shall cover the legal authority for source
10 control (adopted codes, ordinances, rules, etc.), source control BMPs
11 and their proper application, inspection protocols, and enforcement
12 procedures. Follow-up training shall be provided as needed to
13 address changes in procedures, techniques or staffing. Permittees
14 shall document and maintain records of the training provided and the
15 staff trained.

16 8. Illicit Connections and Illicit Discharges Detection and Elimination

- 17 a. The SWMP shall include an ongoing program to detect, remove and
18 prevent illicit connections and illicit discharges, including spills, into the
19 municipal separate storm sewers owned or operated by the Permittee.
- 20 b. Minimum Performance Measures:
- 21 i. No later than the effective date of this permit, each Permittee shall
22 continue implementing an on-going program to prevent, identify and
23 respond to illicit connections and illicit discharges. The program
24 shall include procedures for reporting and correcting or removing
25 illicit connections, spills and other illicit discharges when they are
26 suspected or identified. No later than 24 months after the effective
27 date of this permit, each permittee shall develop procedures for
28 addressing pollutants entering the MS4 from an interconnected,
29 adjoining MS4.
- 30 Illicit connections and illicit discharges shall be identified through
31 field screening, inspections, complaints/reports, construction
32 inspections, maintenance inspections, source control inspections,
33 and/or monitoring information, as appropriate.
- 34 ii. No later than 18 months after the effective date of this permit, each
35 Permittee shall evaluate, and if necessary update, existing ordinances
36 or other regulatory mechanisms to effectively prohibit non-
37 stormwater, illicit discharges, including spills, into the Permittee's
38 municipal separate storm sewer system.
- 39 (1) The ordinance or other regulatory mechanism does not need to
40 prohibit the following categories of non-stormwater discharges:
- 41 o Diverted stream flows;

1 activities (see S5.C.10.) and/or water conservation
2 efforts. To avoid washing pollutants into the MS4,
3 Permittees shall minimize the amount of street wash and
4 dust control water used. At active construction sites,
5 street sweeping shall be performed prior to washing the
6 street.

- 7 ○ Other non-stormwater discharges. Other non-stormwater
8 discharges shall be in compliance with the requirements
9 of a stormwater pollution prevention plan reviewed by
10 the Permittee which addresses such discharges.

11 (3) The Permittee's SWMP shall, at a minimum, address each
12 category in (2) above in accordance with the conditions stated
13 therein.

14 (4) The SWMP shall further address any category of discharges in
15 (1) or (2) above if the discharges are identified as significant
16 sources of pollutants to waters of the State.

17 (5) Non-stormwater discharges covered by another NPDES permit
18 and discharges from emergency fire fighting activities are
19 allowed in the MS4 in accordance with *S2 Authorized*
20 *Discharges*.

21 iii. No later than 18 months after the effective date of this permit, each
22 Permittee shall ensure that all municipal field staff who are
23 responsible for identification, investigation, termination, cleanup,
24 and reporting of *illicit discharges*, including spills, improper disposal
25 and *illicit connections*, are trained to conduct these activities.
26 Follow-up training shall be provided as needed to address changes in
27 procedures, techniques or staffing. Permittees shall document and
28 maintain records of the training provided and the staff trained.

29 iv. No later than 24 months after the effective date of this permit,
30 develop and implement an ongoing training program for all
31 municipal field staff, which, as part of their normal job
32 responsibilities might come into contact with or otherwise observe
33 an illicit discharge or illicit connection to the storm sewer system,
34 shall be trained on the identification of an illicit discharge or
35 connection and on the proper procedures for reporting and
36 responding to the illicit discharge or connection. Follow-up training
37 shall be provided as needed to address changes in procedures,
38 techniques or staffing. Permittees shall document and maintain
39 records of the training provided and the staff trained.

40 v. Each Permittee shall provide a publicly-listed, water quality citizen
41 complaints/reports telephone number. Except for Clark County,
42 which shall meet this requirement no later than 6 months from the

1 effective date of this permit, this citizen compliant/reports telephone
2 number shall be in place no later than the effective date of this
3 permit. Complaints shall be responded to in accordance with
4 S5.C.8.b.vii. and viii., below.

5 vi. Each Permittee shall conduct on-going screening to detect illicit
6 connections. The program shall include field screening and source
7 tracing; and may also include source control inspections and
8 complaint response. To comply with the requirement the Permittee
9 may use the methods identified in Illicit Discharge Detection and
10 Elimination: A Guidance Manual for Program Development and
11 Technical Assessments, Center for Watershed Protection, October
12 2004; or field screening methods approved by Ecology in a
13 Stormwater Management Program under a prior Phase I municipal
14 stormwater NPDES permit, provided the approved methods include
15 field screening and source tracing.

16 (1) Each City covered under this permit shall prioritize
17 conveyances and outfalls and complete field screening for at
18 least 60% of the conveyance systems within the Permittee's
19 incorporated area no later than 5 years from the effective date
20 of the permit.

21 (2) Each County covered under this permit shall prioritize outfalls
22 and conveyances in urban/higher density rural sub-basins for
23 screening and shall complete field screening for at least half of
24 the conveyance systems in these areas no later than 5 years
25 from the effective date of this permit. In addition, Counties
26 shall complete field screening in at least 1 rural sub-basin no
27 later than 5 years from the effective date of this permit.

28 vii. Response to Illicit Connections

29 (1) Investigation: Upon discovery or upon receiving a report of a
30 suspected illicit connection, Permittees shall initiate an
31 investigation within 21 days, to determine the source and
32 nature of the connection, and the responsible party for the
33 connection

34 (2) Termination: Upon confirmation of the illicit nature of a storm
35 drain connection, Permittees shall use their enforcement
36 authority in a documented effort to eliminate the illicit
37 connection within 6 months. All illicit connections to the MS4
38 shall be eliminated.

39 (3) Permittees shall contact Ecology immediately upon discovering
40 an illicit connection that presents a severe threat to human
41 health or the environment. Permittees may refer illicit
42 connection violations to Ecology provided that the Permittee

1 also makes a good faith effort of progressive enforcement. At a
2 minimum, a Permittee's enforcement effort shall include
3 documentation of inspections and warning letters and/or
4 notices of violation.

5 viii. No later than 6 months after the effective date of this permit, each
6 Permittee shall either participate in a regional emergency response
7 program, or develop and implement procedures to investigate and
8 respond to spills and improper disposal into municipal separate
9 storm sewers owned or operated by the Permittee. Permittees shall
10 have a program to prioritize and investigate complaints/reports or
11 monitoring information that indicates potential illicit discharges,
12 including spills. Permittees shall immediately respond to
13 problems/violations judged by the Permittee to be urgent, severe, or
14 an emergency. Spills of oil or hazardous materials shall be reported
15 to appropriate authorities.

16 ix. Each Permittee shall track and maintain records of the illicit
17 discharge detection and elimination program, including
18 documentation of inspections, complaint/spill response and other
19 enforcement records.

20 9. Operation and Maintenance Program

21 a. The SWMP shall include a program to regulate maintenance activities and
22 to conduct maintenance activities by the Permittee that prevent or reduce
23 stormwater impacts. The program shall include:

24 i. Maintenance standards and programs for proper and timely
25 maintenance of public and private stormwater facilities.

26 ii. Practices for operating and maintaining Permittee's streets, roads,
27 and highways to reduce stormwater impacts.

28 iii. Policies and procedures to reduce pollutants associated with the
29 application of pesticides, herbicides, and fertilizer by the Permittee's
30 agencies or departments.

31 iv. Practices for reducing stormwater impacts from *heavy equipment*
32 *maintenance or storage yards*, and from *material storage facilities*
33 owned or operated by the Permittee.

34 v. A training component.

35 b. Minimum Performance Measures:

36 i. Maintenance Standards. No later than 18 months after the effective
37 date of this permit, each Permittee shall establish maintenance
38 standards that are as protective or more protective of facility function
39 than those specified in Chapter 4 of Volume V of the 2005

1 *Stormwater Management Manual for Western Washington*. For
2 existing facilities which do not have maintenance standards, the
3 Permittee shall develop a maintenance standard.

4 (1) The purpose of the maintenance standard is to determine if
5 maintenance is required. The maintenance standard is not a
6 measure of the facility's required condition at all times
7 between inspections. Exceeding the maintenance standard
8 between inspections and/or maintenance is not a permit
9 violation.

10 (2) Unless there are circumstances beyond the Permittee's control,
11 when an inspection identifies an exceedence of the
12 maintenance standard, maintenance shall be performed:

- 13 ○ Within 1 year for typical maintenance of facilities, except
14 catch basins.
- 15 ○ Within 6 months for catch basins, and
- 16 ○ Within 2 years for maintenance that requires capital
17 construction of less than \$25,000.

18 Circumstances beyond the Permittee's control include
19 denial or delay of access by property owners, denial or
20 delay of necessary permit approvals, and unexpected
21 reallocations of maintenance staff to perform emergency
22 work. For each exceedence of the required timeframe, the
23 Permittee shall document the circumstances and how they
24 were beyond the Permittee's control.

25 ii. *Maintenance of stormwater facilities regulated by the Permittee*

26 (1) No later than 18 months after the effective date of this permit,
27 each Permittee shall evaluate and, if necessary, update existing
28 ordinances or other enforceable documents requiring
29 maintenance of all permanent stormwater treatment and flow
30 control facilities regulated by the Permittee (including catch
31 basins), in accordance with maintenance standards established
32 under S5.C.9.b.i., above.

33 (2) No later than 18 months after the effective date of this permit,
34 each Permittee shall develop and implement an initial
35 inspection schedule for all known, permanent stormwater
36 treatment and flow control facilities (other than catch basins)
37 regulated by the Permittee to inspect each facility at least once
38 during the term of this permit to enforce compliance with
39 adopted maintenance standards as needed based on the
40 inspection. The inspection program is limited to facilities to
41 which the Permittee can legally gain access, provided the

1 Permittee shall seek access to the types of stormwater
2 treatment and flow control facilities listed in the 2005
3 *Stormwater Management Manual for Western Washington*.

- 4 (3) No later than 4 years after the effective date of this permit,
5 each Permittee shall develop an on-going inspection schedule
6 to annually inspect all stormwater treatment and flow control
7 facilities (other than catch basins) regulated by the Permittee.
8 The annual inspection requirement may be reduced based on
9 maintenance records.

10 Reducing the inspection frequency to less frequently than
11 annually shall be based on maintenance records of double the
12 length of time of the proposed inspection frequency. In the
13 absence of maintenance records, the Permittee may substitute
14 written statements to document a specific less frequent
15 inspection schedule. Written statements shall be based on
16 actual inspection and maintenance experience and shall be
17 certified in accordance with G19 *Certification and Signature*.

- 18 (4) No later than 2 years after the effective date of this permit each
19 Permittee shall manage maintenance activities to inspect all
20 new permanent stormwater treatment and flow control
21 facilities, including catch basins, in new residential
22 developments every 6 months during the period of heaviest
23 construction to identify maintenance needs and enforce
24 compliance with maintenance standards as needed.

- 25 (5) Compliance with the inspection requirements of S5.C.9.b.ii.(2),
26 (3), and (4), above, shall be determined by the presence of an
27 established inspection program designed to inspect all sites,
28 and achieving inspection of 80% of all sites.

- 29 (6) The Permittee shall require cleaning of catch basins regulated
30 by the Permittee if they are found to be out of compliance with
31 established maintenance standards in the course of inspections
32 conducted at facilities under the requirements of S5.C.7.
33 (Source Control Program), and S5.C.8. (Illicit Connections and
34 Illicit Discharges Detection and Elimination), or if the catch
35 basins are part of the treatment or flow control systems
36 inspected under the requirements of S5.C.9. (Operation and
37 Maintenance Program)

- 38 iii. Maintenance of stormwater facilities owned or operated by the
39 Permittee

- 40 (1) No later than 24 months after the effective date of this permit
41 each Permittee shall begin implementing a program to annually
42 inspect all permanent stormwater treatment and flow control

1 facilities (other than catch basins) owned or operated by the
2 Permittee, and implement appropriate maintenance action in
3 accordance with adopted maintenance standards. The annual
4 inspection requirement may be reduced based on inspection
5 records.

6 Changing the inspection frequency to less frequently than
7 annually shall be based on maintenance records of double the
8 length of time of the proposed inspection frequency. In the
9 absence of maintenance records, the Permittee may substitute
10 written statements to document a specific less frequent
11 inspection schedule. Written statements shall be based on
12 actual inspection and maintenance experience and shall be
13 certified in accordance with G19 *Certification and Signature*.

14 (2) No later than 24 months after the effective date of this program
15 each Permittee shall begin implementing a program to conduct
16 spot checks of potentially damaged permanent treatment and
17 flow control facilities (other than catch basins) after major
18 storm events (24 hour storm event with a 10 year recurrence
19 interval). If spot checks indicate widespread
20 damage/maintenance needs, inspect all stormwater treatment
21 and flow control facilities that may be affected. Conduct
22 repairs or take appropriate maintenance action in accordance
23 with maintenance standards established under S5.C.9.b.i.,
24 above, based on the results of the inspections.

25 (3) Compliance with the inspection requirements of
26 S5.C.9.b.iii.(1), and (2) above, shall be determined by the
27 presence of an established inspection program designed to
28 inspect all sites. Compliance during this permit term shall be
29 determined by achieving an annual rate of at least 95% of
30 inspections no later than 180 days prior to the expiration date
31 of this permit.

32 iv. Maintenance of Catch Basins Owned or Operated by the Permittee

33 (1) No later than 24 months after the effective date of this permit
34 each Permittee shall begin implementing a program to annually
35 inspect catch basins and inlets owned or operated by the
36 Permittee.

37 ○ Inspections may be conducted on a “circuit basis”
38 whereby a sampling of catch basins and inlets within each
39 circuit is inspected to identify maintenance needs. Include
40 in the sampling an inspection of the catch basin
41 immediately upstream of any system outfall. Clean all
42 catch basins within a given circuit for which the
43 inspection indicates cleaning is needed to comply with

1 maintenance standards established under S5.C.9.b.i.,
2 above.

- 3 ○ As an alternative to inspecting catch basins on a “circuit
4 basis,” the Permittee may inspect all catch basins, and
5 clean only catch basins where cleaning is needed to
6 comply with maintenance standards.

7 (2) The annual catch basin inspection schedule may be changed as
8 appropriate to meet the maintenance standards based on
9 maintenance records of double the length of time of the
10 proposed inspection frequency. In the absence of maintenance
11 records for catch basins, the Permittee may substitute written
12 statements to document a specific, less frequent inspection
13 schedule. Written statements shall be based on actual
14 inspection and maintenance experience and shall be certified in
15 accordance with G19 *Certification and Signature*.

16 (3) The disposal of decant water shall be in accordance with the
17 requirements in Appendix 6 – *Street Waste Disposal*.

18 v. Records of inspections and maintenance or repair activities
19 conducted by the Permittee shall be maintained. Records of
20 maintenance or repair requiring capital construction of \$25,000 or
21 more shall be maintained and provided in the annual report.

22 vi. Within 12 months of the effective date of this permit, establish
23 practices to reduce stormwater impacts associated with runoff from
24 parking lots, streets, roads, and highways owned or operated by the
25 Permittee; and road maintenance activities conducted by the
26 Permittee.

27 Implementation of practices shall begin no later than 18 months after
28 the effective date of this permit, and continue on an ongoing basis
29 throughout the term of the permit. The following activities shall be
30 addressed:

- 31 (1) Pipe cleaning
- 32 (2) Cleaning of culverts that convey stormwater in ditch systems
- 33 (3) Ditch maintenance
- 34 (4) Street cleaning
- 35 (5) Road repair and resurfacing, including pavement grinding
- 36 (6) Snow and ice control
- 37 (7) Utility installation

- 1 (8) Maintaining roadside areas, including vegetation management.
- 2 (9) Dust control
- 3 (10) Pavement striping maintenance
- 4 vii. No later than 18 months after the effective date of this permit, each
- 5 Permittee shall establish and implement policies and procedures to
- 6 reduce pollutants in discharges from lands owned or maintained by
- 7 the Permittee subject to this permit. Lands owned or maintained by
- 8 the Permittee include but are not limited to: parks, open space, road
- 9 right-of-ways, maintenance yards, and stormwater treatment and
- 10 flow control facilities.
- 11 The policies and procedures shall address, but are not limited to:
- 12 (1) Application of fertilizer, pesticides, and herbicides, including
- 13 the development of Nutrient management and *Integrated Pest*
- 14 *Management Plans*;
- 15 (2) Sediment and erosion control;
- 16 (3) Landscape maintenance and vegetation disposal;
- 17 (4) Trash management; and
- 18 (5) Building exterior cleaning and maintenance.
- 19 viii. No later than 24 months after the effective date of this permit,
- 20 develop and implement an ongoing training program for employees
- 21 of the Permittee who have primary construction, operations or
- 22 maintenance job functions that could impact stormwater quality.
- 23 Follow-up training shall be provided as needed to address changes in
- 24 procedures, techniques or staffing. Permittees shall document and
- 25 maintain records of the training provided and the staff trained.
- 26 ix. Develop and implement a Stormwater Pollution Prevention Plan
- 27 (SWPPP) for all heavy equipment maintenance or storage yards, and
- 28 material storage facilities owned or operated by the Permittee in
- 29 areas subject to this permit, that are not required to have coverage
- 30 under the *General NPDES Permit for Stormwater Discharges*
- 31 *Associated with Industrial Activities* or another NPDES permit that
- 32 covers stormwater discharges associated with the activity. The
- 33 Permittee shall identify facilities subject to this requirement. The
- 34 SWPPPs shall be developed within 24 months of the effective date
- 35 of this permit. Implementation of non-structural BMPs shall begin
- 36 immediately after the pollution prevention plan is developed. A
- 37 schedule for implementation of structural BMPs shall be included in
- 38 the SWPPP. Generic SWPPPs that can be applied at multiple sites
- 39 may be used to comply with this requirement. The SWPPP shall

1 include periodic visual observation of discharges from the facility to
2 evaluate the effectiveness of BMPs.

3 10. Education and Outreach Program

4 a. The SWMP shall include an education program aimed at residents,
5 businesses, industries, elected officials, policy makers, planning staff and
6 other employees of the Permittee. The goal of the education program is to
7 reduce or eliminate behaviors and practices that cause or contribute to
8 adverse stormwater impacts. An education program may be developed
9 locally or regionally.

10 b. Minimum Performance Measures:

11 i. No later than 12 months after the effective date of this permit, each
12 Permittee shall implement or participate in an education and
13 outreach program that uses a variety of methods to target the
14 audiences and topics listed below. The outreach program shall be
15 designed to achieve measurable improvements in each target
16 audience's understanding of the problem and what they can do to
17 solve it.

18 (1) General Public

- 19 ○ General impacts of stormwater flows into surface waters.
- 20 ○ Impacts from impervious surfaces.
- 21 ○ Source control BMPs and environmental stewardship,
22 actions and opportunities in the areas of pet waste,
23 vehicle maintenance, landscaping and buffers.

24 (2) General public and businesses, including home based and
25 mobile businesses

- 26 ○ BMPs for use and storage of automotive chemicals,
27 hazardous cleaning supplies, carwash soaps and other
28 hazardous materials.
- 29 ○ Impacts of illicit discharges and how to report them.

30 (3) Homeowners, landscapers and property managers

- 31 ○ Yard care techniques protective of water quality.
- 32 ○ BMPs for use and storage of pesticides and fertilizers.
- 33 ○ BMPs for carpet cleaning and auto repair and
34 maintenance.

- 1 4. Secondary Permittees may implement parts of their SWMP in accordance with
2 the schedule for cities, towns and counties in *S5 Stormwater Management*
3 *Program*, provided they have signed a memorandum of understanding or other
4 agreement to jointly implement the activity or activities with one or more
5 jurisdictions listed in S1.B., and submitted a copy of the agreement to Ecology.
- 6 5. Secondary Permittees and Co-Permittees shall prepare written documentation of
7 the SWMP. The SWMP documentation shall be organized according to the
8 program components and shall be updated at least annually for submittal with
9 the Permittee’s annual reports to Ecology.
- 10 a. For all Secondary Permittees except the Port of Seattle and the Port of
11 Tacoma, The SWMP documentation shall include:
- 12 i. A description of each of the program components included in
13 S6.D.1. through S6.D.6., and
- 14 ii. Any additional actions necessary to meet the requirements of
15 applicable TMDLs pursuant to *S7 Compliance with Total Maximum*
16 *Daily Load Requirements*.
- 17 b. For the Port of Tacoma and the Port of Seattle the SWMP documentation
18 shall include:
- 19 i. A description of each of the program components included in S6.E.1.
20 through S6.E.7., and
- 21 ii. Any additional actions necessary to meet the requirements of
22 applicable TMDLs pursuant to *S7 Compliance with Total Maximum*
23 *Daily Load Requirements*.
- 24 6. Conditions S6.A., S6.B., and S6.C. are applicable to all Co-Permittees and
25 Secondary Permittees covered under this permit. In addition:
- 26 a. S6.D. is applicable to all Secondary Permittees except the Port of Seattle
27 and the Port of Tacoma. S6.D. does not apply to Permittees listed in S1.B.,
28 or S1.C.
- 29 b. S6.E. is applicable only to the Port of Seattle and the Port of Tacoma.
- 30 c. S6.F. is applicable only to King County as a Co-Permittee with the City of
31 Seattle for MS4s owned by King County but located within the City of
32 Seattle.

33 B. Coordination

34 The SWMP shall include mechanisms to encourage coordinated stormwater-related
35 policies, programs and projects within a watershed and interconnected MS4s. Where
36 relevant and appropriate, the SWMP shall also include coordination among
37 departments of the Secondary Permittee to ensure compliance with the terms of this
38 permit.

1 C. Legal Authority

2 To the extent allowable under state law and federal law, each Secondary Permittee
3 shall be able to demonstrate that it can operate pursuant to legal authority which
4 authorizes or enables the Secondary Permittee to control discharges to and from
5 municipal separate storm sewers owned or operated by the Secondary Permittee.

6 This legal authority may be a combination of statutes, ordinances, permits, contracts,
7 orders, interagency agreements, or similar instruments.

8 **D. Stormwater Management Program for Secondary Permittees**

9 The term “Secondary Permittees” means drainage, diking, flood control, or diking
10 and drainage districts, Ports (other than the Ports of Seattle and Tacoma, (see S6.E.)),
11 public colleges and universities, and any other owners or operators of municipal
12 separate storm sewers located within the municipalities that are listed as Permittees in
13 S1.B. The Stormwater Management Program (SWMP) for Secondary Permittees shall
14 include the following components:

15 1. Public Education and Outreach

16 Each Secondary Permittee shall implement the following stormwater education
17 strategies:

18 a. Storm drain inlets owned and operated by the Secondary Permittee that are
19 located in maintenance yards, in parking lots, along sidewalks, and at
20 pedestrian access points shall be clearly and permanently labeled with the
21 message “Dump no waste” and indicating the point of discharge as a river,
22 lake, bay, or ground water.

23 i. No later than three years from the date of permit coverage, at least
24 50 percent of these inlets shall be labeled.

25 ii. No later than 180 days prior expiration date of this Permit, or as
26 established as a condition of coverage by Ecology, all of these inlets
27 shall be labeled.

28 iii. As identified during visual inspection and regular maintenance of
29 storm drain inlets per the requirements of S6.D.3.d. and S6.D.6.a.i.
30 below, or as otherwise reported to the Secondary Permittee, any inlet
31 having a label that is no longer clearly visible and/or easily readable
32 shall be re-labeled within 90 days.

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

1 Where relevant, tenants and residents shall receive educational
2 information about the following topics:

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

13 Compliance with this requirement may be achieved through
14 participation in the local jurisdiction's public education and outreach
15 programs.

16 2. Public Involvement and Participation

17 No later than 180 days before the expiration date of this Permit, or as
18 established as a condition of coverage by the Ecology, each Secondary
19 Permittee shall:

- 20 a. Publish a public notice in the local newspaper or on the Permittee's
21 website and solicit public review of its SWMP.
- 22 b. Make the latest updated version of the SWMP available to the public. If
23 the Secondary Permittee maintains a website, the SWMP shall be posted
24 on the Secondary Permittee's website.

25 3. Illicit Discharge Detection and Elimination

26 Each Secondary Permittee shall:

- 27 a. From the date of permit coverage, comply with all relevant ordinances,
28 rules, and regulations of the local jurisdiction(s) in which the Secondary
29 Permittee is located that govern non-stormwater discharges.
- 30 b. Develop and adopt appropriate policies prohibiting illicit discharges no
31 later than one year from the date of permit coverage. Identify possible
32 enforcement mechanisms no later than one year from the date of permit
33 coverage; and, no later than eighteen months from the date of permit
34 coverage, develop and implement an enforcement plan using these
35 mechanisms to ensure compliance with illicit discharge policies. These
36 policies shall address, at a minimum: illicit connections; non-stormwater

1 discharges, including spills as defined below; or otherwise improperly
2 disposing of hazardous materials, pet waste, and litter.

3 i. Non-stormwater discharges covered by another NPDES permit and
4 discharges from emergency fire fighting activities are allowed in the
5 MS4 in accordance with S2 *Authorized Discharges*.

6 ii. The policies do not need to prohibit the following categories of non-
7 stormwater discharges:

- 8 • Diverted stream flows,
- 9 • Rising ground waters,
- 10 • Uncontaminated ground water infiltration (as defined at 40
11 CFR 35.2005(20)),
- 12 • Uncontaminated pumped ground water,
- 13 • Foundation drains,
- 14 • Air conditioning condensation,
- 15 • Irrigation water from agricultural sources that is commingled
16 with urban stormwater,
- 17 • Springs,
- 18 • Water from crawl space pumps,
- 19 • Footing drains, and
- 20 • Flows from riparian habitats and wetlands.

21 iii. The policies shall prohibit the following categories of non-
22 stormwater discharges, unless the stated conditions are met:

- 23 • Discharges from potable water sources, including water line
24 flushing, hyperchlorinated water line flushing, fire hydrant
25 system flushing, and pipeline hydrostatic test water. Planned
26 discharges shall be de-chlorinated to a concentration of 0.1
27 ppm or less, pH-adjusted if necessary, and volumetrically and
28 velocity controlled to prevent resuspension of sediments in the
29 MS4;
- 30 • Discharges from lawn watering and other irrigation runoff.
31 These discharges shall be minimized through, at a minimum,
32 public education activities and water conservation efforts
33 conducted by the Secondary Permittee and/or the local
34 jurisdiction.

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- Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
 - Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. The Secondary Permittee shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction. To avoid washing pollutants into the MS4, the Secondary Permittee shall minimize the amount of street wash and dust control water used. At active construction sites, street sweeping shall be performed prior to washing the street.
 - Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the Permittee which addresses control of such discharges.
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- iv. The Secondary Permittee's SWMP shall, at a minimum, address each category in iii above in accordance with the conditions stated therein.
 - v. The SWMP shall further address any category of discharges in ii or iii above if the discharge is identified as a significant source of pollutants to waters of the State.
- c. No later than 180 days before the expiration date of this Permit, or as established as a condition of coverage by Ecology, develop a storm sewer system map showing the locations of all known storm drain outfalls, labeling the receiving waters, and delineating the areas contributing runoff to each outfall. Make the map (or completed portions of the map) available on request to Ecology and/or to other Permittees or Secondary Permittees. The preferred, but not required, format of submission will be an electronic format with fully described mapping standards. An example description is provided on Ecology's website.
 - d. Conduct field inspections and visually inspect for illicit discharges at all known outfalls that discharge to surface waters. Visually inspect at least one third (on average) of all known outfalls each year beginning no later than two years from the date of permit coverage. Develop and implement procedures to identify and remove illicit discharges. Keep records of inspections and follow-up activities.

- 1 e. No later than 180 days before the expiration date of this Permit, or as
2 established as a condition of coverage by the Ecology, develop and
3 implement a spill response plan that includes coordination with a qualified
4 spill responder.
- 5 f. No later than two years from permit coverage date, provide staff training
6 or coordinate with existing training efforts to educate relevant staff on
7 proper *best management practices* for preventing spills and illicit
8 discharges. All relevant staff shall be trained.

9 4. Construction Site Stormwater Runoff Control

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

- 11 a. Comply with all relevant ordinances, rules, and regulations of the local
12 jurisdiction(s) in which the Secondary Permittee is located that govern
13 construction phase stormwater pollution prevention.
- 14 b. For all construction projects under the control of the Secondary Permittee,
15 which require a construction stormwater permit, Secondary Permittees
16 shall obtain coverage under the NPDES General Permit for Stormwater
17 Discharges Associated with *Construction Activities*, or an alternative
18 individual NPDES permit prior to discharging construction related
19 stormwater.
- 20 c. Coordinate with the local jurisdiction regarding projects owned and
21 operated by other entities which discharge into the Secondary Permittee's
22 MS4, to assist the local jurisdiction with achieving compliance with all
23 relevant ordinances, rules, and regulations of the local jurisdiction(s).
- 24 d. Provide training or coordinate with existing training efforts to educate
25 relevant staff in erosion and sediment control *BMPs* and requirements, or
26 hire trained contractors to perform the work.
- 27 e. Coordinate as requested with Ecology or the local jurisdiction to provide
28 access for inspection of construction sites or other land disturbances,
29 which are under the control of the Secondary Permittee during the active
30 grading and/or construction period.

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

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

- 34 a. Comply with all relevant ordinances, rules and regulations of the local
35 jurisdiction(s) in which the Secondary Permittee is located that govern
36 post-construction stormwater pollution prevention measures.
- 37 b. Coordinate with the local jurisdiction regarding projects owned and
38 operated by other entities which discharge into the Secondary Permittee's

1 MS4, to assist the local jurisdiction with achieving compliance with all
2 relevant ordinances, rules, and regulations of the local jurisdiction(s).

3 6. Pollution Prevention and Good Housekeeping for Municipal Operations

4 Each Secondary Permittee shall:

5 a. No later than three years from the date of permit coverage, develop and
6 implement a municipal operation and maintenance (O&M) plan to
7 minimize stormwater pollution from activities conducted by the Secondary
8 Permittee. The O&M Plan shall include appropriate pollution prevention
9 and good housekeeping procedures for all of the following operations,
10 activities, and/or types of facilities that are present within the Secondary
11 Permittee's boundaries.

12 i. Stormwater collection and conveyance system, including catch
13 basins, stormwater sewer pipes, open channels, culverts, structural
14 stormwater controls, and structural runoff treatment and/or flow
15 control facilities. The O&M Plan shall address, but is not limited to:
16 scheduled inspections and maintenance activities, including cleaning
17 and proper disposal of waste removed from the system. Secondary
18 Permittees shall properly maintain stormwater collection and
19 conveyance systems owned or operated by the Secondary Permittee
20 and regularly inspect and maintain all structural post-construction
21 stormwater BMPs to ensure facility function.

22 For facilities located in Western Washington, Secondary Permittees
23 shall establish maintenance standards that are as protective or more
24 protective of facility function than those specified in Chapter 4
25 Volume V of the 2005 *Stormwater Management Manual for Western*
26 *Washington*.

27 For facilities located in Eastern Washington, Secondary Permittees
28 shall establish maintenance standards that are as protective or more
29 protective of facility function than those specified in Chapters 5, 6
30 and 8 of the 2004 *Stormwater Management Manual for Eastern*
31 *Washington*.

32 Secondary Permittees shall conduct spot checks of stormwater
33 treatment and flow control facilities following a 24 hour storm event
34 with a 10-year or greater recurrence interval.

35 ii. Roads, highways, and parking lots. The O&M Plan shall address, but
36 is not limited to: deicing, anti-icing, and snow removal practices;
37 snow disposal areas; material (e.g. salt, sand, or other chemical)
38 storage areas; all-season BMPs to reduce road and parking lot debris
39 and other pollutants from entering the MS4.

40 iii. Vehicle fleets. The O&M Plan shall address, but is not limited to:
41 storage, washing, and maintenance of Secondary Permittee vehicle

- 1 fleets; and fueling facilities. Secondary Permittees shall conduct all
2 vehicle and equipment washing and maintenance in a self-contained
3 covered building or in designated wash and/or maintenance areas.
- 4 iv. External building maintenance. The O&M Plan shall address,
5 building exterior cleaning and maintenance including cleaning,
6 washing, painting and other maintenance activities.
- 7 v. Parks and open space. The O&M Plan shall address, but is not
8 limited to: proper application of fertilizer, pesticides, and herbicides;
9 sediment and erosion control; BMPs for landscape maintenance and
10 vegetation disposal; and trash management.
- 11 vi. Material storage areas, heavy equipment storage areas, and
12 maintenance areas. Secondary Permittees shall develop and
13 implement a Stormwater Pollution Prevention Plan to protect water
14 quality at each of these facilities owned or operated by the
15 Secondary Permittee and not covered under the General NPDES
16 Permit for Stormwater Discharges Associated with *Industrial*
17 *Activities* or under another NPDES permit that covers stormwater
18 discharges associated with the activity.
- 19 vii. Other facilities that would reasonably be expected to discharge
20 contaminated runoff. The O&M Plan shall address proper stormwater
21 pollution prevention practices for each facility.
- 22 b. From the date of coverage under this Permit, Secondary Permittees shall
23 also have permit coverage for all facilities operated by the Secondary
24 Permittee that are required to be covered under the General NPDES
25 Permit for Stormwater Discharges Associated with Industrial Activities.
- 26 c. The O&M Plan shall include sufficient documentation and records as
27 necessary to demonstrate compliance with the O&M Plan requirements in
28 S6.D.6.a.i. through vii above.
- 29 d. Train all employees whose construction, operations, or maintenance job
30 functions may impact stormwater quality. The training shall address:
- 31 i. The importance of protecting water quality,
32 ii. The requirements of this Permit,
33 iii. Operation and maintenance requirements,
34 iv. Inspection procedures,
35 v. Ways to perform their job activities to prevent or minimize impacts
36 to water quality, and
37 vi. Procedures for reporting water quality concerns, including potential
38 illicit discharges.

1 **E. Stormwater Management Program for the Port of Seattle and Port of Tacoma**

2 The Stormwater Management Program (SWMP) for the Port of Seattle and the Port
3 of Tacoma shall be developed and implemented in accordance with the schedules
4 contained in this section and shall be fully developed and implemented no later than
5 three years from the effective date of coverage.

6 Notwithstanding the schedules for implementation of SWMP components contained
7 in this permit, Permittees that are already implementing some or all of the SWMP
8 components in this section shall continue implementation of those components of
9 their SWMP.

10 The SWMP for the Port of Seattle and the Port of Tacoma shall include the
11 following components:

12 1. Education Program

13 The SWMP shall include an education program aimed at tenants and Port
14 employees. The goal of the education program is to reduce or eliminate
15 behaviors and practices that cause or contribute to adverse stormwater impacts.

16 Minimum Performance Measure

17 a. No later than 18 months after receiving coverage under this permit, the
18 Permittee shall make educational materials available to tenants and Port
19 employees whose job duties could impact stormwater.

20 2. Public Involvement and Participation

21 No later than 180 days before the expiration date of this Permit, each Port shall:

22 a. Publish a public notice in the local newspaper and solicit public review of
23 its SWMP.

24 b. Make the latest updated version of the SWMP available to the public. The
25 SWMP shall be posted on the Port's website.

26 3. Illicit Discharge Detection and Elimination

27 The SWMP shall include a program to detect, remove and prevent illicit
28 connections and illicit discharges, including spills, into the municipal separate
29 storm sewers owned or operated by the Port.

30 Minimum Performance Measures

31 a. From the date of permit coverage, comply with all ordinances, rules, and
32 regulations of the local jurisdiction(s) in which the Port district's MS3 is
33 located that govern non-stormwater discharges.

34 b. Develop and adopt appropriate policies prohibiting illicit discharges no
35 later than one year from the date of permit coverage. Identify possible
36 enforcement mechanisms no later than one year from the date of permit

1 coverage and, no later than eighteen months from the date of permit
2 coverage, develop and implement an enforcement plan using these
3 mechanisms to ensure compliance with illicit discharge policies. These
4 policies shall address, at a minimum: illicit connections; non-stormwater
5 discharges, including spills as defined below; or otherwise improperly
6 disposing of hazardous materials, pet waste, and litter.

7 i. Non-stormwater discharges covered by another NPDES permit and
8 discharges from emergency fire fighting activities are allowed in the
9 MS4 in accordance with *S2 Authorized Discharges*.

10 ii. The policies do not need to prohibit the following categories of non-
11 stormwater discharges:

- 12 • Diverted stream flows,
- 13 • Rising ground waters,
- 14 • Uncontaminated ground water infiltration (as defined at 40
15 CFR 35.2005(20)),
- 16 • Uncontaminated pumped ground water,
- 17 • Foundation drains,
- 18 • Air conditioning condensation,
- 19 • Irrigation water from agricultural sources that is commingled
20 with urban stormwater,
- 21 • Springs,
- 22 • Water from crawl space pumps,
- 23 • Footing drains, and
- 24 • Flows from riparian habitats and wetlands.

25 iii. The policies shall prohibit the following categories of non-
26 stormwater discharges unless the stated conditions are met:

- 27 • Discharges from potable water sources, including water line
28 flushing, hyperchlorinated water line flushing, fire hydrant
29 system flushing, and pipeline hydrostatic test water. Planned
30 discharges shall be de-chlorinated to a concentration of 0.1
31 ppm or less, pH-adjusted if necessary, and volumetrically and
32 velocity controlled to prevent resuspension of sediments in the
33 MS4.
- 34 • Discharges from lawn watering and other irrigation runoff.
35 These discharges shall be minimized through, at a minimum,

1 public education activities and water conservation efforts
2 conducted by the Secondary Permittee and/or the local
3 jurisdiction.

4 • Dechlorinated swimming pool discharges. The discharges shall
5 be dechlorinated to a concentration of 0.1 ppm or less, pH-
6 adjusted and reoxygenated if necessary, and volumetrically and
7 velocity controlled to prevent resuspension of sediments in the
8 MS4. Swimming pool cleaning wastewater and filter backwash
9 shall not be discharged to the MS4.

10 • Street and sidewalk wash water, water used to control dust, and
11 routine external building wash down that does not use
12 detergents. The Ports of Seattle and Tacoma shall reduce these
13 discharges through, at a minimum, public education activities
14 and/or water conservation efforts conducted by the Port and/or
15 the local jurisdiction. To avoid washing pollutants into the
16 MS4, the amount of street wash and dust control water used
17 shall be minimized. At active construction sites, street
18 sweeping shall be performed prior to washing the street.

19 • Other non-stormwater discharges shall be in compliance with
20 the requirements of a stormwater pollution prevention plan
21 reviewed by the Permittee which addresses control of such
22 discharges.

23 iv. The SWMP shall, at a minimum, address each category in iii above
24 in accordance with the conditions stated therein.

25 v. The SWMP shall further address any category of discharges in ii or
26 iii above if the discharge is identified as a significant source of
27 pollutants to waters of the State.

28 c. The SWMP shall include an ongoing program for gathering, maintaining,
29 and using adequate information to conduct planning, priority setting, and
30 program evaluation activities for Port-owned properties. The following
31 information will be gathered and retained:

32 i. Mapping of known municipal separate storm sewer outfalls, and
33 maps depicting land use for property owned by the Port, and all other
34 properties served by municipal separate storm sewers known to and
35 owned or operated by the Port. The mapping shall be completed
36 within 2 years of receiving coverage under this permit.

37 ii. Mapping of tributary conveyances, and the associated drainage areas
38 of municipal separate storm sewer outfalls owned or operated by the
39 Port, with a 24 inch nominal diameter or larger, or an equivalent
40 cross-sectional area for non-pipe systems. The mapping shall be
41 completed within 2 years of receiving coverage under this permit.

- 1 iii. To the extent consistent with national security laws and directives,
2 each Port shall make available to Ecology upon request, GIS data
3 layers generated by the Port depicting outfall locations, land use,
4 tributary conveyances and associated drainage areas of outfalls
5 owned or operated by the Port. The preferred format of submission
6 will be an electronic format with fully described mapping standards.
7 An example description is provided at Ecology’s website.
- 8 iv. No later than 24 months after receiving coverage under this permit,
9 develop and implement a program to document operation and
10 maintenance records for stormwater facilities covered under this
11 permit. The information shall be available for inspection by Ecology.
- 12 v. Upon request, and to the extent consistent with national security laws
13 and directives, mapping information and operation and maintenance
14 records shall be provided to the City or County in which the Port is
15 located.
- 16 d. Conduct field inspections and visually inspect for illicit discharges at all
17 known outfalls that discharge to surface waters. Visually inspect at least
18 one third (on average) of all known outfalls each year beginning no later
19 than 3 years from the date of permit coverage. Develop and implement
20 procedures to identify and remove any illicit discharges. Keep records of
21 inspections and follow-up activities.
- 22 e. 180 days before the expiration date of this Permit, develop and implement
23 a spill response plan that includes coordination with a qualified spill
24 responder.
- 25 f. Provide staff training or coordinate with existing training efforts to
26 educate relevant staff on proper best management practices for preventing
27 spills and illicit discharges.

28 4. Construction Site Stormwater Runoff Control

29 The SWMP shall include a program to reduce pollutants in stormwater runoff
30 from construction activities under the functional control of the Permittee.

31 Minimum performance measures:

- 32 a. Comply with all relevant, rules, and regulations of the local jurisdiction(s)
33 in which the Port is located that govern construction phase stormwater
34 pollution prevention measures. Within one year of the effective date of
35 coverage, and to the extent allowed by local ordinances, rules, and
36 regulations, comply with the applicable minimum technical requirements
37 for new development and redevelopment contained in Appendix 1.
- 38 b. When applicable, seek and obtain coverage under the General NPDES
39 Permit for Stormwater Discharges Associated with Construction
40 Activities.

- c. Coordinate with the local jurisdiction regarding projects owned and operated by other entities which discharge into interconnected MS3s, to assist the local jurisdiction with achieving compliance with all relevant ordinances, rules, and regulations of the local jurisdiction(s).
- d. Provide training or coordinate with existing training efforts to educate port staff responsible for implementing construction stormwater erosion and sediment control BMPs and requirements, or hire trained contractors to perform the work.
- e. Coordinate as requested with Ecology or the local jurisdiction to provide access for inspection of construction sites or other land disturbances that are under the control of the Port during the active grading and/or construction period.

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

The SWMP shall include a program to address post-construction stormwater runoff from new development and redevelopment projects. The program shall establish controls to prevent or minimize water quality impacts.

Minimum performance measures:

- a. Comply with all relevant ordinances, rules and regulations of the local jurisdiction(s) in which the Port is located that govern post-construction stormwater pollution prevention measures, including proper operation and maintenance of the MS3. Within one year of the effective date of permit coverage, and to the extent allowed by local ordinances, rules, and regulations, comply with the applicable the minimum technical requirements for new development and redevelopment contained in Appendix 1.
- b. Coordinate with the local jurisdiction regarding projects owned and operated by other entities which discharge into interconnected MS3s, to assist the local jurisdiction in achieving compliance with all relevant ordinances, rules, and regulations of the local jurisdiction(s).

6. Operation and Maintenance Program

The SWMP shall include an operation and maintenance program for all stormwater treatment and flow control facilities, and catch basins to ensure that BMPs continue to function properly.

Minimum Performance Measures:

- a. Each Port shall prepare an operation and maintenance manual for all stormwater BMPs that are under the functional control of the Permittee and which discharge stormwater to its MS3, or to an interconnected MS3.

- 1 i. The O&M manual shall be completed no later than 2 years after
2 receiving coverage under this permit. A copy of the manual shall be
3 retained in the appropriate Port department.
- 4 ii. The operation and maintenance manual shall establish facility-
5 specific maintenance standards that are as protective, or more
6 protective than those specified in Chapter 4 of Volume V of the 2005
7 *Stormwater Management Manual for Western Washington*. For
8 existing stormwater facilities which do not have maintenance
9 standards, the Permittee shall develop a maintenance standard.
- 10 iii. The purpose of the maintenance standard is to determine if
11 maintenance is required. The maintenance standard is not a measure
12 of the facility's required condition at all times between inspections.
13 Exceeding the maintenance standards between inspections and/or
14 maintenance is not a permit violation. Maintenance actions shall be
15 performed within the time frames specified in S6.E.6.b.ii.
- 16 b. The Port will manage maintenance activities to inspect all stormwater
17 BMPs listed in the O&M manual annually, and take appropriate
18 maintenance action in accordance with the O&M manual.
- 19 i. The Permittee may change the inspection frequency to less than
20 annually, provided the maintenance standards are still met. Reducing
21 the annual inspection frequency shall be based on maintenance
22 records of double the length of time of the proposed inspection
23 frequency. In the absence of maintenance records, the Permittee may
24 substitute written statements to document a specific less frequent
25 inspection schedule. Written statements shall be based on actual
26 inspection and maintenance experience and shall be certified in
27 accordance with G19 *Certification and Signature*.
- 28 ii. Unless there are circumstances beyond the Permittees control, when
29 an inspection identifies an exceedence of the maintenance standard,
30 maintenance shall be performed:
- 31 • Within 1 year for wet pool facilities and retention/detention
32 ponds.
 - 33 • Within 1 year for typical maintenance of facilities, except catch
34 basins.
 - 35 • Within 6 months for catch basins, and
 - 36 • Within 2 years for maintenance that requires capital
37 construction of less than \$25,000.
- 38 Circumstances beyond the Permittee's control include denial or
39 delay of access by property owners, denial or delay of
40 necessary permit approvals, and unexpected reallocations of

1 maintenance staff to perform emergency work. For each
2 exceedence of the required timeframe, the Permittee shall
3 document the circumstances and how they were beyond their
4 control.

5 c. The Port shall provide appropriate training for Port maintenance staff.

6 d. The Port will maintain records of inspections and maintenance activities.

7 7. Source Control in existing Developed Areas

8 The SWMP shall include the development and implementation of one or more
9 Stormwater Pollution Prevention Plans (SWPPPs). A SWPPP is a documented
10 plan to identify and implement measures to prevent and control the
11 contamination of discharges of stormwater to surface or ground water.
12 SWPPP(s) shall be prepared and implemented for all Port-owned lands, except
13 environmental mitigation sites owned by the Port, that are not covered by a
14 NPDES permit issued by Ecology that covers stormwater discharges.

15 Minimum Performance Measures

16 a. SWPPP(s) shall be developed within 24 months of receiving coverage
17 under this permit.

18 b. The SWPPP(s) shall include a facility assessment including a site plan,
19 identification of pollutant sources, and description of the drainage system.

20 c. The SWPPP(s) shall include a description of the BMPs used or proposed
21 for use by the Permittee. Stormwater BMPs shall be selected from the
22 2005 *Stormwater Management Manual for Western Washington* (or an
23 equivalent Manual approved by Ecology). Implementation of non-
24 structural BMPs shall begin immediately after the pollution prevention
25 plan is developed. A schedule for implementation of structural BMPs shall
26 be included in the SWPPP(s).

27 d. The Port shall maintain a list of sites covered by the SWPPP(s) required
28 under this permit. At least 15% of the listed sites shall be inspected
29 annually, and 80% of the total number of listed properties shall be
30 inspected by 180 days before the expiration date of the permit.

31 e. The SWPPP(s) shall include policies and procedures to reduce pollutants
32 associated with the application of pesticides, herbicides and fertilizer.

33 f. The SWPPP(s) shall include measures to prevent, identify and respond to
34 illicit discharges, including illicit connections, spills and improper
35 disposal. Immediately upon becoming aware of a spill into the drainage
36 system owned or operated by the Port, the Port shall notify the City or
37 County it is located in, and notify Ecology.

38 g. The SWPPP(s) shall include a component related to inspection and
39 maintenance of stormwater facilities and catch basins that is consistent

1 with the Port's Operation and Maintenance Program, as specified in
2 S6.E.6. above.

- 3 8. Monitoring Program. Monitoring requirements for the Port of Seattle and Port
4 of Tacoma are included in Special Condition S8.

5 **F. Stormwater Management Program for King County as a Co-Permittee**

6 King County, as a Co-Permittee with the City of Seattle for the discharges from
7 outfalls King County owns or operates in the City, shall participate in the City of
8 Seattle's Stormwater Management Program in accordance with the Joint Stormwater
9 Management Program element of the Memorandum of Agreement between the City
10 and County dated September 25, 1995. The apportionment of responsibilities for
11 stormwater management within the City shall be governed solely by the MOA or its
12 amendment, provided the City's stormwater management program, including King
13 County participation, shall fully comply with Section S5 of this permit. Any
14 amendments to the MOA shall be approved by Ecology before becoming effective.

15 **S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS**

16 The following requirements apply if an applicable Total Maximum Daily Load (TMDL) is
17 approved for stormwater discharges from MS4s owned or operated by the Permittee.
18 Applicable TMDLs are TMDLs which have been approved by EPA on or before the date
19 permit coverage is granted.

- 20 A. For applicable TMDLs listed in Appendix 2, affected Permittees shall comply with
21 the specific requirements identified in Appendix 2. Each Permittee shall keep records
22 of all actions required by this permit that are relevant to applicable TMDLs within
23 their jurisdiction. The status of the TMDL implementation shall be included as part of
24 the annual report submitted to Ecology.

25 Where monitoring is required in Appendix 2, the permittee shall conduct the
26 monitoring according to a Quality Assurance Project Plan (QAPP) approved by
27 Ecology.

- 28 B. For applicable TMDLs not listed in Appendix 2, compliance with this permit shall
29 constitute compliance with those TMDLs.

- 30 C. For TMDLs that are approved by EPA after this permit is issued, Ecology may
31 establish TMDL-related permit requirements through future permit modification if
32 Ecology determines implementation of actions, monitoring or reporting necessary to
33 demonstrate reasonable further progress toward achieving TMDL waste load
34 allocations, and other targets, are not occurring and shall be implemented during the
35 term of this permit or when this permit is reissued. Permittees are encouraged to
36 participate in development of TMDLs within their jurisdiction and to begin
37 implementation.

1 **S8. MONITORING**

- 2 A. Except for the Port of Seattle and the Port of Tacoma, Secondary Permittees are not
3 required to conduct water sampling or other testing during the effective term of this
4 permit, with the following exceptions:
- 5 1. Any water quality monitoring required for compliance with TMDLs, pursuant to
6 section S7 *Compliance with Total Maximum Daily Load Requirements* and
7 Appendix 2 of this permit; and
- 8 2. Any sampling or testing required for characterizing illicit discharges pursuant to
9 section S6.D.3. of this permit.
- 10 B. Permittees shall provide the following information in each annual report:
- 11 1. A description of any stormwater monitoring or studies conducted by the
12 Permittee during the reporting period. If stormwater monitoring was conducted
13 on behalf of the Permittee, or if studies or investigations conducted by other
14 entities were reported to the Permittee, a brief description of the type of
15 information gathered or received shall be included in the annual report(s)
16 covering the time period(s) during which the information was received.
- 17 2. An assessment of the appropriateness of the BMPs identified by the Permittee
18 for each component of the SWMP; and any changes made, or anticipated to be
19 made, to the BMPs that were previously selected to implement the SWMP, and
20 why.
- 21 3. Information required pursuant to S8.C.23 below.
- 22 C. The Permittees listed in S1.B, and the Port of Seattle, and the Port of Tacoma shall
23 develop and implement a long-term monitoring program.

24 1. Clark, King, Pierce, and Snohomish Counties, the Cities of Seattle and Tacoma,
25 and the Ports of Seattle and Tacoma shall continue to implement and complete
26 monitoring studies required under S8.D, S8.E and S8.F as described below.

27 a. For S8.D, Stormwater Monitoring is complete when the permittee has
28 collected three complete water years of data. Each Permittee shall enter
29 into the Department’s Environmental Information Management (EIM)
30 database all relevant data collected pursuant to S8.D in accordance with
31 Stormwater Monitoring Report Guidance, Phase I Municipal Stormwater
32 Permit, Reporting Requirements for Special Condition S8, November 2010
33 (Ecology Publication No. 10-10-028). Data entry to EIM shall be
34 completed no later than the expiration date of this permit.

35 b. For S8.E, Targeted Stormwater Management Program Effectiveness
36 Monitoring is complete when the permittee meets Quality Assurance
37 Project Plan (QAPP) schedules, goals, and objectives.

1 c. For S8.F, Stormwater Treatment and Hydrologic Management Best
2 Management Practice (BMP) Evaluation Monitoring is complete when the
3 permittee has collected a minimum of 12 samples from both the influent
4 and effluent monitoring stations at each BMP type monitored, and either:

5 i. Required statistical goals are met for each monitored parameter (i.e.,
6 mean effluent concentrations and mean percent removals are
7 determined with 90-95% confidence and 75-80% power), or

8 ii. A maximum of 35 samples are collected from both the influent and
9 effluent monitoring stations for each BMP type monitored (pursuant
10 to Ecology's guidance for Evaluation of Emerging Stormwater
11 Treatment Technologies, 2008).

12 Each Permittee shall enter into the International Stormwater BMP
13 Database (<http://www.bmpdatabase.org/>) all relevant data collected
14 pursuant to S8.F. Data entry to the International Stormwater BMP
15 Database shall be completed no later than the expiration date of this
16 permit.

17 d. For S8.F.7, Flow Reduction Strategy program is complete in accordance
18 with approved QAPP schedules, goals and objectives.

19 4.2. The monitoring program shall include three components

20 a. Stormwater monitoring which is intended to characterize stormwater
21 runoff quantity and quality at a limited number of locations in a manner
22 that allows analysis of loadings and changes in conditions over time and
23 generalization across the Permittees' jurisdiction. Stormwater monitoring
24 requirements are outlined in S8.D.

25 b. Targeted stormwater management program effectiveness monitoring
26 which is intended to improve stormwater management efforts by
27 evaluating at least two stormwater management practices that significantly
28 affect the success of or confidence in stormwater controls. Stormwater
29 management program effectiveness monitoring requirements are outlined
30 in S8.E.

31 c. BMP evaluation monitoring is intended to evaluate the effectiveness and
32 operation and maintenance requirements of stormwater treatment and
33 hydrologic management BMPs. BMP evaluation monitoring requirements
34 are outlined in S8.F.

35 4.3. Each of the components of the monitoring program shall include a Quality
36 Assurance Project Plan (QAPP). QAPPs shall be prepared in accordance with
37 Ecology's QAPP guidelines, available from Ecology's website. The monitoring
38 program shall be developed by qualified staff or contractors with experience in
39 applying Ecology's or EPA's QAPP Guidelines.

1 | 3.4. All QAPPs shall be submitted to Ecology for review, in accordance with the
2 | deadlines in S8.G. below. QAPPs for Stormwater Monitoring (S8.D.), and
3 | Stormwater Treatment and Hydrologic Management BMP Evaluation
4 | Monitoring (S8.F.) shall be reviewed and approved by Ecology prior to
5 | monitoring.

6 | D. Stormwater Monitoring

7 | 1. Stormwater monitoring site selection

8 | a. Stormwater monitoring sites shall have the tributary conveyance system
9 | and drainage area mapped, and be suitable for permanent installation and
10 | operation of flow-weighted composite sampling equipment. Permittees
11 | shall document how sites are selected and the basin size based on
12 | comparison of the times of concentration with rainfall durations for typical
13 | seasonal storms.

14 | Each site must represent a discernible type of land use, but not a single
15 | industrial or commercial complex. Ideally, to represent a particular land
16 | use, no less than 80% of the area served by the outfall or conveyance will
17 | be classified as having that land use. Permittees may move upstream in the
18 | conveyance system to achieve the desired land use.

19 | b. Counties shall monitor one outfall or conveyance representing each of the
20 | following land uses: Commercial, Low density residential, and High
21 | density residential.

22 | c. Cities shall monitor one outfall or conveyance representing each of the
23 | following land uses: Commercial, High density residential, and Industrial.

24 | d. The Ports of Seattle and Tacoma shall each monitor one outfall or
25 | conveyance.

26 | 2. Stormwater monitoring frequency and type of sampling

27 | a. Each stormwater monitoring site shall be sampled according to the
28 | following frequency unless good faith efforts with good professional
29 | practice by the Permittee do not result in collecting a successful sample for
30 | the full number of storms:

31 | Sixty-seven percent of the forecasted qualifying storms which result in
32 | actual qualifying storm events are required to be sampled, up to a
33 | maximum of eleven (11) storm events per water year. Qualifying storm
34 | events are defined in S8.D.2.a.i and ii, below. Qualifying storm event
35 | sampling must be distributed throughout the year, approximately
36 | reflecting the distribution of rainfall between the wet and dry seasons
37 | (with a goal of 60-80% of the samples collected during the wet season and
38 | a goal of 20-40% of the samples collected in the dry season).

1 Additionally, the Permittee shall analyze up to a maximum of three (3)
2 samples that are collected as a result of attempts to sample the eleven (11)
3 required storm events and do not meet the rainfall volume storm event
4 criterion but do meet the other storm event and sample criteria. Not
5 including the chemical sampling and analysis required by S8.D.2.d., the
6 maximum number of sampled storm events to be analyzed is fourteen (14)
7 per year.

8 i. The wet season is from October 1 through April 30. A qualifying wet
9 season storm event is defined as follows:

- 10 • Rainfall volume: 0.20” minimum, no fixed maximum
- 11 • Rainfall duration: No fixed minimum or maximum
- 12 • Antecedent dry period: Less than or equal to 0.02” rain in the
13 previous 24 hours
- 14 • Inter-event dry period: 6 hours

15 ii. The dry season is from May 1 through September 30. A qualifying
16 dry season storm event is defined as follows:

- 17 • Rainfall volume: 0.20” minimum, no fixed maximum
- 18 • Rainfall duration: No fixed minimum or maximum
- 19 • Antecedent dry period: less than or equal to 0.02” rain in the
20 previous 72 hours
- 21 • Inter-event dry period: 6 hours

22 b. Storm events shall be sampled using flow-weighted composite storm
23 sampling. Automatic samplers shall be programmed to begin sampling as
24 early in the runoff event as practical and to continue sampling past the
25 longest estimated time of concentration for the tributary area.

26 For storm events lasting less than 24 hours, samples shall be collected for
27 at least seventy-five percent (75%) of the storm event hydrograph. For
28 storm events lasting longer than 24 hours, samples shall be collected for
29 at least seventy-five percent 75% of the hydrograph of the first 24 hours of
30 the storm.

31 Each composite sample must consist of at least 10 aliquots. Composite
32 samples with 7 to 9 aliquots are acceptable if they meet the other sampling
33 criteria and help achieve a representative balance of wet season/dry season
34 events and storm sizes.

35 Continuous flow recording of all storm events (not just sampled storm
36 events) is necessary for at least one year to establish a baseline
37 rainfall/runoff relationship.

1 Precipitation and flow data shall be reported, and composite samples shall
2 be analyzed and results reported for the constituents/parameters listed
3 below. Chemicals below detection limits after two years of data analysis
4 may be dropped from the analysis. Refer to Appendix 9 for a listing of
5 acceptable laboratory analysis methods and target reporting limits.

6 i. Precipitation event data including antecedent dry period and rainfall
7 distribution throughout the event, flow and hydrograph data
8 including sampled and total runoff time periods and volumes

9 ii. Conventional Parameters Including: TSS, turbidity, Conductivity,
10 Chloride, Biochemical oxygen demand (BOD₅), Hardness, and
11 Methylene Blue Activating Substances (MBAS).

12 iii. Nutrients: Total phosphorus, Orthophosphate, Total kjeldahl
13 nitrogen, and Nitrate – nitrite.

14 iv. Metals, including, at a minimum: total and dissolved copper, zinc,
15 cadmium, and lead; and mercury sampling in commercial and
16 industrial land use areas.

17 v. Organics: PAHs; phthalates.

18 vi. Pesticides including:

19 • Herbicides: 2,4-D, MCPP, Triclopyr,

20 • Insecticides: Diazinon, Malathion, Chlorpyrifos, Dichlobenil,
21 Prometon

22 • Fungicides: Pentachlorophenol

23 c. If the volume of stormwater sample collected from a qualifying storm is
24 insufficient to allow analysis for all parameters listed S8.D.2.b. above, the
25 sample shall be analyzed for as many parameters as possible in the
26 following priority order:

27 i. All land use types: 1. TSS; 2. Conductivity; 3. MBAS; 4. Metals and
28 hardness;

29 ii. Industrial/Commercial: 5. PAH's and phthalates; 6. Pesticides; 7.
30 Nutrients 8. BOD₅; and 9. Chlorides

31 iii. Residential: 5. Nutrients; 6. Pesticides; 7. PAH's and phthalates; 8.
32 BOD₅; and 9. Chlorides

33 If insufficient sample exists to run the next highest priority pollutant,
34 that analysis should be bypassed and analyses run on lower priority
35 pollutants in accordance with the remaining priority order to the
36 extent possible.

- 1 d. The Permittee shall test the seasonal first-flush for toxicity in accordance
2 with the criteria and procedures described in this section. This toxicity
3 testing is for screening purposes only and is not effluent characterization
4 or compliance monitoring under Chapter 173-205 WAC.

5 Toxicity testing shall be completed once by each Permittee required to
6 perform toxicity testing during this permit cycle. Toxicity testing shall be
7 performed based on the schedule below:

- 8 i. The following Permittees shall sample the seasonal first flush for
9 toxicity beginning August 2010:

- 10 • City of Seattle
11 • Snohomish County
12 • City of Tacoma
13 • Clark County

- 14 ii. The following Permittees shall sample the seasonal first flush for
15 toxicity beginning August 2011:

- 16 • Port of Tacoma
17 • Port of Seattle
18 • King County
19 • Pierce County

- 20 iii. Toxicity storm event criteria:

- 21 • August or September, with at least a one-week antecedent dry
22 period (or October, irrespective of antecedent dry period, if
23 unsuccessful in August or September).

- 24 iv. Toxicity Sample criteria:

- 25 • Adequate volume to perform toxicity testing, any associated
26 egg (includes both yolk and embryo) analysis, and the
27 chemical analyses as described below. The total volume
28 required for toxicity testing and associated egg analysis is in
29 the range of twenty-four (24) to forty-four (44) liters. The
30 volume required for chemical analysis is approximately ten
31 (10) liters.

- 32 v. The Permittee shall contact the toxicity laboratory prior to the
33 forecasted storm event to inquire about gamete (test organism)
34 availability. If the laboratory confirms that gametes of sufficient
35 quantity and quality will not be available for toxicity testing, the

1 Permittee shall not attempt to collect toxicity samples for that storm
2 event.

3 If the Permittee is unsuccessful in completing a toxicity test despite
4 good faith, documented efforts, or due to an invalid or anomalous
5 test result, a second sampling attempt is required if sufficient time
6 remains to meet the toxicity storm event criteria. If the second
7 attempt is also unsuccessful, the Permittee shall document its efforts
8 in its annual stormwater monitoring report and shall not be required
9 to conduct further sampling and analysis efforts under S8.D.2.d for
10 that water year.

11 e. Sampling and Reporting Requirements for seasonal first-flush toxicity
12 tests

13 i. The Permittee shall submit all reports for toxicity testing in
14 accordance with the most recent version of Department of Ecology
15 Publication # WQ-R-95-80, *Laboratory Guidance and Whole*
16 *Effluent Toxicity Test Review Criteria*. Reports shall contain bench
17 sheets and reference toxicant results for test methods. If the lab
18 provides the toxicity test data in electronic format for entry into
19 Ecology's database, then the Permittee shall send the data to Ecology
20 along with the test report, bench sheets, and reference toxicant
21 results.

22 ii. The Permittee shall collect the sample for toxicity testing using flow-
23 weighted or time-weighted composite samplers or sampling
24 methods.

25 iii. The Permittee shall collect the sample for the associated chemical
26 analysis at the same time and location as the toxicity testing sample.
27 The associated chemical analysis shall be for the following
28 parameters: TSS, chloride, hardness, methylene blue activated
29 substances (MBAS), metals including total and dissolved copper,
30 zinc, cadmium, and lead (mercury in commercial or industrial land
31 use areas only), PAHs, phthalates, and pesticides including 2,4-D,
32 MCP, Triclopyr, Diazinon, Malathion, Chlorpyrifos, Dichlobenil,
33 Prometon and Pentachlorophenol.

34 iv. Sample holding times, temperatures, and handling shall meet
35 Ecology's guidance (WQ-R-95-80, or version current at the permit
36 revision date). The laboratory must conduct water quality
37 measurements on all samples and test solutions for toxicity testing as
38 specified in the most recent version of Department of Ecology
39 publication # WQ-R-95-80, *Laboratory Guidance and Whole*
40 *Effluent Toxicity Test Review Criteria*.

41 v. Testing procedures should follow: E-test (seven day), Environment
42 Canada, Pacific Environmental Science Center, Environmental

1 Toxicology Section, SOP ID: RBTELS11.SOP, 1999. The test
2 procedure may take advantage of the smaller volume modification
3 described in: Canaria, E.C., Elphick, J.R. and Bailey, H.C. 1999. A
4 simplified procedure for conducting small scale short-term embryo
5 toxicity tests with salmonids is found in Environ. Toxicol. 14:301-
6 307.

7 vi. Toxicity tests must meet quality assurance criteria in the most recent
8 versions of the Environment Canada manual EPS 1/RM/28 and the
9 Department of Ecology Publication #WQ-R-95-80, *Laboratory*
10 *Guidance and Whole Effluent Toxicity Test Review Criteria*. If test
11 results are determined to be invalid by the laboratory or Ecology
12 determines the test results are anomalous, Ecology may require the
13 Permittee to attempt to collect a second toxicity test sample if
14 Ecology believes sufficient time remains to collect a sample meeting
15 the toxicity storm event criteria. The Permittee will be notified in
16 writing that it is required to attempt to collect an additional sample
17 meeting the terms of S8.D.2.d. If the Permittee is unable to collect
18 and test a second sample, it must document its efforts in the annual
19 stormwater monitoring report. The Permittee shall not be required to
20 make more than two sample attempts for toxicity testing described in
21 S8.D.2.d.

22 • The Permittee may sample receiving water at the same time as
23 the stormwater and instruct the lab to measure the hardness of
24 both and increase the hardness of the stormwater sample to
25 match the hardness of the receiving water sample prior to
26 beginning the toxicity test. Otherwise, the Permittee must
27 conduct whole effluent toxicity tests on an unmodified sample
28 of stormwater.

29 • Control water and dilution water must be a moderately hard
30 reconstituted laboratory water or pristine natural water of
31 sufficient quality for good control performance.

32 • The EC₅₀ must be calculated by the trimmed Spearman-Kärber
33 procedure. Abbott's correction may be applied to the data
34 before deriving this point estimate. A minimum of five (5)
35 concentrations and a control must be used in the testing

36 vii. Follow up actions

37 If the EC₅₀ from any valid and non-anomalous test is 100%
38 stormwater or less, the Permittee must implement follow-up actions.

39 Terminated organisms must be preserved for up to six months.
40 Within sixty (60) days after final validation of the data, the Permittee
41 shall compare the chemical analysis results for the same sample
42 event to a library of toxicity test results compiled by Ecology and

1 identified for this purpose, using good faith efforts to determine if
2 the presence of an analyzed contaminant is within a range reported in
3 the literature that may adversely affect fish embryos and if so to
4 review the source literature.

5 If a possible chemical contaminant(s) of concern is determined by
6 the library comparison and literature review, the Permittee must
7 prepare and submit a report summarizing the toxicity and chemical
8 analysis results, the library comparison, a review of relevant sources
9 of literature from Ecology's library, the possible chemical
10 contaminant(s) of concern, and an explanation of how the
11 Permittee's stormwater management actions are expected to reduce
12 stormwater toxicity. This report will be submitted to Ecology within
13 one hundred twenty (120) days after final validation of the toxicity
14 and chemistry data. In addition, the report will be attached as an
15 appendix to the following year's annual stormwater monitoring
16 report.

17 If a possible chemical contaminant(s) of concern is not determined
18 by library comparison and literature review, a Gas
19 Chromatograph/Mass Spectrometer (GC/MS) analysis of the eggs
20 from the highest test concentrations must be performed. The GC/MS
21 need not be quantitative but only capable of identifying stormwater
22 contaminants present in the eggs. Within one hundred fifty (150)
23 days after final validation of the toxicity and chemical analysis data,
24 the Permittee must prepare and submit a report summarizing the
25 toxicity and chemical analysis results, the library comparison, a
26 review of relevant source literature from Ecology's library, the
27 GC/MSs results, and an explanation of how the Permittee's
28 stormwater management actions are expected to reduce stormwater
29 toxicity. In addition, the report will be attached as an appendix to the
30 following year's annual stormwater monitoring report.

- 31 f. Each storm event shall be sampled using grab samples for the following
32 constituents/parameters:
- 33 i. Total Petroleum Hydrocarbons (TPH) using NWTPH-Gx and
34 NWTPH-Dx. (sample must be collected early in the storm event and
35 skimmed from the surface), and
 - 36 ii. Fecal coliform bacteria.
- 37 g. Annual sediment monitoring. Sediments samples shall be collected at each
38 stormwater monitoring site, or in the vicinity of each stormwater
39 monitoring site. Use of in-line sediment traps or similar collection system
40 is preferred. Sampling of receiving water sediment deposits is an
41 alternative where approved by Ecology.

- 1 i. Sediment samples shall be analyzed for: total solids, grain size, total
2 organic carbon, copper, zinc, cadmium, lead, and mercury (mercury
3 not necessary for residential land use sites), PAHs, phthalates,
4 phenolics, PCBs (not necessary for residential sites), and pesticides.
- 5 ii. Parameters that are below detection limits after two years of data
6 may be dropped from the analysis. A minimum of one sample per
7 year shall be collected.
- 8 iii. If the volume of sediment sample is insufficient to analyze for all of
9 the parameters listed above, the sample shall be analyzed for as
10 many parameters as possible in the following priority order:
- 11 • All land use types: 1) Grain size (if enough sample is available
12 for all parameters, use grain size method in Appendix 9;
13 otherwise characterize grain size qualitatively); 2) Total
14 organic carbon; 3) Metals.
 - 15 • Industrial/Commercial: 4) PAH's and Phthalates; 5) Phenolics;
16 6) PCB's; and 7) Pesticides.
 - 17 • Residential: 4) Pesticides; 5) PAH's and Phthalates; and 6)
18 Phenolics.
- 19 h. For each stormwater monitoring site calculate the Event Mean
20 Concentrations (EMCs), total annual pollutant load, and the seasonal
21 pollutant load for the wet and dry seasons based on the water year. The
22 loadings shall be expressed as total pounds and as pounds per acre, and
23 must take into account potential pollutant load from base flow. Reporting
24 shall be in accordance with S8.H.

25 E. Targeted Stormwater Management Program Effectiveness Monitoring

- 26 1. Each Permittee shall conduct monitoring designed to determine the
27 effectiveness of the Permittee's SWMP at controlling a stormwater related
28 problem directly addressable by targeted actions in the SWMP. The stormwater
29 management program effectiveness monitoring component shall be designed to
30 answer one of each type of the following questions:
- 31 a. The effectiveness of a targeted action (or narrow suite of actions), and
 - 32 b. The effectiveness of achieving a targeted environmental outcome.
- 33 2. The monitoring shall at a minimum include stormwater, sediment or receiving
34 water monitoring of physical, chemical and/or biological characteristics. The
35 monitoring may also include data collection and analysis of other programmatic
36 measures of effectiveness such as surveys and polls. Monitoring to identify sub-
37 basin-specific water quality problems and characterize discharges for planning
38 purposes may also be included.

- 1 3. For each of the two questions selected for monitoring, Permittees shall develop
2 a monitoring program containing the following elements:
- 3 a. Description of the targeted action/targeted environmental outcome and a
4 explanation of why it is significant to the Permittee, and if the problem is
5 significant to other stormwater managers;
- 6 b. Specific hypotheses about the targeted action/targeted environmental
7 outcome that will be tested by the monitoring problem;
- 8 c. Specific parameters of attributes to be measured; and
- 9 d. Expected modifications to management actions depending on the outcome
10 of hypotheses testing.

11 F. Stormwater Treatment and Hydrologic Management Best Management Practice
12 (BMP) Evaluation Monitoring

13 1. Each Permittee listed in S1.B. and the Ports of Seattle and Tacoma shall conduct
14 full scale field monitoring to evaluate the effectiveness and operation and
15 maintenance requirements of stormwater treatment and hydrologic management
16 BMPs applied in their jurisdiction. A QAPP is required for each BMP and flow
17 reduction strategy being monitored.

18 2. Each Permittee listed in S1.B. shall monitor at least two treatment BMPs, at no
19 less than two sites per BMP. The Port of Seattle and the Port of Tacoma shall
20 each monitor at least one treatment BMP, at no less than two sites.

21 To ensure a range of BMP types are monitored, Ecology will restrict the total
22 number of monitoring sites for a BMP category to no more than four. BMPs
23 shall be selected from the following list:

24 a. Basic Treatment Category: Biofiltration swale, Filter strip, Basic
25 wetpond, Treatment wetland, and Sand filter.

26 b. Metals/Phosphorus Treatment Category: Amended sand filter, Two
27 facility treatment train, Compost amended filter strips, Bioretention, and
28 Large wetpond.

29 c. Oil Control Category: Linear sand filter, and Catch basin insert.

30 3. BMPs shall be designed in accordance with the 2005 *Stormwater Management*
31 *Manual for Western Washington* unless Ecology approves of an alternate design
32 in the QAPP review. Permittees may also petition Ecology to monitor a BMP
33 that is not on the above list.

34 4. Permittees must use appropriate sections of Ecology’s guidance for “Evaluation
35 of Emerging Stormwater Treatment Technologies” (available on Ecology’s
36 website) for preparing, implementing, and reporting on the results of the BMP
37 evaluation program.

1 The statistical goal is to determine mean effluent concentrations and mean
2 percent removals for each BMP type with 90 - 95% confidence and 75 - 80%
3 power.

4 Permittees must use USEPA publication number 821-B-02-001, "Urban
5 Stormwater BMP Performance Monitoring," as additional guidance for
6 preparing the BMP evaluation monitoring, and must collect information
7 pertinent to fulfilling the "National Stormwater BMP Data Base Requirements"
8 in section 3.4.3. of that document.

9 5. The parameters to be monitored in whole water at each test site include:

10 a. For Basic, Enhanced, or Phosphorus treatment BMPs: Total suspended
11 solids, Particle size distribution, pH, Total and ortho-phosphorus,
12 Hardness, and Total and dissolved copper and zinc.

13 b. For Oil Control BMPs: Total suspended solids, Particle size distribution,
14 pH, NWTPH-Dx and -Gx, and Oil sheen

15 6. Parameters to be monitored in accumulated sediment at each test site for Basic,
16 Enhanced, Phosphorus treatment, or Oil Control BMPs include: Percent total
17 solids, Grain size, Total volatile solids, NWTPH-Dx, Total phosphorous, and
18 Total cadmium, copper, lead, and zinc.

19 7. Each Permittee listed in S1.B. shall monitor the effectiveness of one flow
20 reduction strategy that is in use or planned for installation in their jurisdiction.

21 Monitoring of a flow reduction strategy shall include continuous rainfall and
22 surface runoff monitoring. Flow reduction strategies shall be monitored through
23 either a paired site study or against a predicted outcome.

24 G. Monitoring Program Development

25 Permittees may choose to develop one, two or all of the components of the
26 monitoring program, conduct the monitoring, and report results through an integrated,
27 long-term, water quality monitoring program in collaboration with other municipal
28 stormwater Permittees; or they may independently develop one, two, or all of the
29 components of the monitoring program, conduct the monitoring, and report results.

30 Collaborative monitoring programs may be developed by a third party (or parties) that
31 are not a Permittee, provided that the Permittee complies with the provisions of
32 Special Condition S3.B (relying on another entity to meet permit requirements).

33 The schedule for the development of monitoring programs is as follows:

34 1. Collaboratively developed monitoring programs.

35 a. Permittees that intend to meet all or part of the monitoring requirements
36 through a collaborative process shall submit a statement to Ecology
37 explaining their commitment to the collaborative process no later than 6
38 months after the effective date of this permit

- 1 b. The summary description of the monitoring program and QAPPs, as
2 required, shall be submitted to Ecology no later than 1.5 years after the
3 effective date of this permit. The monitoring program shall be submitted in
4 both paper and electronic form.
- 5 c. Approved or final QAPPs shall be completed no later than 2 years after
6 the effective date of this permit, provided that this deadline will be
7 extended by the number of days by which Ecology exceeds 90 days for
8 QAPP review.
- 9 d. Full implementation of the monitoring program shall begin no later than
10 2.5 years after the effective date of this permit. The third party or parties
11 selected to develop the monitoring plan may continue to be utilized to
12 collect and analyze the data and to write the subsequent reports required
13 under this permit.
- 14 e. Final reports, including data and analysis for S8.F. Stormwater Treatment
15 and Hydrologic Management BMP Evaluation Monitoring Program that
16 are completed during the permit term shall be submitted to Ecology no
17 later than the fourth year annual report. The fourth year annual report shall
18 also describe Stormwater Treatment and Hydrologic Management BMP
19 Evaluation Monitoring programs that are still in progress at the end of the
20 reporting period, and the expected date for submittal of the final reports.
- 21 2. Independently developed monitoring programs.
- 22 a. A summary description of the monitoring program and QAPPs, as
23 required, shall be submitted to Ecology no later than 1 year after the
24 effective date of this permit. The monitoring program shall be submitted in
25 both paper and electronic form.
- 26 b. Approved or final QAPPs shall be completed no later than 1.5 years after
27 the effective date of this permit, provided that this deadline shall be
28 extended by the number of days by which Ecology exceeds 90 days for
29 QAPP review.
- 30 c. Full implementation of the monitoring program shall begin no later than 2
31 years after the effective date of this permit.
- 32 d. Final reports, including data and analysis for S8.F. Stormwater Treatment
33 and Hydrologic Management BMP Evaluation Monitoring Program
34 completed during the permit term shall be submitted to Ecology no later
35 than the fourth year annual report. The fourth year annual report shall also
36 describe Stormwater Treatment and Hydrologic Management BMP
37 Evaluation Monitoring programs that are still in progress at the end of the
38 reporting period, and the expected date for submittal of the final reports.

39 H. Monitoring Program Reporting Requirements

- 1 1. The stormwater monitoring report shall be submitted with the annual report
2 each year, beginning in 2009 for independent monitoring, and 2010 for
3 collaborative monitoring. Each report shall include all monitoring data collected
4 during the preceding water year (October 1 – September 30), provided the first
5 annual monitoring report submitted will include data from a partial water year.
6 Each report shall also integrate data from earlier years into the analysis of
7 results, as appropriate. Permittees that choose to participate in an integrated
8 water quality monitoring program shall submit a single integrated monitoring
9 report. Reports shall be submitted in both paper and electronic form and shall
10 include:
- 11 a. Stormwater Monitoring Reporting
- 12 i. A summary including the location, land use, drainage area size, and
13 hydrology for each site,
- 14 ii. A comprehensive data and QA/QC report for each component of the
15 monitoring program, with an explanation and discussion of the
16 results of each monitoring project,
- 17 iii. The annual pollutant load based on water year for each site expressed
18 in total pounds, and pounds/acre, and
- 19 iv. The wet and dry season pollutant loads based on water year,
20 expressed in total pounds, and pounds/acre.
- 21 b. Stormwater Management Program Effectiveness Monitoring Reporting
- 22 i. A summary of the purpose, design, and methods of the monitoring
23 program,
- 24 ii. The status of implementing the monitoring program,
- 25 iii. A comprehensive data and QA/QC report for each part of the
26 monitoring program, with an explanation and discussion of the
27 results of each monitoring project,
- 28 iv. An analysis of the results of each part of the monitoring program,
29 including any identified water quality problems or improvements or
30 other trends in stormwater or receiving water quality, and
- 31 v. Recommended future actions based on the findings.
- 32 c. Stormwater Treatment and Hydrologic Management Best Management
33 Practice (BMP) Evaluation Monitoring Reporting
- 34 i. A summary including the BMP type location, land use, drainage area
35 size, and hydrology for each site.
- 36 ii. The status of implementing the monitoring program,

- 1 iii. A comprehensive data and QA/QC report for each part of the
2 monitoring program, with an explanation and discussion of the
3 results of each monitoring project,
- 4 iv. Performance data or flow reduction performance. Performance data
5 for treatment BMPs shall be reported consistent with:
- 6 • The guidelines in appropriate sections of Ecology’s guidance
7 for “Evaluation of Emerging Stormwater Treatment
8 Technologies”, and
- 9 • USEPA publication number 821-B-02-00, “Urban Stormwater
10 BMP Performance Monitoring,” including information
11 pertinent to fulfilling the “National Stormwater BMP Data
12 Base Requirements” in section 3.4.3. of that document.
- 13 2. If the Permittee monitors any pollutant more frequently at monitoring stations
14 associated with the monitoring programs described in Section S8.D., S8.E., and
15 S8.F.during the proceeding water year, then the results of this monitoring shall
16 be included in the annual monitoring report. If the Permittee conducts any other
17 stormwater monitoring in addition to that required in the required monitoring
18 program, then it must provide a description of the additional monitoring in its
19 annual report.

20 **S9. REPORTING REQUIREMENTS**

- 21 A. No later than March 31, of each year beginning in 2008, each Permittee shall submit
22 an annual report. The reporting period for the first annual report will be from the
23 effective date of this permit through December 31, 2007. The reporting period for all
24 subsequent annual reports shall be the previous calendar year.
- 25 B. Two printed copies and an electronic (PDF) copy of the annual report shall be
26 submitted to Ecology. All submittals shall be delivered to:
- Department of Ecology
Water Quality Program
Municipal Stormwater Permits
P.O. Box 47696
Olympia, WA 98504-7696
- 27 C. Each Permittee is required to keep all records related to this permit and the SWMP
28 for at least five years. Except as required as a condition of the annual reports, records
29 need to be submitted to Ecology only upon request.
- 30 D. Each Permittee shall make all records related to this permit and the Permittee’s
31 SWMP available to the public at reasonable times during business hours. The
32 Permittee will provide a copy of the most recent annual report to any individual or
33 entity, upon request.

- 1 1. A reasonable charge may be assessed by the Permittee for making photocopies
2 of records.
- 3 2. The Permittee may require reasonable advance notice of intent to review records
4 related to this permit.
- 5 E. The annual report for Permittees listed in S1.B. and S1.C.
- 6 Each annual report shall include the following:
- 7 1. A copy of the Permittee’s current Stormwater Management Program as required
8 by S5.A.1.
- 9 2. For each component of the SWMP the Permittee shall include the following:
- 10 a. Describe the current implementation status including whether the
11 Permittee has met the required implementation deadlines. If permit
12 deadlines are not met, Permittees shall report the reasons why the
13 requirement was not met and how the requirements will be met in the
14 future.
- 15 b. Compare program implementation results to the performance standards
16 established in the permit.
- 17 c. A summary of the number and nature of inspections performed by the
18 Permittee as required by S5.C.5., S5.C.7., and S5.C9.
- 19 d. A summary of the nature and number of official enforcement actions taken
20 to enforce provisions of this permit.
- 21 The above information shall be submitted in a format approved by
22 Ecology.
- 23 3. A summary of any actions taken by the Permittee pursuant to S4.F.
- 24 4. A summary of the status of any TMDL implementation requirements and any
25 associated monitoring as required by S7.A.
- 26 5. The Stormwater Monitoring Report required pursuant to S8.H.
- 27 6. Any reporting requirements associated with S8.B. not included elsewhere in the
28 annual report.
- 29 7. If the Permittee is relying on another governmental entity to satisfy any of the
30 obligations under this permit provide the name of the other entity and a
31 description of the permit requirements performed by the other entity.
- 32 8. Notification of any annexations, incorporations or jurisdictional boundary
33 changes resulting in an increase or decrease in the Permittee’s geographic area
34 of permit coverage during the reporting period, and implications for the SWMP.

- 1 9. The annual report shall include certification and signature pursuant to G19.D,
2 and notification of any changes to authorization pursuant to G19.C.
- 3 10. A summary of barriers to implementation of LID and actions taken to remove
4 the barriers.
- 5 11. A summary of the extent to which basin or watershed planning is being
6 conducted in the Permittee's jurisdiction, either voluntarily, or pursuant to the
7 Growth Management Act (Chapter 36.70A RCW) or any other requirement.
- 8 12. In the annual report for calendar year 2010, the Permittee shall identify areas for
9 potential basin or watershed planning that can incorporate development
10 strategies as a water quality management tool to protect aquatic resources.

11 F. Annual Report for Secondary Permittees, except for the Port of Seattle and the Port of
12 Tacoma

13 All Secondary Permittees (except the Port of Seattle and the Port of Tacoma) shall
14 complete the *Annual Report Form for Secondary Permittees* (Appendix 4) and submit
15 it along with any supporting documentation to Ecology.

- 16 1. The *Annual Report Form for Secondary Permittees* is intended to summarize
17 the Permittees compliance with the conditions of this permit, including:
- 18 a. Status of implementation of each component of the SWMP in section S6
19 *Stormwater Management Program for Co-Permittees, and Secondary*
20 *Permittees*, as applicable to the Permittee.
- 21 b. An assessment of the Permittee's progress in meeting the minimum
22 performance standards established for each of the minimum control
23 measures of the SWMP.
- 24 c. A summary of the Permittee's evaluation of their SWMP, according to
25 section S8.B.2.
- 26 d. If applicable, notice that the MS4 is relying on another governmental
27 entity to satisfy any of the obligations under this permit.
- 28 e. Updated information from the prior annual report plus any new
29 information received during the reporting period pursuant to S8.B.1 and
30 S8.B.2.
- 31 f. Certification and signature pursuant to G19.D, and notification of any
32 changes to authorization pursuant to G19.C.
- 33 2. Secondary Permittees shall include with the annual report a notification of any
34 jurisdictional boundary changes resulting in an increase or decrease in the
35 Permittee's geographic area of permit coverage during the reporting period, and
36 implications for the SWMP.

37 G. Annual Report for the Port of Tacoma and the Port of Seattle

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The annual report shall include the following:

1. A current copy of the Permittees Stormwater Management Plan as required by S6.A.5.
2. Appendix 3 – *Annual Report Form for the Port of Seattle and the Port of Tacoma*, which is intended to summarize the Permittees compliance with the conditions of this permit including the status of implementation of each component of the SWMP required by S6 *Stormwater Management Program for Co-Permittees, and Secondary Permittees*, as applicable to the Permittee.
3. The Permittee’s SWMP implementation schedule and plans for meeting permit deadlines, and a discussion of the status of SWMP implementation to date. If Permit deadlines are not met, or may not be met in the future, include reasons why, corrective steps taken, and proposed, and expected dates that the deadlines will be met.
4. The stormwater monitoring report required pursuant to S8.H.
5. Notification of any jurisdictional boundary changes resulting in an increase or decrease in the Permittee’s geographic area of permit coverage during the reporting period, and implications for the SWMP.
6. If applicable, notice that the MS4 is relying on another governmental entity to satisfy any of the obligations under this permit.
7. Updated information from the prior annual report plus any new information received during the reporting period, according to S8.B.
8. Certification and signature pursuant to G19.D. and notification of any changes to authorization pursuant to G19.C.

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 DISCHARGE INCLUDING SPILLS**

11 If a Permittee has knowledge of a discharge, including spill(s), into or from a municipal
12 storm sewer, which could constitute a threat to human health, welfare, or the environment,
13 the Permittee, shall:

- 14 A. Take appropriate action to correct or minimize the threat to human health, welfare
15 and/or the environment, and
- 16 B. Notify the Ecology regional office and other appropriate spill response authorities
17 immediately but in no case later than within 24 hours of obtaining that knowledge.
18 The Department of Ecology's Regional Office 24-hr. number is 425-649-7000 for the
19 Northwest Regional Office and 360-407-6300 for the Southwest Regional Office.
- 20 C. Immediately report spills or discharges which might cause bacterial contamination of
21 shellfish, such as broken sewer lines and failing onsite septic systems, to the Ecology
22 regional office and to the Department of Health, Shellfish Program. The Department
23 of Health's Shellfish 24-hr. number is 360-236-3330.
- 24 D. Immediately report spills or discharges of oils or hazardous materials to the Ecology
25 regional office and to the Washington Emergency Management Division, 1-800-258-
26 5990.

27 **G4. BYPASS PROHIBITED**

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

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

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

5 **G5. RIGHT OF ENTRY**

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

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

17 **G6. DUTY TO MITIGATE**

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

21 **G7. PROPERTY RIGHTS**

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

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

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

26 **G9. MONITORING**

- 27 A. Representative Sampling: Samples and measurements taken to meet the requirements
28 of this permit shall be representative of the volume and nature of the monitored
29 discharge, including representative sampling of any unusual discharge or discharge
30 condition, including bypasses, upsets, and maintenance-related conditions affecting
31 effluent quality.
- 32 B. Records Retention: The Permittee shall retain records of all monitoring information,
33 including all calibration and maintenance records and all original recordings for
34 continuous monitoring instrumentation, copies of all reports required by this permit,
35 and records of all data used to complete the application for this permit, for a period of

1 at least five years. This period of retention shall be extended during the course of any
2 unresolved litigation regarding the discharge of pollutants by the Permittee or when
3 requested by Ecology. On request, monitoring data and analysis must be provided to
4 Ecology.

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

10 D. Test Procedures: All sampling and analytical methods used to meet the monitoring
11 requirements specified in the approved stormwater management program shall
12 conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants
13 contained in 40 CFR Part 136, unless otherwise specified in this permit or approved
14 in writing by Ecology.

15 E. Flow Measurement: Where flow measurements are required by other conditions of
16 this Permit, appropriate flow measurement devices and methods consistent with
17 accepted scientific practices shall be selected and used to ensure the accuracy and
18 reliability of measurements of the volume of monitored discharges. The devices must
19 be installed, calibrated, and maintained to ensure that the accuracy of the
20 measurements are consistent with the accepted industry standard for that type of
21 device. Frequency of calibration shall be in conformance with manufacturer's
22 recommendations or at a minimum frequency of at least one calibration per year.
23 Calibration records should be maintained for a minimum of three years.

24 F. Lab Accreditation: Where data collection is required by other conditions of this
25 Permit, all monitoring data, except for flow, temperature, conductivity, pH, total
26 residual chlorine, and other exceptions approved by Ecology, shall be prepared by a
27 laboratory registered or accredited under the provisions of, Accreditation of
28 Environmental Laboratories, Chapter 173-50 WAC. Soils and hazardous waste data
29 are exempted from this requirement pending accreditation of laboratories for analysis
30 of these media by Ecology.

31 G. Additional Monitoring: Ecology may establish specific monitoring requirements in
32 addition to those contained in this permit by administrative order or permit
33 modification.

34 **G10. REMOVED SUBSTANCES**

35 With the exception of decant from street waste vehicles, the Permittee must not allow
36 collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in
37 the course of treatment or control of stormwater to be resuspended or reintroduced to the
38 storm sewer system or to waters of the state. Decant from street waste vehicles resulting
39 from cleaning stormwater facilities may be reintroduced only when other practical means
40 are not available and only in accordance with the Street Waste Disposal Guidelines in
41 Appendix 6.

1 **G11. SEVERABILITY**

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

6 **G12. REVOCATION OF COVERAGE**

7 The director may terminate coverage under this *General Permit* in accordance with Chapter
8 43.21B RCW and Chapter 173-226 WAC. Cases where coverage may be terminated
9 include, but are not limited to the following:

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

21 **G13. TRANSFER OF COVERAGE**

22 The director may require any discharger authorized by this general permit to apply for and
23 obtain an individual permit in accordance with Chapter 43.21B RCW and Chapter 173-226
24 WAC.

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

26 This general permit may be modified, revoked and reissued, or terminated in accordance
27 with the provisions of WAC 173-226-230. Grounds for modification, revocation and
28 reissuance, or termination include, but are not limited to the following:

- 29 A. A change occurs in the technology or practices for control or abatement of pollutants
30 applicable to the category of dischargers covered under this general permit;
- 31 B. Effluent limitation guidelines or standards are promulgated pursuant to the CWA or
32 chapter 90.48RCW, for the category of dischargers covered under this general permit;
- 33 C. A water quality management plan containing requirements applicable to the category
34 of dischargers covered under this general permit is approved;

- 1 D. Information is obtained which indicates that cumulative effects on the environment
- 2 from dischargers covered under this general permit are unacceptable; or
- 3 E. Changes made to State law reference this permit.

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

5 A Permittee who knows or has reason to believe that any activity has occurred or will occur
6 which would constitute cause for modification or revocation and reissuance under
7 Condition G12, G14, or 40 CFR 122.62 shall report such plans, or such information, to
8 Ecology so that a decision can be made on whether action to modify, or revoke and reissue
9 this permit will be required. Ecology may then require submission of a new or amended
10 application. Submission of such application does not relieve the Permittee of the duty to
11 comply with this permit until it is modified or reissued.

12 **G16. APPEALS**

- 13 A. The terms and conditions of this general permit, as they apply to the appropriate class
- 14 of dischargers, are subject to appeal within thirty days of issuance of this general
- 15 permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.
- 16 B. The terms and conditions of this general permit, as they apply to an individual
- 17 discharger, can be appealed, in accordance with Chapter 43.21B RCW, within thirty
- 18 days of the effective date of coverage of that discharger. Consideration of an appeal
- 19 of general permit coverage of an individual discharger is limited to the general
- 20 permit's applicability or nonapplicability to that individual discharger.
- 21 C. The appeal of general permit coverage of an individual discharger does not affect any
- 22 other dischargers covered under this general permit. If the terms and conditions of
- 23 this general permit are found to be inapplicable to any individual discharger(s), the
- 24 matter shall be remanded to Ecology for consideration of issuance of an individual
- 25 permit or permits.
- 26 D. Modifications of this permit can be appealed in accordance with Chapter 43.21B
- 27 RCW and Chapter 173-226 WAC.

28 **G17. PENALTIES**

29 40 CFR 122.41(a)(2) and (3), 40 CFR 122.41(j)(5), and 40 CFR 122.41(k)(2) are hereby
30 incorporated into this permit by reference.

31 **G18. DUTY TO REAPPLY**

32 The Permittee shall apply for permit renewal at least 180 days prior to the specified
33 expiration date of this permit.

34 **G19. CERTIFICATION AND SIGNATURE**

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

- 36 A. All permit applications shall be signed by either a principal executive officer or

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

27 **G20. NON-COMPLIANCE NOTIFICATION**

28 In the event it is unable to comply with any of the terms and conditions of this permit, the
29 Permittee must:

- 30 A. Notify Ecology of the failure to comply with the permit terms and conditions in
31 writing within 30 days of becoming aware that the non-compliance has occurred. The
32 written notification to Ecology must include all of the following:
- 33 1. A description of the non-compliance, including the reference(s).
- 34 2. Beginning and ending dates of the non-compliance, or if the Permittee has not
35 corrected the non-compliance, the anticipated date of correction.
- 36 3. Steps taken or planned to reduce, eliminate, or prevent reoccurrence of the non-
37 compliance
- 38 B. Take appropriate action to stop or correct the condition of non-compliance.

1 **G21. UPSETS**

2 Permittees shall meet the conditions of 40 CFR 122.41(n) regarding “Upsets.” The
3 conditions are as follows:

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

10 B. Effect of an upset. An upset constitutes an affirmative defense to an action brought
11 for noncompliance with such technology-based permit effluent limitations if the
12 requirements of paragraph (C) of this condition are met. Any determination made
13 during administrative review of claims that noncompliance was caused by upset, and
14 before an action for noncompliance, will not constitute final administrative action
15 subject to judicial review.

16 C. Conditions necessary for demonstration of upset. A Permittee who wishes to establish
17 the affirmative defense of upset shall demonstrate, through properly signed
18 contemporaneous operating logs, or other relevant evidence that:

- 19 1. An upset occurred and that the Permittee can identify the cause(s) of the upset;
20 2. The permitted facility was at the time being properly operated; and
21 3. The Permittee submitted notice of the upset as required in 40 CFR
22 122.41(l)(6)(ii)(B) (24-hour notice of noncompliance).
23 4. The Permittee complied with any remedial measures required under 40 CFR
24 122.41(d) (Duty to Mitigate).

25 D. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish
26 the occurrence of an upset has the burden of proof.

27
28

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 “AKART” means All Known, Available and Reasonable methods of prevention, control and
6 Treatment. See also State Water Pollution Control Act, Chapter 90.48.010 and 90.48.520
7 RCW.

8 “All Known, Available and Reasonable methods of prevention, control and Treatment” refers to
9 the State Water Pollution Control Act, Chapter 90.48.010 and 90.48.520 RCW.

10 “Applicable TMDL” means a TMDL which has been approved by EPA on or before the date
11 permit coverage is granted.

12 “Beneficial Uses” means uses of waters of the state, which include but are not limited to: use for
13 domestic, stock watering, industrial, commercial, agricultural, irrigation, mining, fish and
14 wildlife maintenance and enhancement, recreation, generation of electric power and
15 preservation of environmental and aesthetic values, and all other uses compatible with the
16 enjoyment of the public waters of the state.

17 “Best Management Practices” are the schedules of activities, prohibitions of practices,
18 maintenance procedures, and structural and/or managerial practices approved by Ecology
19 that, when used singly or in combination, prevent or reduce the release of pollutants and
20 other adverse impacts to waters of Washington State.

21 “BMP” means Best Management Practice.

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

23 “Certified Erosion and Sediment Control Lead” (CESCL) means an individual who is
24 knowledgeable in the principles and practices of erosion and sediment control. The CESCL
25 must have the skills to assess: the site conditions and construction activities that could impact
26 the quality of stormwater; and the effectiveness of erosion and sediment control measures
27 used to control the quality of stormwater discharges. The CESCL must have current
28 certification through an approved erosion and sediment control training program that meets
29 the minimum training standards established by Ecology.

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

31 “Component” or “Program Component” means the elements of the stormwater management
32 program listed in Special Condition S5 Stormwater Management Program for Permittees or
33 S6 Stormwater Management Program for Co-Permittees and Secondary Permittees.

34 “Co-Permittee” means an owner or operator of a municipal separate storm sewer that has co-
35 applied for permit coverage with another permittee, and that is only responsible for permit
36 conditions relating to the discharge for which it is operator. See also 40 CFR 122.26(b)(1).

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

1 “Detailed Implementation Plan” means the formal TMDL implementation plan, also known as a
2 Water Quality Improvement Plan.

3 “DIP” means detailed implementation plan.

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

6 “Discharge” for the purpose of this permit, unless indicated otherwise, refers to discharges from
7 municipal separate storm sewers of the Permittees. See also 40 CFR 122.2.

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

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

12 “Ground water” means water in a saturated zone or stratum beneath the surface of the land or
13 below a surface water body.

14 “Heavy equipment maintenance or storage yard” means an uncovered area where any heavy
15 equipment, such as mowing equipment, excavators, dump trucks, backhoes, or bulldozers are
16 washed or maintained, or where at least five pieces of heavy equipment are stored on a long
17 term basis.

18 “Hyperchlorinated” means water that contains more than 10 mg/Liter chlorine.

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

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

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

30 “Integrated Pest Management (IPM)” means a coordinated decision-making and action process
31 that uses the most appropriate pest control methods and strategy in an environmentally and
32 economically sound manner to meet agency programmatic pest management objectives. The
33 elements of integrated pest management include:

34 (a) Preventing pest problems;

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

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

39 (d) Treating pest problems to reduce populations below those levels established by damage
40 thresholds using strategies that may include biological, cultural, mechanical, and

1 chemical control methods and that must consider human health, ecological impact,
2 feasibility, and cost-effectiveness; and
3 (e) Evaluating the effects and efficacy of pest treatments.

4 "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed, and any form
5 of plant or animal life or virus, except virus, bacteria, or other microorganisms on or in a
6 living person or other animal or in or on processed food or beverages or pharmaceuticals,
7 which is normally considered to be a pest, or which the director of the department of
8 agriculture may declare to be a pest.

9 "Large Municipal Separate Storm Sewer System (Large MS4)" means all municipal Separate
10 Storm Sewers located in an incorporated place with a population of 250,000 or more, a
11 County with unincorporated urbanized areas with a population of 250,000 or more according
12 to the 1990 decennial census by the Bureau of Census. See also 40 CFR 122.26(b)(4).

13 "Low Density Residential Land Use" means, for the purpose of permit section S8, one dwelling
14 unit per 1-5 acres.

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

19 "Major Municipal Separate Storm Sewer Outfall" means a municipal separate storm sewer
20 outfall from a single pipe with an inside diameter of 36 inches or more, or its equivalent
21 (discharge from a single conveyance other than circular pipe which is associated with a
22 drainage area of more than 50 acres); or for municipal separate storm sewers that receive
23 stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or
24 the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12
25 inches or more or from its equivalent (discharge from other than a circular pipe associated
26 with a drainage area of 12 acres or more). See also 40 CFR 122.26(b)(5).

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

29 "MBAS" means Methylene Blue Activated Substances.

30 "Methylene Blue Activated Substances" are anionic surfactants, including linear alkylate
31 sulfonate and alkyl sulfate, which react with a chemical called methylene blue to form a blue-
32 chloroform-soluble complex; the intensity of color is proportional to concentration

33 "Maximum Extent Practicable (MEP)" refers to paragraph 402(p)(3)(B)(iii) of the federal Clean
34 Water Act which reads as follows: Permits for discharges from municipal storm sewers shall
35 require controls to reduce the discharge of pollutants to the maximum extent practicable,
36 including management practices, control techniques, and system, design, and engineering
37 methods, and other such provisions as the Administrator or the State determines appropriate
38 for the control of such pollutants.

39 "Medium Municipal Separate Storm Sewer System (Medium MS4)" means all Municipal
40 Separate Storm Sewers (MS3s) located in an incorporated place with a population of more
41 than 100,000 but less than 250,000, or a county with unincorporated urbanized areas of more

1 than 100,000 but less than 250,000 according to the 1990 decennial census by the Bureau of
2 Census. See also 40 CFR 122.26(b)(7).

3 “Municipal Separate Storm Sewer (MS3)” means a conveyance, or system of conveyances
4 (including roads with drainage systems, municipal streets, catch basins, curbs, gutters,
5 ditches, manmade channels, or storm drains):

6 (a) owned or operated by a state, city, town, borough, county, parish, district, association, or
7 other public body (created by or pursuant to State Law) having jurisdiction over disposal
8 of wastes, storm water, or other wastes, including special districts under State Law such
9 as a sewer district, flood control district or drainage district, or similar entity, or an Indian
10 tribe or an authorized Indian tribal organization, or a designated and approved
11 management agency under section 208 of the CWA that discharges to waters of the
12 United States;

13 (b) designed or used for collecting or conveying stormwater;

14 (c) which is not a combined sewer; and

15 (d) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR
16 122.2

17 “Municipal separate storm sewer system (MS4)” means all separate storm sewers that are
18 defined as “large” or “medium” or “small” municipal separate storm sewer systems. See also
19 40 CFR 122.26(b)(18)

20 “National Pollutant Discharge Elimination System (NPDES)” means the national program for
21 issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits,
22 and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and
23 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the
24 state from point sources. These permits are referred to as NPDES permits and, in Washington
25 State, are administered by the Washington Department of Ecology.

26 “Notice of Intent” means the application for, or a request for coverage under a General NPDES
27 Permit pursuant to WAC 173-226-200.

28 “NPDES” means National Pollutant Discharge Elimination System.

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

34 “Permittee” means any Primary Permittee, Co-Permittee, or Secondary Permittee unless
35 specifically stated otherwise for a particular section of this permit.

36 “Physically Interconnected” means that one municipal separate storm sewer is connected to a
37 second municipal separate storm sewer in such a way that it allows for direct discharges to
38 the second system. For example, the roads with drainage systems and municipal streets of
39 one entity are physically connected directly to a municipal separate storm sewer belonging to
40 another entity

1 “Qualified Personnel” means staff members or contractors who have had professional training in
2 the aspects of stormwater management for which they are responsible and are under the
3 functional control of the Permittee.

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

5 “Runoff” means water that travels across the land surface, or laterally through the soil near the
6 land surface, and discharges to water bodies either directly or through a collection and
7 conveyance system. Runoff includes stormwater and water from other sources that travels
8 across the land surface. See also “Stormwater.”

9 “Secondary Permittee” is an operator of municipal separate storm sewer which is not a city, town
10 or county. Secondary Permittees include special purpose districts and other public entities
11 identified in S1.D which operate municipal separate storm sewers.

12 “Shared Waterbodies” means waterbodies, including downstream segments, lakes and estuaries,
13 that receive discharges from more than one permittee.

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

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

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

24 “Stormwater facilities regulated by the Permittee” means permanent stormwater treatment and
25 flow control BMPs located in the geographic area covered by the permit and which are not
26 owned by the Permittee, and are known by the permittee to discharge into municipal separate
27 storm sewers owned or operated by the Permittee.

28 “Stormwater Management Manual for Western Washington” means the 5-volume technical
29 manual (Publication Nos. 05-10-029 through 05-10-033) published by Ecology in February
30 2005.

31 “Stormwater Management Program (SWMP)” means a set of actions and activities designed to
32 reduce the discharge of pollutants from the regulated small MS4 to the maximum extent
33 practicable and to protect water quality, and comprising the components listed in S5 or S6 of
34 this Permit and any additional actions necessary to meet the requirements of applicable
35 TMDLs.

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

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 “Urban/higher density rural sub-basins” means all areas within or proposed to be within the
6 urban growth area (UGA), or any sub-basin outside the UGA with 50% or more area
7 comprised of lots less than 5 acres.

8 “Vehicle Maintenance or Storage Facility” means an uncovered area where any vehicles are
9 regularly washed or maintained, or where at least 10 vehicles are stored.

10 “Water Quality Standards” means Surface Water Quality Standards, Chapter 173-201A WAC,
11 Ground Water Quality Standards, Chapter 173-200 WAC, and Sediment Management
12 Standards, Chapter 173-204 WAC.

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