Issuance Date:
Effective Date:
Expiration Date:

DRAFT

Eastern Washington Phase II Municipal Stormwater Permit

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

State of Washington
Department of Ecology
Olympia, Washington 98504-7600

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

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

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

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SPECIAL CONDITIONS

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. Section 12 of the bill modified RCW 90.48.260 requires that by July 31, 2012, Ecology shall

> *(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; and*
> *(b) Issue an updated national pollutant discharge elimination system municipal storm water 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.*

Ecology is therefore reissuing without changes the 2007-2012 *Eastern Washington Phase II Municipal Stormwater General Permit* to be effective from August 1, 2012 to August 1, 2013. Although the deadlines for implementing requirements in this permit precede the effective date of the permit, Permittees subject to the requirements of the 2007-2012 *Eastern Washington Phase II Municipal Stormwater General Permit* shall continue to implement those requirements until August 1, 2013.

S1. PERMIT COVERAGE AND PERMITTEES

A. Geographic Area of Permit Coverage

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

1. For all Cities required to obtain coverage under this permit, the geographic area of coverage is the entire incorporated area of the City.

2. For all Counties required to obtain coverage under this permit, the geographic area of coverage is the urbanized areas and the urban growth areas associated with Cities within the urbanized areas that are under the jurisdictional control of the County. The geographic area of coverage also includes any urban growth areas that are contiguous to urbanized areas that are under the jurisdictional control of the County.

   For Walla Walla County, the geographic area of coverage also includes the urban growth area associated with the Cities of Walla Walla and College Place.

3. For *Secondary Permittees* required to obtain coverage under this permit, the minimum geographic area of coverage includes all areas identified under S1.A.1. and 2., above. At the time of permit coverage, Ecology may establish a geographic area of coverage specific to an individual secondary permittee.

4. All regulated small MS4s owned or operated by the permittees named in S1.D.2.a. and located in another city or county area requiring coverage under either the *Western Washington Phase II Municipal Stormwater Permit* or the *Phase I Municipal Stormwater Permit* are also covered under this permit.

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

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

1. **A regulated small MS4**:

   a. Is a "small MS4" as defined in the DEFINITIONS AND ACRONYMS section at the end of this permit; and

   b. Is located within, or partially located within, one of the jurisdictions listed in S1.D.2.a. or is designated by Ecology pursuant to either 40 CFR 122.35(b) or 40 CFR 122.26(f); and

   c. Discharges stormwater from the MS4 to a surface water of Washington State; and

   d. Is not eligible for a waiver or exemption under S1.C. below.

2. All other operators of MS4s, including special purpose districts which meet the criteria for a regulated small MS4, shall obtain coverage under this permit. Other operators of MS4s may include, but are not limited to: flood control, or diking and drainage districts, schools including universities and correctional facilities which own or operate a small MS4 serving non-agricultural land uses.

3. Any other operators of small MS4s may be required by Ecology to obtain coverage under this permit or an alternative NPDES permit if Ecology determines the small MS4 is a significant source of pollution to surface waters of the state. Notification of Ecology's determination that permit coverage is required will be through the issuance of an Administrative Order issued in accordance with RCW 90.48.

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

5. Pursuant to 40 CFR 122.26(f), any person or organization may petition Ecology to require that additional municipal separate storm sewers obtain coverage under this permit. The process for petitioning Ecology is:

   a. The person or organization shall submit a complete petition in writing to Ecology. A complete petition shall address each of the relevant factors for petitions outlined on Ecology's web site.

b. In making its determination on the petition, Ecology may request additional information from either the petitioner or the jurisdiction.

c. Ecology will make a final determination on a complete petition within 180 days after receipt of the petition and inform both the petitioner and the municipal separate storm sewer of the decision, in writing.

d. If Ecology's final determination is that the candidate municipal separate storm sewer will be regulated, Ecology will issue an order to the municipal separate storm sewer requiring them to obtain coverage under this permit. The order will specify:

i. The geographic area of permit coverage for the municipal separate storm sewer;

ii. Any modified dates or deadlines for developing and implementing the Stormwater Management Program in S5 or S6, as appropriate to the municipal separate storm sewer, and for submitting their first annual report; and

iii. A deadline for the municipal separate storm sewer to submit a complete Notice of Intent (see Appendix 5) to Ecology.

C. The owner or operator of an otherwise regulated small MS4 is <u>not</u> required to obtain coverage under this permit if:

1. The small MS4 is operated by:

a. The federal government on military bases or other federal lands; or by the United States Military, the Bureau of Land Management, the United States Park Service, or other federal agencies; or

b. Federally recognized Indian Tribes located within Indian Country Lands; or

c. The Washington State Department of Transportation.

Or,

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

a. The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES stormwater program.

b. The discharge of pollutants from the small MS4 has not been identified as a cause of impairment of any water body to which the MS4 discharges.

c. In areas where an EPA approved TMDL has been completed, stormwater controls on the MS4 have not been identified as being necessary.

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

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

D. Obtaining coverage under this permit

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

1. Unless otherwise noted, the term "Permittee" includes Primary Permittee, Co-Permittee, and Secondary Permittee as defined below:

   a. A "Primary Permittee" is a City, Town or County owning or operating a regulated small MS4.

   b. A "Co-Permittee" is any operator of a regulated small MS4 that is applying jointly with another applicant for coverage under this permit. A Co-Permittee owns or operates a regulated small MS4 located within or adjacent to another regulated small MS4.

   c. A "Secondary Permittee" is an operator of a regulated small MS4 that is not a City, Town or County. Secondary Permittees include special purpose districts and other MS4s that meet the criteria for a regulated small MS4 in S1.B above.

2. Operators of **regulated small MS4s** shall submit an application to Ecology by either the *Notice of Intent (NOI) for Coverage under National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater General Permit* provided in Appendix 5; or the individual permit application available on Ecology's website.

   a. All Cities, Towns and Counties listed below and operating regulated small MS4s shall apply either as a Primary Permittee or Co-Permittee.

      i. Cities and Towns: Asotin, Clarkston, East Wenatchee, Ellensburg, Liberty Lake, Kennewick, Millwood, Moses Lake, Pasco, Pullman, Richland, Selah, Spokane, Spokane Valley, Sunnyside, Union Gap, Walla Walla, Wenatchee, West Richland, Yakima

      ii. Counties: Asotin County, Benton County, Chelan County, Douglas County, Franklin County, Spokane County, Walla Walla County, Yakima County

b. All other **regulated small MS4s** shall apply as a Secondary Permittee or as a Co-Permittee by submitting a NOI or an individual permit application to Ecology.

c. The following Cities, Towns and Counties submitted individual permit applications or NOIs to Ecology prior to January 17, 2007:

i. Cities and Towns: Asotin, Clarkston, East Wenatchee, Ellensburg, Kennewick, Pasco, Pullman, Richland, Selah, Spokane, Spokane Valley, Sunnyside, Union Gap, Walla Walla, Wenatchee, West Richland, Yakima

ii. Counties: Asotin County, Chelan County, Douglas County, Spokane County, Walla Walla County, Yakima County

d. Operators of **regulated small MS4s** located in jurisdictions listed in S1.D.2.a. shall submit to Ecology a NOI or individual permit application before the effective date of this permit, with the following exceptions:

i. Operators of **regulated small MS4s** located in the Cities of Ellensburg, Moses Lake, Pullman, Sunnyside, and Walla Walla shall submit a NOI or application to Ecology no later than 30 days after the effective date of this permit.

ii. Operators of **regulated small MS4s** listed in S1.D.2.c. do not need to submit a new application to be covered under this permit.

iii. For operators of **regulated small MS4s** listed in S1.D.2.c., coverage under this permit is automatic and begins on the effective date of this permit, unless:

iv. The operator chooses to reapply before the effective date of this permit; or

v. The operator will be relying on another entity to satisfy one or more of their permit obligations in accordance with S1.D.2.g. and S1.D.3.d. below; or

vi. The operator chooses be a Co-Permittee in accordance with S1.D.2.f and S1.D.3.c. below; or

vii. The operator chooses to opt out of this General Permit. Any operator of a **regulated small MS4** that is opting out of this permit shall submit an application for an individual MS4 permit in accordance with 40 CFR 122.33(b)(2)(ii) no later than the effective date of this permit.

e. Operators of regulated small MS4s which want to be covered under this permit as Co-Permittees shall submit to Ecology a joint NOI.

f. Operators of regulated small MS4s which are relying on another entity to satisfy one or more of their permit obligations shall submit a NOI to Ecology.

g. Operators of small MS4s designated by Ecology pursuant to S1.B.3. of this permit shall submit a NOI to Ecology within 120 days of receiving notification from Ecology that permit coverage is required.

3. Application requirements

a. NOIs and individual permit applications and shall be submitted to:

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

b. For NOIs and applications submitted after January 17, 2007 the applicant or co-applicant shall provide public notice of the application in accordance with Chapter 173-226-130(5) WAC. The applicant or co-applicant shall include a certification that the public notification requirements of WAC 173-226-130(5) have been satisfied. Unless Ecology responds in writing, coverage under this permit will be effective 60 days after receipt of a complete NOI. A complete NOI includes certification.

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

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

e. Secondary Permittees required to obtain coverage under this permit, and the NPDES and State Waste Discharge Permit for discharges from Small Municipal Separate Storm Sewers in Western Washington and/or the NPDES and State Waste Discharge Permit for discharges from Large and Medium Municipal Separate Storm Sewers may obtain coverage by submitting a single NOI.

S2. AUTHORIZED DISCHARGES

A. This permit authorizes the discharge of stormwater to surface waters and to ground waters of the state from municipal separate storm sewers owned or operated by each

Permittee covered under this permit, in the geographic area covered pursuant to S1.A. These discharges are subject to the following limitations:

1. Discharges to ground waters of the state through facilities regulated under the Underground Injection Control (UIC) program, Chapter 173-218 WAC, are not covered under this permit.

2. Discharges to ground waters not subject to regulation under the federal Clean Water Act are covered in this permit only under state authorities, Chapter 90.48 RCW, the Water Pollution Control Act

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

1. The discharge is authorized by a separate individual or general National Pollutant Discharge Elimination System (NPDES) permit; or

2. The discharge is from emergency fire fighting activities; or

3. The discharge is from another illicit or non-stormwater discharges that is managed by the Permittee as provided in Special Condition S5.B.3.b. or S6.D.3.b.

These discharges are also subject to the limitations in S2.A.1. and S.2.A.2. above.

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

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

E. This permit does not authorize discharges of stormwater to waters within Indian Reservations except where authority has been specifically delegated to Ecology by the U.S. Environmental Protection Agency. The exclusion of such discharges from this permit does not waive any rights the State may have with respect to the regulation of the discharges.

S3. RESPONSIBILITIES OF PERMITTEES

A. Each Permittee is responsible for compliance with the terms of this permit for the **regulated small MS4s** which they operate. Compliance with (1) or (2) below is required as applicable to each Permittee, whether the Permittee has applied for coverage as a Primary Permittee, a Co-Permittee or a Secondary Permittee as described in S1.D.1.

1. All Cities, Towns and Counties are required to comply with all conditions of this permit, including any appendices referenced therein, except for section S6 *Stormwater Management Program for Secondary Permittees*.

2. All Secondary Permittees are required to comply with all conditions of this permit, including any appendices referenced therein, except for sections S5 Stormwater *Management Program for Cities, Towns and Counties* and S8.C.

B. Permittees may rely on another entity to satisfy one or more of the requirements of this permit. Permittees that are relying on another entity to satisfy one or more of their permit obligations remain responsible for permit compliance if the other entity fails to implement the permit conditions. Permittees may rely on another entity provided all of the requirements of 40 CFR 122.35(a) are satisfied, including but not limited to:

1. The other entity agrees to take on responsibility for implementation of the permit requirement(s), and

2. The other entity, in fact, implements the permit requirements.

S4. COMPLIANCE WITH STANDARDS

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

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

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

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

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

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

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

2. In the event that Ecology determines, based on a notification provided under S4.F.1. or through any other means, that a discharge from a municipal separate storm sewer owned or operated by the Permittee is causing or contributing to a violation of Water Quality Standards in a receiving water, Ecology will notify the Permittee in writing that an adaptive management response outlined in S4.F.3. below is required, unless Ecology also determines that (a) the violation of Water Quality Standards is already being addressed by a Total Maximum Daily Load or other enforceable water quality cleanup plan; or (b) Ecology concludes the violation will be eliminated through implementation of other permit requirements.

3. Adaptive Management Response

    a. Within 60 days of receiving a notification under S4.F.2., or by an alternative date established by Ecology, the Permittee shall review its Stormwater Management Program and submit a report to Ecology. The report shall include:

        i. A description of the operational and/or structural BMPs that are currently being implemented to prevent or reduce any pollutants that are causing or contributing to the violation of Water Quality Standards, including a qualitative assessment of the effectiveness of each BMP.

        ii. A description of potential additional operational and/or structural BMPs that will or may be implemented in order to apply AKART on a site-specific basis to prevent or reduce any pollutants that are causing or contributing to the violation of Water Quality Standards.

        iii. A description of the potential monitoring or other assessment and evaluation efforts that will or may be implemented to monitor, assess, or evaluate the effectiveness of the additional BMPs.

        iv. A schedule for implementing the additional BMPs including, as appropriate: funding, training, purchasing, construction, monitoring, and other assessment and evaluation components of implementation.

b. Ecology will, in writing, acknowledge receipt of the report within a reasonable time and notify the Permittee when it expects to complete its review of the report. Ecology will either approve the additional BMPs and implementation schedule or require the Permittee to modify the report as needed to meet AKART on a site-specific basis. If modifications are required, Ecology will specify a reasonable time frame in which the Permittee shall submit and Ecology will review the revised report.

c. The Permittee shall implement the additional BMPs, pursuant to the schedule approved by Ecology, beginning immediately upon receipt of written notification of approval.

d. The Permittee shall include with each subsequent annual report the results of any monitoring, assessment or evaluation efforts conducted during the reporting period. If, based on the information provided under this subsection, Ecology determines that modification of the BMPs or implementation schedule is necessary to meet AKART on a site-specific basis, the Permittee shall make such modifications as Ecology directs. In the event there are ongoing violations of water quality standards despite the implementation of the BMP approach of this section, the Permittee may be subject to compliance schedules to eliminate the violation under WAC 173-201A-510(4) and WAC 173-226-180 or other enforcement orders as Ecology deems appropriate during the term of this permit.

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

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

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

1. Reduce the discharge of pollutants to the MEP;

2. Comply with the state AKART requirements; or

3. Control the discharge of toxicants to waters of the State of Washington.

S5. STORMWATER MANAGEMENT PROGRAM FOR CITIES, TOWNS AND COUNTIES

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

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

1. A SWMP is a set of actions and activities comprising the components listed in S5.B. and any additional actions necessary to meet the requirements of applicable Total Maximum Daily Loads (TMDLs) pursuant to S7 *Compliance with Total Maximum Daily Load Requirements* and Appendix 2. The SWMP shall be designed to reduce the discharge of pollutants from the **regulated small MS4** to the Maximum Extent Practicable (MEP), to satisfy the state requirement under Chapter 90.48 RCW to apply All Known, Available, and Reasonable methods of prevention, control and Treatment (AKART) prior to discharge, and to protect water quality.

2. The SWMP shall be developed and implemented in accordance with the schedules contained in this section and shall be fully developed and implemented no later than 180 days prior to the expiration date of this permit. The SWMP described in this section supersedes the SWMP descriptions provided by Permittees in individual permit applications submitted by Permittees to Ecology prior to the effective date of this permit.

Notwithstanding the schedules for implementation of SWMP components contained in this permit, Permittees that are already implementing some or all of the SWMP components in this section shall continue implementation of those components of their SWMP. Permittees shall not repeal existing local requirements to control stormwater that go beyond the requirements of this permit for new development and redevelopment sites.

3. Each Permittee shall prepare written documentation of the SWMP. The SWMP documentation shall be organized according to the program components in S5.B below and shall be updated at least annually for submittal with the Permittee's annual reports to Ecology (see S9 *Reporting and Record Keeping*). The SWMP documentation shall include:

   a. A description of each of the program components included in S5.B.1. through S5.B.6., and

   b. Any additional actions implemented by the Permittee pursuant to S5.B., and

   c. Any additional actions necessary to meet the requirements of applicable TMDLs pursuant to S7 *Compliance with Total Maximum Daily Load Requirements*.

4. Gathering, maintaining, and using information:

   a. From 90 days after the effective date of this permit, each Permittee shall have an ongoing process for gathering, maintaining, and using information to conduct planning, set priorities, track the development and

implementation of the SWMP, evaluate permit compliance/ non-compliance, and evaluate the effectiveness of SWMP implementation.

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

ii. Beginning no later than January 1, 2009, each Permittee shall track or estimate the cost of development and implementation of each component of the SWMP. This information shall be provided to Ecology upon request.

b. Beginning with the third annual report, the Permittee's annual reports shall include an evaluation by the Permittee of the effectiveness of the SWMP components implemented during the reporting period and earlier.

5. Coordination among Permittees

a. Coordination among entities covered under this permit is encouraged. The SWMP should include coordination mechanisms to encourage coordinated stormwater-related policies, programs and projects within adjoining or shared areas, including:

i. Coordination mechanisms clarifying roles and responsibilities for the control of pollutants between physically interconnected MS4s permittees covered by a municipal stormwater permit.

ii. Coordinating stormwater management activities, for shared water bodies, among permittees, to avoid conflicting plans, policies and regulations.

b. The SWMP should also include coordination mechanisms among departments within each jurisdiction to eliminate barriers to compliance with the terms of this permit.

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

1. Public Education and Outreach

Permittees shall develop and implement a public education and outreach program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges to water bodies and the steps the public can take to reduce pollutants in stormwater. Outreach and educational efforts should include a multimedia

approach and shall be targeted and presented to specific audiences for increased effectiveness.

The minimum performance measures are:

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

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

ii. Information for businesses and the general public about: preventing illicit discharges, including what constitutes illicit discharges and the impacts of illicit discharges and promoting the proper management and disposal of toxic materials, and including all education and outreach activities pursuant to S5.B.3.d. Permittees shall also include educational activities to reduce the types of discharges listed in S5.B.3.b.iv.

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

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

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

2. Public Involvement and Participation

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

The minimum performance measures are:

a. No later than one year from the effective date of this permit, all Permittees shall adopt a program or policy directive to create opportunities for the public to provide input during the decision making processes involving the development, implementation and update of the SWMP, including development and adoption of all required ordinances and regulatory mechanisms. All Permittees shall develop and implement a process for consideration of public comments on their SWMP, including required ordinances and regulatory mechanisms.

b. No later than May 31 each year beginning in 2008, all Permittees shall make the latest updated version of the SWMP available to the public. If the Permittee maintains a website, the SWMP that was submitted with the latest annual report, or a more current version, shall be posted on the website. Co-Permittees and other groups of Permittees that are developing the SWMP in a cooperative effort may post the updated SWMP on a single entity's website.

3. Illicit Discharge Detection and Elimination

Each Permittee shall develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR 122.26(b)(2)) into the MS4.

The minimum performance measures are:

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

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

ii. Field surveys shall be conducted pursuant to the requirements of S5.B.3.c.ii. no later than 180 days prior to the expiration date of this permit to verify outfall locations and identify previously unknown outfalls on priority water bodies.

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

iv. The preferred, but not required, format of submission is an electronic format with fully described mapping standards. An example description is provided on Ecology's website.

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

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

i. An ordinance or other regulatory mechanism that prohibits illicit discharges and authorizes enforcement actions, including on private property, shall be adopted no later than 30 months from the effective date of this permit.

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

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

- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- Uncontaminated pumped ground water;
- Foundation drains;
- Air conditioning condensation;
- Irrigation water from agricultural sources that is commingled with urban stormwater;
- Springs;
- Water from crawl space pumps;
- Footing drains; and
- Flows from riparian habitats and wetlands.

iv. The ordinance or other regulatory mechanism shall prohibit the following categories of non-stormwater discharges unless the stated conditions are met:

- Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4;

- Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities (see S5.B.1.) and water conservation efforts.

- 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 wash down that does not use detergents. The Permittee shall reduce these discharges through, at a minimum, public education activities (see S5.B.1.) and/or water conservation efforts. To avoid washing pollutants into the MS4, Permittees 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. 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.

v. The SWMP shall, at a minimum, address each category in (iv) above in accordance with the conditions stated therein.

vi. The SWMP shall further address any category of discharges in (iii) or (iv) above if the discharge is identified as a significant source of pollutants to waters of the state.

vii. The ordinance or other regulatory mechanism shall include, escalating enforcement procedures and actions.

viii. The Permittee shall develop an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism.

c. All Permittees shall develop and implement an ongoing program to detect and address non-stormwater discharges, including spills, and illicit connections to the MS4. The plan shall be fully implemented no later than 180 days prior to the expiration date of this permit and shall include:

i. Procedures for locating priority areas likely to have illicit discharges, including at a minimum: evaluating land uses and associated business/industrial activities present; areas where complaints have been registered in the past; and areas with storage of large quantities of materials that could result in illicit discharges, including spills.

ii. Field assessment activities, including visual inspection of outfalls or facilities serving priority areas identified in (i), above, during dry weather and for the purposes of verifying outfall locations and detecting illicit discharges.

- Compliance with this provision shall be achieved by: prioritizing receiving waters for visual inspection to identify previously unknown outfalls no later than three years from the effective date of this permit; field assessing at least three high priority water bodies or other priority areas *to verify outfall locations and detect illicit discharges* no later than four years from the effective date of this permit, and field assessing at least one high priority water body *or other high priority area* each year thereafter.

iii. Procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges found by or reported to the Permittee. Procedures shall include detailed instructions for evaluating whether the discharge shall be immediately contained and steps to be taken for containment of the discharge.

Compliance with this provision will be achieved by: investigating (or referring to the appropriate agency) within 7 days, on average, any complaints, reports or monitoring information that indicates a potential illicit discharge, including spills; and immediately investigating (or referring) problems and violations determined to be emergencies or otherwise judged by the Permittee's staff or other Qualified Personnel to be urgent or severe.

iv. Procedures for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures.

v. Procedures for ending the discharge, including notification of appropriate authorities; notification of the property owner; technical assistance for removing the source of the discharge or otherwise eliminating the discharge; follow-up inspections; and escalating enforcement and legal actions if the discharge is not eliminated.

- *For illicit connections and illicit discharges of hazardous materials, c*ompliance with this provision will be achieved by: initiating an investigation, within 21 days of report or discovery of a suspected illicit connection or discharge, to determine the source of the discharge, the nature and volume of discharge through the connection, and the party responsible for the discharge; and, upon confirmation of the illicit nature of a storm drain connection or discharge, ensuring termination of the connection within 180 days, using enforcement authority as needed.

- For other illicit discharges, compliance with this provision shall be achieved by implementing appropriate enforcement provisions according to the strategy developed pursuant to S5.B.3.b.viii.

d. Permittees shall inform public employees, businesses, and the general public of hazards associated with illicit discharges and improper disposal of waste.

i. No later than 180 days prior to the expiration date of this permit, distribute appropriate information to target audiences identified pursuant to S5.B.1.a., and

ii. No later than two years from the effective date of this permit, publicly list and publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges. Keep a record of all calls received and of all follow-up actions taken in accordance with S5.B.3.c.ii. through iv above; include a summary in the annual report.

e. Permittees shall adopt and implement procedures for program evaluation and assessment, including tracking the number and type of illicit discharges, including spills, identified; inspections made; and any feedback received from public education efforts. A summary of this information shall be included in the Permittees' annual reports.

f. Permittees shall provide adequate training to all those staff responsible for identification, investigation, termination, cleanup, and reporting of illicit discharges, including spills, and illicit connections.

g. Permittees shall provide training to all municipal field staff that as part of their normal job responsibilities might come into contact with or otherwise

observe an illicit discharge or illicit connection to the MS4. Permittees shall also train office personnel who might receive initial reports of illicit discharges. Training shall include how to identify an illicit discharge, including spills, or an illicit connection to the MS4 and proper procedures for reporting the illicit discharge.

4. Construction Site Stormwater Runoff Control

All Permittees shall develop, implement and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that disturb one acre or more, and from construction projects of less than one acre that are part of a common plan of development or sale.

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

The minimum performance measures are:

a. No later than three years from the effective date of this permit, all Permittees shall develop and adopt an ordinance or other regulatory mechanism to require erosion and sediment controls, and other construction-phase stormwater pollution controls at new development and redevelopment projects. The ordinance or other regulatory mechanism shall include sanctions to ensure compliance. The ordinance or other regulatory mechanism shall have an effective date of no later than four years after the effective date of this permit.

i. The ordinance or other regulatory mechanism shall apply, at a minimum, to construction sites disturbing greater than or equal to one acre and to construction projects of less than one acre that are part of a common plan of development or sale. Pursuant to S5.A.2., in adopting this ordinance or other regulatory mechanism, existing local requirements to apply stormwater controls at smaller sites, or at lower thresholds than required pursuant to S4.B.4.a.ii., shall be retained.

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

- All Permittees shall adopt requirements for construction site operators to implement appropriate erosion and sediment control BMPs.

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

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

    - How stormwater BMPs were selected;

    - The pollutant removal expected from the selected BMPs;

    - The technical basis which supports the performance claims for the selected BMPs; and

    - How the selected BMPs will comply with applicable state water quality standards and satisfy the state requirement to apply AKART prior to discharge.

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

iii. The ordinance or other regulatory mechanism shall include appropriate, escalating enforcement procedures and actions.

iv. The Permittee shall develop an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism.

v. The ordinance shall include a provision for access by qualified personnel to inspect construction-phase stormwater BMPs on private properties that discharge to the MS4.

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

i. Prior to construction, Permittees shall review Construction SWPPPs for, at a minimum, all construction sites that disturb one acre or more, or are less than one acre and are part of a common plan of

development or sale, to ensure that the plans are complete pursuant to the requirements of Appendix 1, Core Element #2. The Construction SWPPP review shall be performed by qualified personnel and shall be performed in coordination with S5.B.5.b.i. review of Stormwater Site Plans.

- To comply with this provision, Permittees shall keep records of all projects disturbing more than one acre, and all projects of any size that are part of a common plan of development or sale that is greater than one acre, that are approved after the effective date of this permit. Permittees shall keep records of these projects for five years or until construction is completed, whichever is longer.

- If the Permittee chooses to allow construction sites to apply the "Erosivity Waiver" in Appendix 1, Core Element #2, the Permittee is not required to review Construction SWPPPs for individual sites applying the waiver.

ii. Permittees shall provide adequate training for all staff involved in permitting, planning, and review to carry out these provisions. The training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance.

c. No later than four years from the effective date of this permit, all Permittees shall adopt and implement procedures for site inspection and enforcement of construction stormwater pollution control measures.

i. Each Permittee shall adopt a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records.

ii. Permittees shall provide adequate training for all staff involved in plan review, field inspection and enforcement to carry out the provisions of this SWMP component. The training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance.

iii. All new construction sites that disturb one acre or more, or are part of a common plan of development or sale shall be inspected at least once by qualified personnel.

- To comply with this provision, Permittees shall keep records of all projects disturbing more than one acre, and all projects of any size that are part of a common plan of development or sale that is greater than one acre, that are approved after the effective date of this permit.

- Permittees shall keep project records for five years or until construction is completed, whichever is longer.

- Compliance with this inspection requirement will be determined by the Permittee having and maintaining records of an inspection program that is designed to inspect all sites. Compliance during this permit term will be determined by the Permittee achieving an inspection rate of at least 80% of the sites.

d. From the effective date of this permit, all Permittees shall provide information to construction site operators about training available on how to install and maintain effective erosion and sediment controls and how to comply with the requirements of Appendix 1 and apply the BMPs described in Chapter 7 of the *Stormwater Management Manual for Eastern Washington (2004)*, or another technical stormwater manual approved by Ecology.

Permittees shall keep copies of information provided to construction site operators; and, if information is distributed to a large number of design professionals at once, the dates of the mailings and lists of recipients.

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

f. If the Permittee chooses to allow construction sites to apply the "Erosivity Waiver" in Appendix 1, Core Element #2, the Permittee shall keep a record of all construction sites that provide notice to the Permittee of their intention to apply the waiver. The Permittee shall investigate complaints about these sites in the same manner as it will investigate complaints about sites that have submitted Construction SWPPPs for review pursuant to S5.B.4.b.i. above.

5. <u>Post-Construction Stormwater Management for New Development and Redevelopment</u>

All Permittees shall develop, implement and enforce a program to address post-construction stormwater runoff to the MS4 from new development and redevelopment projects that disturb one acre or more, and from projects of less than one acre that are part of a common plan of development or sale. The program shall ensure that controls to prevent or minimize water quality impacts are in place.

Public and private projects, including projects proposed by the Permittee's own departments and agencies, shall comply with these requirements. The Permittee

shall determine a process for ensuring proper project review, inspection, and compliance by its own departments and agencies.

The minimum performance measures are:

a. No later than three years from the effective date of this permit, all Permittees shall develop and adopt an ordinance or other regulatory mechanism that requires post-construction stormwater controls at new development and redevelopment projects. Pursuant to S5.A.2., in adopting this ordinance or other regulatory mechanism, existing local requirements to apply stormwater controls at smaller sites, or at lower thresholds than required pursuant to S5.B.5.a.ii., shall be retained. The ordinance or other regulatory mechanism shall include sanctions to ensure compliance. The ordinance or other regulatory mechanism shall have an effective date of no later than four years after the effective date of this permit.

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

   ii. The ordinance or other regulatory mechanism shall require project proponents and property owners to adhere to the minimum technical requirements in Appendix 1 and shall include BMP selection, design, installation, operation, and maintenance standards necessary to protect water quality, reduce the discharge of pollutants to the MEP, and satisfy state AKART requirements.

      - All Permittees shall adopt a policy of encouraging project proponents to maintain natural drainages to the maximum extent possible, including reducing the total amount of impervious surfaces created by the project.

        - Permittees should consider including provisions to allow non-structural preventive actions and source reduction approaches such as Low Impact Development (LID) techniques, measures to minimize the creation of impervious surfaces and measures to minimize the disturbance of native soils and vegetation. Provisions for LID should take into account site conditions, access and long term maintenance.

      - All Permittees shall adopt requirements for project proponents and property owners to implement appropriate runoff treatment, flow control, and source control BMPs considering the proposed land use at the site to minimize adverse impacts to water quality.

- Each Permittee shall define a specific hydrologic method or methods for calculating runoff volumes and flow rates to ensure consistent sizing of structural BMPs in their jurisdiction and to facilitate plan review. Permittees may allow proponents of unique or complex projects to use other methodologies.

- To meet the requirements of Appendix 1, Core Element #5, Permittees may choose to apply the criteria in Chapter 2.2.5 of the *Stormwater Management Manual for Eastern Washington* (2004), or portions thereof, and the methods described in Chapters 4 and 6 of the *Stormwater Management Manual for Eastern Washington* (2004).

- All Permittees shall adopt requirements to ensure adequate ongoing long-term operation and maintenance of the BMPs approved by the Permittee.

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

  - How stormwater BMPs were selected;

  - The pollutant removal expected from the selected BMPs;

  - The technical basis which supports the performance claims for the selected BMPs; and

  - How the selected BMPs will comply with applicable state water quality standards and satisfy the state requirement to apply AKART prior to discharge.

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

iii. The ordinance or other regulatory mechanism shall include provisions for both construction-phase and post-construction access for Permittees to inspect stormwater BMPs on private properties that discharge to the MS4. If deemed necessary for post-construction access, the ordinance or other regulatory mechanism may, in lieu of

requiring that continued access be granted to the Permittee's staff or qualified personnel, instead require private property owners to provide annual certification by a qualified third party that adequate maintenance has been performed and the facilities are operating as designed to protect water quality.

iv. The ordinance or other regulatory mechanism shall include appropriate, escalating enforcement procedures and actions.

v. The Permittee shall develop an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism.

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

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

To comply with this provision, Permittees shall keep records of all projects disturbing more than one acre, and all projects of any size that are part of a common plan of development or sale that is greater than one acre, that are approved after the effective date of this permit. Permittees shall keep records of these projects for five years or until construction is completed, whichever is longer.

ii. The site plan review shall be performed by qualified personnel and shall include review of Construction Stormwater Pollution Prevention Plans where required pursuant to S5.B.4.b.i.

c. No later than four years from the effective date of this permit, all Permittees shall adopt and implement procedures for site inspection and enforcement of post-construction stormwater control measures.

i. All Permittees shall adopt a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records. At a minimum, inspection and enforcement procedures shall be applied to all new development and redevelopment sites that meet the thresholds in S5.B.5.a.i.

ii. Structural BMPs shall be inspected at least once during installation by qualified personnel.

iii. Structural BMPs shall be inspected at least once every five years after final installation, or more frequently as determined by the

Permittee to be necessary to prevent adverse water quality impacts, to ensure that adequate maintenance is being performed. The inspection shall be performed by qualified personnel.

iv. Recommended operation and maintenance standards for structural BMPs in the Stormwater Management Manual for Eastern Washington (2004), or another technical stormwater manual approved by Ecology, shall be met. If a BMP is not inspected, the Permittee is not in violation of this provision unless a violation of water quality standards occurs due to lack of operation and maintenance of the facility.

v. If a site is inspected and problems are identified, the Permittee is not in violation of this provision, provided the Permittee requires and confirms that necessary operation, maintenance and/or repair to correct the problem is performed as soon as practicable.

d. Permittees shall provide adequate training for all staff involved in permitting, planning, review, inspection, and enforcement to carry out the provisions of this SWMP component.

e. From the effective date of this permit, all Permittees shall provide information to design professionals about training available on how to comply with the requirements of Appendix 1 and apply the BMPs described in the *Stormwater Management Manual for Eastern Washington* (2004), or another technical stormwater manual approved by Ecology.

f. To comply with these provisions, Permittees shall keep records of all projects disturbing more than one acre that are approved on or after the effective date of the ordinance or other regulatory mechanism (but no later than four years from the effective date of this permit); and all projects of any size that are part of a common plan of development or sale that is greater than one acre, that are approved after the effective date of this permit.

i. Permittees shall keep project records for five years or until construction is completed, whichever is longer, with the following exceptions: approved site plans and O&M plans shall be kept as needed to comply with the ongoing inspection requirements of this permit.

ii. The training records to be kept (for d, above) include dates, activities or course descriptions, and names and positions of staff in attendance.

iii. Permittees shall keep copies of information that is provided to design professionals (for e, above); and, if information is distributed to a large number of design professionals at once, the dates of the mailings and lists of recipients.

6. Pollution Prevention and Good Housekeeping for Municipal Operations

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

The minimum performance measures are:

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

i. The O&M Plan shall include appropriate pollution prevention and good housekeeping procedures for all of the following types of facilities and/or activities listed below. Low impact development techniques should be considered for all new and redeveloped municipal facilities. Water conservation measures should be considered for all landscaped areas, parks and open spaces.

- Stormwater collection and conveyance system, including catch basins, stormwater sewer pipes, open channels, culverts, structural stormwater controls, and structural runoff treatment and/or flow control facilities. The O&M Plan shall address, but is not limited to: regular inspections, cleaning, proper disposal of waste removed from the system, and record keeping. No later than 180 days prior to the expiration date of this permit, Permittees shall implement catch basin cleaning, stormwater system maintenance, scheduled structural BMP inspections and maintenance, and pollution prevention/good housekeeping practices.

- Roads, highways, and parking lots. The O&M Plan shall address, but is not limited to: deicing, anti-icing, and snow removal practices; snow disposal areas; material (e.g. salt, sand, or other chemical) storage areas; and all-season BMPs to reduce road and parking lot debris and other pollutants from entering the MS4. No later than 180 days prior to the

expiration date of this permit, Permittees shall implement all pollution prevention/good housekeeping practices established in the O&M Plan for all roads, highways, and parking lots with more than 5,000 square feet of pollutant generating impervious surface that are owned, operated, or maintained by the Permittee.

- Vehicle fleets. The O&M Plan shall address, but is not limited to: storage, washing, and maintenance of municipal vehicle fleets. No later than 180 days prior to the expiration date of this permit, Permittees shall conduct all vehicle and equipment washing and maintenance in a self-contained covered building or in designated wash and/or maintenance areas operated to separate wash water from stormwater.

- Municipal buildings. The O&M Plan shall address, but is not limited to: cleaning, washing, painting and other maintenance activities. No later than 180 days prior to the expiration date of this permit, Permittees shall implement all pollution prevention/good housekeeping practices established in the O&M Plan for buildings owned, operated, or maintained by the Permittee.

- Parks and open space. The O&M Plan shall address, but is not limited to: proper application of fertilizer, pesticides, and herbicides; sediment and erosion control; BMPs for landscape maintenance and vegetation disposal; trash management; and BMPs for building exterior cleaning and maintenance. No later than 180 days prior to the expiration date of this permit, Permittees shall implement park and open space maintenance pollution prevention/good housekeeping practices at all park areas and other open spaces owned or operated by the Permittee.

- Construction Projects. Public construction projects shall comply with the requirements applied to private projects. All construction projects owned or operated by the Permittee that are required to have an NPDES permit shall be covered under either the *General NPDES Permit for Stormwater Discharges Associated with Construction Activities* or another NPDES permit that covers stormwater discharges associated with the activity. All public projects approved after the effective date of this permit shall include construction and post-construction controls selected and implemented pursuant to the requirements in Appendix 1.

- Industrial Activities. All facilities owned or operated by the Permittee that are required to have NPDES permit coverage

shall be covered under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities* or another NPDES permit that covers stormwater discharges associated with the activity.

- Material storage areas, heavy equipment storage areas and maintenance areas. No later than 180 days prior to the expiration date of this permit, Permittees shall develop and implement a *Stormwater Pollution Prevention Plan* to protect water quality at each of these facilities owned or operated by the Permittee and not required to have coverage under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities* or another NPDES permit that covers stormwater discharges associated with the activity. Generic *Stormwater Pollution Prevention Plans* that can be applied at multiple sites may be used to comply with this requirement.

- Flood management projects. Permittees shall assess water quality impacts in the design of all new flood management projects that are associated with the MS4 or that discharge to the MS4, including considering use of controls that minimize impacts to site hydrology and still meet project objectives. Permittees are encouraged to review and evaluate existing flood management projects that are associated with the MS4 or that discharge to the MS4 to determine whether changes or additions should be made to improve water quality.

- Other facilities that would reasonably be expected to discharge contaminated runoff. Permittees shall identify these facilities, include BMPs to protect water quality from discharges from these sites in the O&M Plan, and implement the BMPs no later than 180 days prior to the expiration date of this permit.

ii. *The O&M plan shall include a schedule of inspections and requirements for record keeping pursuant to S9* Reporting and Record Keeping.

- A minimum of 95% of all known stormwater treatment and flow control facilities owned, operated or maintained by the Permittee shall be inspected at least once before the expiration date of this permit, with problem facilities identified during inspections to be inspected more frequently.

- Spot checks for potentially damaged stormwater treatment and flow control facilities will be conducted after major storm events (greater than 10-year recurrence interval rainfall or snowmelt).

- Any needed repair or maintenance shall be performed as soon as practicable pursuant to the findings of a regular inspection or spot check.

iii. The O&M plan shall identify the department (and where appropriate, the specific staff) responsible for performing each activity.

b. Permittees shall provide training for all employees who have primary construction, operations, or maintenance job functions that are likely to impact stormwater quality. The permittee shall identify target employees to participate in the training sessions. Training shall address the importance of protecting water quality, the requirements of this permit, operation and maintenance requirements, inspection procedures, ways to perform their job activities to prevent or minimize impacts to water quality, and procedures for reporting water quality concerns, including potential illicit discharges. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing.

S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES

A. This section applies to all Secondary Permittees, whether coverage under this Permit is obtained individually or as a Co-Permittee with a City and/or Town and/or County and/or another Secondary Permittee.

1. To the extent allowable under state, federal and local law, all components are mandatory for each Secondary Permittee covered under this permit, whether covered as an individual Permittee or as a Co-Permittee.

2. Each Secondary Permittee shall develop and implement a stormwater management program (SWMP). The SWMP shall be designed to reduce the discharge of pollutants from regulated small MS4s to the maximum extent practicable and protect water quality.

3. Unless an alternate implementation schedule is established by Ecology as a condition of permit coverage, the SWMP shall be developed and implemented in accordance with the schedules contained in this section and shall be fully developed and implemented no later than180 days before the expiration date of this Permit. Notwithstanding the schedules in this Permit, Secondary Permittees that are already implementing some or all of the required SWMP components shall continue implementation of those components.

4. Secondary Permittees may implement parts of their SWMP in accordance with the schedule for cities, towns and counties in S5, provided they have signed a memorandum of understanding or other agreement to jointly implement the activity or activities with one or more jurisdictions listed in S1.B, and submitted a copy of the agreement to Ecology.

5. Each Secondary Permittee shall prepare written documentation of the SWMP. The SWMP documentation shall be organized according to the program

components in S6.D below and shall be updated at least annually for submittal with the Permittee's annual reports to Ecology (see S9 *Reporting and Record Keeping*). The SWMP documentation shall include:

a. A description of each of the program components included in S6.D.1 through S6.D.6, and

b. Any additional actions necessary to meet the requirements of applicable TMDLs pursuant to S7 *Compliance with Total Maximum Daily Load Requirements*.

B. Coordination

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

C. Legal Authority

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

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

D. Stormwater Management Program for Secondary Permittees

The term "Secondary Permittees" means drainage, diking, flood control, or diking and drainage districts, Ports (other than the Ports of Seattle and Tacoma), public colleges and universities, and any other owners or operators of municipal separate storm sewers located within the municipalities that are listed as Permittees in S1.D. The Stormwater Management Program (SWMP) for Secondary Permittees shall include the following components:

1. <u>Public Education and Outreach</u>

Each Secondary Permittee shall implement the following stormwater education strategies:

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

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

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

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

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

i. How stormwater runoff affects local waterbodies;

ii. Proper use and application of pesticides and fertilizers;

iii. Benefits of using well-adapted vegetation;

iv. Alternative equipment washing practices including cars and trucks that minimize pollutants in stormwater;

v. Benefits of proper vehicle maintenance and alternative transportation choices; proper handling and disposal of wastes, including the location of hazardous waste collection facilities in the area;

vi. Hazards associated with illicit connections; and

vii. Benefits of litter control and proper disposal of pet waste.

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

2. <u>Public Involvement and Participation</u>

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

a. Publish a public notice in the local newspaper or on the Permittee's website and solicit public review of their SWMP.

b. Make the latest updated version of the SWMP available to the public. If the Secondary Permittee maintains a website, the SWMP shall be posted on the Secondary Permittee's website.

3. Illicit Discharge Detection and Elimination

Each Secondary Permittee shall:

a. From the date of permit coverage, comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern non-stormwater discharges.

b. Develop and adopt appropriate policies prohibiting illicit discharges no later than one year from the date of permit coverage. Identify possible enforcement mechanisms no later than one year from the date of permit coverage; and, no later than eighteen months from the date of permit coverage, develop and implement an enforcement plan using these mechanisms to ensure compliance with illicit discharge policies. These policies shall address, at a minimum: illicit connections; non-stormwater discharges, including spills, of hazardous materials, pet waste, and litter.

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

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

- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- Uncontaminated pumped ground water;
- Foundation drains;
- Air conditioning condensation;
- Irrigation water from agricultural sources that is commingled with urban stormwater;
- Springs;
- Water from crawl space pumps;
- Footing drains; and
- Flows from riparian habitats and wetlands.

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

- Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4;

- Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities and water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction.

- 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.

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 any illicit discharges. Keep records of inspections and follow-up activities.

e. No later than 180 days before the expiration date of this Permit, or as established as a condition of coverage by the Ecology, develop and implement a spill response plan that includes coordination with a qualified spill responder.

f. No later than two years from permit coverage date, provide staff training or coordinate with existing training efforts to educate relevant staff on proper *best management practices* for preventing illicit discharges. All relevant staff shall be trained.

4. Construction Site Stormwater Runoff Control

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

a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern construction phase stormwater pollution prevention measures.

b. For all construction projects under the control of the Secondary Permittee which, require a construction stormwater permit, Secondary Permittees shall obtain coverage under the NPDES General Permit for Stormwater Discharges Associated with *Construction Activities,* or an alternative individual NPDES permit prior to discharging construction related stormwater.

c. Coordinate with the local jurisdiction regarding projects owned and operated by other entities which discharge into the Secondary Permittee's MS4, 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 relevant staff in 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, which are under the control of the Secondary Permittee during the active grading and/or construction period.

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

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

a. Comply with all relevant ordinances, rules and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern post-construction stormwater pollution prevention measures.

b. Coordinate with the local jurisdiction regarding projects owned and operated by other entities which discharge into the Secondary Permittee's MS4, to assist the local jurisdiction with achieving compliance with all relevant ordinances, rules, and regulations of the local jurisdiction(s).

6. Pollution Prevention and Good Housekeeping for Municipal Operations

Each Secondary Permittee shall:

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

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

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

For facilities located in Eastern Washington, Secondary Permittees shall establish maintenance standards that are as protective or more

protective of facility function than those specified in Chapters 5, 6 and 8 of the 2004 *Stormwater Management Manual for Eastern Washington*.

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

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

iii. Vehicle fleets. The O&M Plan shall address, but is not limited to: storage, washing, and maintenance of Secondary Permittee vehicle fleets; and fueling facilities. Secondary Permittees shall conduct all vehicle and equipment washing and maintenance in a self-contained covered building or in designated wash and/or maintenance areas.

iv. ***External*** building maintenance. The O&M Plan shall address, building exterior cleaning and maintenance including cleaning, washing, painting and other maintenance activities.

v. Parks and open space. The O&M Plan shall address, but is not limited to: proper application of fertilizer, pesticides, and herbicides; sediment and erosion control; BMPs for landscape maintenance and vegetation disposal; and trash management.

vi. Material storage areas, heavy equipment storage areas, and maintenance areas. Secondary Permittees shall develop and implement a Stormwater Pollution Prevention Plan to protect water quality at each of these facilities owned or operated by the Secondary Permittee and not covered under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities* or under another NPDES permit that covers stormwater discharges associated with the activity.

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

b. From the date of coverage under this Permit, Secondary Permittees shall also have permit coverage for all facilities operated by the Secondary Permittee that are required to be covered under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities*.

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

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

i. The importance of protecting water quality,

ii. The requirements of this Permit,

iii. Operation and maintenance requirements,

iv. Inspection procedures,

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

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

S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS

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

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

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

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

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

S8. MONITORING AND PROGRAM EVALUATION

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

1. Any water quality monitoring required for compliance with TMDLs, pursuant to section S7 *Compliance with Total Maximum Daily Load Requirements* and Appendix 2 of this permit; and

2. Any sampling or testing required for characterizing illicit discharges pursuant to section S5.B.3.c. or S6.D.3. of this permit.

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

1. A description of any stormwater monitoring or studies conducted by the Permittee during the reporting period. If stormwater monitoring was conducted on behalf of the Permittee, or if studies or investigations conducted by other entities were reported to the Permittee, a brief description of the type of information gathered or received shall be included in the annual report(s) covering the time period(s) during which the information was received.

2. An assessment of the appropriateness of the BMPs identified by the Permittee for each component of the SWMP; and any changes made, or anticipated to be made, to the BMPs that were previously selected to implement the SWMP, and why.

3. Information required pursuant to S8.C.2. below.

C. Preparation for future, long-term monitoring

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

1. All Cities, Towns and Counties shall prepare to participate in the implementation of a future comprehensive long-term monitoring program. The monitoring program will include three components: stormwater monitoring, Targeted Stormwater Management Program (SWMP) effectiveness monitoring, and runoff treatment Best Management Practice (BMP) effectiveness monitoring. Stormwater monitoring is intended to characterize stormwater runoff quantity and quality at a limited number of locations in a manner that allows analysis of loadings and changes in conditions over time and generalization across the Permittees' jurisdictions. SWMP effectiveness monitoring is intended to improve stormwater management efforts by evaluating issues that significantly affect the success of or confidence in stormwater controls. BMP effectiveness monitoring is intended to evaluate the effectiveness and operation and maintenance requirements of runoff treatment BMPs by characterizing effluent characteristics and pollutant removal. The monitoring program could include long-term monitoring and may include short-term studies. The results of the monitoring program would be used to support the adaptive management process and lead to refinements of the SWMP.

a. Stormwater monitoring

Cities having a population greater than 10,000 and Counties having a population greater than 25,000 shall identify sites for long-term stormwater monitoring. Adequate sites will be: completely mapped as required in S5.B.3.a and including land use delineation; and suitable for permanent installation and operation of flow-weighted composite sampling equipment. No later than December 31, 2010:

i. Each County having a population greater than 100,000 shall identify three outfalls or conveyances where stormwater sampling could be conducted. One outfall or conveyance will represent commercial land use, the second will represent low-density residential land use, and the third will represent medium-to-high-density residential land use.

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

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

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

v. Permittees shall select outfalls or conveyances based on known water quality problems and/or targeted areas of interest for future monitoring. The Permittee shall document:

- Why sites were selected;
- Possible site constraints for installation of and access to monitoring equipment;
- A brief description of the contributing basin including size in acreage, dominant land use and other contributing land uses;
- Any water quality concerns in the receiving water of each selected outfall or conveyance.

b. Targeted SWMP effectiveness monitoring

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

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

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

ii. No later than December 31, 2010, each City, Town and County shall identify at least two suitable questions and select sites where monitoring would be conducted. This monitoring should include, at a minimum, plans for either stormwater, receiving water or sediment monitoring of physical, chemical and/or biological characteristics. This monitoring may also include data collection and analysis of other measures of program effectiveness and/or problem identification and characterizing discharges for planning purposes.

iii. No later than December 31, 2010, each City, Town and County shall develop a monitoring plan for each question. The plan shall include the following elements:

- A statement of the question, an explanation of how and why the issue is significant to the Permittee, and a discussion of whether and how the results of the monitoring may be significant to other MS4s;
- A specific hypothesis about the issue or management actions that will be tested;
- Specific parameters or attributes to be measured; and
- Expected modifications to management actions depending on the outcome of hypothesis testing.

c. Runoff Treatment BMP Effectiveness Monitoring

Each City having a population greater than 25,000 and each County having a population greater than 50,000 shall prepare to conduct monitoring to evaluate the effectiveness of runoff treatment BMPs designed and built in accordance with the *Stormwater Management Manual for Eastern Washington* or an approved equivalent, applied in their jurisdiction. No later than December 31, 2010, these cities and counties shall select BMPs and sites according to the requirements below:

i. Each City having a population greater than 50,000 and each County having a population greater than 100,000 shall prepare to monitor at least two BMPs, at no fewer than two sites per BMP.

ii. Each City having a population between 25,000 and 50,000 and each County having a population between 50,000 and 100,000 shall prepare to monitor at least one BMP, at no fewer than two sites per BMP.

iii. BMPs shall be selected from the following list:

- Basic treatment
  - Biofiltration swale
  - Vegetated filter strip
  - Wet-pond
  - Wet-vault
  - Treatment wetland
  - Sand filter
  - Dry pond
  - Extended detention dry pond
- Metals treatment
  - Amended sand filter
  - Two facility treatment train
  - Bio-infiltration swale
- Oil treatment
  - Bio-infiltration swale
  - Biofiltration swale
  - Vegetated filter strip
  - Linear sand filter
  - Catch basin insert
  - Catch basin preceded by passive oil control vault

2. Monitoring program reporting requirements

a. The fourth annual report shall:

i. Describe the status of identification of sites for stormwater monitoring, if required for the Permittee;

ii. Include a summary of proposed questions for the SWMP effectiveness monitoring and describe the status of developing the monitoring plan, including the proposed purpose, design, and methods.

b. The fifth annual report shall identify the BMP(s) selected for runoff treatment BMP effectiveness monitoring, and describe the status of identification of sites for BMP effectiveness monitoring, if required for the Permittee.

c. To comply with the requirements of all or part(s) of this section, Permittees in a single Urbanized Area may choose to submit a collaborative report or reports in lieu of separate reports.

S9. REPORTING AND RECORD KEEPING

A. No later than March 31 of each year beginning in 2008, each Permittee shall submit an annual report. The reporting period for the first annual report will be from the effective date of this permit through December 31, 2007. The reporting period for all subsequent annual reports will be the previous calendar year.

B. Two printed copies and an electronic (PDF) copy of the annual report shall be 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

C. Each Permittee is required to keep all records related to this permit and the SWMP for at least five years. Except as required as a condition of the annual reports, records need to be submitted to Ecology only upon request.

D. Each Permittee shall make all records related to this permit and the Permittee's SWMP available to the public at reasonable times during business hours. The Permittee will provide a copy of the most recent annual report to any individual or entity, upon request.

1. A reasonable charge may be assessed by the Permittee for making photocopies of records.

2. The Permittee may require reasonable advance notice of intent to review records related to this permit.

E. Annual report for Cities, Towns and Counties

Each annual report shall include the following:

1. A copy of the Permittee's current Stormwater Management Program as required by S5.A.3.

2. Submittal of Appendix 3 – *Annual Report Form for Cities, Towns, and Counties,* which is intended to summarize the Permittees compliance with the conditions of this permit, including:

    a. Status of implementation of each component of the SWMP in section S5 *Stormwater Management Program for Cities, Towns, and Counties*.

    b. An assessment of the Permittee's progress in meeting the minimum performance standards established for each of the minimum control measures of the SWMP.

    c. A description of activities being implemented to comply with each component of the SWMP, including the number and type of inspections, enforcement actions, public education and involvement activities, and illicit discharges detected and eliminated.

    d. The Permittee's SWMP implementation schedule and plans for meeting permit deadlines, and 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.

    e. A summary of the Permittee's evaluation of their SWMP, according to sections S5.A.4. and S8.B.2.

    f. If applicable, notice that the MS4 is relying on another governmental entity to satisfy any of the obligations under this permit.

    g. Updated information from the prior annual report plus any new information received during the reporting period, pursuant to S8.B.2. above.

    h. Certification and signature pursuant to G19.D, and notification of any changes to authorization pursuant to G19.C.

3. Permittees shall include with the annual report, notification of any annexations, incorporations or 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.

F. Annual report for Secondary Permittees

All Secondary Permittees shall complete the *Annual Report Form for Secondary Permittees* (Appendix 4) and submit it along with any supporting documentation to Ecology.

1. The *Annual Report Form for Secondary Permittees* is intended to summarize the Permittees compliance with the conditions of this permit, including:

a. Status of implementation of each component of the SWMP in section S6 *Stormwater Management Program for Secondary Permittees* of this permit.

b. An assessment of the Permittee's progress in meeting the minimum performance standards established for each of the minimum control measures of the SWMP.

c. A summary of the Permittee's evaluation of their SWMP, according to section S8.B.2.

d. If applicable, notice that the MS4 is relying on another governmental entity to satisfy any of the obligations under this permit.

e. Updated information from the prior annual report plus any new information received during the reporting period pursuant to S8.B.1. and S8.B.2.

f. Certification and signature pursuant to G19.D, and notification of any changes to authorization pursuant to G19.C.

2. Secondary Permittees shall include with the annual report, 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.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

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

G2. PROPER OPERATION AND MAINTENANCE

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

G3. NOTIFICATION OF DISCHARGE INCLUDING SPILLS

If a Permittee has knowledge of a discharge, including spills, into or from a municipal storm sewer which could constitute a threat to human health, welfare, or the environment, the Permittee shall:

A. Take appropriate action to correct or minimize the threat to human health, welfare, and/or the environment, and

B. Notify the Ecology regional office and other appropriate spill response authorities immediately but in no case later than within 24 hours of obtaining that knowledge. The Ecology Central Regional Office 24-hour number is 509-575-2490, and for the Eastern Regional Office the 24-hour number is 509-329-3400.

C. Immediately report spills or discharges of oils or hazardous materials to the Ecology regional office and to the Washington Emergency Management Division, 1-800-258-5990.

G4. BYPASS PROHIBITED

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

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

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

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

G5. RIGHT OF ENTRY

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

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

B. To have access to, and copy at reasonable cost and at reasonable times, any records that shall be kept under the terms of the permit;

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

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

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

G6. DUTY TO MITIGATE

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

G7. PROPERTY RIGHTS

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

G8. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G9. MONITORING

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

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

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

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

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

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

G. Additional Monitoring: Ecology may establish specific monitoring requirements in addition to those contained in this permit by permit modification.

G10. REMOVED SUBSTANCES

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

G11. SEVERABILITY

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

G12. REVOCATION OF COVERAGE

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

A. Violation of any term or condition of this General Permit;

B. Obtaining coverage under this General Permit by misrepresentation or failure to disclose fully all relevant facts;

C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

D. A determination that the permitted activity endangers human health or the environment, or contributes significantly to water quality standards violations;

E. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;

F. Nonpayment of permit fees assessed pursuant to RCW 90.48.465;

Revocation of coverage under this General Permit may be initiated by Ecology or requested by any interested person.

G13. TRANSFER OF COVERAGE

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

G14. GENERAL PERMIT MODIFICATION AND REVOCATION

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

A. A change occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this General Permit;

B. Effluent limitation guidelines or standards are promulgated pursuant to the CWA or chapter 90.48 RCW, for the category of dischargers covered under this General Permit;

C. A water quality management plan containing requirements applicable to the category of dischargers covered under this General Permit is approved;

D. Information is obtained which indicates that cumulative effects on the environment from dischargers covered under this General Permit are unacceptable; or

E. Changes made to State law reference this permit.

G15. REPORTING A CAUSE FOR MODIFICATION OR REVOCATION

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

G16. APPEALS

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

B. The terms and conditions of this General Permit, as they apply to an individual discharger, can be appealed in accordance with Chapter 43.21B RCW within thirty days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or non-applicability to that individual discharger.

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

D. Modifications of this permit can be appealed in accordance with Chapter 43.21B RCW and Chapter 173-226 WAC.

G17. PENALTIES

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

G18. DUTY TO REAPPLY

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

G19. CERTIFICAITON AND SIGNATURE

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

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

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

1. The authorization is made in writing by a person described above and submitted to Ecology, and

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

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

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

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

G20. NON-COMPLIANCE NOTIFICATION

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

A. Notify Ecology of the failure to comply with the permit terms and conditions in writing within 30 days of becoming aware that the non-compliance has occurred. The written notification must include all of the following:

1. A description of the non-compliance, including dates.

2. Beginning and ending dates of the non-compliance, and if the non-compliance has not been corrected, the anticipated date of correction.

3. Steps taken or planned to reduce, eliminate, or prevent reoccurrence of the non-compliance.

B. Take appropriate action to stop or correct the condition of non-compliance.

G21. UPSETS

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

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

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

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

1. An upset occurred and that the Permittee can identify the cause(s) of the upset;

2. The permitted facility was at the time being properly operated; and

3. The Permittee submitted notice of the upset as required in 40 CFR 122.41(l)(6)(ii)(B) (24-hour notice of noncompliance).

4. The Permittee complied with any remedial measures required under 40 CFR 122.41(d) (Duty to Mitigate).

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

DEFINITIONS AND ACRONYMS

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

"ADT" means Average Daily Traffic.

"AKART" means All Known, Available, and Reasonable methods of prevention, control, and Treatment. See also the State Water Pollution Control Act, sections 90.48.010 RCW and 90.48.520 RCW.

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

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

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

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

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

"BMP" means Best Management Practice.

"Bypass" means the diversion of stormwater from any portion of a stormwater treatment facility.

"Certified Erosion and Sediment Control Lead" (CESCL) means an individual who is knowledgeable in the principles and practices of erosion and sediment control. The CESCL shall have the skills to assess: the site conditions and construction activities that could impact the quality of stormwater; and the effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges. The CESCL shall have current certification through an approved erosion and sediment control training program that meets

the minimum training standards established by Ecology (see BMP C160 in the *Stormwater Management Manual for Eastern Washington* (2004)).

"CESCL" means Certified Erosion and Sediment Control Lead.

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

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

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

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

"Detailed Implementation Plan" means the formal implementation plan for a Total Maximum Daily Load (TMDL) or water quality clean-up plan.

"DIP" means Detailed Implementation Plan.

"Director" means the Director of the Washington State Department of Ecology, or an authorized representative.

"Discharge" for the purpose of this permit unless indicated otherwise, refers to discharges from municipal separate storm sewers owned or operated by a Permittee.

"Entity" means a governmental body or a public or private organization.

"Existing conditions" are the impervious surfaces, drainage systems, land cover, native vegetation and soils that exist at a site prior to any changes associated with achieving the proposed development conditions. Approved permits and engineering plans may be required. If sites have impervious areas and drainage systems that were built without approved permits, then the existing condition is defined as those that existed prior to the issue date of this Permit. Existing conditions may be verified by using aerial photography or other

records. Existing conditions are used for hydrologic analysis at the site unless a City or County imposes other requirements.

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

"Ground water" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

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

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

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

- A road intersection with expected ADT of 25,000 vehicles or more on the main roadway and 15,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements; or

- A commercial or industrial site with an expected trip end count equal to or greater than 100 vehicles per 1,000 square feet of gross building area (best professional judgment should be used in comparing this criterion with the following criterion); or

- A customer or visitor parking lot with an expected trip end count equal to or greater than 300 vehicles (best professional judgment should be used in comparing this criterion with the preceding criterion); or

- Commercial on-street parking areas on streets with an expected total ADT count equal to or greater than 7,500; or

- Fueling stations and facilities; or

- A commercial or industrial site subject to petroleum storage and transfer in excess of 1,500 gallons per year (not including locations where heating fuel is routinely delivered to end users and the annual amount of heating oil used at the site is the sole basis for the site meeting this definition; heating fuel handling and storage facilities are subject to this definition); or

- A commercial or industrial site subject to use, storage, or maintenance of a fleet of 25 or more diesel vehicles that are over 10 tons gross weight (trucks, buses, trains, heavy equipment, etc.); or

- Maintenance and repair facilities for vehicles, aircraft, construction equipment, railroad equipment or industrial machinery and equipment; or

- Outdoor areas where hydraulic equipment is stored; or

- Log storage and sorting yards and other sites subject to frequent use of forklifts and/or other hydraulic equipment; or

- Railroad yards.

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

"Hyperchlorinated" means water that contains more than 10 mg/Liter chlorine. "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

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

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

"Interflow" means that portion of rainfall that infiltrates into the soil and moves laterally through the upper soil horizons until intercepted by a stream channel or until it returns to the surface.

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

"Low Density Residential Land Use" means, for the purpose of permit section S8 *Monitoring and Program Evaluation*, one unit per 1 to 5 acres.

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

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

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

"MEP" means Maximum Extent Practicable.

"Moderate ADT Roadways and Parking Areas" are urban roads with ADT between 7,500 and 30,000 vehicles per day; rural roads and freeways with ADT between 15,000 and 30,000 vehicles per day; and parking areas with between 40 and 100 trip ends per 1,000 SF of gross building area or between 100 and 300 total trip ends per day are considered to be moderate-use traffic areas. Examples include visitor parking for small to medium commercial buildings with a limited number of daily customers. Urban roads are located within designated Urban Growth Management Areas; rural roads are located outside designated Urban Growth Management Areas. Freeways, defined as fully controlled and partially controlled limited access highways, may be located either inside or outside of Urban Growth Management Areas.

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

"MS4" means Municipal Separate Storm Sewer System.

"MTRs" means Minimum Technical Requirements.

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

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

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

"NOI" means Notice of Intent.

"Non-Pollutant Generating Impervious Surfaces" (NPGIS) are considered to be insignificant sources of pollutants in stormwater runoff. Roofs that are subject only to atmospheric deposition or normal heating, ventilation, and air conditioning vents are considered NPGIS, unless the roofing material is uncoated metal. The following may also be considered NPGIS: paved bicycle pathways and pedestrian sidewalks that are separated from and not subject to drainage from roads for motor vehicles, fenced fire lanes, infrequently used maintenance access roads, and "in-slope" areas of roads. Sidewalks that are regularly treated with sand, salt or other de-icing/anti-icing agents are not considered NPGIS.

"Notice of Intent" means an application or request for coverage under a General NPDES Permit pursuant to WAC 173-226-200.

"NPDES" means National Pollutant Discharge Elimination System.

"NPGIS" means Non-Pollutant Generating Impervious Surfaces.

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

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

"PGIS" means Pollutant Generating Impervious Surfaces.

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

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

"Primary Permittee" means a City, Town or County owning or operating a regulated small MS4.

"Process wastewater" means any water which, during manufacture or processing, comes into direct contact with or results form the production or use of any raw material, intermediate product, finished product, by product, or waste product.

"Proposed development conditions" are the impervious surfaces, drainage systems, land cover, native vegetation and soils that are proposed to exist at the site at the completion of the project (complete build-out). Also called "post-developed conditions."

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

"RCW" means the Revised Code of Washington State.

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

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

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

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

"Runoff" is water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. Runoff includes stormwater and water from other sources that travels across the land surface. See also "Stormwater."

"Rural roads" are roads located outside designated Urban Growth Management Areas.

"Secondary Permittee" is an operator of regulated small MS4 that is not a City, Town or County. Secondary Permittees include special purpose districts and other MS4s that meet the criteria for a regulated small MS4 in S1.B.

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

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

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

a. Is owned or operated by a city; town; county; or district, association or other public body created pursuant to State law having jurisdiction over disposal of stormwater, sewage, industrial wastes, or other wastes, including special districts such as a sewer districts, flood control districts or drainage districts, or similar entities;

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

c. Is not a combined sewer system;

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

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

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

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

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

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

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

"SWMMEW" means the *Stormwater Management Manual for Eastern Washington* (2004).

"SWMP" means Stormwater Management Program.

"TMDL" means Total Maximum Daily Load.

"TMDL waste load allocation" means the allowable load of a single pollutant from a single contributing point source.

"Total Maximum Daily Load" means a water cleanup plan. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The calculation shall include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation shall also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

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

"UA" means Urbanized Area.

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

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

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

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

"Water quality standards" means Surface Water Quality Standards, Chapter 173-201A WAC; Ground Water Quality Standards, Chapter 173-200 WAC; and Sediment Management Standards, Chapter 173-204 WAC.