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Issuance Date:  
Effective Date:  
Expiration Date:

**DRAFT**

**Western 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 Western Washington

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

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

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

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

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1 **SPECIAL CONDITIONS**

2  
3 In 2011, the Washington State Legislature and Governor enacted Engrossed Substitute  
4 House Bill 1478 to give cities and counties fiscal relief during periods of economic downturn  
5 by delaying or modifying certain regulatory and statutory requirements. Section 12 of the  
6 bill modified RCW 90.48.260 requires that by July 31, 2012, Ecology shall

7 (a) Reissue without modification for a term of one year any national pollutant  
8 discharge elimination system municipal stormwater general permit first issued on  
9 January 17, 2007; and

10 (b) Issue an updated national pollutant discharge elimination system municipal  
11 storm water general permit for any permit first issued on January 17, 2007. An  
12 updated permit issued under this subsection shall become effective beginning  
13 August 1, 2013.

14 Ecology is therefore reissuing without changes the 2007-2012 Western Washington Phase II  
15 Municipal Stormwater General Permit to be effective from August 1, 2012 to August 1,  
16 2013. Although the deadlines for implementing requirements in this permit precede the  
17 effective date of the permit, Permittees subject to the requirements of the 2007-2012 Western  
18 Washington Phase II Municipal Stormwater General Permit shall continue to implement  
19 those requirements until August 1, 2013.

20 **S1. PERMIT COVERAGE AREA AND PERMITTEES**

21 **A. Geographic Area of Permit Coverage**

22 This Permit is applicable to owners or operators of regulated small municipal separate  
23 storm sewer systems (MS4s) located west of the eastern boundaries of the following  
24 counties: Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania.

- 25
- 26 1. For all cities required to obtain coverage under this permit, the geographic area  
27 of coverage is the entire incorporated area of the city.
  - 28 2. For all counties required to have coverage under this Permit, the geographic  
29 area of coverage is the urbanized areas and urban growth areas associated with  
30 cities under the jurisdictional control of the county. The geographic area of  
31 coverage also includes any urban growth area contiguous to urbanized areas  
32 under the jurisdictional control of the county.
  - 33 3. For secondary permittees required to obtain coverage under this permit, the  
34 minimum geographic area of coverage is all areas identified under S1.A.1. and  
35 S1.A.2. 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 Phase I *Municipal Stormwater Permit* or the *Eastern Washington  
Phase II Municipal Stormwater Permit* are also covered under this permit.

1 B. Regulated Small Municipal Separate Storm Sewer Systems (MS4s)

2 All operators of regulated small municipal separate storm sewer systems (MS4s) are  
3 required to apply for and obtain coverage under this Permit or be permitted under a  
4 separate individual permit, unless waived or exempted in accordance with condition  
5 S1.C.

6 1. A regulated small MS4:

- 7 a. Is a “Small MS4” as defined in the *Definitions and Acronyms* section at  
8 the end of this Permit; and
- 9 b. Is located within, or partially located within, an urbanized area as defined  
10 by the latest decennial census conducted by the U.S. Bureau of Census, or  
11 designated by the Department pursuant to 40 CFR 123.35(b) or 40 CFR  
12 122.26(f); and
- 13 c. Discharges stormwater from the MS4 to a surface water of Washington  
14 State; and
- 15 d. Is not eligible for a waiver or exemption under S1.C. below.

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

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

28 4. The owner or operator of a regulated small MS4 may obtain coverage under this  
29 Permit as a permittee, co-permittee, or secondary permittee as defined in  
30 S1.D.1. below.

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

- 34 a. The person or organization shall submit a complete petition in writing to  
35 Ecology. A complete petition shall address each of the relevant factors for  
36 petitions outlined on Ecology’s website.
- 37 b. In making its determination on the petition, Ecology may request  
38 additional information from either the petitioner or the jurisdiction.

- 1 c. Ecology will make a final determination on a complete petition within 180  
2 days of receipt of the petition and inform both the petitioner and the  
3 municipal separate storm sewer of the decision, in writing.
- 4 d. If Ecology's final determination is that the candidate municipal separate  
5 storm sewer will be regulated, Ecology will issue an order to the  
6 municipal separate storm sewer requiring them to obtain coverage under  
7 this Permit. The order will specify:
- 8 i. The geographic area of permit coverage for the municipal separate  
9 storm sewer system;
- 10 ii. Any modified dates or deadlines for developing and implementing  
11 the Stormwater Management Program in S5. or S6., as appropriate to  
12 the municipal separate storm sewer system, and for submitting their  
13 first annual report; and
- 14 iii. A deadline for the operator of the municipal separate storm sewer  
15 system to submit a complete Notice of Intent (see Appendix 5) to  
16 Ecology.
- 17 C. Owners and operators of an otherwise regulated small MS4 are not required to obtain  
18 coverage under this Permit if:
- 19 1. The small MS4 is operated by:
- 20 a. The federal government on military bases or other federal lands; or by the  
21 United States Military, the Bureau of Land Management, the United States  
22 Park Service or other federal agencies;
- 23 b. Federally recognized Indian Tribes located within Indian Country Lands;  
24 or
- 25 c. The Washington State Department of Transportation.  
26 or:
- 27 2. The portions of the small MS4 located within the census defined urban area(s)  
28 serve a total population of less than 1000 people and a, b, and c, below all  
29 apply:
- 30 a. The small MS4 is not contributing substantially to the pollutant loadings  
31 of a physically interconnected MS4 that is regulated by the NPDES  
32 stormwater program.
- 33 b. The discharge of pollutants from the small MS4 have not been identified  
34 as a cause of impairment of any water body to which the MS4 discharges.
- 35 c. In areas where an EPA approved TMDL has been completed, stormwater  
36 controls on the MS4 have not been identified as being necessary.

1 In determining the total population served both resident and commuter  
2 populations shall be included. For example:

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

9 D. Obtaining coverage under this Permit

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

- 13 1. Permittees: unless otherwise noted, the term “Permittee” shall include  
14 Permittee, Co-Permittee, and Secondary Permittee, as defined below:
  - 15 a. “Permittee” is a city, town, or county owning or operating a regulated  
16 small MS4 applying and receiving a permit as a single entity.
  - 17 b. “Co-Permittee” is any operator of a regulated small MS4 that is applying  
18 jointly with another applicant for coverage under this Permit. Co-  
19 Permittees own or operate a regulated small MS4 located within or  
20 adjacent to another regulated small MS4.
  - 21 c. A “Secondary Permittee” is an operator of regulated small MS4 that is not  
22 a city, town or county. Secondary Permittees include special purpose  
23 districts and other MS4s that meet the criteria for a regulated small MS4 in  
24 S1.B. above.
- 25 2. Operators of **regulated small MS4s** shall submit either an individual  
26 application to the Department or a Notice of Intent (NOI). Applications  
27 submitted after January 17, 2007 must be made using the NOI provided in  
28 Appendix 5. The NOI is also available on Ecology’s website.
  - 29 a. All cities, towns and counties listed in i and ii below and operating  
30 regulated small MS4s shall apply as either a Permittee or Co-Permittee.
    - 31 i. Cities of: Aberdeen, Algona, Anacortes, Arlington, Auburn,  
32 Bainbridge Island, Battle Ground, Bellevue, Bellingham, Black  
33 Diamond, Bonney Lake, Bothell, Bremerton, Brier, Buckley, Burien,  
34 Burlington, Camas, Centralia, Clyde Hill, Covington, Des Moines,  
35 DuPont, Duvall, Edgewood, Edmonds, Enumclaw, Everett, Federal  
36 Way, Ferndale, Fife, Fircrest, Gig Harbor, Granite Falls, Issaquah,  
37 Kelso, Kenmore, Kent, Kirkland, Lacey, Lake Forest Park, Lake  
38 Stevens, Lakewood, Longview, Lynnwood, Maple Valley,  
39 Marysville, Medina, Mercer Island, Mill Creek, Milton, Monroe,

1 Mountlake Terrace, Mount Vernon, Mukilteo, Newcastle, Normandy  
2 Park, Oak Harbor, Olympia, Orting, Pacific, Port Orchard, Port  
3 Angeles, Poulsbo, Puyallup, Redmond, Renton, Sammamish,  
4 SeaTac, Sedro-Woolley, Shoreline, Snohomish, Steilacoom, Sumner,  
5 Tukwila, Tumwater, University Place, Vancouver, Washougal,  
6 Woodinville, and Yarrow Point.

7 ii. Counties: Cowlitz, Kitsap, Thurston, Skagit, and Whatcom.

8 b. All other **regulated small MS4s** shall apply as a Secondary Permittee or  
9 as a Co-Permittee.

10 c. The following cities, towns and counties submitted either an application or  
11 a NOI for coverage to Ecology prior to January 17, 2007:

12 i. Cities and towns: Aberdeen, Algona, Arlington, Auburn, Bainbridge  
13 Island, Battle Ground, Bellevue, Bellingham, Black Diamond,  
14 Bonney Lake, Bothell, Bremerton, Brier, Buckley, Burien,  
15 Burlington, Camas, Centralia, Clyde Hill, Covington, Des Moines,  
16 DuPont, Duvall, Edgewood, Edmonds, Enumclaw, Everett, Federal  
17 Way, Ferndale Fife, Fircrest, Gig Harbor, Granite Falls, Issaquah,  
18 Kelso, Kenmore, Kent, Kirkland, Lacey, Lake Forest Park, Lake  
19 Stevens, Lakewood, Longview, Lynnwood, Maple Valley,  
20 Marysville, Medina, Mercer Island, Mill Creek, Milton, Monroe,  
21 Mountlake Terrace, Mount Vernon, Mukilteo, Newcastle, Normandy  
22 Park, Oak Harbor, Olympia, Orting, Pacific, Port Orchard, Poulsbo,  
23 Puyallup, Redmond, Renton, Sammamish, SeaTac, Sedro-Woolley,  
24 Shoreline, Snohomish, Steilacoom, Sumner, Tukwila, Tumwater,  
25 University Place, Vancouver, Washougal, Woodinville, and Yarrow  
26 Point

27 ii. Counties: Cowlitz, Kitsap, Thurston, Skagit, and Whatcom.

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

31 i. Operators of regulated small MS4s located in the Cities of Aberdeen,  
32 Anacortes, Centralia, Oak Harbor, and Port Angeles shall submit a  
33 NOI or application to Ecology no later than 30 days after the  
34 effective date of this permit.

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

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

- 1 i. The operator chooses to reapply before the effective date of this  
2 permit; or
- 3 ii. The operator will be relying on another entity to satisfy one or more  
4 of their permit obligations in accordance with S1.D.2.g. and  
5 S1.D.3.d. below; or
- 6 iii. The operator chooses to be a Co-Permittee in accordance with S1.D.2.f.  
7 and S1.D.3.c. below; or
- 8 iv. The operator chooses to opt out of this General Permit. Any  
9 operator of a regulated small MS4 that is opting out of this permit  
10 shall submit an application for an individual MS4 permit in  
11 accordance with 40 CFR 122.33(b)(2)(ii) no later than the effective  
12 date of this permit.
- 13 f. Operators of regulated small MS4s which want to be covered under this  
14 permit as Co-Permittees shall submit to Ecology a joint NOI.
- 15 g. Operators of regulated small MS4s which are relying on another entity to  
16 satisfy one or more of their permit obligations shall submit a NOI to  
17 Ecology.
- 18 h. Operators of small MS4s designated by Ecology pursuant to S1.B.3. of  
19 this permit shall submit a NOI to Ecology within 120 days of receiving  
20 notification from Ecology that permit coverage is required.
- 21 3. Application Requirements
- 22 a. NOIs shall be submitted to:
- 23 Department of Ecology  
24 Water Quality Program  
25 Municipal Stormwater Permits  
26 P.O. Box 47696  
27 Olympia, WA 98504-7696
- 28 b. For NOIs submitted after January 17, 2007, the permit applicant shall  
29 provide public notice of the application in accordance with WAC 173-  
30 226-130(5). The applicant or co-applicant shall include a certification that  
31 the public notification requirements of WAC 173-226-130(5) have been  
32 satisfied. Unless Ecology responds in writing, coverage under this Permit  
33 will be effective 60 days after receipt of a complete NOI. A complete  
34 NOI shall include the certification of public notice.
- 35 c. Permittees applying as co-applicants shall submit a joint NOI. The joint  
36 NOI shall clearly identify the areas of the MS4 for which each of the co-  
37 applicants are responsible.

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

9 e. Secondary permittees required to have coverage under this Permit, and the  
10 NPDES and State Waste Discharge Permit for Discharges from Small  
11 Municipal Separate Storm Sewers in Eastern Washington or the NPDES  
12 and State Waste Discharge Permit for Discharges from Large and Medium  
13 Municipal *Separate Storm Sewers*, may obtain coverage by submitting a  
14 single NOI.

## 15 **S2. AUTHORIZED DISCHARGES**

16 A. This Permit authorizes the discharge of stormwater to surface waters and to ground  
17 waters of the state from municipal separate storm sewer systems owned or operated  
18 by each Permittee covered under this permit, in the geographic area covered pursuant  
19 to S1.A. These discharges are subject to the following limitations:

- 20 1. Discharges to ground waters of the state through facilities regulated under the  
21 Underground Injection Control (UIC) program, Chapter 173-218 WAC, are not  
22 covered under this Permit.
- 23 2. Discharges to ground waters not subject to regulation under the federal Clean  
24 Water Act are covered in this permit only under state authorities, Chapter 90.48  
25 RCW, the Water Pollution Control Act.

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

- 30 1. The discharge is authorized by a separate National Pollutant Discharge  
31 Elimination System (NPDES) or State Waste Discharge permit.
- 32 2. The discharge is from emergency fire fighting activities.
- 33 3. The discharge is from another illicit or non-stormwater discharge that is  
34 managed by the Permittee as provided in Special Condition S5.C.3.b. or  
35 S6.C.3.b.

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

- 1 C. This Permit does not relieve entities that cause illicit discharges, including spills, of  
2 oil or hazardous substances, from responsibilities and liabilities under state and  
3 federal laws and regulations pertaining to those discharges.
- 4 D. Discharges from municipal separate storm sewers constructed after the effective date  
5 of this permit shall receive all applicable state and local permits and use  
6 authorizations, including compliance with Chapter 43.21C RCW (the State  
7 Environmental Policy Act).
- 8 E. This Permit does not authorize discharges of stormwater to waters within Indian  
9 Reservations except where authority has been specifically delegated to Ecology by  
10 the U.S. Environmental Protection Agency. The exclusion of such discharges from  
11 this Permit does not waive any rights the State may have with respect to the  
12 regulation of the discharges.

### 13 **S3. RESPONSIBILITIES OF PERMITTEES**

- 14 A. Each Permittee covered under this Permit is responsible for compliance with the  
15 terms of this Permit for the regulated small MS4s that they own or operate.  
16 Compliance with (1) or (2) below is required as applicable to each permittee, whether  
17 the permittee has applied for coverage as a permittee, co-permittee, or secondary  
18 permittee.
- 19 1. All city, town and county permittees are required to comply with all conditions  
20 of this Permit, including any appendices referenced therein, except for Special  
21 Condition S6 *Stormwater Management Program for Secondary Permittees*.
- 22 2. All secondary permittees are required to comply with all conditions of this  
23 Permit, including any appendices referenced therein, except for Special  
24 Conditions S8.C. *Monitoring* and S5 *Stormwater Management Program for*  
25 *Cities, Towns and Counties*.
- 26 B. Permittees may rely on another entity to satisfy one or more of the requirements of  
27 this Permit. Permittees that are relying on another entity to satisfy one or more of  
28 their permit obligations remain responsible for permit compliance if the other entity  
29 fails to implement permit conditions. Permittees may rely on another entity provided  
30 all the requirements of 40 CFR 122.35(a) are satisfied, including but not limited to:
- 31 1. The other entity, in fact, implements the Permit requirements.
- 32 2. The other entity agrees to take on responsibility for implementation of the  
33 Permit requirement(s) as indicated on the NOI.

### 34 **S4. COMPLIANCE WITH STANDARDS**

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

- 1 B. This Permit does not authorize a discharge which would be a violation of Washington  
2 State Surface Water Quality Standards (Chapter 173-201A WAC), Ground Water  
3 Quality Standards (Chapter 173-200 WAC), Sediment Management Standards  
4 (Chapter 173-204 WAC), or human health-based criteria in the national Toxics Rule  
5 (Federal Register, Vol. 57, NO. 246, Dec. 22, 1992, pages 60848-60923). The  
6 required response to such discharges is defined in section S4.F., below.
- 7 C. The Permittee shall reduce the discharge of pollutants to the maximum extent  
8 practicable (MEP).
- 9 D. The Permittee shall use all known, available, and reasonable methods of prevention,  
10 control and treatment (AKART) to prevent and control pollution of waters of the state  
11 of Washington.
- 12 E. In order to meet the goals of the Clean Water Act, and comply with S4.A., S4.B.,  
13 S4.C., and S4.D. each Permittee shall comply with all of the applicable requirements  
14 of this Permit as identified in S3 Responsibilities of Permittees.
- 15 F. A Permittee remains in compliance with S4. despite any discharges prohibited by  
16 S4.A. or S4.B., when the Permittee undertakes the following response toward long-  
17 term water quality improvement:
- 18 1. A Permittee shall notify Ecology in writing within 30 days of becoming aware,  
19 based on credible site-specific information, that a discharge from the municipal  
20 separate storm sewer owned or operated by the Permittee is causing or  
21 contributing to a known or likely violation of Water Quality Standards in the  
22 receiving water. Written notification provided under this subsection shall, at a  
23 minimum, identify the source of the site-specific information, describe the  
24 nature and extent of the known or likely violation in the receiving water, and  
25 explain the reasons why the MS4 discharge is believed to be causing or  
26 contributing to the problem. For ongoing or continuing violations, a single  
27 written notification to Ecology will fulfill this requirement.
- 28 2. In the event that Ecology determines, based on a notification provided under  
29 S4.F.1. or through any other means, that a discharge from a municipal separate  
30 storm sewer owned or operated by the Permittee is causing or contributing to a  
31 violation of Water Quality Standards in a receiving water, Ecology will notify  
32 the Permittee in writing that an adaptive management response outlined in  
33 S4.F.3. below is required, unless Ecology also determines that (a) the violation  
34 of Water Quality Standards is already being addressed by a Total Maximum  
35 Daily Load or other enforceable water quality cleanup plan; or (b) Ecology  
36 concludes the violation will be eliminated through implementation of other  
37 permit requirements.
- 38 3. Adaptive Management Response
- 39 a. Within 60 days of receiving a notification under S4.F.2., or by an  
40 alternative date established by Ecology, the Permittee shall review its

1 Stormwater Management Program and submit a report to Ecology. The  
2 report shall include:

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

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

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

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

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

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

28 d. The Permittee shall include with each subsequent annual report a summary  
29 of the status of implementation and the results of any monitoring,  
30 assessment or evaluation efforts conducted during the reporting period. If,  
31 based on the information provided under this subsection, Ecology  
32 determines that modification of the BMPs or implementation schedule is  
33 necessary to meet AKART on a site-specific basis, the Permittee shall  
34 make such modifications as Ecology directs. In the event there are  
35 ongoing violations of water quality standards despite the implementation  
36 of the BMP approach of this section, the Permittee may be subject to  
37 compliance schedules to eliminate the violation under WAC 173-201A-  
38 510(4) and WAC 173-226-180 or other enforcement orders as Ecology  
39 deems appropriate during the term of this permit.

40 e. Provided the Permittee is implementing the approved adaptive  
41 management response under this section, the Permittee remains in

1 compliance with Condition S4., despite any on-going violations of Water  
2 Quality Standards identified under S4.F.A or B above.

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

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

- 10 1. Reduce the discharge of pollutants to the MEP,
- 11 2. Comply with the state AKART requirements, or
- 12 3. Control the discharge of toxicants to waters of the State of Washington.

13 **S5. STORMWATER MANAGEMENT PROGRAM FOR CITIES, TOWNS AND**  
14 **COUNTIES**

15 A. Each Permittee shall develop and implement a Stormwater Management Program  
16 (SWMP). A SWMP is a set of actions and activities comprising the components  
17 listed in S5.B. and S5.C.1. through S5.C.5., and any additional actions necessary to  
18 meet the requirements of applicable TMDLs (see S7). The SWMP shall be designed  
19 to reduce the discharge of pollutants from the regulated small MS4 to the maximum  
20 extent practicable and to protect water quality. This section applies to all cities, towns  
21 and counties covered under this Permit, including cities, towns and counties that are  
22 co-permittees. Where the term “Permittee” is used in this section the requirements  
23 apply to all cities, towns and counties covered under this Permit.

- 24 1. The SWMP shall be developed and implemented in accordance with the  
25 schedules contained in this section and shall be fully developed and  
26 implemented no later than 180 days prior to the expiration date of this Permit.  
27 At a minimum the Permittee’s SWMP shall be implemented throughout the  
28 geographic area subject to this Permit as described in S1.A.
- 29 2. Each Permittee shall prepare written documentation of the SWMP. The SWMP  
30 documentation shall be organized according to the program components in  
31 S5.C. and shall be updated at least annually for submittal with the Permittee’s  
32 annual reports to Ecology (see *S9 Reporting and Record Keeping*). The SWMP  
33 documentation shall include:
  - 34 a. A description of each of the program components included in S5.C., and
  - 35 b. Any additional actions implemented by the Permittee pursuant to S5.C.,  
36 and

- 1 c. Any additional actions necessary to meet the requirements of applicable  
2 TMDLs pursuant to *S7 Compliance with Total Maximum Daily Load*  
3 *Requirements*.
- 4 3. The SWMP shall include an ongoing program for gathering, tracking,  
5 maintaining, and using information to evaluate SWMP development,  
6 implementation and permit compliance and to set priorities.
- 7 a. Beginning no later than January 1, 2009, each Permittee shall track the  
8 cost or estimated cost of development and implementation of each  
9 component of the SWMP. This information shall be provided to Ecology  
10 upon request.
- 11 b. Each Permittee shall track the number of inspections, official enforcement  
12 actions and types of public education activities as stipulated by the  
13 respective program component. This information shall be included in the  
14 annual report.
- 15 4. The SWMP described herein supersedes SWMP descriptions provided by  
16 permit applicants in individual applications submitted to the Department prior to  
17 the effective date of this permit.
- 18 Notwithstanding the schedules for implementation of SWMP components  
19 contained in this permit, Permittees that are already implementing some or all of  
20 the SWMP components in this section shall continue implementation of those  
21 components of their SWMP. Permittees shall not repeal existing local  
22 requirements to control stormwater that go beyond the requirements of this  
23 permit for new development and redevelopment sites.
- 24 5. Coordination among permittees
- 25 a. Coordination among entities covered under municipal stormwater NPDES  
26 permits may be necessary to comply with certain conditions of the SWMP.  
27 The SWMP should include, when needed, coordination mechanisms  
28 among entities covered under a municipal stormwater NPDES permit to  
29 encourage coordinated stormwater-related policies, programs and projects  
30 within adjoining or shared areas.
- 31 i. Coordination mechanisms shall clarify roles and responsibilities for  
32 the control of pollutants between physically interconnected MS4s  
33 permittees covered by a municipal stormwater permit.
- 34 ii. Coordination mechanisms shall coordinate stormwater management  
35 activities for shared water bodies among permittees to avoid  
36 conflicting plans, policies and regulations.
- 37 b. The SWMP should include coordination mechanisms among departments  
38 within each jurisdiction to eliminate barriers to compliance with the terms  
39 of this permit.

- 1 B. The SWMP shall be designed to reduce the discharge of pollutants from regulated  
2 small MS4s to the maximum extent practicable (MEP), meet state AKART  
3 requirements, and protect water quality. Notwithstanding the schedules for  
4 implementation of SWMP components contained in this Permit, permittees who are  
5 implementing some or all of the SWMP components in this section shall continue  
6 implementation of those components of their SWMP.
- 7 C. The SWMP shall include the components listed below. To the extent allowable under  
8 state or federal law, all components are mandatory for city, town or county permittees  
9 covered under this Permit. In accordance with 40 CFR 122.35(a) and Special  
10 Condition S3, a city, town or county may rely on another entity to implement one or  
11 more of the components in this section.
- 12 1. Public Education and Outreach
- 13 The SWMP shall include an education program aimed at residents, businesses,  
14 industries, elected officials, policy makers, planning staff and other employees  
15 of the Permittee. The goal of the education program is to reduce or eliminate  
16 behaviors and practices that cause or contribute to adverse stormwater impacts.  
17 An education program may be developed locally or regionally.
- 18 The minimum measures are:
- 19 a. No later than two years after the effective date of this Permit, the  
20 Permittee shall provide an education and outreach program for the area  
21 served by the MS4. The outreach program shall be designed to achieve  
22 measurable improvements in the target audience's understanding of the  
23 problem and what they can do to solve it.
- 24 Education and outreach efforts shall be prioritized to target the following  
25 audiences and subject areas:
- 26 i. General public
- 27 • General impacts of stormwater flows into surface waters.
- 28 • Impacts from impervious surfaces.
- 29 • Source control BMPs and environmental stewardship actions  
30 and opportunities in the areas of pet waste, vehicle  
31 maintenance, landscaping and buffers.
- 32 ii. General public, businesses, including home-based and mobile  
33 businesses
- 34 • BMPs for use and storage of automotive chemicals, hazardous  
35 cleaning supplies, carwash soaps and other hazardous  
36 materials.
- 37 • Impacts of illicit discharges and how to report them.

- 1                   iii. Homeowners, landscapers and property managers
- 2                   • Yard care techniques protective of water quality.
- 3                   • BMPs for use and storage of pesticides and fertilizers.
- 4                   • BMPs for carpet cleaning and auto repair and maintenance.
- 5                   • Low Impact Development techniques, including site design,
- 6                   pervious paving, retention of forests and mature trees.
- 7                   • Stormwater pond maintenance.
- 8                   iv. Engineers, contractors, developers, review staff and land use
- 9                   planners
- 10                  • Technical standards for stormwater site and erosion control
- 11                  plans.
- 12                  • Low Impact Development techniques, including site design,
- 13                  pervious paving, retention of forests and mature trees.
- 14                  • Stormwater treatment and flow control BMPs.
- 15                  b. Each Permittee shall measure the understanding and adoption of the
- 16                  targeted behaviors for at least one targeted audience in at least one subject
- 17                  area. The resulting measurements shall be used to direct education and
- 18                  outreach resources most effectively, as well as to evaluate changes in
- 19                  adoption of the targeted behaviors.
- 20                  c. Each Permittee shall track and maintain records of public education and
- 21                  outreach activities.

22                  2. Public Involvement and Participation

23                  The SWMP shall include ongoing opportunities for public involvement through

24                  advisory councils, watershed committees, participation in developing rate-

25                  structures, stewardship programs, environmental activities or other similar

26                  activities. Each Permittee shall comply with applicable State and local public

27                  notice requirements when developing their SWMP.

28                  The minimum performance measures are:

- 29                  a. No later than one year from the effective date of this Permit, all permittees
- 30                  shall create opportunities for the public to participate in the decision-
- 31                  making processes involving the development, implementation and update
- 32                  of the Permittee's entire SWMP. Each Permittee shall develop and
- 33                  implement a process for consideration of public comments on their
- 34                  SWMP.

- 1                   b. Each Permittee shall make their SWMP, the annual report required under  
2                   S9.A and all other submittals required by this Permit, available to the  
3                   public. The annual report, and SWMP that was submitted with the latest  
4                   annual report, shall be posted on the permittee’s website. To comply with  
5                   the posting requirement, a permittee that does not maintain a website may  
6                   submit the updated SWMP in electronic format to the Department for  
7                   posting on the Department’s website.

8                   3. Illicit Discharge Detection and Elimination

9                   The SWMP shall include an ongoing program to detect and remove illicit  
10                  connections and discharges as defined in 40 CFR 122.26(b)(2), including any  
11                  spills not under the purview of another responding authority, into the municipal  
12                  separate storm sewers owned or operated by the Permittee. Permittees shall  
13                  fully implement an ongoing illicit discharge detection and elimination program  
14                  no later than 180 days prior to the expiration date of this Permit.

15                  The minimum performance measures are:

- 16                  a. A municipal storm sewer system map shall be developed no later than four  
17                  years from the effective date of this permit. Municipal storm sewer system  
18                  maps shall be periodically updated and shall include the following  
19                  information:

- 20                   i. The location of all known municipal separate storm sewer outfalls  
21                   and receiving waters and structural stormwater BMPs owned,  
22                   operated, or maintained by the Permittee. Each Permittee shall map  
23                   the attributes listed below for all storm sewer outfalls with a 24 inch  
24                   nominal diameter or larger, or an equivalent cross-sectional area for  
25                   non-pipe systems:

- 26                   • Tributary conveyances (indicate type, material, and size where  
27                   known).
- 28                   • Associated drainage areas.
- 29                   • Land use.

- 30                   ii. Each Permittee shall initiate a program to develop and maintain a  
31                   map of all connections to the municipal separate storm sewer  
32                   authorized or allowed by the Permittee after the effective date of this  
33                   Permit.

- 34                   iii. Geographic areas served by the Permittee’s MS4 that do not  
35                   discharge stormwater to surface waters.

- 36                   iv. Each Permittee shall make available to Ecology, upon request,  
37                   municipal storm sewer system map(s) depicting the information  
38                   required in S5.C.3.a.i. through iii above. The preferred format of  
39                   submission will be an electronic format with fully described

1 mapping standards. An example description is provided on Ecology  
2 WebPages under Core Services, GIS Data.

3 v. Upon request, and to the extent appropriate, permittees shall provide  
4 mapping information to co-permittees and secondary permittees.

5 b. Each Permittee shall develop and implement an ordinance or other  
6 regulatory mechanism to effectively prohibit non-stormwater, illicit  
7 discharges into the Permittee's municipal separate storm sewer system to  
8 the maximum extent allowable under State and Federal law. The  
9 ordinance or other regulatory mechanism shall be adopted no later than 30  
10 months from the effective date of this Permit.

11 i. The regulatory mechanism does not need to prohibit the following  
12 categories of non-stormwater discharges:

- 13 • Diverted stream flows.
- 14 • Rising ground waters.
- 15 • Uncontaminated ground water infiltration (as defined at 40  
16 CFR 35.2005(20)).
- 17 • Uncontaminated pumped ground water.
- 18 • Foundation drains.
- 19 • Air conditioning condensation.
- 20 • Irrigation water from agricultural sources that is commingled  
21 with urban stormwater.
- 22 • Springs.
- 23 • Water from crawl space pumps.
- 24 • Footing drains.
- 25 • Flows from riparian habitats and wetlands.
- 26 • Non-stormwater discharges covered by another NPDES permit.
- 27 • Discharges from emergency fire fighting activities in  
28 accordance with *S2 Authorized Discharges*.

29 ii. The regulatory mechanism shall prohibit the following categories of  
30 non-stormwater discharges unless the stated conditions are met:

- 31 • Discharges from potable water sources, including water line  
32 flushing, hyperchlorinated water line flushing, fire hydrant  
33 system flushing, and pipeline hydrostatic test water. Planned

- 1 discharges shall be de-chlorinated to a concentration of 0.1  
2 ppm or less, pH-adjusted, if necessary, and volumetrically and  
3 velocity controlled to prevent re-suspension of sediments in the  
4 MS4.
- 5 • Discharges from lawn watering and other irrigation runoff.  
6 These shall be minimized through, at a minimum, public  
7 education activities (see section S5.C.1) and water  
8 conservation efforts.
  - 9 • Dechlorinated swimming pool discharges. The discharges  
10 shall be dechlorinated to a concentration of 0.1 ppm or less,  
11 pH-adjusted and reoxygenized if necessary, volumetrically and  
12 velocity controlled to prevent re-suspension of sediments in the  
13 MS4. Swimming pool cleaning wastewater and filter  
14 backwash shall not be discharged to the MS4.
  - 15 • Street and sidewalk wash water, water used to control dust, and  
16 routine external building wash down that does not use  
17 detergents. The Permittee shall reduce these discharges  
18 through, at a minimum, public education activities (see section  
19 S5.C.1.) and/or water conservation efforts. To avoid washing  
20 pollutants into the MS4, Permittees must minimize the amount  
21 of street wash and dust control water used. At active  
22 construction sites, street sweeping must be performed prior to  
23 washing the street.
  - 24 • Other non-stormwater discharges. The discharges shall be in  
25 compliance with the requirements of a stormwater pollution  
26 prevention plan reviewed by the Permittee, which addresses  
27 control of such discharges.
- 28 iii. The Permittee's SWMP shall, at a minimum, address each category  
29 in ii above in accordance with the conditions stated therein.
  - 30 iv. The SWMP shall further address any category of discharges in i or ii  
31 above if the discharges are identified as significant sources of  
32 pollutants to waters of the State.
  - 33 v. The ordinance or other regulatory mechanism shall include  
34 escalating enforcement procedures and actions.
  - 35 vi. The Permittee shall develop an enforcement strategy and implement  
36 the enforcement provisions of the ordinance or other regulatory  
37 mechanism.
- 38 c. Each Permittee shall develop and implement an ongoing program to detect  
39 and address non-stormwater discharges, including spills, and illicit  
40 connections into the Permittee's municipal separate storm sewer system.

1 The program shall be fully implemented no later than 180 days prior to the  
2 expiration date of this Permit and shall include:

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

8 ii. Field assessment activities, including visual inspection of priority  
9 outfalls identified in i, above, during dry weather and for the  
10 purposes of verifying outfall locations, identifying previously  
11 unknown outfalls, and detecting illicit discharges.

12 • Receiving waters shall be prioritized for visual inspection no  
13 later than three years from the effective date of this Permit,  
14 with field assessments of three high priority water bodies made  
15 no later than four years from the effective date of this Permit.  
16 Field assessments on at least one high priority water body shall  
17 be made each year thereafter.

18 • Screening for illicit connections shall be conducted using:  
19 Illicit Discharge Detection and Elimination: A Guidance  
20 Manual for Program Development and Technical Assessments,  
21 Center for Watershed Protection, October 2004, or another  
22 methodology of comparable effectiveness.

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

29 Compliance with this provision shall be achieved by investigating  
30 (or referring to the appropriate agency) within 7 days, on average,  
31 any complaints, reports or monitoring information that indicates a  
32 potential illicit discharge, including spills; and immediately  
33 investigating (or referring) problems and violations determined to be  
34 emergencies or otherwise judged to be urgent or severe.

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

39 v. Procedures for removing the source of the discharge; including  
40 notification of appropriate authorities; notification of the property  
41 owner; technical assistance for eliminating the discharge; follow-up

1 inspections; and escalating enforcement and legal actions if the  
2 discharge is not eliminated.

3 Compliance with this provision shall be achieved by initiating an  
4 investigation within 21 days of a report or discovery of a suspected  
5 illicit connection to determine the source of the connection, the  
6 nature and volume of discharge through the connection, and the  
7 party responsible for the connection. Upon confirmation of the illicit  
8 nature of a storm drain connection, Permittees shall use their  
9 enforcement authority in a documented effort to eliminate the illicit  
10 connection within 6 months.

- 11 d. Permittees shall inform public employees, businesses, and the general  
12 public of hazards associated with illegal discharges.
- 13 i. No later than 180 days prior to the expiration date of this Permit,  
14 distribute appropriate information to target audiences identified  
15 pursuant to S5.C.1.
- 16 ii. No later than two years from the effective date of this Permit,  
17 publicly list and publicize a hotline or other local telephone number  
18 for public reporting of spills and other illicit discharges. Keep a  
19 record of calls received and follow-up actions taken in accordance  
20 with S5.C.3.c.ii. through v. above; include a summary in the annual  
21 report (see section S9 Reporting and Record Keeping Requirements).
- 22 e. Permittees shall adopt and implement procedures for program evaluation  
23 and assessment, including tracking the number and type of illicit  
24 discharges, including spills, identified; inspections made; and any  
25 feedback received from public education efforts. A summary of this  
26 information shall be included in the Permittee's annual report (see section  
27 S9 Reporting and Recordkeeping Requirements).
- 28 f. Each Permittee will provide appropriate training for municipal field staff  
29 on the identification and reporting of illicit discharges into MS4s.
- 30 i. No later than thirty months after the effective date of this Permit,  
31 each Permittee shall ensure that all municipal field staff who are  
32 responsible for identification, investigation, termination, cleanup,  
33 and reporting illicit discharges, including spills, and illicit  
34 connections are trained to conduct these activities. Follow-up  
35 training shall be provided as needed to address changes in  
36 procedures, techniques or requirements. Permittees shall document  
37 and maintain records of the training provided and the staff trained.
- 38 ii. No later than three years after the effective date of this Permit, an  
39 ongoing training program shall be developed and implemented for  
40 all municipal field staff, which, as part of their normal job  
41 responsibilities, might come into contact with or otherwise observe

1 an illicit discharge or illicit connection to the storm sewer system  
2 shall be trained on the identification of an illicit  
3 discharge/connection, and on the proper procedures for reporting and  
4 responding to the illicit discharge/connection. Follow-up training  
5 shall be provided as needed to address changes in procedures,  
6 techniques or requirements. Permittees shall document and maintain  
7 records of the training provided and the staff trained.

8 4. Controlling Runoff from New Development, Redevelopment and Construction  
9 Sites

10 Each Permittee shall develop, implement, and enforce a program to reduce  
11 pollutants in stormwater runoff to a regulated small MS4 from new  
12 development, redevelopment and construction site activities. This program  
13 shall be applied to all sites that disturb a land area 1 acre or greater, including  
14 projects less than one acre that are part of a larger common plan of the  
15 development or sale. The program shall apply to private and public  
16 development, including roads. The “Technical Thresholds” in Appendix 1 shall  
17 be applied to all sites 1 acre or greater, including projects less than one acre that  
18 are part of a larger common plan of the development or sale.

19 The minimum performance measures are:

- 20 a. The program shall include an ordinance or other enforceable mechanism  
21 that addresses runoff from new development, redevelopment, and  
22 construction site projects. Pursuant to S5.A.4., in adopting this ordinance  
23 or other regulatory mechanism, existing local requirements to apply  
24 stormwater controls at smaller sites, or at lower thresholds than required  
25 pursuant to S5.C.4., shall be retained. The ordinance or other enforceable  
26 mechanism shall be adopted and effective no later than February 16, 2010.  
27 The ordinance or other enforceable mechanism shall include, at a  
28 minimum:
- 29 i. The Minimum Requirements, technical thresholds, and definitions in  
30 Appendix 1 or an equivalent approved by Ecology under the NPDES  
31 Phase I Municipal Stormwater Permit, for new development,  
32 redevelopment, and construction sites. Adjustment and variance  
33 criteria equivalent to those in Appendix 1 shall be included. More  
34 stringent requirements may be used, and/or certain requirements may  
35 be tailored to local circumstances through the use of basin plans or  
36 other similar water quality and quantity planning efforts. Such local  
37 requirements shall provide equal protection of receiving waters and  
38 equal levels of pollutant control to those provided in Appendix 1.
- 39 ii. A site planning process and BMP selection and design criteria that,  
40 when used to implement the minimum requirements in Appendix 1  
41 (or equivalent approved by Ecology under the Phase I Permit) will  
42 protect water quality, reduce the discharge of pollutants to the

1 maximum extent practicable and satisfy the State requirement under  
2 Chapter 90.48 RCW to apply all known, available and reasonable  
3 methods of prevention, control and treatment (AKART) prior to  
4 discharge. Permittees shall document how the criteria and  
5 requirements will protect water quality, reduce the discharge of  
6 pollutants to the maximum extent practicable, and satisfy State  
7 AKART requirements.

8 Permittees who choose to use the site planning process and BMP  
9 selection and design criteria in the 2005 *Stormwater Management*  
10 *Manual for Western Washington*, or an equivalent manual approved  
11 by the Department under the Phase I Permit, may cite this choice as  
12 their sole documentation to meet this requirement.

- 13 iii. The legal authority, through the approval process for new  
14 development, to inspect private stormwater facilities that discharge  
15 to the Permittee's MS4.
- 16 iv. Provisions to allow non-structural preventive actions and source  
17 reduction approaches such as Low Impact Development Techniques  
18 (LID), measures to minimize the creation of impervious surfaces and  
19 measures to minimize the disturbance of native soils and vegetation.  
20 Provisions for LID should take into account site conditions, access  
21 and long term maintenance.
- 22 v. If the Permittee chooses to allow construction sites to apply the  
23 "Erosivity Waiver" in Appendix 1, Minimum Requirement #2, the  
24 ordinance or regulatory mechanism shall include appropriate,  
25 escalating enforcement sanctions for construction sites that provide  
26 notice to the Permittee of their intention to apply the waiver but do  
27 not meet the requirements (including timeframe restrictions, limits  
28 on activities that result in non-stormwater discharges, and  
29 implementation of appropriate BMPs to prevent violations of water  
30 quality standards) to qualify for the waiver.

31 b. The program shall include a permitting process with plan review,  
32 inspection and enforcement capability to meet the standards listed in (i)  
33 through (iv) below, for both private and public projects, using qualified  
34 personnel (as defined in *Definitions and Acronyms*). At a minimum, this  
35 program shall be applied to all sites that disturb a land area 1 acre or  
36 greater, including projects less than one acre that are part of a larger  
37 common plan of the development or sale. The process shall be in place no  
38 later than February 16, 2010.

- 39 i. Except as provided in S5.C.4.b.vii. below, review of all stormwater  
40 site plans for proposed development activities.
- 41 ii. Except as provided in S5.C.4.b.vii. below, inspect, prior to clearing  
42 and construction, all known development sites that have a high

1 potential for sediment transport as determined through plan review  
2 based on definitions and requirements in Appendix 7 Determining  
3 Construction Site Sediment Damage Potential.

- 4 iii. Except as provided in S5.C.4.b.vii. below, inspect all known  
5 permitted development sites during construction to verify proper  
6 installation and maintenance of required erosion and sediment  
7 controls. Enforce as necessary based on the inspection.
- 8 iv. Inspect all permitted development sites upon completion of  
9 construction and prior to final approval or occupancy to ensure  
10 proper installation of permanent stormwater controls such as  
11 stormwater facilities and structural BMPs. Also, verify a  
12 maintenance plan is completed and responsibility for maintenance is  
13 assigned. Enforce as necessary based on the inspection.
- 14 v. Compliance with the inspection requirements in (ii), (iii) and (iv)  
15 above shall be determined by the presence and records of an  
16 established inspection program designed to inspect all sites.  
17 Compliance during this permit term shall be determined by  
18 achieving at least 80% of scheduled inspections.
- 19 vi. An enforcement strategy shall be developed and implemented to  
20 respond to issues of non-compliance.
- 21 vii. If the Permittee chooses to allow construction sites to apply the  
22 "Erosivity Waiver" in Appendix 1, Minimum Requirement #2, the  
23 Permittee is not required to review the construction stormwater  
24 pollution prevention plans as part of the site plan review in (i) above,  
25 and is not required to perform the construction phase inspections  
26 identified in (ii) and (iii) above related to construction sites which  
27 are eligible for the erosivity waiver.

28 c. The program shall include provisions to verify adequate long-term  
29 operation and maintenance (O&M) of post-construction stormwater  
30 facilities and BMPs that are permitted and constructed pursuant to (b)  
31 above. These provisions shall be in place no later than February 16, 2010  
32 and shall include:

- 33 i. Adoption of an ordinance or other enforceable mechanism that  
34 clearly identifies the party responsible for maintenance, requires  
35 inspection of facilities in accordance with the requirements in (ii)  
36 through (iv) below, and establishes enforcement procedures.
- 37 ii. Each Permittee shall establish maintenance standards that are as  
38 protective or more protective of facility function than those specified  
39 in Chapter 4 of Volume V of the 2005 *Stormwater Management*  
40 *Manual for Western Washington*. For facilities which do not have

1 maintenance standards, the Permittee shall develop a maintenance  
2 standard.

3 (1) The purpose of the maintenance standard is to determine if  
4 maintenance is required. The maintenance standard is not a  
5 measure of the facilities required condition at all times between  
6 inspections. Exceeding the maintenance standard between the  
7 period of inspections is not a permit violation.

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

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

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

23 iii. Annual inspections of all stormwater treatment and flow control  
24 facilities (other than catch basins) permitted by the Permittee  
25 according to S5.C.4.b. unless there are maintenance records to justify  
26 a different frequency.

27 Reducing the inspection frequency shall be based on maintenance  
28 records of double the length of time of the proposed inspection  
29 frequency. In the absence of maintenance records, the Permittee  
30 may substitute written statements to document a specific less  
31 frequent inspection schedule. Written statements shall be based on  
32 actual inspection and maintenance experience and shall be certified  
33 in accordance with G19 *Certification and Signature*.

34 iv. Inspections of all new flow control and water quality treatment  
35 facilities, including catch basins, for new residential developments  
36 that are a part of a larger common plan of development or sale, every  
37 6 months during the period of heaviest house construction (i.e., 1 to  
38 2 years following subdivision approval) to identify maintenance  
39 needs and enforce compliance with maintenance standards as  
40 needed.

- 1                   d.    The program shall include a procedure for keeping records of inspections  
2                   and enforcement actions by staff, including inspection reports, warning  
3                   letters, notices of violations, and other enforcement records. Records of  
4                   maintenance inspections and maintenance activities shall be maintained.  
5                   Permittees shall keep records of all projects disturbing more than one acre,  
6                   and all projects of any size that are part of a common plan of development  
7                   or sale that is greater than one acre that are approved after the effective  
8                   date of this Permit.
- 9                   e.    The program shall make available copies of the "Notice of Intent for  
10                  Construction Activity" and copies of the "Notice of Intent for Industrial  
11                  Activity" to representatives of proposed new development and  
12                  redevelopment. Permittees will continue to enforce local ordinances  
13                  controlling runoff from sites that are also covered by stormwater permits  
14                  issued by Ecology.
- 15                  f.    No later than February 16, 2010, each Permittee shall verify that all staff  
16                  responsible for implementing the program to control stormwater runoff  
17                  from new development, redevelopment, and construction sites, including  
18                  permitting, plan review, construction site inspections, and enforcement,  
19                  are trained to conduct these activities. Follow-up training shall be  
20                  provided as needed to address changes in procedures, techniques or  
21                  staffing. Permittees shall document and maintain records of the training  
22                  provided and the staff trained.
- 23                  5.    Pollution Prevention and Operation and Maintenance for Municipal Operations
- 24                  Within three years of the effective date of this Permit, each Permittee shall  
25                  develop and implement an operations and maintenance (O&M) program that  
26                  includes a training component and has the ultimate goal of preventing or  
27                  reducing pollutant runoff from municipal operations.
- 28                  The minimum performance measures are:
- 29                  a.    Each Permittee shall establish maintenance standards that are as  
30                  protective, or more protective, of facility function than those specified in  
31                  Chapter 4 of Volume V of the 2005 *Stormwater Management Manual for*  
32                  *Western Washington*. For facilities which do not have maintenance  
33                  standards, the Permittee shall develop a maintenance standard.
- 34                  i.    The purpose of the maintenance standard is to determine if  
35                  maintenance is required. The maintenance standard is not a measure  
36                  of the facilities required condition at all times between inspections.  
37                  Exceeding the maintenance standard between inspections and/or  
38                  maintenance is not a permit violation.
- 39                  ii.   Unless there are circumstances beyond the Permittees control, when  
40                  an inspection identifies an exceedence of the maintenance standard,  
41                  maintenance shall be performed:

- 1 • Within 1 year for typical maintenance of facilities, except catch  
2 basins.
- 3 • Within 6 months for catch basins.
- 4 • Within 2 years for maintenance that requires capital  
5 construction of less than \$25,000.

6 Circumstances beyond the Permittee’s control include denial or  
7 delay of access by property owners, denial or delay of  
8 necessary permit approvals, and unexpected reallocations of  
9 maintenance staff to perform emergency work. For each  
10 exceedence of the required timeframe, the Permittee shall  
11 document the circumstances and how they were beyond their  
12 control.

- 13 b. Annual inspection of all municipally owned or operated permanent  
14 stormwater treatment and flow control facilities, other than catch basins,  
15 and taking appropriate maintenance actions in accordance with the  
16 adopted maintenance standards. The annual inspection requirement may  
17 be reduced based on inspection records.

18 Reducing the inspection frequency shall be based on maintenance records  
19 of double the length of time of the proposed inspection frequency. In the  
20 absence of maintenance records, the Permittee may substitute written  
21 statements to document a specific less frequent inspection schedule.  
22 Written statements shall be based on actual inspection and maintenance  
23 experience and shall be certified in accordance with G19 *Certification and*  
24 *Signature*.

- 25 c. Spot checks of potentially damaged permanent treatment and flow control  
26 facilities (other than catch basins) after major (greater than 24-hour-10-  
27 year recurrence interval rainfall) storm events. If spot checks indicate  
28 widespread damage/maintenance needs, inspect all stormwater treatment  
29 and flow control facilities that may be affected. Conduct repairs or take  
30 appropriate maintenance action in accordance with maintenance standards  
31 established above, based on the results of the inspections.

- 32 d. Inspection of all catch basins and inlets owned or operated by the  
33 Permittee at least once before the end of the permit term. Clean catch  
34 basins if the inspection indicates cleaning is needed to comply with  
35 maintenance standards established in the 2005 *Stormwater Management*  
36 *Manual for Western Washington*. Decant water shall be disposed of in  
37 accordance with Appendix 6 *Street Waste Disposal*.

38 Inspections may be conducted on a “circuit basis” whereby a sampling of  
39 catch basins and inlets within each circuit is inspected to identify  
40 maintenance needs. Include in the sampling an inspection of the catch  
41 basin immediately upstream of any system outfall. Clean all catch basins

1 within a given circuit for which the inspection indicates cleaning is needed  
2 to comply with maintenance standards established under S5.C.4.c., above.

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

6 e. Compliance with the inspection requirements in b, c and d above shall be  
7 determined by the presence of an established inspection program designed  
8 to inspect all sites. Compliance during this permit term shall be  
9 determined by achieving an annual rate of at least 95% of inspections no  
10 later than 180 days prior to the expiration date of this permit.

11 f. Establishment and implementation of practices to reduce stormwater  
12 impacts associated with runoff from streets, parking lots, roads or  
13 highways owned or maintained by the Permittee, and road maintenance  
14 activities conducted by the Permittee. The following activities shall be  
15 addressed:

- 16 • Pipe cleaning
- 17 • Cleaning of culverts that convey stormwater in ditch systems
- 18 • Ditch maintenance
- 19 • Street cleaning
- 20 • Road repair and resurfacing, including pavement grinding
- 21 • Snow and ice control
- 22 • Utility installation
- 23 • Pavement striping maintenance
- 24 • Maintaining roadside areas, including vegetation management
- 25 • Dust control

26 g. Establishment and implementation of policies and procedures to reduce  
27 pollutants in discharges from all lands owned or maintained by the  
28 Permittee and subject to this Permit, including but not limited to: parks,  
29 open space, road right-of-way, maintenance yards, and stormwater  
30 treatment and flow control facilities. These policies and procedures shall  
31 address, but are not limited to:

- 32 • Application of fertilizer, pesticides, and herbicides including the  
33 development of nutrient management and integrated pest  
34 management plans.
- 35 • Sediment and erosion control.

- 1                   • Landscape maintenance and vegetation disposal.
- 2                   • Trash management.
- 3                   • Building exterior cleaning and maintenance.
- 4           h.    Develop and implement an on-going training program for employees of  
5                   the Permittee whose construction, operations or maintenance job functions  
6                   may impact stormwater quality. The training program shall address the  
7                   importance of protecting water quality, the requirements of this Permit,  
8                   operation and maintenance standards, inspection procedures, selecting  
9                   appropriate BMPs, ways to perform their job activities to prevent or  
10                   minimize impacts to water quality, and procedures for reporting water  
11                   quality concerns, including potential illicit discharges. Follow-up training  
12                   shall be provided as needed to address changes in procedures, techniques  
13                   or requirements. Permittees shall document and maintain records of  
14                   training provided.
- 15           i.    Development and implementation of a Stormwater Pollution Prevention  
16                   Plan (SWPPP) for all heavy equipment maintenance or storage yards, and  
17                   material storage facilities owned or operated by the Permittee in areas  
18                   subject to this Permit that are not required to have coverage under the  
19                   *General NPDES Permit for Stormwater Discharges Associated with*  
20                   *Industrial Activities* or another NPDES permit that covers stormwater  
21                   discharges associated with the activity. Implementation of non-structural  
22                   BMPs shall begin immediately after the pollution prevention plan is  
23                   developed. A schedule for implementation of structural BMPs shall be  
24                   included in the SWPPP. Generic SWPPPs that can be applied at multiple  
25                   sites may be used to comply with this requirement. The SWPPP shall  
26                   include periodic visual observation of discharges from the facility to  
27                   evaluate the effectiveness of the BMP.
- 28           j.    Records of inspections and maintenance or repair activities conducted by  
29                   the Permittee shall be maintained in accordance with *S9 Reporting*  
30                   *Requirements*.

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

- 32    A.    This section applies to all secondary permittees, whether coverage under this Permit  
33           is obtained individually or as a co-permittee with a city, town or county or another  
34           secondary permittee.
- 35           1.    To the extent allowable under state, federal or local law, all components are  
36                   mandatory for each Secondary Permittee covered under this Permit, whether  
37                   covered as an individual permittee or as a co-permittee.
- 38           2.    Each Secondary Permittee shall develop and implement a stormwater  
39                   management program (SWMP). The SWMP shall be designed to reduce the

1 discharge of pollutants from regulated small MS4s to the maximum extent  
2 practicable and protect water quality.

3 3. Unless an alternate implementation schedule is established by Ecology as a  
4 condition of permit coverage, the SWMP shall be developed and implemented  
5 in accordance with the schedules contained in this section and shall be fully  
6 developed and implemented no later than 180 days before the expiration date of  
7 this Permit. Notwithstanding the schedules in this Permit, secondary permittees  
8 that are already implementing some or all of the required SWMP components  
9 shall continue implementation of those components.

10 4. Secondary permittees may implement parts of their SWMP in accordance with  
11 the schedule for cities, towns and counties in S5, provided they have signed a  
12 memorandum of understanding or other agreement to jointly implement the  
13 activity or activities with one or more jurisdictions listed in S1.D.2.a., and  
14 submitted a copy of the agreement to Ecology.

15 5. Each Secondary Permittee shall prepare written documentation of the SWMP.  
16 The SWMP documentation shall be organized according to the program  
17 components in S6.D below and shall be updated at least annually for submittal  
18 with the Permittee's annual reports to Ecology (see *S9 Reporting*  
19 *Requirements*). The SWMP documentation shall include:

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

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

25 B. Coordination

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

31 C. Legal Authority

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

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

38 D. Stormwater Management Program for Secondary Permittees

1 The term “Secondary Permittees” means drainage, diking, flood control, or diking  
2 and drainage districts, ports (other than the ports of Seattle and Tacoma), public  
3 colleges and universities, and any other owners or operators of municipal separate  
4 storm sewers located within the municipalities that are listed as permittees in S1.B.

5 SWMP components

6 1. Public Education and Outreach

7 Each Secondary Permittee shall implement the following stormwater education  
8 strategies:

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

14 i. No later than three years from the date of permit coverage, at least  
15 50 percent of these inlets shall be labeled.

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

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

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

32 i. How stormwater runoff affects local waterbodies

33 ii. Proper use and application of pesticides and fertilizers

34 iii. Benefits of using well-adapted vegetation

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

- v. Benefits of proper vehicle maintenance and alternative transportation choices; proper handling and disposal of vehicle wastes, including the location of hazardous waste collection facilities in the area
  - vi. Hazards associated with illicit connections
  - 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. Public Involvement and Participation

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. No later than one year from the date of permit coverage, develop and adopt appropriate policies prohibiting illicit discharges, and identify possible enforcement mechanisms for those policies. 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 and non-stormwater discharges, including spills of hazardous materials and improper disposal of 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

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

1 and/or water conservation efforts conducted by the Secondary  
2 Permittee and/or the local jurisdiction. To avoid washing  
3 pollutants into the MS4, the Secondary Permittee shall  
4 minimize the amount of street wash and dust control water  
5 used. At active construction sites, street sweeping shall be  
6 performed prior to washing the street.

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

11 iv. The Secondary Permittee's SWMP shall, at a minimum, address  
12 each category in iii above in accordance with the conditions stated  
13 therein.

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

17 c. No later than 180 days before the expiration date of this Permit, or as  
18 established as a condition of coverage by Ecology, develop a storm sewer  
19 system map showing the locations of all known storm drain outfalls,  
20 labeled receiving waters and delineated areas contributing runoff to each  
21 outfall. Make the map (or completed portions of the map) available on  
22 request to the Department and/or to other Permittees or Secondary  
23 Permittees. The preferred, but not required, format of submission will be  
24 an electronic format with fully described mapping standards. An example  
25 description is provided on Ecology WebPages.

26 d. Conduct field inspections and visually inspect for illicit discharges at all  
27 known outfalls that discharge to surface waters. Visually inspect at least  
28 one third (on average) of all known outfalls each year beginning no later  
29 than two years from the date of permit coverage. Develop and implement  
30 procedures to identify and remove any illicit discharges. Keep records of  
31 inspections and follow-up activities.

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

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

40 4. Construction Site Stormwater Runoff Control

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

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

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

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

- 25 a. Comply with all relevant ordinances, rules and regulations of the local  
26 jurisdiction(s) in which the Secondary Permittee is located that govern  
27 post-construction stormwater pollution prevention measures.
- 28 b. Coordinate with the local jurisdiction regarding projects owned and  
29 operated by other entities which discharge into the Secondary Permittee's  
30 MS4, to assist the local jurisdiction with achieving compliance with all  
31 relevant ordinances, rules, and regulations of the local jurisdiction(s).

32 6. Pollution Prevention and Good Housekeeping for Municipal Operations

33 Each Secondary Permittee shall:

- 34 a. No later than three years from the date of permit coverage, develop and  
35 implement a municipal operation and maintenance (O&M) plan to  
36 minimize stormwater pollution from activities conducted by the Secondary  
37 Permittee. The O&M Plan shall include appropriate pollution prevention  
38 and good housekeeping procedures for all of the following operations,

1 activities, and/or types of facilities that are present within the Secondary  
2 Permittee's boundaries.

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

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

18 For facilities located in Eastern Washington, Secondary Permittees  
19 shall establish maintenance standards that are as protective or more  
20 protective of facility function than those specified in Chapters 5, 6  
21 and 8 of the Stormwater Management Manual for Eastern  
22 Washington (2004),

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

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

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

- 36 ii. External building maintenance. The O&M Plan shall address,  
37 building exterior cleaning and maintenance including cleaning,  
38 washing, painting and other maintenance activities.

- 39 iii. Parks and open space. The O&M Plan shall address, but is not  
40 limited to: proper application of fertilizer, pesticides, and herbicides;

1 sediment and erosion control; BMPs for landscape maintenance and  
2 vegetation disposal; and trash management.

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

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

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

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

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

23 i. The importance of protecting water quality,

24 ii. The requirements of this Permit,

25 iii. Operation and maintenance requirements,

26 iv. Inspection procedures,

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

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

## 31 **S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS**

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

36 A. For applicable TMDLs listed in Appendix 2, affected permittees shall comply with  
37 the specific requirements identified in Appendix 2. Each Permittee shall keep records

1 of all actions required by this Permit that are relevant to applicable TMDLs within  
2 their jurisdiction. The status of the TMDL implementation shall be included as part of  
3 the annual report submitted to Ecology.

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

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

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

## 17 **S8. MONITORING**

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

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

23 2. Any sampling or testing required for characterizing illicit discharges pursuant to  
24 section S5.C.3. or S6.D.3. of this Permit.

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

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

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

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

37 C. Preparation for future, long-term monitoring

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

5 1. All cities, towns and counties shall prepare to participate in the implementation  
6 of a comprehensive long-term monitoring program. The monitoring program  
7 will include two components: stormwater monitoring and targeted Stormwater  
8 Management Program (SWMP) effectiveness monitoring. Stormwater  
9 monitoring is intended to characterize stormwater runoff quantity and quality at  
10 a limited number of locations in a manner that allows analysis of loadings and  
11 changes in conditions over time and generalization across the permittees'  
12 jurisdictions. Stormwater program effectiveness monitoring is intended to  
13 improve stormwater management efforts by evaluating issues that significantly  
14 affect the success of, or confidence in, stormwater controls. The monitoring  
15 program can include long-term monitoring and short-term studies. The results  
16 of the monitoring program will be used to support the adaptive management  
17 process and lead to refinements of the SWMP.

18 a. Stormwater monitoring

19 Cities having a population greater than 10,000 and counties having a  
20 population greater than 25,000 shall identify sites for long-term  
21 stormwater monitoring. Adequate sites will be those completely mapped  
22 as required in S5.C.3.a. and be suitable for permanent installation and  
23 operation of flow-weighted composite sampling equipment. No later than  
24 December 31, 2010:

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

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

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

40 iv. Each city having a population between 10,000 and 75,000 shall  
41 identify two outfalls or conveyances where stormwater sampling

1 could be conducted. One outfall shall represent commercial land use  
2 and the second will represent high-density residential land use.

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

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

14 b. SWMP effectiveness monitoring

15 i. Each city, town and county shall prepare to conduct monitoring to  
16 determine the effectiveness of the Permittee's SWMP at controlling  
17 stormwater-related problems that are directly addressed by actions in  
18 the SWMP. This component of the monitoring program shall be  
19 designed to answer the following types of questions:

- 20 • How effective is a targeted action or narrow suite of actions?
- 21 • Is the SWMP achieving a targeted environmental outcome?

22 ii. No later than December 31, 2010, each city, town and county shall  
23 identify at least two suitable questions and select sites where  
24 monitoring will be conducted. This monitoring shall include, at a  
25 minimum, plans for stormwater, sediment or receiving water  
26 monitoring of physical, chemical and/or biological characteristics.  
27 This monitoring may also include data collection and analysis of  
28 other measures of program effectiveness, problem identification and  
29 characterizing discharges for planning purposes.

30 iii. For each question, the Permittee shall develop a monitoring plan  
31 containing the following elements:

- 32 • A statement of the question, an explanation of how and why  
33 the issue is significant to the Permittee, and a discussion of  
34 whether and how the results of the monitoring may be  
35 significant to other MS4s.
- 36 • A specific hypothesis about the issue or management actions  
37 that will be tested.



- 1 E. The annual report for cities, towns, and counties
- 2 Each annual report shall include the following:
- 3 1. A copy of the Permittee’s current Stormwater Management Program as required
- 4 by S5.A.2.
- 5 2. Submittal of Appendix 3 – *Annual Report Form for Cities, Towns, and*
- 6 *Counties*, which is intended to summarize the Permittees compliance with the
- 7 conditions of this permit, including:
- 8 a. Status of implementation of each component of the SWMP in section S5
- 9 *Stormwater Management Program for Cities, Towns and Counties*.
- 10 b. An assessment of the Permittee’s progress in meeting the minimum
- 11 performance standards established for each of the minimum control
- 12 measures of the SWMP.
- 13 c. A description of activities being implemented to comply with each
- 14 component of the SWMP, including the number and type of inspections,
- 15 enforcement actions, public education and involvement activities, and
- 16 illicit discharges detected and eliminated.
- 17 d. The Permittee’s SWMP implementation schedule and plans for meeting
- 18 permit deadlines, and the status of SWMP implementation to date. If
- 19 permit deadlines are not met, or may not be met in the future, include:
- 20 reasons why, corrective steps taken and proposed, and expected dates that
- 21 the deadlines will be met.
- 22 e. A summary of the Permittee’s evaluation of their SWMP, according to
- 23 sections S5.A.4. and S8.B.2.
- 24 f. If applicable, notice that the MS4 is relying on another governmental
- 25 entity to satisfy any of the obligations under this permit.
- 26 g. Updated information from the prior annual report plus any new
- 27 information received during the reporting period, pursuant to S8.B.2.
- 28 above.
- 29 h. Certification and signature pursuant to G19.D, and notification of any
- 30 changes to authorization pursuant to G19.C.
- 31 3. Permittees shall include with the annual report, notification of any annexations,
- 32 incorporations or jurisdictional boundary changes resulting in an increase or
- 33 decrease in the Permittee’s geographic area of permit coverage during the
- 34 reporting period, and implications for the SWMP.
- 35 4. Permittees shall include with the annual report submitted no later than March
- 36 31, 2011 information that at a minimum includes:

- 1 a. A summary of identified barriers to the use of low impact development  
2 (LID) within the area covered by the permit and measures to address the  
3 barriers. Each individual Permittee must complete this summary.
- 4 b. A report completed by an individual Permittee or in cooperation with  
5 multiple Permittees describing, at a minimum:
- 6 i. LID practices that are currently available and that can reasonably be  
7 implemented within this permit term.
- 8 ii. Potential or planned non-structural actions and LID techniques to  
9 prevent stormwater impacts.
- 10 iii. Goals and metrics to identify, promote, and measure LID use.
- 11 iv. Potential or planned schedules for the Permittee(s) to require and  
12 implement the non-structural and LID techniques on a broader scale  
13 in the future.

14 F. Annual report for Secondary Permittees

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

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

1 Permittee's geographic area of permit coverage during the reporting period, and  
2 implications for the SWMP.  
3

1 **GENERAL CONDITIONS**

2 **G1. DISCHARGE VIOLATIONS**

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

5 **G2. PROPER OPERATION AND MAINTENANCE**

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

10 **G3. NOTIFICATION OF DISCHARGE, INCLUDING SPILLS**

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

- 14 A. Take appropriate action to correct or minimize the threat to human health, welfare  
15 and/or the environment, and,
- 16 B. Notify the Ecology regional office and other appropriate spill response authorities  
17 immediately but in no case later than within 24 hours of obtaining that knowledge.  
18 The Ecology Northwest Regional Office 24-hour number is 425-649-7000 and for the  
19 Southwest Regional Office the number is 360-407-6300.
- 20 C. Immediately report discharges, including spills, which might cause bacterial  
21 contamination of shellfish, such as might result from broken sewer lines and failing  
22 onsite septic systems, to the Ecology regional office and to the Department of Health,  
23 Shellfish Program. The Department of Health's shellfish 24-hour number is 360-236-  
24 3330.
- 25 D. Immediately report spills or discharges of oils or hazardous materials to the Ecology  
26 regional office and to the Washington Emergency Management Division at 1-800-  
27 258-5990.

28 **G4. BYPASS PROHIBITED**

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

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

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

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

8 **G5. RIGHT OF ENTRY**

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

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

13 B. To have access to, and copy at reasonable cost and at reasonable times, any records  
14 that must be kept under the terms of the Permit;

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

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

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

20 **G6. DUTY TO MITIGATE**

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

24 **G7. PROPERTY RIGHTS**

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

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

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

29 **G9. MONITORING**

30 A. Representative Sampling:

31 Samples and measurements taken to meet the requirements of this Permit shall be  
32 representative of the volume and nature of the monitored discharge, including  
33 representative sampling of any unusual discharge or discharge condition, including  
34 bypasses, upsets, and maintenance-related conditions affecting effluent quality.

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

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

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

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

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

36 G. Additional Monitoring:  
37 Ecology may establish specific monitoring requirements in addition to those  
38 contained in this permit by administrative order or permit modification.

1 **G10. REMOVED SUBSTANCES**

2 With the exception of decant from street waste vehicles, the Permittee shall not allow  
3 collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in  
4 the course of treatment or control of stormwater to be resuspended or reintroduced to the  
5 storm sewer system or to waters of the state. Decant from street waste vehicles resulting  
6 from cleaning stormwater facilities may be reintroduced only when other practical means  
7 are not available and only in accordance with the Street Waste Disposal Guidelines in  
8 Appendix 4.

9 **G11. SEVERABILITY**

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

14 **G12. REVOCATION OF COVERAGE**

15 The director may terminate coverage under this General Permit in accordance with Chapter  
16 43.21B RCW and Chapter 173-226 WAC. Cases where coverage may be terminated  
17 include, but are not limited to the following:

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

30 **G13. TRANSFER OF COVERAGE**

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

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

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

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

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

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

23 **G16. APPEALS**

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

1 D. Modifications of this Permit are appealable in accordance with Chapter 43.21B RCW  
2 and Chapter 173-226 WAC.

3 **G17. PENALTIES**

4 40 CFR 122.41(a)(2) and (3), 40 CFR 122.41(j)(5), and 40 CFR 122.41(k)(2) are hereby  
5 incorporated into this Permit by reference.

6 **G18. DUTY TO REAPPLY**

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

9 **G19. CERTIFICATION AND SIGNATURE**

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

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

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

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

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

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

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

31 "I certify, under penalty of law, that this document and all attachments were prepared  
32 under my direction or supervision in accordance with a system designed to assure that  
33 Qualified Personnel properly gathered and evaluated the information submitted.  
34 Based on my inquiry of the person or persons who manage the system or those  
35 persons directly responsible for gathering information, the information submitted is,  
36 to the best of my knowledge and belief, true, accurate, and complete. I am aware that

1           there are significant penalties for submitting false information, including the  
2           possibility of fine and imprisonment for willful violations.”

3   **G20. NON-COMPLIANCE NOTIFICATION**

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

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

- 9           1.   A description of the non-compliance, including dates.
- 10          2.   Beginning and end dates of the non-compliance, and if the compliance has not  
11          been corrected, the anticipated date of correction.
- 12          3.   Steps taken or planned to reduce, eliminate, or prevent reoccurrence of the non-  
13          compliance.

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

15   **G21. UPSETS**

16           Permittees must meet the conditions of 40 CFR 122.41(n) regarding “Upsets.” The  
17           conditions are as follows:

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

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

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

- 33          1.   An upset occurred and that the Permittee can identify the cause(s) of the upset;
- 34          2.   The permitted facility was at the time being properly operated; and
- 35          3.   The Permittee submitted notice of the upset as required in 40 CFR  
36          122.41(l)(6)(ii)(B) (24-hour notice of noncompliance).

1           4.    The Permittee complied with any remedial measures required under 40 CFR  
2           122.41(d) (Duty to Mitigate).

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

5    **DEFINITIONS AND ACRONYMS**

6    **AKART** means all known, available, and reasonable methods of prevention, control and  
7    treatment.

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

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

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

18   **Best Management Practices** ("BMPs") are the schedules of activities, prohibitions of practices,  
19   maintenance procedures, and structural and/or managerial practices approved by the  
20   Department that, when used singly or in combination, prevent or reduce the release of  
21   pollutants and other adverse impacts to waters of Washington State.

22   **BMP** means Best Management Practice.

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

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

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

37   **Co-permittee** means an operator of a regulated small MS4 which is applying jointly with  
38   another applicant for coverage under this permit. A co-permittee is an owner or operator of a  
39   regulated small MS4 located within or adjacent to another regulated MS4. A co-permittee is

1 only responsible for complying with the conditions of this permit relating to discharges from  
2 the MS4 the co-permittee owns or operates. See also 40 CFR 122.26(b)(1)

3 **CWA** means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act  
4 or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended  
5 Pub. L. 95-217, Pub. L. 95-576, Pub. L. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

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

8 **DIP** means Detailed Implementation Plan.

9 **Director** means the Director of the Washington State Department of Ecology, or an authorized  
10 representative.

11 **Discharge** for the purpose of this permit means, unless indicated otherwise, any discharge from a  
12 MS4 owned or operated by the permittee.

13 **Entity** means another governmental body, or public or private organization, such as another  
14 permittee, a conservation district, or volunteer organization.

15 **40 CFR** means Title 40 of the Code of Federal Regulations, which is the codification of the  
16 general and permanent rules published in the Federal Register by the executive departments  
17 and agencies of the federal government.

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

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

23 **Heavy equipment maintenance or storage yard** means an uncovered area where any heavy  
24 equipment, such as mowing equipment, excavators, dump trucks, backhoes, or bulldozers are  
25 washed or maintained, or where at least five pieces of heavy equipment are stored.

26 **Hydraulically Near** means runoff from the site discharges to the sensitive feature without  
27 significant natural attenuation of flows that allows for suspended solids removal. See  
28 Appendix 7 Determining Construction Site Sediment Damage Potential for a more detailed  
29 definition.

30 **Hyperchlorinated** means water that contains more than 10 mg/Liter chlorine. Disinfection of  
31 water mains and appurtenances requires a chlorine residual of 10 mg/L at the end of the  
32 disinfection period. This level is well above the Maximum Residual Disinfectant Level of an  
33 annual average of 4 mg/Liter chlorine for potable water.

34 **Illicit connection** means any man-made conveyance that is connected to a municipal separate  
35 storm sewer without a permit, excluding roof drains and other similar type connections.  
36 Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits,  
37 inlets, or outlets that are connected directly to the municipal separate storm sewer system.

38 **Illicit discharge** means any discharge to a municipal separate storm sewer that is not composed  
39 entirely of storm water except discharges pursuant to a NPDES permit (other than the

1 NPDES permit for discharges from the municipal separate storm sewer) and discharges  
2 resulting from fire fighting activities.

3 **Large Municipal Separate Storm Sewer System** means all municipal separate storm sewer  
4 systems located in an incorporated place with a population of 250,000 or more, a county with  
5 unincorporated urbanized areas with a population of 250,000 or more according to the 1990  
6 decennial census by the Bureau of Census.

7 **Low Density Residential Land Use** means, for the purpose of permit section S8 Monitoring,  
8 one unit per 1-5 acres.

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

13 **Major Municipal Separate Storm Sewer Outfall** means a municipal separate storm sewer  
14 outfall from a single pipe with an inside diameter of 36 inches or more, or its equivalent  
15 (discharge from a single conveyance other than circular pipe which is associated with a  
16 drainage area of more than 50 acres); or for municipal separate storm sewers that receive  
17 stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or  
18 the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12  
19 inches or more or from its equivalent (discharge from other than a circular pipe associated  
20 with a drainage area of 12 acres or more).

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

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

29 **Medium Municipal Separate Storm Sewer System** means municipal separate storm sewer  
30 systems located in an incorporated place with a population of more than 100,000 but less  
31 than 250,000, or a county with unincorporated urbanized areas of more than 100,000 but less  
32 than 250,000 according to the 1990 decennial census by the Bureau of Census.

33 **MEP** means Maximum Extent Practicable.

34 **MTRs** means Minimum Technical Requirements.

35 **Municipal Separate Storm Sewer System (MS4)** means a conveyance, or system of  
36 conveyances (including roads with drainage systems, municipal streets, catch basins, curbs,  
37 gutters, ditches, manmade channels, or storm drains):

38 (i) owned or operated by a state, city, town, borough, county, parish, district, association,  
39 or other public body (created by or pursuant to State Law) having jurisdiction over  
40 disposal of wastes, storm water, or other wastes, including special districts under State  
41 law such as a sewer district, flood control district or drainage district, or similar entity,

1 or an Indian tribe or an authorized Indian tribal organization, or a designated and  
2 approved management agency under section 208 of the CWA that discharges to waters  
3 of the United States.

4 (ii) designed or used for collecting or conveying stormwater.

5 (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned  
6 Treatment Works (POTW) as defined at 40 CFR 122.2.

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

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

15 **Notice of Intent for Construction Activity and Notice of Intent for Industrial Activity** mean  
16 the application forms for coverage under the *Baseline General Permit for Stormwater*  
17 *Discharges Associated with Industrial Activities*.

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

23 **Permittee** unless otherwise noted, the term “Permittee” includes Permittee, Co-Permittee, and  
24 Secondary Permittee, as defined below:

25 (i) A “Permittee” is a city, town, or county owning or operating a regulated small MS4  
26 applying and receiving a permit as a single entity.

27 (ii) A “Co-Permittee” is any operator of a regulated small MS4 that is applying jointly with  
28 another applicant for coverage under this Permit. Co-Permittees own or operate a  
29 regulated small MS4 located within or adjacent to another regulated small MS4.

30 (iii) A “Secondary Permittee” is an operator of regulated small MS4 that is not a city, town or  
31 county.

32 **Physically Interconnected** means that one MS4 is connected to a second MS4 in such a way  
33 that it allows for direct discharges to the second system. For example, the roads with  
34 drainage systems and municipal streets of one entity are physically connected directly to a  
35 MS4 belonging to another entity.

36 **Pollutant Generating Impervious Surfaces (PGIS)** are surfaces considered to be significant  
37 sources of pollutants in stormwater runoff. Such surfaces include those that are subject to  
38 vehicular use, industrial activities, or storage of erodible or leachable materials that receive  
39 direct rainfall or run-on or blow-in of rainfall. Metal roofs are considered to be PGIS unless  
40 coated with an inert, non-leachable material. Roofs that are subject to venting of indoor  
41 pollutants from manufacturing, commercial or other operations or processes are also

- 1 considered PGIS. A surface, whether paved or not, shall be considered PGIS if it is regularly  
2 used by motor vehicles. The following are considered regularly-used surfaces: roads,  
3 unvegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways,  
4 parking lots, unfenced fire lanes, vehicular equipment storage yards, and airport runways.
- 5 **Process Wastewater** means any water which, during manufacture or processing, comes into  
6 direct contact with or results from the production or use of any raw material, intermediate  
7 product, finished product, by product, or waste product.
- 8 **Qualified Personnel or Consultant** means someone who has had professional training in the  
9 aspects of stormwater management for which they are responsible and are under the  
10 functional control of the Permittee.
- 11 **RCW** means the Revised Code of Washington State.
- 12 **Regulated Small Municipal Separate Storm Sewer System (MS4)** means a Municipal  
13 Separate Storm Sewer System which is automatically designated for inclusion in the Phase II  
14 stormwater permitting program by its location within an Urbanized Area, or by designation  
15 by the NPDES permitting authority and is not eligible for a waiver or exemption under S1.C.
- 16 **Replaced impervious surfaces** means, for structures, the removal and replacement of any  
17 exterior impervious surfaces or foundation; or, for other impervious surfaces, the removal  
18 down to bare soil, or base course, and replacement. Exemptions and partial exemptions are  
19 defined in Appendix 1 of this Permit.
- 20 **Runoff** is water that travels across the land surface and discharges to water bodies either directly  
21 or through a collection and conveyance system. See also “Stormwater.”
- 22 **Shared Waterbodies** means waterbodies, including downstream segments, lakes and estuaries  
23 that receive discharges from more than one permittee.
- 24 **Secondary Permittee** is an operator of regulated small municipal separate storm sewer system  
25 which is not a city, town or county. Secondary Permittees include special purpose districts  
26 and other MS4s that meet the criteria for a regulated small MS4 in S1.B.
- 27 **Significant contributor** means a discharge contributes a loading of pollutants considered to be  
28 sufficient to cause or exacerbate the deterioration of receiving water quality or instream  
29 habitat conditions.
- 30 **Sediment/Erosion-Sensitive Feature** means an area subject to significant degradation due to  
31 the effect of construction runoff or areas requiring special protection to prevent erosion. See  
32 Appendix 6 Determining Construction Site Sediment Transport Potential for a more detailed  
33 definition.
- 34 **Small Municipal Separate Storm Sewer System or Small MS4** is a conveyance or system of  
35 conveyances including roads with drainage systems, municipal streets, catch basins, curbs,  
36 gutters, ditches, man-made channels and/or storm drains which is:
- 37 a. Owned or operated by a city, town, county, district, association or other public body  
38 created pursuant to State law having jurisdiction over disposal of sewage, industrial  
39 wastes, stormwater, or other wastes, including special districts under State law such as a  
40 sewer districts, flood control districts or drainage districts, or similar entity.

- 1 b. Designed or used for collecting or conveying stormwater.
- 2 c. Not a combined sewer system,
- 3 d. Not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.
- 4 e. Not defined as “large” or “medium” pursuant to 40 CFR 122.26(b)(4) & (7) or designated
- 5 under 40 CFR 122.26 (a)(1)(v).

6 Small MS4s include systems similar to separate storm sewer systems in municipalities such  
7 as: universities, large publicly owned hospitals, prison complexes, highways and other  
8 thoroughfares. Storm sewer systems in very discrete areas such as individual buildings do not  
9 require coverage under this Permit.

10 Small MS4s do *not* include storm drain systems operated by non-governmental entities such  
11 as: individual buildings, private schools, private colleges, private universities, and industrial  
12 and commercial entities.

13 **Stormwater** means runoff during and following precipitation and snowmelt events, including  
14 surface runoff and drainage.

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

20 **Stormwater Management Manual for Western Washington** means the 5-volume technical  
21 manual (Publication Nos. 99-11 through 15 for the 2001 version and Publication Nos. 05-10-  
22 029-033 for the 2005 version (The 2005 version replaces the 2001 version) prepared by  
23 Ecology for use by local governments that contains BMPs to prevent, control, or treat  
24 pollution in storm water.

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

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

40 **Urbanized Area (UA)** is a land area comprising one or more places and the adjacent densely  
41 settled surrounding area that together have a residential population of at least 50,000 and an

1 overall population density of at least 1,000 people per square mile. For the year 2000  
2 Census, the U.S. Census Bureau classified "urban" as all territory, population, and housing  
3 units located within an Urbanized Area (UA) or an Urban Cluster (UC). It delineated UA  
4 and UC boundaries to encompass densely settled territory, which consists of: core census  
5 block groups or blocks that have a population density of at least 1,000 people per square mile  
6 and surrounding census blocks that have an overall density of at least 500 people per square  
7 mile. In addition, under certain conditions, less densely settled territory may be part of each  
8 UA or UC. The U.S. Census Bureau announced the "Census 2000 Urbanized Areas" on May  
9 1, 2002. More information can be found at the U.S. Census Bureau website.

10 **Urban/higher density rural subbasins** means any subbasin or portion thereof that is within or  
11 proposed to be within the urban growth area (UGA), or any rural area subbasin or portion  
12 thereof fifty percent or more of which is comprised of lots smaller than 5 acres in size.

13 **Vehicle Maintenance or Storage Facility** means an uncovered area where any vehicles are  
14 regularly washed or maintained, or where at least 10 vehicles are stored.

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

20 **Water Quality Standards** means Surface Water Quality Standards, Chapter 173-201A WAC,  
21 Ground Water Quality Standards, Chapter 173-200 WAC, and Sediment Management  
22 Standards, Chapter 173-204 WAC.