

1 |  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

\_\_\_\_\_  
Issuance Date:  
Effective Date:  
Expiration Date:

**DRAFT**

**Phase I Municipal Stormwater Permit**

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

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

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

THIS PAGE INTENTIONALLY LEFT BLANK

1 **TABLE OF CONTENTS**

2 **SPECIAL AND GENERAL CONDITIONS**

3 SPECIAL CONDITIONS ..... 5

4 S1. PERMIT COVERAGE AND PERMITTEES ..... 5

5 S2. AUTHORIZED DISCHARGES ..... 7

6 S3. RESPONSIBILITIES OF PERMITTEES ..... 8

7 S4. COMPLIANCE WITH STANDARDS ..... 9

8 S5. STORMWATER MANAGEMENT PROGRAM ..... 11

9 S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES ..... 43

10 S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS ..... 62

11 S8. MONITORING ..... 63

12 S9. REPORTING REQUIREMENTS ..... 69

13 GENERAL CONDITIONS ..... 74

14 G1. DISCHARGE VIOLATIONS ..... 74

15 G2. PROPER OPERATION AND MAINTENANCE ..... 74

16 G3. NOTIFICATION OF DISCHARGE INCLUDING SPILLS ..... 74

17 G4. BYPASS PROHIBITED ..... 74

18 G5. RIGHT OF ENTRY ..... 75

19 G6. DUTY TO MITIGATE ..... 75

20 G7. PROPERTY RIGHTS ..... 75

21 G8. COMPLIANCE WITH OTHER LAWS AND STATUTES ..... 75

22 G9. MONITORING ..... 75

23 G10. REMOVED SUBSTANCES ..... 76

24 G11. SEVERABILITY ..... 77

25 G12. REVOCATION OF COVERAGE ..... 77

26 G13. TRANSFER OF COVERAGE ..... 77

27 G14. GENERAL PERMIT MODIFICATION AND REVOCATION ..... 77

28 G15. REPORTING A CAUSE FOR MODIFICATION OR REVOCATION ..... 78

29 G16. APPEALS ..... 78

30 G17. PENALTIES ..... 78

31 G18. DUTY TO REAPPLY ..... 78

32 G19. CERTIFICATION AND SIGNATURE ..... 78

33 G20. NON-COMPLIANCE NOTIFICATION ..... 79

34 G21. UPSETS ..... 80

35 DEFINITIONS AND ACRONYMS ..... 81

## APPENDICES

- 1
- 2
- 3 APPENDIX 1. Minimum Technical Requirements for New Development and Redevelopment
- 4 APPENDIX 2. TMDL Requirements
- 5 APPENDIX 3. Annual Report Form for the Port of Seattle and the Port of Tacoma
- 6 APPENDIX 4. Annual Report Form for Secondary Permittees
- 7 APPENDIX 5. Notice of Intent
- 8 APPENDIX 6. Street Waste Disposal
- 9 APPENDIX 7. Determining Construction Site Sediment Damage Potential
- 10 APPENDIX 8. Urban Land Uses and Pollutant Generating Sources
- 11 APPENDIX 9. Stormwater Discharge Monitoring Laboratory Methods
- 12 APPENDIX 10. Equivalent Programs for Runoff Controls for New and Redevelopment and
- 13 Construction Sites
- 14 APPENDIX 11. Structural Stormwater Controls Project List
- 15 APPENDIX 12. Funding Agreement between Ecology and Municipal Stormwater Permittees

1  
2

## SPECIAL CONDITIONS

3 **S1. PERMIT COVERAGE AND PERMITTEES**

4 A. Geographic Area of Permit Coverage

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

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

16 B. The following Cities and Counties ~~have submitted a *Duty to Reapply- Notice of Intent*~~  
17 ~~(*NOI*) for coverage to Ecology prior to August 19, 2011 and have coverage are~~  
18 ~~covered under this permit~~ as Permittees, beginning on the effective date of the permit:

- 19 1. The City of Tacoma and the City of Seattle.  
20 2. Clark, King, Pierce, and Snohomish Counties.

21 ~~C. King County is covered as a *Co-Permittee* with the City of Seattle for discharges~~  
22 ~~from outfalls King County owns or operates within the City of Seattle.~~

23 ~~D.C. Upon application and coverage in accordance with Special Condition S1.F., the~~  
24 following entities ~~have submitted a *Duty to Reapply- Notice of Intent (NOI)* for~~  
25 ~~coverage to Ecology prior to August 19, 2011 and have coverage are covered under~~  
26 ~~this permit~~ as *Secondary Permittees*, beginning on the effective date of the permit:

- 27 1. Port of Seattle, excluding Seattle-Tacoma International Airport.  
28 2. Port of Tacoma.

29 2.3. The University of Washington, Seattle; Seattle School District #1; Metropolitan  
30 Park District of Tacoma; Washington State Military Department; and Tacoma  
31 Community College.

32 ~~3. Other owners or operators of municipal separate storm sewers located in the~~  
33 ~~Cities or unincorporated portions of the Counties listed in S1.B above.~~

34 ~~E.D. Unless otherwise noted, the term "Permittee" includes Permittee, Co-Permittee, and~~  
35 ~~Secondary Permittee, and *New Secondary Permittee* as defined above in Special~~  
36 ~~Conditions S1.B., S1.C. and S1.D.~~

1 F.E. Coverage for New Secondary Permittees

2 1. Entities meeting the requirements in S.I.E.a-b, below, are required to apply for  
3 and to obtain coverage under this permit. Upon application and coverage the  
4 following entities will have coverage under this Permit as ~~each~~ New Secondary  
5 Permittees ~~identified under Special Condition S1.D.~~ shall either:

6 a. Active drainage, diking, flood control, or diking and drainage districts  
7 located in the Cities or unincorporated portions of the Counties listed in  
8 S1.B. above, which own or operate municipal separate storm sewers  
9 serving non-agricultural land uses; and were not covered by the permit  
10 prior to August 1, 2013.

11 a-b. Other owners or operators of municipal separate storm sewers located in  
12 the Cities or unincorporated portions of the Counties listed in S1.B above;  
13 and were not covered by the permit prior to August 1, 2013.

14 2. To obtain coverage under this permit, New Secondary Permittees shall  
15 either Application Requirements:

16 a. Submit a *Notice of Intent (NOI)* for Coverage under National Pollutant  
17 Discharge Elimination System (NPDES) Municipal Stormwater General  
18 Permit provided in Appendix 5 and provide public notice of the  
19 application for coverage in accordance with WAC 173-226-130. The NOI  
20 shall constitute the application for coverage. Ecology will notify  
21 applicants in writing of their status concerning coverage under this permit  
22 within 90 days of Ecology's receipt of a complete NOI.

23 b. Each Permittee applying as Co-Permittee shall submit an NOI provided in  
24 Appendix 5. The NOI and shall clearly identify the areas of the MS4 for  
25 which the Co-Permittee is responsible.

26 b. ~~Submit a co-application jointly with a permittee named in S1.B. and Each~~  
27 ~~permittee shall provide public notice of the application for coverage in~~  
28 ~~accordance with WAC 173-226-130. The co-application shall consist of an~~  
29 ~~amendment to the Phase I Part 1, and Part 2 permit applications. Ecology~~  
30 ~~will notify applicants in writing of their status concerning their co-~~  
31 ~~application coverage under this permit within 90 days of Ecology's receipt~~  
32 ~~of a complete NOI.~~

33 ~~2. Secondary Permittees required to get coverage under this permit, and the~~  
34 ~~NPDES and State Waste Discharge Permit for discharges from Small Municipal~~  
35 ~~Separate Storm Sewers in Western Washington and/or the NPDES and State~~  
36 ~~Waste Discharge Permit for discharges from Small Municipal Separate Storm~~  
37 ~~Sewers in Eastern Washington may obtain coverage by submitting a single NOI.~~

38 ~~3. NOIs and co-applications shall be submitted to:~~

39 ~~Department of Ecology~~  
40 ~~Water Quality Program~~

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

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

## S2. AUTHORIZED DISCHARGES

A. This permit authorizes the discharge of stormwater to surface waters and to ground waters of the state from municipal separate storm sewers owned or operated by each Permittee covered under this permit in the geographic area covered by this permit pursuant to S1.A. subject to the following limitations:

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

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

1. The discharge is authorized by a separate ~~individual or general~~ National Pollutant Discharge Elimination System (NPDES) ~~permit~~, or State Waste Discharge permit.
2. The discharge ~~is from~~ occurred during emergency fire fighting activities, ~~or~~
3. The discharge from another illicit or non-stormwater discharge that is managed by the Permittee as provided in Special Condition S5.C.8., S6.D.3., or S6.E.3.

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

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

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

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

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

### 4 S3. RESPONSIBILITIES OF PERMITTEES

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

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

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

13 ~~3.2.~~ The Port of Tacoma and the Port of Seattle, are required to comply with all  
14 conditions of this permit except for S5. *Stormwater Management Program* and  
15 conditions S6.D. *Stormwater Management Program for Secondary*  
16 *Permittees* and S6.F.

17 ~~4.3.~~ All ~~other~~ Secondary Permittees, except for the Port of Tacoma and the Port of  
18 Seattle, are required to comply with all conditions of this permit except for S5.  
19 *Stormwater Management Program* and conditions S6.E. *Stormwater*  
20 *Management Program for the Port of Seattle and Port of Tacoma*, S6.F., and  
21 permit conditions in S8. *Monitoring conditions C., D., and E. through S8.H.*

22 B. Permittees may rely on another *entity* to satisfy one or more of the requirements of  
23 this permit. Permittees that are relying on another entity to satisfy one or more of their  
24 permit obligations remain responsible for permit compliance if the other entity fails to  
25 implement the permit conditions. Permittees may rely on another entity provided all  
26 the requirements of 40 CFR 122.35(a) are satisfied, including but not limited to ~~Where~~  
27 ~~permit responsibilities are shared they shall be documented as follows:~~

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

30 ~~4.2.~~ ~~The other entity, in fact, implements the Permit requirements. Permittees and~~  
31 ~~Co-Permittees that are continuing coverage under this permit shall submit a~~  
32 ~~statement that describes the permit requirements that will be implemented by~~  
33 ~~other entities. The statement must be signed by all participating entities. There~~  
34 ~~is no deadline for submitting such a statement, provided that this does not alter~~  
35 ~~implementation deadlines. Permittees and Co-Permittees may amend their~~  
36 ~~statement during the term of the permit to establish, terminate, or amend their~~  
37 ~~shared responsibilities statement, and submit the amended statements to~~  
38 ~~Ecology.~~

39 ~~2. Secondary Permittees shall submit an NOI that describes which requirements~~  
40 ~~they will implement and identify the entities that will implement the other~~

1 ~~permit requirements in the area served by the Secondary Permittee's MS4. A~~  
2 ~~statement confirming the shared responsibilities, signed by all participating~~  
3 ~~entities, shall accompany the NOI. Secondary Permittees may amend their NOI,~~  
4 ~~during the term of the permit, to establish, terminate, or amend shared~~  
5 ~~responsibility arrangements, provided this does not alter implementation~~  
6 ~~deadlines.~~

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

9 **S4. COMPLIANCE WITH STANDARDS**

- 10 A. In accordance with RCW 90.48.520, the discharge of toxicants to waters of the State  
11 of Washington which would violate any water quality standard, including toxicant  
12 standards, sediment criteria, and dilution zone criteria is prohibited. The required  
13 response to such discharges is defined in section S4.F., below.
- 14 B. This permit does not authorize a discharge which would be a violation of Washington  
15 State surface water quality standards (~~c~~Chapter 173-201A WAC), ground water  
16 quality standards (~~c~~Chapter 173-200 WAC), sediment management standards  
17 (~~C~~chapter 173-204 WAC), or human health-based criteria in the national Toxics Rule  
18 (Federal Register, Vol. 57, NO. 246, Dec. 22, 1992, pages 60848-60923). The  
19 required response to such discharges is defined in section S4.F., below.
- 20 C. The Permittee shall reduce the discharge of pollutants to the *maximum extent*  
21 *practicable* (MEP).
- 22 D. The Permittee shall use *all known, available, and reasonable methods of prevention,*  
23 *control and treatment (AKART)* to prevent and control pollution of waters of the State  
24 of Washington.
- 25 E. In order to meet the goals of the Clean Water Act, and comply with S4.A., S4.B.,  
26 S4.C., and S4.D., each Permittee shall comply with all of the applicable requirements  
27 of this permit as defined in S3. *Responsibilities of Permittees*.
- 28 F. A Permittee remains in compliance with S4. despite any discharges prohibited by  
29 S4.A. or S4.B., when the Permittee undertakes the following response toward long-  
30 term water quality improvement:
- 31 1. A Permittee shall notify Ecology in writing within 30 days of becoming aware,  
32 based on credible site-specific information, that a discharge from the municipal  
33 separate storm sewer owned or operated by the Permittee is causing or  
34 contributing to a known or likely violation of Water Quality Standards in the  
35 receiving water. Written notification provided under this subsection shall, at a  
36 minimum, identify the source of the site-specific information, describe the  
37 nature and extent of the known or likely violation in the receiving water, and  
38 explain the reasons why the MS4 discharge is believed to be causing or  
39 contributing to the problem. For ongoing or continuing violations, a single  
40 written notification to Ecology will fulfill this requirement.

- 1                   2.    In the event that Ecology determines, based on a notification provided under  
2                   S4.F.1., or through any other means, that a discharge from a municipal separate  
3                   storm sewer owned or operated by the Permittee is causing or contributing to a  
4                   violation of Water Quality Standards in a receiving water, Ecology will notify  
5                   the Permittee in writing that an adaptive management response outlined in  
6                   S4.F.3. below is required unless Ecology also determines that:
- 7                   a.    The violation of Water Quality Standards is already being addressed by a  
8                   Total Maximum Daily Load or other enforceable water quality cleanup  
9                   plan; or
- 10                  b.    Ecology concludes the MS4 contribution to the violation will be  
11                  eliminated through implementation of other permit requirements.
- 12                  3.    Adaptive Management Response
- 13                  a.    Within 60 days of receiving a notification under S4.F.2., or by an  
14                  alternative date established by Ecology, the Permittee shall review its  
15                  Stormwater Management Program and submit a report to Ecology. The  
16                  report shall include:
- 17                   i.    A description of the operational and/or structural BMPs that are  
18                   currently being implemented to prevent or reduce any pollutants that  
19                   are causing or contributing to the violation of Water Quality  
20                   Standards, including a qualitative assessment of the effectiveness of  
21                   each BMP.
- 22                   ii.   A description of potential additional operational and/or structural  
23                   BMPs that will or may be implemented in order to apply AKART on  
24                   a site-specific basis to prevent or reduce any pollutants that are  
25                   causing or contributing to the violation of Water Quality Standards.
- 26                   iii.  A description of the potential monitoring or other assessment and  
27                   evaluation efforts that will or may be implemented to monitor, assess,  
28                   or evaluate the effectiveness of the additional BMPs.
- 29                   iv.  A schedule for implementing the additional BMPs including, as  
30                   appropriate: funding, training, purchasing, construction, monitoring,  
31                   and other assessment and evaluation components of implementation.
- 32                  b.    Ecology will, in writing, acknowledge receipt of the report within a  
33                  reasonable time and notify the Permittee when it expects to complete its  
34                  review of the report. Ecology will either approve the additional BMPs and  
35                  implementation schedule or require the Permittee to modify the report as  
36                  needed to meet AKART on a site-specific basis. If modifications are  
37                  required, Ecology will specify a reasonable time frame in which the  
38                  Permittee shall submit and Ecology will review the revised report.

- 1 c. The Permittee shall implement the additional BMPs, pursuant to the  
2 schedule approved by Ecology, beginning immediately upon receipt of  
3 written notification of approval.
- 4 d. The Permittee shall include with each subsequent annual report a summary  
5 of the status of implementation, and the results of any monitoring,  
6 assessment or evaluation efforts conducted during the reporting period. If,  
7 based on the information provided under this subsection, Ecology  
8 determines that modification of the BMPs or implementation schedule is  
9 necessary to meet AKART on a site-specific basis, the Permittee shall  
10 make such modifications as Ecology directs. In the event there are  
11 ongoing violations of water quality standards despite the implementation  
12 of the BMP approach of this section, the Permittee may be subject to  
13 compliance schedules to eliminate the violation under WAC 173-201A-  
14 510(4) and WAC 173-226-180 or other enforcement orders as Ecology  
15 deems appropriate during the term of this permit.
- 16 e. Provided the Permittee is implementing the approved adaptive  
17 management response under this section, the Permittee remains in  
18 compliance with Condition S4., despite any on-going violations of Water  
19 Quality Standards identified under S4.F.A or B above.
- 20 f. The adaptive management process provided under Section S.4.F is not  
21 intended to create a shield for the Permittee from any liability it may face  
22 under 42 U.S.C. 9601 *et seq.* or RCW 70.105D.
- 23 G. Ecology may modify or revoke and reissue this General Permit in accordance with  
24 G14 *General Permit Modification and Revocation* if Ecology becomes aware of  
25 additional control measures, management practices or other actions beyond what is  
26 required in this permit, that are necessary to:
- 27 1. Reduce the discharge of pollutants to the MEP;  
28 2. Comply with the state AKART requirements; or  
29 3. Control the discharge of toxicants to waters of the State of Washington.

30 **S5. STORMWATER MANAGEMENT PROGRAM**

- 31 A. Each Permittee listed in S1.B. shall implement a Stormwater Management Program  
32 (SWMP) during the term of this permit. ~~For the purpose of this permit a stormwater  
33 management program is a set of actions comprising the components listed in S5.C.,  
34 and additional actions and activities, where necessary, to meet the requirements of S7  
35 Compliance with Total Maximum Daily Load Requirements.~~
- 36 ~~1. In accordance with the requirements in S9 Reporting Requirements, e~~Each  
37 Permittee shall prepare written documentation of their SWMP. The SWMP  
38 Report (SWMPR) shall be organized according to the program components in  
39 S5.C. and shall be updated at least annually and for submittal with the  
40 Permittee's ~~it to Ecology in written and electronic formats with the first year~~

1 annual report to Ecology (S9 Reporting Requirements). ~~The documentation of~~  
2 ~~the SWMP shall be organized according to the program components in S5.C.,~~  
3 ~~and shall be updated annually.~~ The SWMPR documentation shall be written to  
4 inform the public of the planned SWMP activities for the upcoming calendar  
5 year, and shall include a description of:

6 a. Planned activities for each of the program components included in S5.C.;

7 b. ~~and a~~ Any additional planned actions ~~necessary~~ to meet the requirements  
8 of *applicable TMDLs pursuant to S7 Compliance with Total Maximum*  
9 *Daily Load Requirements*.

10 a-c. Any additional planned actions to meet the requirements of S8  
11 Monitoring.

12 ~~1.2.~~ Each Permittee shall track the cost or estimated cost of development and  
13 implementation of each component of the SWMP. This information shall be  
14 provided to Ecology upon request.

15 ~~2.3.~~ Each Permittee shall track the number of inspections, official enforcement  
16 actions and types of public education activities as required by the respective  
17 program component. ~~This information shall be included in the annual report.~~

18 B. The SWMP shall be designed to reduce the discharge of pollutants from MS4s to the  
19 maximum extent practicable (MEP), meet state AKART requirements, and protect  
20 water quality.

21 Permittees that are already implementing some or all of the SWMP components in  
22 this section shall continue implementation of those components of their SWMP.  
23 ~~Permittees are to continue implementation of existing stormwater management~~  
24 ~~programs until they begin implementation of the updated stormwater management~~  
25 ~~program in accordance with the terms of this permit, including implementation~~  
26 ~~schedules. Permittees shall not repeal existing local requirements to control~~  
27 ~~stormwater that go beyond the requirements of this permit for prohibiting non-~~  
28 ~~stormwater discharges and for new development and redevelopment sites.~~

29 C. The SWMP shall include the components listed below. ~~The requirements of the~~  
30 ~~stormwater management program shall apply to municipal separate storm sewers, and~~  
31 ~~areas served by municipal separate storm sewers owned or operated by the Permittee.~~  
32 To the extent allowable under state and federal law, all SWMP components are  
33 mandatory.

34 1. Legal Authority

35 a. ~~No later than the effective date of this permit, e~~Each Permittee shall be  
36 able to demonstrate that they can operate pursuant to legal authority which  
37 authorizes or enables the Permittee to control discharges to and from  
38 municipal separate storm sewers owned or operated by the Permittee.

- 1           b. This legal authority, which may be a combination of statute, ordinance,  
2 permit, contracts, orders, interagency agreements, or similar means, shall  
3 authorize or enable the Permittee, at a minimum, to:
- 4           i. Control through ordinance, order, or similar means, the contribution  
5 of pollutants to municipal separate storm sewers owned or operated  
6 by the Permittee from stormwater discharges associated with  
7 industrial activity, and control the quality of stormwater discharged  
8 from sites of industrial activity;
- 9           ii. Prohibit through ordinance, order, or similar means, illicit discharges  
10 to the municipal separate storm sewer owned or operated by the  
11 Permittee;
- 12           iii. Control through ordinance, order, or similar means, the discharge of  
13 spills and disposal of materials other than stormwater into the  
14 municipal separate storm sewers owned or operated by the  
15 Permittee;
- 16           iv. Control through interagency agreements ~~among co-applicants~~, the  
17 contribution of pollutants from one portion of the municipal separate  
18 storm sewer system to another portion of the municipal separate  
19 storm sewer system;
- 20           v. Require compliance with conditions in ordinances, permits,  
21 contracts, or orders; and,
- 22           vi. Within the limitations of state law, carry out all inspection,  
23 surveillance, and monitoring procedures necessary to determine  
24 compliance and non-compliance with permit conditions, including  
25 the prohibition on illicit discharges to the municipal separate storm  
26 sewer and compliance with local ordinances.

27           2. Municipal Separate Storm Sewer System Mapping and Documentation

28           The SWMP shall include an ongoing program for mapping and documenting the  
29 MS4.

30           Minimum performance measure information and its form of retention shall  
31 include:

- 32           a. Ongoing Mapping: Each Permittee shall continue mapping the features  
33 listed below on an ongoing basis. All updates shall be completed within  
34 six months of additional features being found, modified, or constructed.  
35 No later than 2 years from the effective date of this permit each Permittee  
36 shall map all
- 37           i. known MS4 municipal separate storm sewer outfalls.
- 38           ii. and receiving waters, and

1 iii. Structural stormwater treatment and flow control BMPs/facilities owned,  
2 operated, or maintained by the Permittee. Permittees may rely on  
3 permanent stormwater control plans for mapping LID BMPs provided they  
4 are spatially referenced to the MS4 map and maintained on an ongoing  
5 basis. Mapping of outfalls and structural BMPs shall continue on an on-  
6 going basis as additional outfalls are found, and as new BMPs are  
7 constructed or installed.

8 iv. Geographic areas served by the Permittee's MS4 that do not  
9 discharge stormwater to surface water.

10 v. Tributary conveyances to all known outfalls with a 24-inch nominal  
11 diameter or larger, or an equivalent cross-sectional area for non-pipe  
12 systems. For Counties, this requirement applies to urban/higher  
13 density rural sub-basins. For Cities, this requirement applies  
14 throughout the City. The following attributes shall be mapped:

15 (1) Tributary conveyance type, material, and size where known

16 (2) Associated drainage areas

17 (3) Land uses

18 vi. Connections between the MS4 owned or operated by the Permittee  
19 and other municipalities or other public entities.

20 vii. All connections to the MS4 authorized or allowed by the Permittee  
21 after February 16, 2007.

22 viii. Existing, known connections over 8 inches in nominal diameter to  
23 tributary conveyances mapped in accordance with S5.C.2.a.v. For  
24 Counties, this requirement applies to one-half the area of the county  
25 within urban/higher density rural sub-basins. For Cities, this  
26 requirement applies throughout the City.

27 i. No later than 2 years from the effective date of this permit each permittee  
28 shall initiate a program to map connection points between municipal  
29 separate storm sewers owned or operated by the Permittee and other  
30 municipalities or other public entities.

31 a. No later than 4 years from the effective date of this permit each Permittee  
32 shall map the attributes listed below for all storm sewer outfalls with a 24  
33 inches nominal diameter or larger, or an equivalent cross-sectional area for  
34 non-pipe systems. For Counties, the mapping shall be done within  
35 urban/higher density rural sub-basins. For Cities, the mapping shall be  
36 done throughout the City. Attributes mapped shall include: Land use,  
37 Tributary conveyances (indicate type, material, and size where known);  
38 and associated drainage areas.

39 Each Permittee shall initiate a program to develop and maintain a map of all  
40 connections to the municipal separate storm sewer authorized or allowed by the  
41 Permittee after the effective date of this permit.

- 1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40
- b. New Mapping: Each Permittee shall complete the following mapping updates by August 1, 2017. ~~existing, known connections over 8” to municipal separate storm sewers tributary to all storm sewer outfalls with a 24” inches nominal diameter or larger, or an equivalent cross sectional area for non-pipe systems, according to the following schedule:~~
- ~~• City of Seattle and City of Tacoma: 2 years after the effective date of this permit.~~
  - ~~• Clark, King Pierce and Snohomish Counties: one half the area of the County within urban/higher density rural sub-basins 4 years after the effective date of this permit.~~
- i. Counties shall map existing, known connections greater than 8 inches in nominal diameter to tributary conveyances mapped in accordance with S5.C.2.a.v.
- ii. Each Permittee shall map existing, known connections equal to 8 inches in nominal diameter to tributary conveyances mapped in accordance with S.5.C.2.a.v.
- iii. Each Permittee shall map connections between stormwater treatment and flow control BMPs / facilities owned, operated, or maintained by the Permittee mapped in accordance with S5.C.2.a.iii and tributary conveyances mapped in accordance with S5.C.2.a.v. -The Permittee shall map any emergency overflows.
- i. ~~No later than 4 years from the effective date of this permit each Permittee shall map geographic areas served by the Permittee’s MS4 that do not discharge stormwater to surface water.~~
- c. To the extent consistent with national security laws and directives, each Permittee shall make available to Ecology, upon request, available maps depicting the information required in S5.C.2.a and ~~b.i. through v.~~, above. The ~~preferred~~ required format for mapping is of submission will be an electronic ~~format~~ with fully described mapping standards. An example description is available on Ecology’s website. ~~Notification of updated GIS data layers shall be included in annual reports.~~
- d. Upon request, and to the extent appropriate, Permittees shall provide mapping information to federally recognized Indian Tribes, other municipalities, Co-Permittees and Secondary Permittees. This permit does not preclude Permittees from recovering reasonable costs associated with fulfilling mapping information requests by federally recognized Indian Tribes, other municipalities, Co-Permittees and Secondary Permittees.

1                   3.    Coordination

2                   The SWMP shall include coordination mechanisms among departments within  
3                   each jurisdiction to eliminate barriers to compliance with the terms of this  
4                   permit.

5                   The SWMP shall also include coordination mechanisms among entities covered  
6                   under a municipal stormwater NPDES permit to encourage coordinated  
7                   stormwater-related policies, programs and projects within a watershed.

8                   Minimum Performance Measures:

9                   a.    ~~No later than 1 year after the effective date of this permit, establish, in~~  
10                  ~~writing, and begin i~~Implementation of, intra-governmental (internal)  
11                  coordination agreement(s) or Executive Directive(s) to facilitate  
12                  compliance with the terms of this permit. Permittees shall include  
13                  information in the first year annual report to identify all departments  
14                  within the Permittee’s jurisdiction that conduct stormwater-related  
15                  activities and their roles and responsibilities under this permit, and a  
16                  current organizational chart specifying these departments’ key personnel.

17                  b.    ~~No later than 2 years after the effective date of this permit, or~~Implement;  
18                  and within 2 years following the addition of a new Secondary Permittee,  
19                  establish and implement:

20                    i.    Coordination mechanisms clarifying roles and responsibilities for the  
21                    control of pollutants between *physically interconnected* MS~~43~~s of  
22                    the Permittee and any other Permittee covered by a municipal  
23                    stormwater permit.

24                    ii.    Coordinating stormwater management activities for *shared*  
25                    *waterbodies*, among Permittees and Secondary Permittees, as  
26                    necessary to avoid conflicting plans, policies and regulations.

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

31                   4.    Public Involvement and Participation

32                   The SWMP shall provide ongoing opportunities for public involvement in the  
33                   Permittee’s stormwater management program and implementation priorities.

34                   Minimum performance measures:

35  
36                   a.    ~~No later than 6 months after the effective date of this permit, develop and~~  
37                  ~~begin~~Permittees shall ~~implementing a process to~~create opportunities for  
38                  the public to participate in the decision-making processes involving the

1 development, implementation and update of the Permittee's SWMP. ~~Each~~  
2 ~~Permittee shall develop and implement a process for consideration of~~  
3 ~~public comments on their SWMP.~~

- 4 b. Each Permittee shall ~~post on their website~~ make their SWMPR, ~~the~~  
5 ~~SWMP documentation required under S5.A.1. and the annual report~~  
6 ~~required under S9.A. all submittals~~ required by this ~~p~~Permit, ~~including~~  
7 ~~annual reports, available to the public no later than May 31 each year.;~~ ~~To~~  
8 ~~comply with the posting requirement, a Permittee that does not maintain a~~  
9 ~~website may submit their updated SWMPR starting with the first annual~~  
10 ~~report, on the Permittee's website or submitted in electronic format to~~  
11 ~~Ecology for posting on Ecology's website.~~ All other submittals should be  
12 available to the public upon request.

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

15 The SWMP shall include a program to prevent and control the impacts of runoff  
16 from new development, redevelopment, and construction activities. The  
17 program shall apply to private and public development, including roads.

- 18 a. Site and subdivision scale m~~Minimum~~ technical requirements~~performance~~  
19 measures:

- 20 i. The Minimum Requirements, thresholds, and definitions in  
21 Appendix 1, or Minimum Requirements, thresholds, and definitions  
22 determined by Ecology to be equivalent to Appendix 1, for new  
23 development, redevelopment, and construction sites shall be  
24 included in ordinances or other enforceable documents adopted by  
25 the local government. Adjustment and variance criteria equivalent to  
26 those in Appendix 1 shall be included. More stringent requirements  
27 may be used, and/or certain requirements may be tailored to local  
28 circumstances through the use of basin plans or other similar water  
29 quality and quantity planning efforts. Such local requirements and  
30 thresholds shall provide equal or similar protection of receiving  
31 waters and equal or similar levels of pollutant control as compared to  
32 Appendix 1.
- 33 ii. The local requirements shall include a site planning process and  
34 BMP selection and design criteria that, when used to implement the  
35 minimum requirements in Appendix 1, will protect water quality,  
36 reduce the discharge of pollutants to the maximum extent  
37 practicable, and satisfy the state requirement under chapter 90.48  
38 RCW to apply all known, available, and reasonable methods of  
39 prevention, control and treatment (AKART) prior to discharge.  
40 Permittees shall document how the criteria and requirements will  
41 protect water quality, reduce the discharge of pollutants to the  
42 maximum extent practicable, and satisfy the state AKART  
43 requirements.

1 Permittees who choose to use the site planning process, and BMP  
2 selection and design criteria in the 2012~~05~~ *Stormwater Management*  
3 *Manual for Western Washington*<sup>1</sup>, or an equivalent manual approved  
4 by Ecology, may cite this choice as their sole documentation to meet  
5 this requirement.

6 ~~iii.—Low Impact Development~~

- 7 ~~• The program must allow non-structural preventative actions~~  
8 ~~and source reduction approaches such as Low Impact~~  
9 ~~Development Techniques (LID), to minimize the creation of~~  
10 ~~impervious surfaces, and measures to minimize the disturbance~~  
11 ~~of soils and vegetation.~~
- 12 ~~• The program must require<sup>2</sup> non-structural preventive actions~~  
13 ~~and source reduction approaches including *Low Impact*~~  
14 ~~*Development Techniques (LID)*, to minimize the creation of~~  
15 ~~impervious surfaces, and measures to minimize the disturbance~~  
16 ~~of soils and vegetation where feasible.~~

17 ~~iii. No later December 31, 2014 than 18 months from the effective date~~  
18 ~~of this permit, each Permittee shall adopt and make effective a local~~  
19 ~~program that meets the requirements in S5.C.5.~~ab~~.i through ~~iii(1)~~.,~~  
20 ~~above. The local program adopted to meet the requirements of~~  
21 ~~S5.C.5.b.i through ii, above, shall apply to all applications~~<sup>3</sup>  
22 ~~submitted after January 1, 2015 and shall apply to projects approved~~  
23 ~~prior January 1, 2015, which have not started construction~~<sup>4</sup>  
24 ~~by January 1, 2018.~~

25 Ecology review and approval of the local manual and ordinances is  
26 required. Approved manuals and ordinances are listed in Appendix  
27 10. Permittees shall provide detailed, written justification of any of  
28 the requirements which differ from those contained in Appendix 1 of  
29 this permit.

---

<sup>1</sup> Ecology's *Stormwater Management Manual for Western Washington* is currently under public review and comment for selected edits. Ecology will publish the revised manual in the spring of 2012.

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

<sup>3</sup> In this context, application means, at a minimum a complete; project description, site plan, and, if applicable, SEPA checklist.

<sup>4</sup> "Started construction" means the site work associated with, and directly related to the approved project has begun. For example: grading the project site to final grade or utility installation. Simply clearing the project site does not constitute the start of construction.

1 The Permittee shall submit draft enforceable requirements, technical  
2 standards and manual to Ecology no later than December 31, 2013  
3 ~~12 months after the effective date of this permit~~. Ecology will review  
4 and provide written response to the Permittee. If Ecology takes  
5 longer than ~~60-90~~ days to provide a written response, the required  
6 deadline for adoption and order effective date will be automatically  
7 extended by the number of calendar days that Ecology exceeds a ~~60~~  
8 day period for written response.

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

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

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

23 (1) Review all stormwater site plans submitted to the Permittee for  
24 proposed development involving land disturbing activity that  
25 meet the thresholds in S5.C.5.~~ba~~.i., above.

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

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

36 Inspect all permitted development sites that meet the thresholds  
37 in S5.C.5.~~ab~~.i., upon completion of construction and prior to  
38 final approval ~~or/~~ occupancy to ~~ensure~~verify proper installation  
39 of permanent ~~erosion controls and~~ stormwater facilities,  
40 including LID/ BMPs. Enforce as necessary based on the  
41 inspection. A maintenance plan shall be developed for  
42 permanent stormwater treatment and flow control

1 | ~~facilities~~/BMPs/~~facilities~~ and responsibility for maintenance  
2 | shall be assigned.

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

11 | (5) The program shall include a procedure for keeping records of  
12 | inspections and enforcement actions by staff, including  
13 | inspection reports, warning letters, notices of violations, and  
14 | other enforcement records. Records of maintenance inspections  
15 | and maintenance activities shall be maintained.

16 | (6) The program shall include an enforcement strategy to respond  
17 | to issues of non-compliance.

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

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

35 | b. Low impact development code-related requirements:

36 | i. No later than December 31, 2014, Permittees shall review and revise  
37 | their local development-related codes, rules, standards, or other  
38 | enforceable documents to incorporate and require Low Impact  
39 | Development (LID) Principles and LID Best Management Practices  
40 | (BMPs). The intent of the revisions shall be to make LID the  
41 | preferred and commonly-used approach to site development. In  
42 | reviewing the local codes, rules, standards, or other enforceable

1 documents, Permittees shall identify opportunities to minimize  
2 impervious surfaces, native vegetation loss, and stormwater runoff in  
3 all types of development situations. Permittees shall conduct a  
4 review and revision process similar to the steps and range of issues  
5 outlined in the following document: *Integrating LID into Local*  
6 *Codes: A Guidebook for Local Governments (Puget Sound*  
7 *Partnership, 2011).*

8 ii. Each Permittee shall submit a summary of the results of the review  
9 and revision process in i above with the Second Year Annual  
10 Report<sup>5</sup>. This summary shall include, at a minimum, a list of the  
11 participants, the codes, rules, standards, and other enforceable  
12 documents reviewed, and the amendments made to those documents  
13 which incorporate and require LID Principles and LID BMPs.  
14 Identified amendments shall include previously adopted amendments  
15 to require LID Principles and LID BMPs in development-related  
16 codes. The description of amendments shall be organized as follows:

17 (1) Measures to minimize impervious surfaces.

18 (2) Measures to minimize loss of native vegetation.

19 (3) Measures to minimize stormwater runoff.

20 c. Watershed scale stormwater planning requirements:

21 i. No later than December 31, 2013, each County Permittee listed  
22 below shall select one watershed from the following list in which to  
23 conduct detailed stormwater basin planning:

24 • Clark County: Whipple, Salmon

25 • King County: Bear, Covington, Evans, Issaquah, Jenkins,  
26 May, Soos

27 • Pierce County: Clover, Mashel

28 • Snohomish County: Quilceda, Little Bear, Portage

29 ii. Each County Permittee shall convene and lead a process involving  
30 other Permittees subject to a municipal stormwater permit as well as  
31 other cities and counties with areas of their jurisdiction in the  
32 watershed selected in i., above. This process shall begin no later  
33 than February 2, 2014. The process shall develop a watershed scale  
34 stormwater basin plan for the watershed identified in i. above that  
35 has the goal of accommodating growth and maintaining beneficial  
36 uses. The planning process shall include:

---

<sup>5</sup> The Second Year Annual Report covering calendar year 2014 is due no later than March 31, 2015.

- (1) An assessment of baseline conditions of water bodies, including but not limited to biota, habitat, beneficial uses, water quality conditions, and hydrologic conditions.
- (2) Identification of watershed conditions requiring special attention. For example: preservation of headwater wetlands or critical aquifer recharge areas.
- (3) An analysis of flows and water quality conducted at the appropriate scale. The analysis shall quantify estimated changes using computer modeling and best available science.
- (4) Identification of impacts to beneficial uses from existing development, and predicated impacts from future development at full build-out under existing or proposed comprehensive land use management plans.
- (5) Identification of changes to codes, rules, standards, and plans to address harmful impacts to beneficial uses and comply with antidegradation provisions of state and federal statues and rules.
- (6) Identification of structural retrofit actions to address harmful impacts to designated beneficial uses.
- (7) Identification of other actions such as non-regulatory actions including, but not limited to, land acquisition or restoration actions to address harmful impacts to beneficial uses.
- (8) An implementation plan that identifies a schedule of actions, responsible parties, estimated costs, and funding strategies.

iii. The planning may include:

- (1) Evaluation of the need for basin-specific stormwater control requirements, and identification of appropriate changes to stormwater requirements as allowed by Section 7 of Appendix 1.
- (2) Evaluation and identification of strategies to encourage redevelopment and infill, and an assessment of options for efficient, effective runoff controls for redevelopment projects, such as regional facilities, in lieu of individual site requirements.

iv. Minimum Performance Measures

- (1) By February 2, 2014, establish a schedule for conducting the stormwater planning required under this section.



1 ~~(1) reduction or prevention of hydrologic changes through the use~~  
2 ~~of on-site (infiltration and dispersion) stormwater management~~  
3 ~~BMPs and site design techniques, riparian habitat~~  
4 ~~acquisition.~~

5 ~~(2) or Restoration of forest cover and or riparian buffers, for~~  
6 ~~compliance with this requirement.~~

7 ~~(3) Other projects to address stormwater runoff into or from the~~  
8 ~~MS4 not otherwise required in S5.C.~~

9 i. Permittees may not use in-stream culvert replacement or channel  
10 restoration projects for compliance with this requirement.

11 ~~b. Minimum Performance Measures:~~

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

24 ii. The Structural Stormwater Control program may also include a  
25 program designed to implement small scale projects that are not  
26 planned in advance.

27 ~~e. b. Each Permittee's SWMPR shall describe include a description of the~~  
28 ~~Structural Stormwater Control Program in the written documentation of~~  
29 ~~their SWMP. The description of the Structural Stormwater Control~~  
30 ~~Program shall include ing the following:~~

31 i. The ~~goals that the~~ Structural Stormwater Control Program goals are  
32 intended to achieve.

33 ii. The planning process used to develop the Structural Stormwater  
34 Control Program, including:

35 ~~(1) the geographic scale of the planning process.~~

36 ~~(2) , the issues and regulations addressed.~~

37 ~~(3) , the steps in the planning process.~~

38 ~~(4) , the types of characterization information considered.~~

1 ~~(5)~~, ~~the a~~Amount budgeted for implementation.

2 ~~(4)(6)~~, ~~and t~~The public involvement process.

3 ~~(2)(7)~~ A description of the prioritization process, procedures and  
4 criteria used to ~~-select the Structural Stormwater Control~~  
5 ~~projects.~~

6 ii. ~~For planned individual projects, and programs of small projects,~~  
7 ~~provide the following information:~~

8 iii. ~~The estimated pollutant load reduction that will result from each~~  
9 ~~project designed to provide stormwater treatment.~~

10 iv. ~~The expected outcome of each project designed to provide flow~~  
11 ~~control.~~

12 v. ~~Any other expected environmental benefits.~~

13 vi. ~~If planned, monitoring or evaluation of the project and~~  
14 ~~monitoring/evaluation results.~~

15 c. Each Permittee's annual report must provide an annually updated or  
16 revised list of planned, individual projects scheduled for implementation  
17 during this permit term. This list must include at a minimum the  
18 information and formatting specified in Appendix 11.

19 ~~Information about the Structural Stormwater Control Program shall be updated with each annual~~  
20 ~~report.~~

21 7. Source Control Program for Existing Development

22 a. The ~~Permittee shall implement~~~~SWMP shall include~~ a program to reduce  
23 pollutants in runoff from areas that discharge to municipal separate storm  
24 sewers owned or operated by the Permittee. The program shall include the  
25 following:

26 i. Application of operational and structural source control BMPs, and,  
27 if necessary, treatment BMPs/facilities to pollution generating  
28 sources associated with existing land uses and activities.

29 ii. Inspections of pollutant generating sources at commercial, industrial  
30 and multifamily properties to enforce implementation of required  
31 BMPs to control pollution discharging into municipal separate storm  
32 sewers owned or operated by the Permittee.

33 iii. Application and enforcement of local ordinances at applicable sites,  
34 including sites with discharges authorized by a separate National  
35 Pollutant Discharge Elimination System or State Waste Discharge  
36 permit that are covered by other stormwater permits issued by  
37 Ecology. Permittees that are in compliance with the terms of this  
38 permit will not be held liable by Ecology for water quality standard

1 | ~~violations or receiving water impacts caused by industries and other~~  
2 | ~~Permittees covered, or which should be covered under an NPDES~~  
3 | ~~permit issued by Ecology.~~

4 | iv. Reduction of pollutants associated with the application of pesticides,  
5 | herbicides, and fertilizer discharging into municipal separate storm  
6 | sewers owned or operated by the Permittee.

7 | b. Minimum Performance Measures ~~for Source Control Program:~~

8 | i. ~~No later than 18 months after the effective date of this permit, adopt~~  
9 | ~~and begin Permittees shall enforcement of an ordinance(s), or other~~  
10 | enforceable documents, requiring the application of source control  
11 | BMPs for pollutant generating sources associated with existing land  
12 | uses and activities (See Appendix 8 to identify pollutant generating  
13 | sources).

14 | Permittees shall update the ordinance(s), or other enforceable  
15 | documents, as necessary to meet the requirements of this section no  
16 | later than February 2, 2018.

17 | The requirements of this subsection are met by using the source  
18 | control BMPs in Volume IV of the 20~~12~~05 *Stormwater Management*  
19 | *Manual for Western Washington*, or a functionally equivalent  
20 | manual approved by Ecology.

21 | ~~ii. Ecology review and approval of the ordinance, or other enforceable~~  
22 | ~~documents, and source control program is required. Each Permittee~~  
23 | ~~shall submit the proposed source control program and all necessary~~  
24 | ~~documentation to Ecology for review, no later than 12 months after~~  
25 | ~~the effective date of this permit. If Ecology does not request changes~~  
26 | ~~within 60 days, the proposed source control BMPs are considered~~  
27 | ~~approved.~~

28 | Operational source control BMPs shall be required for all pollutant  
29 | generating sources. Structural source control BMPs shall be required  
30 | for pollutant generating sources if operational source control BMPs  
31 | do not prevent illicit discharges or violations of surface water,  
32 | ground water, or sediment management standards because of  
33 | inadequate stormwater controls. Implementation of source control  
34 | requirements may be done through education and technical  
35 | assistance programs, provided that formal enforcement authority is  
36 | available to the Permittee and is used as determined necessary by the  
37 | Permittee, in accordance with S5.C.7.b.iv., below.

38 | ~~iii.ii. Permittees shall No later than 18 months after the effective date of~~  
39 | ~~this permit, establish/implement a program to identify sites which are~~  
40 | potentially pollution generating. The program shall include:

- 1 | (1) Inventory or listing of ~~sites the land uses/businesses using~~  
2 | ~~representing~~ the categories of land uses and businesses in  
3 | Appendix 8. The Permittee shall ~~annually/periodically~~ update  
4 | the inventory ~~as new businesses are identified and business~~  
5 | ~~ownership/management and responsibilities change.~~
- 6 | (2) Complaint-based response to identify other pollutant  
7 | generating sources, such as mobile or home-based businesses.

8 | ~~iv.iii. Starting no later than 24 months after the effective date of this~~  
9 | ~~permit, Permittees shall~~ implement an ~~audit/~~inspection program for  
10 | sites identified pursuant to S5.C.7.b.ii. above.

11 | (1) All identified sites with a business address shall be provided,  
12 | by mail, telephone, or in person, information about activities  
13 | that may generate pollutants and the source control  
14 | requirements applicable to those activities. This information  
15 | may be provided all at one time or spread out over ~~the last~~  
16 | ~~three years of~~ the permit term to allow for some tailoring and  
17 | distribution of the information during site inspections.  
18 | Businesses may self-certify compliance with the source control  
19 | requirements at the discretion of the Permittee.

20 | ~~(1)(2)~~ The Permittee shall inspect 20% of these listed sites  
21 | annually to assure BMP effectiveness and compliance with  
22 | source control requirements. The Permittee may select which  
23 | sites to inspect each year and is not required to inspect 100% of  
24 | sites over a 5-year period. Sites may be prioritized for  
25 | inspection based on their land use category, potential for  
26 | pollution generation, proximity to receiving waters, or to  
27 | address an identified pollution problem within a specific  
28 | geographic area or sub-basin. The Permittee may count up to  
29 | two follow up compliance inspections at the same site toward  
30 | the 20% inspection rate.

31 | ~~(2)(3)~~ Each Permittee shall inspect 100% of sites identified  
32 | through legitimate complaints.

33 | ~~v.iv. No later than 24 months after the effective date of this permit, e~~Each  
34 | Permittee shall implement a progressive enforcement policy to  
35 | require sites to come into compliance with stormwater requirements  
36 | within a reasonable time period as specified below:

- 37 | (1) If the Permittee determines, through inspections or otherwise,  
38 | that a site has failed to adequately implement required BMPs,  
39 | the Permittee shall take appropriate follow-up action(s) which  
40 | may include: phone calls, reminder letters or follow-up  
41 | inspections.

- 1 (2) When a Permittee determines that a facility has failed to  
2 adequately implement BMPs after a follow-up inspection, the  
3 Permittee shall take ~~further~~ enforcement action as established  
4 through authority in its municipal code and ordinances, or  
5 through the judicial system.
- 6 (3) Each Permittee shall maintain records, including  
7 documentation of each site visit, inspection reports, warning  
8 letters, notices of violations, and other enforcement records,  
9 demonstrating an effort to bring facilities into compliance.  
10 Each Permittee shall also maintain records of sites that are not  
11 inspected because the property owner denies entry.
- 12 (4) ~~A Permittee shall contact Ecology immediately upon~~  
13 ~~discovering a source control violation that presents a severe~~  
14 ~~threat to human health or the environment.~~ A Permittee may  
15 refer non-emergency violations of local ordinances to Ecology,  
16 provided, the Permittee also makes a documented effort of  
17 progressive enforcement. At a minimum, a Permittee's  
18 enforcement effort shall include documentation of inspections  
19 and warning letters or notices of violation.

20 v. Permittees shall develop and implement a regular training program  
21 that ensures all staff, whose primary job duties are implementing the  
22 source control program, are qualified and trained to conduct these  
23 activities.

24 (1) Staff shall be trained at least annually with topics covering the  
25 legal authority for source control, source control BMPs and  
26 their proper application, inspection protocols, lessons learned,  
27 typical cases, and enforcement procedures.

28 (2) Staff shall be evaluated annually on topics taught during the  
29 annual training.

30 (3) Records of attendance and evaluation results shall be kept.

31 ~~vi. No later than 24 months after the effective date of this permit, each~~  
32 ~~Permittee shall ensure that all staff whose primary job duties are~~  
33 ~~implementing the source control program are trained to conduct~~  
34 ~~these activities. The training shall cover the legal authority for source~~  
35 ~~control (adopted codes, ordinances, rules, etc.), source control BMPs~~  
36 ~~and their proper application, inspection protocols, and enforcement~~  
37 ~~procedures. Follow-up training shall be provided as needed to~~  
38 ~~address changes in procedures, techniques or staffing. Permittees~~  
39 ~~shall document and maintain records of the training provided and the~~  
40 ~~staff trained.~~

41 8. Illicit Connections and Illicit Discharges Detection and Elimination

1 The SWMP shall include an ongoing program to identify, detect, remove and  
2 prevent illicit connections and illicit discharges, ~~including spills~~, into the  
3 ~~MS4 municipal separate storm sewers owned or operated by the Permittee~~.

4 Minimum Performance Measures:

- 5 a. ~~No later than the effective date of this permit, e~~Each Permittee shall  
6 continue implementing an on-going program to prevent, identify and  
7 respond to illicit connections and illicit discharges. The program shall  
8 include procedures for reporting and correcting or removing illicit  
9 connections, spills and other illicit discharges when they are suspected or  
10 identified. ~~No later than 24 months after the effective date of this permit,~~  
11 ~~each permittee shall develop~~ The program shall also include procedures  
12 for addressing pollutants entering the MS4 from an interconnected,  
13 adjoining MS4.

14 Illicit connections and illicit discharges shall be identified through field  
15 screening, inspections, complaints/reports, construction inspections,  
16 maintenance inspections, source control inspections, and/or monitoring  
17 information, as appropriate.

- 18 b. No later than ~~18 months after the effective date of this permit~~ February 2,  
19 2018, each Permittee shall evaluate, and if necessary update, existing  
20 ordinances or other regulatory mechanisms to effectively prohibit non-  
21 stormwater, illicit discharges, including spills, into the Permittee's  
22 municipal separate storm sewer system.

23 i. Allowable Discharges: The ordinance or other regulatory mechanism  
24 does not need to prohibit the following categories of non-stormwater  
25 discharges:

- 26 (1) Diverted stream flows;  
27 (2) Rising ground waters;  
28 (3) Uncontaminated ground water infiltration (as defined at 40  
29 CFR 35.2005(20));  
30 (4) Uncontaminated pumped ground water;  
31 (5) Foundation drains;  
32 (6) Air conditioning condensation;  
33 (7) Irrigation water from agricultural sources that is commingled  
34 with urban stormwater;  
35 (8) Springs;  
36 (9) Water from crawl space pumps;  
37 (10) Footing drains; ~~and~~

1                    (11) Flows from riparian habitats and wetlands-

2                    (12) Non-stormwater discharges authorized by another NPDES or  
3                    State Waste Discharge permit

4                    (11)(13) Discharges that occur during emergency fire fighting  
5                    activities

6                    ii. Conditionally Allowable Discharges: The ordinance or other  
7                    regulatory mechanism, ~~shall prohibit~~ may allow the following  
8                    categories of non-stormwater discharges unless only if the stated  
9                    conditions are met:

10                    (1) Discharges from potable water sources, including, but not  
11                    limited to, water line flushing, *hyperchlorinated* water line  
12                    flushing, fire hydrant system flushing, and pipeline hydrostatic  
13                    test water. Planned discharges shall be de-chlorinated to a  
14                    concentration of 0.1 ppm or less, pH-adjusted if necessary, and  
15                    volumetrically and velocity controlled to prevent resuspension  
16                    of sediments in the MS4.

17                    (2) Discharges from lawn watering and other irrigation runoff.  
18                    These discharges shall be minimized through, at a minimum,  
19                    public education activities (see S5.C.10) and water  
20                    conservation efforts.

21                    (3) Dechlorinated swimming pool, spa, and hot tub discharges.  
22                    The discharges shall be dechlorinated to a concentration of 0.1  
23                    ppm or less, pH-adjusted and reoxygenated if necessary, and  
24                    volumetrically and velocity controlled to prevent resuspension  
25                    of sediments in the MS4. Discharges shall be thermally  
26                    controlled to prevent an increase in temperature of the  
27                    receiving water. Swimming pool cleaning wastewater and filter  
28                    backwash shall not be discharged to the MS4.

29                    (4) Street and sidewalk wash water, water used to control dust, and  
30                    routine external building washdown that does not use  
31                    detergents. The Permittee shall reduce these discharges  
32                    through, at a minimum, public education activities (see  
33                    S5.C.10.) and/or water conservation efforts. To avoid washing  
34                    pollutants into the MS4, Permittees shall minimize the amount  
35                    of street wash and dust control water used. ~~At active~~  
36                    ~~construction sites, street sweeping shall be performed prior to~~  
37                    ~~washing the street.~~

38                    (5) Other non-stormwater discharges. Other non-stormwater  
39                    discharges shall be in compliance with the requirements of a  
40                    ~~stormwater~~ pollution prevention plan reviewed by the  
41                    Permittee which addresses such discharges.

1 ~~iii. The Permittee's SWMP shall, at a minimum, address each category~~  
2 ~~in (2) above in accordance with the conditions stated therein.~~

3 ~~iv. The SWMP Permittee shall further address any category of~~  
4 ~~discharges in (i4) or (ii2) above if the discharges are identified as~~  
5 ~~significant sources of pollutants to waters of the State.~~

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

9 c. Each Permittee shall implement an ongoing program to identify and detect  
10 non-stormwater discharges and illicit connections into the Permittee's  
11 MS4. The program shall include the following components:

12 i. Procedures for conducting investigations of the Permittees MS4 for  
13 the purpose of detecting illicit discharges and illicit connections.  
14 Each Permittee shall conduct on-going screening to detect illicit  
15 connections. The program shall include field screening and methods  
16 for identifying potential sources tracing; and may also include source  
17 control inspections and complaint response. The permittee shall  
18 implement a field screening methodology appropriate to the  
19 characteristics of the MS4 and water quality concerns. To comply  
20 with the requirement the Permittee Screening for illicit connections  
21 may be use conducted using the methods identified in the *Illicit*  
22 *Discharge Detection and Elimination: A Guidance Manual for*  
23 *Program Development and Technical Assessments, Center for*  
24 *Watershed Protection, October 2004; or another method of*  
25 *comparable or improved effectiveness. field screening methods*  
26 *approved by Ecology in a Stormwater Management Program under a*  
27 *prior Phase I municipal stormwater NPDES permit, provided the*  
28 *approved methods include field screening and source tracing. If*  
29 *another method of field screening is developed and implemented the*  
30 *Permittee shall document the field screening methodology in the*  
31 *relevant Annual Report.*

32 (1) Each City covered under this permit shall prioritize  
33 conveyances and outfalls and complete field screening for the  
34 remaining unscreened 40% of the conveyance systems within  
35 the Permittee's incorporated area no later than August 1, 2017.

36 Beginning August 1, 2017, City Permittees shall implement an  
37 ongoing field screening program that results in routine annual  
38 field screening of approximately 20% of the Permittee's MS4.

39 (2) Each County covered under this permit shall prioritize outfalls  
40 and conveyances in urban/higher density rural sub-basins for  
41 screening and shall complete field screening for at least the  
42 remaining unscreened half of the conveyance systems in these

1 areas no later than 4 years from the effective date of this  
2 permit. In addition, Counties shall complete field screening in  
3 at least 1 additional rural sub-basin no later than August 1,  
4 2017.

5 Beginning August 1, 2017, County Permittees shall implement  
6 an ongoing field screening program that results in routine  
7 annual field screening of approximately 20% of the Permittee's  
8 urban/higher density rural sub-basin's MS4 infrastructure and  
9 at least 1 rural sub-basin's MS4 infrastructure.

10 ~~ii. Each Permittee shall provide a publicly-listed and publicized~~  
11 ~~hotline or other, water quality citizen complaints/reports telephone~~  
12 ~~number; for public reporting of spills and other illicit discharges.~~  
13 ~~Except for Clark County, which shall meet this requirement no later~~  
14 ~~than 6 months from the effective date of this permit, this citizen~~  
15 ~~complaints/reports telephone number shall be in place no later than~~  
16 ~~the effective date of this permit. Complaints shall be responded to in~~  
17 ~~accordance with S5.C.8.b.vii. and viii., below.~~

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

26 ~~iii. No later than 24 months after the effective date of this permit,~~  
27 ~~develop and implement a~~An ongoing training program for all  
28 municipal field staff, which, as part of their normal job  
29 responsibilities might come into contact with or otherwise observe  
30 an illicit discharge or illicit connection to the MS4 storm sewer  
31 system, shall be trained on the identification of an illicit discharge  
32 and/or connection, and on the proper procedures for reporting and  
33 responding, as appropriate, to the illicit discharge and/or connection.  
34 Follow-up training shall be provided as needed to address changes in  
35 procedures, techniques, requirements, or staffing. Permittees shall  
36 document and maintain records of the trainings provided and the  
37 staff trained.

38 ~~Permittees shall address all illicit discharges identified by municipal~~  
39 ~~field staff in accordance with the provisions in S5.C.8.d.~~

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

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

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

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

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

26 ~~e.d. Response to Illicit Connections Each Permittee shall implement an ongoing~~  
27 ~~program to address illicit discharges, including spills, and illicit~~  
28 ~~connections into the Permittee's MS4. The program shall include:~~

29 ~~i. Procedures for characterizing the nature of, and potential public or~~  
30 ~~environmental threat posed by, any illicit discharges found by or~~  
31 ~~reported to the Permittee. Procedures shall include detailed~~  
32 ~~instructions for evaluating whether the discharge must be~~  
33 ~~immediately contained and steps to be taken for containment of the~~  
34 ~~discharge.~~

35 ~~ii. 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 ~~i. Procedures for eliminating the discharge; including notification of~~  
40 ~~appropriate authorities; notification of the property owner; technical~~  
41 ~~assistance; follow-up inspections; and escalating enforcement and~~  
42 ~~legal actions if the discharge is not eliminated.~~

1 ii. Compliance with the provisions in (i), (ii), and (iii), above, shall be  
2 achieved by meeting the following timelines:

3 (1) Immediately respond to all illicit discharges, including spills,  
4 which are determined to constitute a threat to human health,  
5 welfare, or the environment in accordance with General  
6 Condition G3, or are otherwise judged to be urgent.

7 (2) Investigate (or refer to the appropriate agency with authority to  
8 act) within 7 days, on average, any complaints, reports or  
9 monitoring information that indicates a potential illicit  
10 discharge.

11 (3) For all illicit connections, initiate an investigation within 21  
12 days of any report or discovery of a suspected illicit connection  
13 to determine the source of the connection, the nature and  
14 volume of discharge through the connection, and the party  
15 responsible for the connection.

16 (4) Upon confirmation of an illicit connection, use enforcement  
17 authority in a documented effort to eliminate the illicit  
18 connection within 6 months. All illicit connections to the MS4  
19 shall be eliminated.

20 ~~f. Investigation: Upon discovery or upon receiving a report of a suspected illicit~~  
21 ~~connection, Permittees shall initiate an investigation within 21 days, to~~  
22 ~~determine the source and nature of the connection, and the responsible~~  
23 ~~party for the connection~~

24 ~~g. Termination: Upon confirmation of the illicit nature of a storm drain~~  
25 ~~connection, Permittees shall use their enforcement authority in a~~  
26 ~~documented effort to eliminate the illicit connection within 6 months. All~~  
27 ~~illicit connections to the MS4 shall be eliminated.~~

28 ~~h. Permittees shall contact Ecology immediately upon discovering an illicit~~  
29 ~~connection that presents a severe threat to human health or the~~  
30 ~~environment. Permittees may refer illicit connection violations to Ecology~~  
31 ~~provided that the Permittee also makes a good faith effort of progressive~~  
32 ~~enforcement. At a minimum, a Permittee's enforcement effort shall~~  
33 ~~include documentation of inspections and warning letters and/or notices of~~  
34 ~~violation.~~

35 ~~i.e. No later than 18 months after the effective date of this permit, each~~  
36 ~~Permittees shall ensure that all municipal field~~  
37 ~~train staff who are~~  
38 ~~responsible for identification, investigation, termination, cleanup, and~~  
39 ~~reporting of illicit discharges, including spills, improper disposal and illicit~~  
40 ~~connections, are trained to conduct these activities. Follow-up training~~  
~~shall be provided as needed to address changes in procedures, techniques,~~

1 requirements, or staffing. Permittees shall document and maintain records  
2 of the training provided and the staff trained.

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

13 ~~k-g. Recordkeeping: Each Permittee shall track and maintain records of the~~  
14 ~~illicit discharge detection and elimination program, including~~  
15 ~~documentation of inspections, complaint/spill response and other~~  
16 ~~enforcement records activities conducted to meet the requirements of this~~  
17 ~~section.~~

18 9. Operation and Maintenance Program

19 ~~The SWMPEach Permittee~~ shall ~~include implement~~ a program to regulate  
20 maintenance activities and to conduct maintenance activities by the Permittee  
21 ~~that to~~ prevent or reduce stormwater impacts. The program shall include:

- 22 ~~i. Maintenance standards and programs for proper and timely maintenance of~~  
23 ~~public and private stormwater facilities.~~
- 24 ~~ii. Practices for operating and maintaining Permittee's streets, roads, and highways~~  
25 ~~to reduce stormwater impacts.~~
- 26 ~~iii. Policies and procedures to reduce pollutants associated with the application of~~  
27 ~~pesticides, herbicides, and fertilizer by the Permittee's agencies or departments.~~
- 28 ~~iv. Practices for reducing stormwater impacts from heavy equipment maintenance~~  
29 ~~or storage yards, and from material storage facilities owned or operated by the~~  
30 ~~Permittee.~~
- 31 ~~v. A training component.~~

32 Minimum Performance Measures:

- 33 a. Maintenance Standards. ~~No later than 18 months after the effective date of~~  
34 ~~this permit, e~~Each Permittee shall ~~establish implement~~ maintenance  
35 standards that are as protective, or more protective, of facility function  
36 than those specified in Chapter 4 of Volume V of the 201205 *Stormwater*  
37 *Management Manual for Western Washington*. For ~~existing~~ facilities  
38 which do not have maintenance standards, the Permittee shall develop a  
39 maintenance standard. No later than December 31, 2014, each Permittee

1 shall update their maintenance standards as necessary to meet the  
2 requirements in this section.

- 3 i. The purpose of the maintenance standard is to determine if  
4 maintenance is required. The maintenance standard is not a measure  
5 of the facility's required condition at all times between inspections.  
6 Exceeding the maintenance standard between inspections and/or  
7 maintenance is not a permit violation.
- 8 ii. Unless there are circumstances beyond the Permittee's control, when  
9 an inspection identifies an exceedence of the maintenance standard,  
10 maintenance shall be performed:
- 11 (1) Within 1 year for typical maintenance of facilities, except catch  
12 basins.
- 13 (2) Within 6 months for catch basins, ~~and~~
- 14 (3) Within 2 years for maintenance that requires capital  
15 construction of less than \$25,000.

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

22 b. Maintenance of stormwater facilities regulated by the Permittee

- 23 i. ~~No later than 18 months after the effective date of this permit, e~~Each  
24 Permittee shall evaluate and, if necessary, update existing ordinances  
25 or other enforceable documents requiring maintenance of all  
26 permanent stormwater treatment and flow control BMPs/facilities  
27 and catch basins regulated by the Permittee ~~(including catch basins)~~,  
28 in accordance with maintenance standards established under  
29 S5.C.9. ab.i., above.

30 ~~No later than 18 months after the effective date of this permit, each~~  
31 ~~Permittee shall develop and implement an initial inspection~~  
32 ~~schedule for all known, permanent stormwater treatment and flow~~  
33 ~~control facilities (other than catch basins) regulated by the Permittee~~  
34 ~~to inspect each facility at least once during the term of this permit to~~  
35 ~~enforce compliance with adopted maintenance standards as needed~~  
36 ~~based on the inspection. The inspection program is limited to~~  
37 ~~facilities to which the Permittee can legally gain access, provided~~  
38 ~~the Permittee shall seek access to the types of stormwater treatment~~  
39 ~~and flow control facilities listed in the 2005 Stormwater~~  
40 ~~Management Manual for Western Washington.~~

- 1 | ii. ~~No later than 4 years after the effective date of this permit, e~~Each  
2 | Permittee shall ~~develop~~ implement an on-going inspection ~~schedule~~  
3 | program to annually inspect all stormwater treatment and flow  
4 | control BMPs/facilities ~~-(other than catch basins)-~~ regulated by the  
5 | Permittee. ~~The annual inspection requirement may be reduced based~~  
6 | ~~on maintenance records. The inspection program is limited to~~  
7 | ~~facilities to which the Permittee can legally gain access, provided the~~  
8 | ~~Permittee shall seek access to all stormwater treatment and flow~~  
9 | ~~control BMPs/facilities.~~
- 10 | iii. ~~Permittees may R~~reducing the inspection frequency ~~to less~~  
11 | ~~frequently than annually shall be~~ based on maintenance records of  
12 | double the length of time of the proposed inspection frequency. In  
13 | the absence of maintenance records, the Permittee may substitute  
14 | written statements to document a specific less frequent inspection  
15 | schedule. Written statements shall be based on actual inspection and  
16 | maintenance experience and shall be certified in accordance with  
17 | *G19 Certification and Signature*.
- 18 | iv. ~~No later than 2 years after the effective date of this permit e~~Each  
19 | Permittee shall manage maintenance activities to inspect all ~~new~~  
20 | permanent stormwater treatment and flow control BMPs/facilities,  
21 | including and catch basins, in new residential developments every 6  
22 | months, until 90% of the lots are constructed, during the period of  
23 | ~~heaviest construction~~ to identify maintenance needs and enforce  
24 | compliance with maintenance standards as needed.
- 25 | v. Compliance with the inspection requirements of S5.C.9.b.ii. ~~(2), (32),~~  
26 | and ~~iv(43)~~, above, shall be determined by the presence of an  
27 | established inspection program designed to inspect all sites, and  
28 | achieving inspection of 80% of all sites.
- 29 | vi. The Permittee shall require cleaning of catch basins regulated by the  
30 | Permittee if they are found to be out of compliance with established  
31 | maintenance standards in the course of inspections conducted at  
32 | facilities under the requirements of S5.C.7. (Source Control  
33 | Program), and S5.C.8. (Illicit Connections and Illicit Discharges  
34 | Detection and Elimination), or if the catch basins are part of the  
35 | ~~treatment or flow control systems~~ stormwater facilities inspected  
36 | under the requirements of S5.C.9. (Operation and Maintenance  
37 | Program).
- 38 | c. Maintenance of stormwater facilities owned or operated by the Permittee
- 39 | i. ~~No later than 24 months after the effective date of this permit e~~Each  
40 | Permittee shall ~~begin~~ implementing a program to annually inspect all  
41 | permanent stormwater treatment and flow control BMPs/facilities  
42 | ~~(other than catch basins)~~ owned or operated by the Permittee.  
43 | Permittees shall and implement appropriate maintenance action(s) in

1 accordance with adopted maintenance standards. ~~The annual~~  
2 ~~inspection requirement may be reduced based on inspection records.~~

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

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

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

28 d. Maintenance of Catch Basins Owned or Operated by the Permittee

29 i. ~~No later than 24 months after the effective date of this permit e~~Each  
30 Permittee shall ~~begin implementing a program~~ continue to annually  
31 inspect catch basins and inlets owned or operated by the Permittee,  
32 except as provided below.

33 ~~Inspections may be conducted on a "circuit basis" whereby a~~  
34 ~~sampling of catch basins and inlets within each circuit is inspected to~~  
35 ~~identify maintenance needs. Include in the sampling an inspection of~~  
36 ~~the catch basin immediately upstream of any system outfall. Clean~~  
37 ~~all catch basins within a given circuit for which the inspection~~  
38 ~~indicates cleaning is needed to comply with maintenance standards~~  
39 ~~established under S5.C.9.b.i., above.~~

40 ~~As an alternative to inspecting catch basins on a "circuit basis," the~~  
41 ~~Permittee may inspect all catch basins, and clean only catch basins~~  
42 ~~where cleaning is needed to comply with maintenance standards.~~

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

9 The following alternatives to the standard approach of inspecting  
10 catch basins every two years are allowed:

11 (1) -Inspections at least once every two years may be conducted on  
12 a “circuit basis” whereby a sampling of catch basins and inlets  
13 within each circuit is inspected to identify maintenance needs.  
14 Include in the sampling an inspection of the catch basin  
15 immediately upstream of any system outfall. Clean all catch  
16 basins within a given circuit for which the inspection indicates  
17 cleaning is needed to comply with maintenance standards  
18 established under S5.C.9.a-b.i., above.

19 ~~(2) As an alternative to inspecting catch basins on a “circuit basis,”~~  
20 ~~the Permittee may inspect all catch basins, and clean only catch~~  
21 ~~basins where cleaning is needed to comply with maintenance~~  
22 ~~standards.~~

23 ~~(3)(2) The Permittee may clean the entire MS4 within a circuit,~~  
24 ~~including all conveyances and catch basins, once during the~~  
25 ~~permit term.~~

26 ii. The disposal of decant water shall be in accordance with the  
27 requirements in Appendix 6 – *Street Waste Disposal*.

28 ~~iii.~~ Compliance with the inspection requirements of S5.C.9.b-iv.d.i.  
29 above, shall be determined by the presence of an established  
30 inspection program designed to inspect all catch basins and  
31 achieving at least 95% of required inspections.

32 e. ~~Records of inspections and maintenance or repair activities conducted by~~  
33 ~~the Permittee shall be maintained. Records of maintenance or repair~~  
34 ~~requiring capital construction of \$25,000 or more shall be maintained and~~  
35 ~~provided in the annual report.~~

36 f. c. ~~Within 12 months of the effective date of this permit, establish~~  
37 ~~Each~~ Permittee shall implement practices, policies, and procedures to reduce  
38 stormwater impacts associated with runoff from all lands owned or  
39 maintained by the Permittee, and road maintenance activities under the  
40 functional control of the Permittee. Lands owned or maintained by the  
41 Permittee include, but are not limited to: parking lots, streets, roads, and

1 highways, buildings, parks, open space, road right-of-way, maintenance  
2 yards, and stormwater treatment and flow control BMPs/facilities, owned  
3 or operated by the Permittee; and road maintenance activities conducted  
4 by the Permittee.

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

- 8 i. Pipe cleaning
- 9 ii. Cleaning of culverts that convey stormwater in ditch systems
- 10 iii. Ditch maintenance
- 11 iv. Street cleaning
- 12 v. Road repair and resurfacing, including pavement grinding
- 13 vi. Snow and ice control and disposal
- 14 vii. Utility installation
- 15 viii. Maintaining roadside areas, including vegetation management.
- 16 ix. Dust control

17 x. Pavement striping maintenance

18 xi. Appropriate application of fertilizers, pesticides, and herbicides  
19 including reducing nutrients and pesticides using environmentally-  
20 friendly alternatives

21 xii. Sediment and erosion control

22 xiii. Landscape maintenance and vegetation disposal

23 xiv. Trash and pet waste management

24 ~~xv. Building exterior cleaning and maintenance~~

25 ~~g. No later than 18 months after the effective date of this permit, each~~  
26 ~~Permittee shall establish and implement policies and procedures to reduce~~  
27 ~~pollutants in discharges from lands owned or maintained by the Permittee~~  
28 ~~subject to this permit. Lands owned or maintained by the Permittee~~  
29 ~~include but are not limited to: parks, open space, road right-of ways,~~  
30 ~~maintenance yards, and stormwater treatment and flow control facilities.~~

31 ~~h. The policies and procedures shall address, but are not limited to:~~

32 ~~i. Application of fertilizer, pesticides, and herbicides, including the~~  
33 ~~development of Nutrient management and Integrated Pest Management~~  
34 ~~Plans;~~

- 1 | ~~j. Sediment and erosion control;~~
- 2 | ~~k. Landscape maintenance and vegetation disposal;~~
- 3 | ~~l. Trash management; and~~
- 4 | ~~m. Building exterior cleaning and maintenance.~~
- 5 | ~~n. f. No later than 24 months after the effective date of this permit, develop and~~  
6 | ~~i~~Implement an ongoing training program for employees of the Permittee  
7 | who have ~~primary~~ construction, operations or maintenance job functions  
8 | that could impact stormwater quality. The training program shall address  
9 | the importance of protecting water quality, operation and maintenance  
10 | standards, inspection procedures, selecting appropriate BMPs, ways to  
11 | perform their job activities to prevent or minimize impacts to water  
12 | quality, and procedures for reporting water quality concerns. Follow-up  
13 | training shall be provided as needed to address changes in procedures,  
14 | techniques, requirements, or staffing. Permittees shall document and  
15 | maintain records of the training provided and the staff trained.
- 16 | ~~g. Develop and i~~Implement a Stormwater Pollution Prevention Plan  
17 | (SWPPP) for all heavy equipment maintenance or storage yards, and  
18 | material storage facilities owned or operated by the Permittee in areas  
19 | subject to this permit, that are not required to have coverage under the  
20 | *General NPDES Permit for Stormwater Discharges Associated with*  
21 | *Industrial Activities* or another NPDES permit that covers stormwater  
22 | discharges associated with the activity. ~~The Permittee shall identify~~  
23 | ~~facilities subject to this requirement. The SWPPPs shall be developed~~  
24 | ~~within 24 months of the effective date of this permit. Implementation of~~  
25 | ~~non-structural BMPs shall begin immediately after the pollution~~  
26 | ~~prevention plan is developed.~~ A schedule for implementation of structural  
27 | BMPs shall be included in the SWPPP. Generic SWPPPs that can be  
28 | applied at multiple sites may be used to comply with this requirement. The  
29 | SWPPP shall include periodic visual observation of discharges from the  
30 | facility to evaluate the effectiveness of BMPs.
- 31 | ~~o-h. Maintain records of inspections and maintenance or repair activities~~  
32 | ~~conducted by the Permittee.~~

33 | 10. Education and Outreach Program

34 | The SWMP shall include an education program aimed at residents, businesses,  
35 | industries, elected officials, policy makers, planning staff and other employees  
36 | of the Permittee. The goal of the education program is to reduce or eliminate  
37 | behaviors and practices that cause or contribute to adverse stormwater impacts.  
38 | An education program may be developed and implemented locally or  
39 | regionally.

40 | Minimum Performance Measures:

1 | ~~a. No later than 12 months after the effective date of this permit, e~~Each  
2 | Permittee shall implement or participate in an education and outreach  
3 | program that uses a variety of methods to target the audiences and topics  
4 | listed below. The outreach program shall be designed to educate each  
5 | target audience about the stormwater problem and provide specific actions  
6 | they can follow to minimize the problem~~achieve measurable~~  
7 | ~~improvements in each target audience's understanding of the problem and~~  
8 | ~~what they can do to solve it.~~

9 | ~~a-b.~~ Create stewardship opportunities and/or build on existing organizations to  
10 | encourage residents to participate in activities such as stream teams , storm  
11 | drain stenciling, volunteer monitoring, riparian plantings and education  
12 | activities).

13 | ~~b-c.~~ Education and outreach efforts shall target the following audiences and  
14 | subject areas:

15 | i. General Public, including school age children,

16 | (1) General impacts of stormwater flows into surface waters.

17 | (2) Impacts from impervious surfaces.

18 | (3) Source control BMPs and environmental stewardship,  
19 | programs and actions ~~and opportunities~~ in the areas of pet  
20 | waste, vehicle maintenance, landscaping and buffers.

21 | ii. ~~-~~General public and businesses, including home based and mobile  
22 | businesses

23 | (1) BMPs for use and storage of automotive chemicals, hazardous  
24 | cleaning supplies, carwash soaps and other hazardous  
25 | materials.

26 | ~~(2)~~ Impacts of illicit discharges and how to report them.

27 | ~~(2)(3)~~ BMPs for equipment maintenance.

28 | iii. Homeowners, landscapers and property managers

29 | (1) Yard care techniques protective of water quality.

30 | (2) BMPs for use and storage of pesticides and fertilizers.

31 | (3) BMPs for carpet cleaning and auto repair and maintenance.

32 | (4) Low Impact Development principles and BMPs techniques,  
33 | including site design, pervious paving, retention of forests and  
34 | mature trees.

35 | ~~(5)~~ Stormwater facility maintenance~~Stormwater treatment and~~  
36 | ~~flow control BMPs.~~

1 ~~(5)(6) Dumpster maintenance for property owners.~~

2 iv. Engineers, contractors, developers, review staff and land use  
3 planners

4 (1) Technical standards for stormwater site and erosion control  
5 plans.

6 (2) Low Impact Development principles and BMP techniques,  
7 ~~including site design, pervious paving, retention of forests and~~  
8 ~~mature trees.~~

9 (3) Stormwater treatment and flow control BMPs/facilities.

10 ~~v. Create stewardship opportunities and/or build on existing~~  
11 ~~organizations to encourage residents to participate in activities such~~  
12 ~~as stream teams, storm drain stenciling, volunteer monitoring,~~  
13 ~~riparian plantings and education activities).~~

14 ~~e.d. No later than February 2, 2015, E~~ach Permittee shall begin measuring the  
15 implement or participate in an effort to measure understanding and  
16 adoption of the targeted behaviors for at least one new targeted audience  
17 in at least one new subject area. No later than February 2, 2016 ~~T~~he  
18 resulting measurements shall be used to direct education and outreach  
19 resources most effectively as well as to evaluate changes in adoption of  
20 the targeted behaviors. Permittees may meet this requirement individually  
21 or as a member of a regional group.

22 ~~d. Each Permittee shall track and maintain records of public education and~~  
23 ~~outreach activities.~~

24 **S6. STORMWATER MANAGEMENT PROGRAM FOR ~~CO-PERMITTEES AND~~**  
25 **SECONDARY PERMITTEES**

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

29 New Secondary Permittees subject to this permit shall fully meet the requirements of  
30 this section as modified in footnotes in S6.D below, or as established as a condition of  
31 coverage by Ecology.  
32

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

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

1 3. Unless an alternate implementation schedule is established by Ecology as a  
2 condition of permit coverage, the SWMP shall be developed and implemented  
3 in accordance with the schedules contained in this section and shall be fully  
4 developed and implemented no later than ~~180 days before the expiration date of~~  
5 ~~this Permit~~ four and one-half years from initial permit coverage date.  
6 ~~Notwithstanding the schedules in this Permit,~~ Secondary Permittees that are  
7 already implementing some or all of the required SWMP components shall  
8 continue implementation of those components.

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

14 ~~Each~~ Secondary Permittees ~~and Co-Permittees~~ shall prepare written  
15 documentation of the SWMP. The SWMP Report (SWMPR) ~~documentation~~  
16 shall include a description of program activities for the upcoming calendar year.  
17 ~~be organized according to the program components and shall be updated at least~~  
18 ~~annually for submittal with the Permittee's annual reports to Ecology.~~

19 ~~For all Secondary Permittees except the Port of Seattle and the Port of Tacoma,~~  
20 ~~The SWMP documentation shall include:~~

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

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

26 ~~For the Port of Tacoma and the Port of Seattle the SWMP documentation shall~~  
27 ~~include:~~

28 ~~A description of each of the program components included in S6.E.1. through~~  
29 ~~S6.E.7., and~~

30 ~~Any additional actions necessary to meet the requirements of applicable~~  
31 ~~TMDLs pursuant to S7 Compliance with Total Maximum Daily Load~~  
32 ~~Requirements.~~

33 5. Conditions S6.A., S6.B., and S6.C. are applicable to all Co-Permittees and  
34 Secondary Permittees covered under this permit. In addition:

35 a. S6.D. is applicable to all Secondary Permittees except the Port of Seattle  
36 and the Port of Tacoma. S6.D. does not apply to Permittees listed in S1.B.,  
37 or S1.C.

38 b. S6.E. is applicable only to the Port of Seattle and the Port of Tacoma.

1 e. ~~S6.F. is applicable only to King County as a Co-Permittee with the City of~~  
2 ~~Seattle for MS4s owned by King County but located within the City of~~  
3 ~~Seattle.~~

4 **A.B.** Coordination

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

10 **B.C.** Legal Authority

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

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

17 **C.D.** Stormwater Management Program for Secondary Permittees

18 ~~The term “Secondary Permittees” means drainage, diking, flood control, or diking~~  
19 ~~and drainage districts, Ports (other than the Ports of Seattle and Tacoma, (see S6.E.)),~~  
20 ~~public colleges and universities, and any other owners or operators of municipal~~  
21 ~~separate storm sewers located within the municipalities that are listed as Permittees in~~  
22 ~~S4.B. Permittees that are already implementing some or all of the Stormwater~~  
23 ~~Management Program (SWMP) components in this section shall continue~~  
24 ~~implementation of those components of their SWMP.~~

25 The Stormwater Management Program (SWMP) for Secondary Permittees shall  
26 include the following components:

27 1. Public Education and Outreach

28 Each Secondary Permittee shall implement the following stormwater education  
29 strategies:

- 30 a. Storm drain inlets owned and operated by the Secondary Permittee that are  
31 located in maintenance yards, in parking lots, along sidewalks, and at  
32 pedestrian access points shall be clearly ~~and permanently~~ labeled with the  
33 message similar to “Dump no waste” —Drains to water body.”<sup>6</sup>and  
34 ~~indicating the point of discharge as a river, lake, bay, or ground water.~~

---

<sup>6</sup> New Secondary Permittees shall label all inlets as described in S6.D.1.a no later than four years from the permit coverage date.

1 ~~i. No later than three years from the date of permit coverage, at least~~  
2 ~~50 percent of these inlets shall be labeled.~~

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

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

11 b. Each year, ~~beginning no later than three years from the date of permit~~  
12 ~~coverage~~, public ports, colleges and universities shall distribute  
13 educational information to tenants and residents on the impact of  
14 stormwater discharges on receiving waters, and steps that can be taken to  
15 reduce pollutants in stormwater runoff. Distribution may be by hard copy  
16 or electronic means.<sup>7</sup> ~~Different combinations of Appropriate topics shall~~  
17 ~~be addressed each year, and, before the expiration date of this Permit.~~  
18 ~~Where relevant, tenants and residents shall receive educational~~  
19 ~~information about the following topics may include:~~

- 20 i. How stormwater runoff affects local waterbodies.<sup>5</sup>
- 21 ii. Proper use and application of pesticides and fertilizers.<sup>5</sup>
- 22 iii. Benefits of using well-adapted vegetation.<sup>5</sup>
- 23 iv. Alternative equipment washing practices, including cars and trucks  
24 that minimize pollutants in stormwater.<sup>5</sup>
- 25 v. Benefits of proper vehicle maintenance and alternative transportation  
26 choices; proper handling and disposal of wastes, including the  
27 location of hazardous waste collection facilities in the area.<sup>5</sup>
- 28 vi. Hazards associated with illicit connections, and illicit discharges.
- 29 vii. Benefits of litter control and proper disposal of pet waste.

30 ~~Compliance with this requirement may be achieved through~~  
31 ~~participation in the local jurisdiction's public education and outreach~~  
32 ~~programs.~~

33 2. Public Involvement and Participation

---

<sup>7</sup> New Secondary Permittees shall begin meeting the requirements of S6.D.1.b no later than three years from permit coverage date.

1 ~~Each year no later than May 31, No later than 180 days before the expiration~~  
2 ~~date of this Permit, or as established as a condition of coverage by the Ecology,~~  
3 each Secondary Permittee shall:

- 4 a. ~~Publish a public notice in the local newspaper or Make the annual report~~  
5 ~~available on the Permittee's website and solicit public review of its~~  
6 ~~SWMP.~~
- 7 b. Make available on the Permittee's website the latest updated version of the  
8 SWMPR. To comply with the posting requirement, a Secondary Permittee  
9 that does not maintain a website may submit their updated SWMPR in  
10 electronic format to Ecology for posting on Ecology's website, available  
11 to the public. If the Secondary Permittee maintains a website, the SWMP  
12 shall be posted on the Secondary Permittee's website.

13 3. Illicit Discharge Detection and Elimination

14 Each Secondary Permittee shall:

- 15 a. From the date of initial permit coverage, comply with all relevant  
16 ordinances, rules, and regulations of the local jurisdiction(s) in which the  
17 Secondary Permittee is located that govern non-stormwater discharges.
- 18 b. ~~Develop and adopt Implement~~ appropriate policies prohibiting illicit  
19 discharges<sup>8</sup> ~~no later than one year from the date of permit coverage and~~  
20 ~~Identify possible enforcement mechanisms, no later than one year from the~~  
21 ~~date of permit coverage; and, no later than eighteen months from the date~~  
22 ~~of permit coverage, develop and implement~~ an enforcement plan using  
23 ~~these mechanisms~~ to ensure compliance with illicit discharge policies.<sup>9</sup>  
24 These policies shall address, at a minimum: illicit connections; non-  
25 stormwater discharges, including spills as defined below; or otherwise  
26 improperly disposing of hazardous materials, pet waste, and litter.
- 27 i. ~~Non-stormwater discharges covered by another NPDES permit and~~  
28 ~~discharges from that occur during emergency fire fighting activities~~  
29 ~~are allowed in the MS4 in accordance with S2 Authorized~~  
30 ~~Discharges.~~
- 31 ii.i. Allowable discharges: The policies do not need to prohibit the  
32 following categories of non-stormwater discharges:
- 33 (1) Diverted stream flows;

---

<sup>8</sup> New Secondary Permittees shall develop and implement appropriate policies prohibiting illicit discharges, and identify possible enforcement mechanisms as described in S6.D.3.b no later than one year from permit coverage date.

<sup>9</sup> New Secondary Permittees shall develop and implement an enforcement plan in accordance with S6.D.3.b no later than 18 months from date of initial permit coverage.

- (2) Rising ground waters;
- (3) Uncontaminated ground water infiltration (as defined at 40 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 with urban stormwater;
- (8) Springs;
- (9) Water from crawl space pumps;
- (10) Footing drains; ~~and~~
- (11) Flows from riparian habitats and wetlands;
- (12) Discharges that occur during emergency fire fighting activities
- (13) Non-stormwater discharges authorized by another NPDES or State Waste Discharge permit

~~iii.i.~~ Conditionally allowable discharges: The policies ~~may allow~~ ~~shall prohibit~~ the following categories of non-stormwater discharges, ~~unless~~ only if the stated conditions are met and such discharges are allowed by local codes:

- (1) Discharges from potable water sources, including but not limited to, water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4;
- (2) Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities and water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction.
- (3) Dechlorinated swimming pool, spa, and hot tub discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the

1 | receiving water. Swimming pool cleaning wastewater and filter  
2 | backwash shall not be discharged to the MS4.

- 3 | (4) Street and sidewalk wash water, water used to control dust, and  
4 | routine external building washdown that does not use  
5 | detergents. The Secondary Permittee shall reduce these  
6 | discharges through, at a minimum, public education activities  
7 | and/or water conservation efforts conducted by the Secondary  
8 | Permittee and/or the local jurisdiction. To avoid washing  
9 | pollutants into the MS4, the Secondary Permittee shall  
10 | minimize the amount of street wash and dust control water  
11 | used. ~~At active construction sites, street sweeping shall be~~  
12 | ~~performed prior to washing the street.~~
- 13 | (5) Other non-stormwater discharges shall be in compliance with  
14 | the requirements of a ~~stormwater~~ pollution prevention plan  
15 | reviewed by the Permittee which addresses control of such  
16 | discharges.

17 | ~~iv. The Secondary Permittee's SWMP shall, at a minimum, address~~  
18 | ~~each category in iii above in accordance with the conditions stated~~  
19 | ~~therein.~~

20 | ~~v.iii. The SWMP Secondary Permittee shall further~~ address any category  
21 | of discharges in ~~ii~~ or ~~iii~~ above if the discharge is identified as a  
22 | significant source of pollutants to waters of the State.

- 23 | c. ~~No later than 180 days before the expiration date of this Permit, or as~~  
24 | ~~established as a condition of coverage by Ecology, develop~~ Maintain a  
25 | storm sewer system map showing the locations of all known storm drain  
26 | outfalls, labeling the receiving waters, and delineating the areas  
27 | contributing runoff to each outfall. Make the map (or completed portions  
28 | of the map) available on request to Ecology and and to the extent  
29 | appropriate ~~for~~ to other Permittees ~~or Secondary Permittees~~. The preferred,  
30 | ~~but not required,~~ format of submission for mapping will be is an electronic  
31 | format with fully described mapping standards. An example description is  
32 | provided on Ecology's website.<sup>10</sup>
- 33 | d. Conduct field inspections and visually inspect for illicit discharges at all  
34 | known MS4 discharge points and outfalls ~~that discharge to surface waters~~.  
35 | Visually inspect at least one third (on average) of all known discharge  
36 | points and outfalls each ~~year beginning no later than two years from the~~  
37 | ~~date of permit coverage. Develop and i~~ Implement procedures to identify

---

<sup>10</sup> New Secondary Permittees shall meet the requirements of S6.D.3.c no later than four and one-half years from permit coverage date.

1 and remove illicit discharges. Keep records of inspections and follow-up  
2 activities.<sup>11</sup>

3 e. ~~No later than 180 days before the expiration date of this Permit, or as~~  
4 ~~established as a condition of coverage by the Ecology, develop and~~  
5 ~~implement a spill response plan that includes coordination with a~~  
6 ~~qualified spill responder.~~<sup>12</sup>

7 f. ~~No later than two years from permit coverage date, provide staff training~~  
8 ~~or coordinate with existing training efforts to educate relevant staff and as~~  
9 ~~appropriate provide the opportunity for such training to tenants on proper~~  
10 ~~best management practices for preventing spills and illicit discharges,~~  
11 ~~including spills. Train All relevant Permittee staff shall who, as part of~~  
12 ~~their normal job responsibilities, have a role in preventing such illicit~~  
13 ~~discharges be trained.~~<sup>13</sup>

14 4. Construction Site Stormwater Runoff Control

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

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

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

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

29 d. Provide training or coordinate with existing training efforts to educate  
30 relevant staff in erosion and sediment control *BMPs* and requirements, or  
31 hire trained contractors to perform the work.

---

<sup>11</sup> New Secondary Permittees shall begin meeting the requirements of S6.D.3.d no later than two years from permit coverage date.

<sup>12</sup> New Secondary Permittees shall meet the requirements of S6.D.3.e no later than four and one-half years from permit coverage date.

<sup>13</sup> New Secondary Permittees shall meet the requirements of S6.D.3.f no later than two years from permit coverage date.

- 1 e. Coordinate as requested with Ecology or the local jurisdiction to provide  
2 access for inspection of construction sites or other land disturbances,  
3 which are under the control of the Secondary Permittee during the active  
4 ~~grading-land disturbing activity~~ and/or construction period.

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

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

- 8 a. Comply with all relevant ordinances, rules and regulations of the local  
9 jurisdiction(s) in which the Secondary Permittee is located that govern  
10 post-construction stormwater pollution prevention measures.
- 11 b. Coordinate with the local jurisdiction regarding projects owned ~~and-or~~  
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 6. Pollution Prevention and Good Housekeeping for Municipal Operations

16 Each Secondary Permittee shall:

- 17 a. ~~No later than three years from the date of permit coverage, develop and~~  
18 ~~i~~Implement a municipal operation and maintenance (O&M) plan to  
19 minimize stormwater pollution from activities under the functional control  
20 of conducted by the Secondary Permittee. The O&M Plan shall include  
21 appropriate pollution prevention and good housekeeping procedures for all  
22 of the following operations, activities, and/or types of facilities that are  
23 present within the Secondary Permittee's boundaries and under the  
24 functional control of the Secondary Permittee.<sup>14</sup>.
- 25 i. Stormwater collection and conveyance systems, including catch  
26 basins, stormwater ~~sewer~~ pipes, open channels, culverts, ~~structural~~  
27 ~~stormwater controls~~, and structural ~~runoff~~ treatment and/or flow  
28 control BMPs/facilities; The O&M Plan shall address, at a  
29 minimum but is not limited to: scheduled inspections and  
30 maintenance activities, including cleaning and proper disposal of  
31 waste removed from the system. Secondary Permittees shall properly  
32 maintain stormwater collection and conveyance systems owned ~~or~~  
33 and operated by the Secondary Permittee and regularly inspect and  
34 maintain all ~~structural post-construction~~ stormwater BMPs/facilities  
35 to ensure facility function.

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

---

<sup>14</sup> New Secondary Permittees shall meet the requirements of S6.D.6.a no later than three years from permit coverage date.

1 protective of facility function than those specified in Chapter 4  
2 Volume V of the 2005-2012 Stormwater Management Manual for  
3 Western Washington.

4 Secondary Permittees shall review their maintenance standards to  
5 ensure they are consistent with the requirements of this section.

6 ~~For facilities located in Eastern Washington, Secondary Permittees~~  
7 ~~shall establish maintenance standards that are as protective or more~~  
8 ~~protective of facility function than those specified in Chapters 5, 6~~  
9 ~~and 8 of the 2004 Stormwater Management Manual for Eastern~~  
10 ~~Washington.~~

11 Secondary Permittees shall conduct spot checks of potentially  
12 damaged permanent stormwater treatment and flow control  
13 BMPs/facilities following a 24-hour major storm events ~~with a 10-~~  
14 ~~year or greater recurrence interval.~~

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

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

25 iv. External building maintenance:- The O&M Plan shall address,  
26 building exterior cleaning and maintenance including cleaning,  
27 washing, painting and other maintenance activities, including  
28 maintenance and management of dumpsters.

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

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



1           1.    Education Program

2           The SWMP shall include an education program aimed at tenants and ~~Port~~  
3           Permittee employees. The goal of the education program is to reduce or  
4           eliminate behaviors and practices that cause or contribute to adverse stormwater  
5           impacts.

6           Minimum Performance Measure:

- 7           a.    ~~No later than 18 months after receiving coverage under this permit, t~~The  
8           Permittee shall make educational materials available to tenants and ~~Port~~  
9           Permittee employees whose job duties could impact stormwater.

10          2.    Public Involvement and Participation

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

- 12          a.    ~~Publish a public notice in the local newspaper and solicit public review of its~~  
13          ~~SWMP.~~

14          Each Permittee shall Mmake the latest updated version of the SWMPR available  
15          to the public. The most recent SWMPR and Annual Report shall be posted on  
16          the ~~Port's~~Permittee's website.

17          3.    Illicit Discharge Detection and Elimination

18          The SWMP shall include a program to identify, detect, remove and prevent  
19          illicit connections and illicit discharges, including spills, into the municipal  
20          separate storm sewers owned or operated by the Permittee~~Port~~.

21          Minimum Performance Measures:

- 22          a.    ~~From the date of permit coverage, e~~Comply with all relevant ordinances,  
23          rules, and regulations of the local jurisdiction(s) in which the ~~Port~~  
24          ~~district's MS3~~Permittee's MS4 is located that govern non-stormwater  
25          discharges.
- 26          b.    ~~Develop and adopt~~Implement appropriate policies prohibiting illicit  
27          discharges ~~no later than one year from the date of permit coverage.~~  
28          ~~Identify possible enforcement mechanisms no later than one year from the~~  
29          ~~date of permit coverage and, no later than eighteen months from the date~~  
30          ~~of permit coverage, develop and i~~Implementand an enforcement plan  
31          ~~using these mechanisms~~to ensure compliance with illicit discharge  
32          policies. These policies shall address, at a minimum: illicit connections;  
33          non-stormwater discharges, including spills as defined below; or otherwise  
34          improperly disposing of hazardous materials, pet waste, and litter.
- 35          i.    ~~Non-stormwater discharges covered by another NPDES permit and~~  
36          ~~discharges from emergency fire fighting activities are allowed in the~~  
37          ~~MS4 in accordance with S2 Authorized Discharges.~~

- 1 | i. Allowable Discharges: The policies do not need to prohibit the  
2 | following categories of non-stormwater discharges:
- 3 | (1) Diverted stream flows;  
4 | (2) Rising ground waters;  
5 | (3) Uncontaminated ground water infiltration (as defined at 40  
6 | CFR 35.2005(20));  
7 | (4) Uncontaminated pumped ground water;  
8 | (5) Foundation drains;  
9 | (6) Air conditioning condensation;  
10 | (7) Irrigation water from agricultural sources that is commingled  
11 | with urban stormwater;  
12 | (8) Springs;  
13 | (9) Water from crawl space pumps;  
14 | (10) Footing drains; ~~and~~  
15 | (11) Flows from riparian habitats and wetlands;  
16 | (12) Discharges that occur during emergency fire fighting activities  
17 | (13) Non-stormwater discharges authorized by another NPDES  
18 | permit
- 19 | ii. Conditionally allowable discharges: The policies ~~shall prohibit~~ may  
20 | allow the following categories of non-stormwater discharges ~~unless~~  
21 | only if the stated conditions are met and such discharges are allowed  
22 | by local codes:
- 23 | (1) Discharges from potable water sources, including but not  
24 | limited to, water line flushing, hyperchlorinated water line  
25 | flushing, fire hydrant system flushing, and pipeline hydrostatic  
26 | test water. Planned discharges shall be de-chlorinated to a  
27 | concentration of 0.1 ppm or less, pH-adjusted if necessary, and  
28 | volumetrically and velocity controlled to prevent resuspension  
29 | of sediments in the MS4.
- 30 | (2) Discharges from lawn watering and other irrigation runoff.  
31 | These discharges shall be minimized through, at a minimum,  
32 | public education activities and water conservation efforts  
33 | conducted by the ~~Secondary~~ Permittee and/or the local  
34 | jurisdiction.

- 1 | (3) Dechlorinated swimming pool, spa, and hot tub discharges.  
2 | The discharges shall be dechlorinated to a concentration of 0.1  
3 | ppm or less, pH-adjusted and reoxygenated if necessary, and  
4 | volumetrically and velocity controlled to prevent resuspension  
5 | of sediments in the MS4. Discharges shall be thermally  
6 | controlled to prevent an increase in temperature of the  
7 | receiving water. Swimming pool cleaning wastewater and  
8 | filter backwash shall not be discharged to the MS4.
- 9 | (4) Street and sidewalk wash water, water used to control dust, and  
10 | routine external building wash down that does not use  
11 | detergents. The Ports of Seattle and Tacoma shall reduce these  
12 | discharges through, at a minimum, public education activities  
13 | and/or water conservation efforts conducted by the Port and/or  
14 | the local jurisdiction. To avoid washing pollutants into the  
15 | MS4, the amount of street wash and dust control water used  
16 | shall be minimized. ~~At active construction sites, street~~  
17 | ~~sweeping shall be performed prior to washing the street.~~
- 18 | (5) Other non-stormwater discharges shall be in compliance with  
19 | the requirements of a ~~stormwater~~ pollution prevention plan  
20 | reviewed by the Permittee which addresses control of such  
21 | discharges.

22 | ~~iii.—The SWMP shall, at a minimum, address each category in iii above~~  
23 | ~~in accordance with the conditions stated therein.~~

24 | ~~iv.iii.~~ The SWMP Permittee shall ~~further~~ address any category of  
25 | discharges in ~~ii~~ or ~~iii~~ above if the discharges are identified as a  
26 | significant source of pollutants to waters of the State.

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

- 32 | i. Mapping of known ~~municipal separate storm sewer~~MS4 outfalls, and  
33 | maps depicting land use for property owned by the ~~Port~~Permittee,  
34 | and all other properties served by ~~municipal separate storm~~  
35 | ~~sewers~~MS4s known to and owned or operated by the ~~Permittee~~Port.  
36 | ~~The mapping shall be completed within 2 years of receiving~~  
37 | ~~coverage under this permit.~~
- 38 | ii. Mapping of tributary conveyances (including size, material, and type  
39 | attributes where known), and the associated drainage areas of  
40 | ~~municipal separate storm sewer~~MS4 outfalls ~~owned or operated by~~  
41 | ~~the Port~~, with a 24 inch nominal diameter or larger, or an equivalent  
42 | cross-sectional area for non-pipe systems. ~~The mapping shall be~~

1 completed within 2 years of receiving coverage under this permit. By  
2 August 1, 2017, each Permittee shall complete this requirement for  
3 all MS4 outfalls with a 12 inch nominal diameter or larger, or an  
4 equivalent cross-sectional area for non-pipe systems.

5 iii. Mapping of known connections greater than or equal to 8 inches to  
6 tributary conveyances mapped in accordance with S6.E.3.c.ii. The  
7 mapping shall be completed by August 1, 2017.

8 ~~iii.iv.~~ To the extent consistent with national security laws and directives,  
9 each ~~Port~~ Permittee shall make available to Ecology upon request,  
10 available maps depicting the information required in S6.E.3.c.i.  
11 through ~~iii.~~, above. GIS data layers generated by the ~~Port~~ depicting  
12 outfall locations, land use, tributary conveyances and associated  
13 drainage areas of outfalls owned or operated by the ~~Port~~. The  
14 preferred ~~required~~ format of submission will be an ~~for mapping is~~  
15 electronic ~~format~~ with fully described mapping standards. An  
16 example description is ~~provided at~~ available on Ecology's website.

17 ~~iv.v.~~ No later than 24 months after receiving coverage under this permit,  
18 develop and ~~i~~Implement a program to document operation and  
19 maintenance records for stormwater treatment and flow control  
20 BMPs/facilities and catch basins covered under this permit. The  
21 information shall be available for inspection by Ecology.

22 ~~v.vi.~~ Upon request, and to the extent consistent with national security laws  
23 and directives, mapping information and operation and maintenance  
24 records shall be provided to the City or County in which the ~~Port~~  
25 Permittee is located.

26 d. Conduct field screening of at least 20% of the MS4 each year for the  
27 purpose of detecting illicit discharges and illicit connections. Field  
28 screening methodology shall be appropriate to the characteristics of the  
29 MS4 and water quality concerns. ~~inspections and visually inspect for illicit~~  
30 discharges at all known outfalls that discharge to surface waters. Visually  
31 inspect at least one third (on average) of all known outfalls each year  
32 beginning no later than 3 years from the date of permit coverage. Develop  
33 and ~~i~~Implement procedures to identify and remove any illicit discharges  
34 and illicit connections. Keep records of inspections and follow-up  
35 activities.

36 e. ~~180 days before the expiration date of this Permit, develop and ~~i~~Implement~~  
37 a spill response plan that includes coordination with a qualified spill  
38 responder.

39 f. Provide ongoing staff training or coordinate with existing training efforts  
40 to educate ~~relevant~~ staff and as appropriate provide the opportunity for  
41 such training to tenants on proper best management practices for  
42 preventing ~~spills and~~ illicit discharges, including spills, and for

1 identifying, reporting, and responding as appropriate. Train all Permittee  
2 staff who, as part of their normal job responsibilities, have a role in  
3 preventing such discharges. Keep records of training provided and staff  
4 trained.

5 4. Construction Site Stormwater Runoff Control

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

8 Minimum performance measures:

- 9 a. Comply with all relevant, rules, and regulations of the local jurisdiction(s)  
10 in which the ~~Port~~ Permittee is located that govern construction phase  
11 stormwater pollution prevention measures. ~~Within one year of the~~  
12 ~~effective date of coverage, and t~~To the extent allowed by local ordinances,  
13 rules, and regulations, comply with the applicable minimum technical  
14 requirements for new development and redevelopment contained in  
15 Appendix 1.
- 16 b. Ensure all construction projects under the functional control of the  
17 Permittee which require a construction stormwater permit obtain coverage  
18 under the NPDES General Permit for Stormwater Discharges Associated  
19 with Construction Activities or an individual NPDES permit prior to  
20 discharging construction related stormwater. When applicable, seek and  
21 ~~obtain coverage under the General NPDES Permit for Stormwater~~  
22 ~~Discharges Associated with Construction Activities.~~
- 23 c. Coordinate with the local jurisdiction regarding projects owned ~~and or~~  
24 operated by other entities which discharge into interconnected MS~~34~~s, to  
25 assist the local jurisdiction with achieving compliance with all relevant  
26 ordinances, rules, and regulations of the local jurisdiction(s).
- 27 d. Provide training or coordinate with existing training efforts to educate ~~port~~  
28 Permittee staff responsible for implementing construction stormwater  
29 erosion and sediment control BMPs and requirements, or hire trained  
30 contractors to perform the work.
- 31 e. Coordinate as requested with Ecology or the local jurisdiction to provide  
32 access for inspection of construction sites or other land disturbances that  
33 are under the control of the ~~Port~~ Permittee during the active grading land  
34 disturbing activity and/or construction period.

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

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

1 Minimum performance measures:

- 2 a. Comply with all relevant ordinances, rules and regulations of the local  
3 jurisdiction(s) in which the ~~Port Permittee~~ is located that govern post-  
4 construction stormwater pollution prevention measures, including proper  
5 operation and maintenance of the MS~~43~~. ~~Within one year of the effective~~  
6 ~~date of permit coverage, and t~~To the extent allowed by local ordinances,  
7 rules, and regulations, comply with the applicable the minimum technical  
8 requirements for new development and redevelopment contained in  
9 Appendix 1.
- 10 b. Coordinate with the local jurisdiction regarding projects owned and  
11 operated by other entities which discharge into interconnected  
12 ~~MS3s~~MS4s, to assist the local jurisdiction in achieving compliance with  
13 all relevant ordinances, rules, and regulations of the local jurisdiction(s).

14 6. Operation and Maintenance Program

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

18 Minimum Performance Measures:

- 19 a. Each ~~Port Permittee~~ shall ~~prepare~~implement an operation and  
20 maintenance (O&M) manual for all stormwater treatment and flow control  
21 BMPs/facilities and catch basins that are under the functional control of  
22 the Permittee and which discharge stormwater to its ~~MS3~~MS4, or to an  
23 interconnected ~~MS3~~MS4.
- 24 i. ~~The O&M manual shall be completed no later than 2 years after~~  
25 ~~receiving coverage under this permit. Retain Aa~~ copy of the O&M  
26 manual ~~shall be retained~~ in the appropriate ~~Port Permittee~~  
27 department and routinely update following discovery or construction  
28 of new stormwater facilities.
- 29 ii. The operation and maintenance manual shall establish facility-  
30 specific maintenance standards that are as protective, or more  
31 protective than those specified in Chapter 4 of Volume V of the ~~2005~~  
32 2012 Stormwater Management Manual for Western Washington. For  
33 existing stormwater facilities which do not have maintenance  
34 standards, the Permittee shall develop a maintenance standard. By  
35 December 31, 2014 each permittee shall update maintenance  
36 standards, as necessary, to meet the requirements of this section.
- 37 iii. The purpose of the maintenance standard is to determine if  
38 maintenance is required. The maintenance standard is not a measure  
39 of the facility's required condition at all times between inspections.  
40 Exceeding the maintenance standards between inspections and/or

1 maintenance is not a permit violation. Maintenance actions shall be  
2 performed within the time frames specified in S6.E.6.b.ii.

- 3 | b. The ~~Port-Permittee~~ will manage maintenance activities to inspect all  
4 stormwater ~~BMPs-facilities~~ listed in the O&M manual annually, and take  
5 appropriate maintenance action in accordance with the O&M manual.
- 6 | i. The Permittee may change the inspection frequency to less than  
7 annually, provided the maintenance standards are still met. Reducing  
8 the annual inspection frequency shall be based on maintenance  
9 records of double the length of time of the proposed inspection  
10 frequency. In the absence of maintenance records, the Permittee may  
11 substitute written statements to document a specific less frequent  
12 inspection schedule. Written statements shall be based on actual  
13 inspection and maintenance experience and shall be certified in  
14 accordance with G19 *Certification and Signature*.
- 15 | ii. Unless there are circumstances beyond the Permittees control, when  
16 an inspection identifies an exceedence of the maintenance standard,  
17 maintenance shall be performed:
- 18 | (1) Within 1 year for wet pool facilities and retention/detention  
19 ponds.
- 20 | (2) Within 1 year for typical maintenance of facilities, except catch  
21 basins.
- 22 | (3) Within 6 months for catch basins, ~~and~~
- 23 | (4) Within 2 years for maintenance that requires capital  
24 construction of less than \$25,000.

25 | Circumstances beyond the Permittee's control include denial or  
26 delay of access by property owners, denial or delay of necessary  
27 permit approvals, and unexpected reallocations of maintenance staff  
28 to perform emergency work. For each exceedence of the required  
29 timeframe, the Permittee shall document the circumstances and how  
30 they were beyond their control.

- 31 | c. The ~~Port-Permittee~~ shall provide appropriate training for ~~Port-Permittee~~  
32 maintenance staff.
- 33 | d. The ~~Port-Permittee~~ will maintain records of inspections and maintenance  
34 activities.

35 | 7. Source Control in existing Developed Areas

36 | The SWMP shall include the development and implementation of one or more  
37 Stormwater Pollution Prevention Plans (SWPPPs). A SWPPP is a documented  
38 plan to identify and implement measures to prevent and control the  
39 contamination of discharges of stormwater to surface or ground water.

1 SWPPP(s) shall be prepared and implemented for all ~~Port~~Permittee-owned  
2 lands, except environmental mitigation sites owned by the ~~Port~~Permittee, that  
3 are not covered by a NPDES permit issued by Ecology that ~~covers~~authorizes  
4 stormwater discharges.

5 Minimum Performance Measures

- 6 a. SWPPP(s) shall be ~~developed within 24 months of receiving coverage~~  
7 ~~under this permit~~updated as necessary to reflect changes at the facility.
- 8 b. The SWPPP(s) shall include a facility assessment including a site plan,  
9 identification of pollutant sources, and description of the drainage system.
- 10 c. The SWPPP(s) shall include a description of the source control BMPs  
11 used or proposed for use by the Permittee. ~~Stormwater Source control~~  
12 BMPs shall be selected from the ~~2005-2012~~ *Stormwater Management*  
13 *Manual for Western Washington* (or an equivalent Manual approved by  
14 Ecology). Implementation of non-structural BMPs shall begin  
15 immediately after the pollution prevention plan is developed. Where  
16 necessary, a~~A~~ schedule for implementation of structural BMPs shall be  
17 included in the SWPPP(s).
- 18 d. The ~~Port~~Permittee shall maintain a list of sites covered by the SWPPP(s)  
19 required under this permit. At least ~~15~~20% of the listed sites shall be  
20 inspected annually, ~~and 80% of the total number of listed properties shall~~  
21 ~~be inspected by 180 days before the expiration date of the permit.~~
- 22 e. The SWPPP(s) shall include policies and procedures to reduce pollutants  
23 associated with the application of pesticides, herbicides and fertilizer.
- 24 f. The SWPPP(s) shall include measures to prevent, identify and respond to  
25 illicit discharges, including illicit connections, spills and improper  
26 disposal. ~~Immediately upon becoming aware of a spill into the drainage~~  
27 ~~system owned or operated by the Port, the Port~~When the Permittee  
28 submits a notification pursuant to G3, the Permittee shall also notify the  
29 City or County it is located in, ~~and notify Ecology.~~
- 30 g. The SWPPP(s) shall include a component related to inspection and  
31 maintenance of stormwater facilities and catch basins that is consistent  
32 with the ~~Port's~~Permittee's Operation and Maintenance Program, as  
33 specified in S6.E.6. above.

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

36 ~~E. Stormwater Management Program for King County as a Co-Permittee~~

37 ~~King County, as a Co-Permittee with the City of Seattle for the discharges from~~  
38 ~~outfalls King County owns or operates in the City, shall participate in the City of~~  
39 ~~Seattle's Stormwater Management Program in accordance with the Joint Stormwater~~

1 ~~Management Program element of the Memorandum of Agreement between the City~~  
2 ~~and County dated September 25, 1995. The apportionment of responsibilities for~~  
3 ~~stormwater management within the City shall be governed solely by the MOA or its~~  
4 ~~amendment, provided the City's stormwater management program, including King~~  
5 ~~County participation, shall fully comply with Section S5 of this permit. Any~~  
6 ~~amendments to the MOA shall be approved by Ecology before becoming effective.~~

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

8 The following requirements apply if an applicable Total Maximum Daily Load (TMDL) is  
9 approved for stormwater discharges from MS4s owned or operated by the Permittee.  
10 Applicable TMDLs are TMDLs which have been approved by EPA on or before the  
11 issuance date of this permit, or prior to the date that Ecology issues -coverage under this  
12 permit, whichever is later is granted.

13 A. For applicable TMDLs listed in Appendix 2, affected Permittees shall comply with  
14 the specific requirements identified in Appendix 2. Each Permittee shall keep records  
15 of all actions required by this permit that are relevant to applicable TMDLs within  
16 their jurisdiction. The status of the TMDL implementation shall be included as part of  
17 the annual report submitted to Ecology. Each annual report shall include a summary  
18 of relevant SWMP and Appendix 2 activities conducted in the TMDL area to address  
19 the applicable TMDL parameter(s).

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

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

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

1 **S8. MONITORING**

Explanation of changes:

The draft monitoring language Ecology proposes in this section is intended to replace the previous S8 permit requirements entirely. Because this section is not presented in a format that shows changes from the previous permit, please note the proposed deletion of special condition S8.B.2 of the current permit.

S8.B.2 previously required Permittees to provide in each annual report:

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

2  
3 A. All Permittees including Secondary Permittees are only required to conduct water  
4 sampling or other testing during the effective term of this permit under the following  
5 conditions:

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

9 2. Any sampling or testing required for characterizing illicit discharges pursuant to  
10 sections S5.C.8, S6.D.3, or S6.E.3 of this permit; and

11 3. If a Permittee chooses not to participate in any component of the regional  
12 stormwater monitoring program (RSMP), monitoring requirements specified in  
13 S8.C.1.b, S8.D.2, or S8.D.3 of this permit.

14 4. Clark County shall conduct monitoring pursuant to S8.C.2 below.

15 B. All Permittees including Secondary Permittees shall provide, in each annual report a  
16 description of any stormwater monitoring or stormwater-related studies conducted by  
17 the Permittee during the reporting period. If other stormwater monitoring or  
18 stormwater related studies were conducted on behalf of the Permittee, or if  
19 stormwater-related investigations conducted by other entities were reported to the  
20 Permittee, a brief description of the type of information gathered or received shall be  
21 included in the annual report(s) covering the time period(s) during which the  
22 information was received.

23 Permittees are not required to provide descriptions of any monitoring, studies, or  
24 analyses conducted as part of the RSMP in annual reports. If a Permittee opts for  
25 independent monitoring in accordance with requirements in S8.C, S8.D or S8.E,  
26 below, annual reporting of such monitoring must follow the requirements specified in  
27 those sections.

1 C. Status and trends monitoring.

2 1. By December 1, 2013, King, Pierce, and Snohomish Counties, the Cities of  
3 Seattle and Tacoma, and the Ports of Seattle and Tacoma shall notify Ecology in  
4 writing which of the following two options for Status and Trends Monitoring  
5 the Permittee chooses to conduct during this permit cycle. Either option will  
6 fully satisfy the Permittee's obligations under this section (S8.C). Each  
7 Permittee shall select a single option for the duration of this permit term. Each  
8 Permittee shall either:

9 a. Status and Trends Monitoring Option #1: Pay into a collective fund and  
10 enter into an agreement with Ecology to implement the Puget Sound  
11 marine nearshore and small streams status and trends components of a  
12 RSMP. Each agreement shall be substantially in the form of Appendix 12.  
13 Ecology will administer the collective fund and implement the monitoring  
14 program in accordance with the arrangements between Ecology and each  
15 Permittee. The agreement will specify the tasks and deliverables of the  
16 RSMP.

17 i. Each Permittee shall pay the amounts prescribed in this section,  
18 according to the following schedule:

19 (1) The first payment is due October 15, 2013, and subsequent  
20 payments are due annually beginning August 15, 2014.

21 (2) The payment amounts are:

<u>Permittee</u>	<u>First payment</u>	<u>Second and Subsequent Payments</u>
<u>King County</u>	<u>\$ 15,000</u>	<u>\$ 74,540</u>
<u>Pierce County</u>	<u>\$ 15,000</u>	<u>\$ 92,800</u>
<u>Port of Seattle</u>	<u>\$ 5,000</u>	<u>\$ 4,151</u>
<u>Port of Tacoma</u>	<u>\$ 5,000</u>	<u>\$ 4,151</u>
<u>City of Seattle</u>	<u>\$ 15,000</u>	<u>\$149,436</u>
<u>Snohomish County</u>	<u>\$ 15,000</u>	<u>\$ 73,452</u>
<u>City of Tacoma</u>	<u>\$ 15,000</u>	<u>\$ 49,861</u>

22 Or

23 b. Status and Trends Monitoring Option #2: Conduct status and trends  
24 monitoring beginning no later than July 1, 2014, as follows:

25 i. City and County Permittees shall conduct wadeable stream water  
26 quality, benthos, habitat, and sediment chemistry monitoring  
27 according to the Ecology-approved QAPP for the Small Streams  
28 Status and Trends component of the RSMP. This monitoring shall be  
29 conducted at the first twelve qualified (as defined in the QAPP) sites

1 that are located within the jurisdiction's boundaries, as listed  
2 sequentially among the potential RSMP sampling sites in the QAPP.  
3 Counties shall monitor the first four qualified sites located inside  
4 UGA boundaries and the first eight sites outside UGA boundaries.

5 ii. City and County Permittees and the Ports of Seattle and Tacoma  
6 shall conduct sediment chemistry, bacteria, and mussel monitoring  
7 according to the Ecology-approved QAPP for the Marine Nearshore  
8 Status and Trends Component of the RSMP. This monitoring shall  
9 be conducted at the first eight sites (as listed sequentially among the  
10 potential RSMP sampling sites included in the QAPP) that are  
11 located adjacent to the Puget Sound shoreline boundary of the  
12 jurisdiction.

13 iii. Data and analyses shall be reported annually in accordance with the  
14 Ecology-approved QAPPs.

15 2. Clark County shall:

16 a. Continue stormwater discharge monitoring at the sites selected pursuant to  
17 S8.D in the *Phase I Municipal Stormwater Permit* February 16, 2007 –  
18 February 15, 2012 for the duration of this permit term. This monitoring  
19 and reporting of findings shall be conducted in accordance with the  
20 previously-approved QAPP until July 1, 2014 or until a revised QAPP is  
21 approved by Ecology, whichever is later.

22 b. After July 1, 2014, this monitoring shall be conducted in accordance with  
23 a revised QAPP that follows the specifications and deadlines in Appendix  
24 9. The revised QAPP shall be submitted to Ecology by February 2, 2014.  
25 If Ecology does not request changes within 90 days, the QAPP is  
26 considered approved. The final QAPP shall be submitted to Ecology as  
27 soon as possible following finalization.

28 c. If the County changes a discharge monitoring location, the County shall  
29 document in the revised QAPP why the pre-existing stormwater  
30 monitoring location is not a good location for additional monitoring and  
31 why the newly selected site is of interest for long term stormwater  
32 discharge monitoring.

33 D. Effectiveness Studies. By December 1, 2013, Clark, King, Pierce, and Snohomish  
34 Counties, the Cities of Seattle and Tacoma, and the Ports of Seattle and Tacoma shall  
35 notify Ecology in writing which of the following three options for Effectiveness  
36 Studies the Permittee chooses to conduct during this permit cycle. Any one of the  
37 three options will fully satisfy the Permittee's obligations under this section (S8.D).  
38 Each Permittee shall select a single option for the duration of this permit term. Each  
39 Permittee shall either:

40 1. Effectiveness Studies Option #1: Pay into a collective fund and enter into an  
41 agreement with Ecology to implement the effectiveness studies component of

1 the RSMP. Each agreement shall be substantially in the form of Appendix 12.  
2 The agreement will specify the tasks and deliverables of the RSMP.

3 a. Each Permittee shall pay the amount prescribed in this section, according  
4 to the following schedule:

5 i. Payments are due annually beginning August 15, 2014.

6 ii. The payment amounts are:

<u>Permittee</u>	<u>Payment amount</u>
<u>Clark County</u>	<u>\$ 86,617</u>
<u>King County</u>	<u>\$124,196</u>
<u>Pierce County</u>	<u>\$154,619</u>
<u>Port of Seattle</u>	<u>\$ 6,916</u>
<u>Port of Tacoma</u>	<u>\$ 6,916</u>
<u>City of Seattle</u>	<u>\$248,986</u>
<u>Snohomish County</u>	<u>\$122,383</u>
<u>City of Tacoma</u>	<u>\$ 83,077</u>

7 Or

8 2. Effectiveness Studies Option #2: Conduct stormwater discharge monitoring in  
9 accordance with Appendix 9 and the following:

10 a. Each city and county Permittee shall conduct stormwater discharge  
11 monitoring at five sites. Permittees are encouraged to continue stormwater  
12 monitoring at locations monitored under S8.D of the *Phase I Municipal*  
13 *Stormwater Permit* February 16, 2007 – February 15, 2012.

14 Any Permittee who would like to change a discharge monitoring location  
15 shall document in the revised QAPP (see S8.D.2.c below) why the pre-  
16 existing stormwater monitoring location is not a good location for  
17 additional monitoring and why the newly selected site is of interest for  
18 long term stormwater discharge monitoring and associated stormwater  
19 management program effectiveness evaluations.

20 Clark County shall select and monitor five sites in addition to the three  
21 sites monitored pursuant to S8.C.2 above.

22 b. Each port Permittee shall conduct stormwater discharge monitoring at two  
23 sites representing different pollution-generating activities or land uses.  
24 Permittees are encouraged to continue stormwater monitoring at locations  
25 monitored under S8.D of the *Phase I Municipal Stormwater Permit*  
26 February 16, 2007 – February 15, 2012. Any Permittee who would like to  
27 change a discharge monitoring location shall describe why the pre-existing  
28 stormwater monitoring location is not a good location for additional

1 monitoring. The Permittee shall document why the newly selected site(s)  
2 are of interest for long term stormwater discharge monitoring and  
3 associated stormwater management program effectiveness evaluations.

4 c. By February 2, 2014, each Permittee shall submit to Ecology a draft  
5 updated stormwater discharge monitoring QAPP for review and approval.  
6 If Ecology does not request changes within 90 days, the draft QAPP is  
7 considered approved. Final QAPPs shall be submitted to Ecology as soon  
8 as possible following finalization.

9 d. Stormwater discharge monitoring shall be fully implemented no later than  
10 October 1, 2014 in accordance with an Ecology-approved QAPP.

11 Or

12 3. Effectiveness Studies Option #3: Each Permittee will both:

13 a. Pay the amount prescribed in this section, according to the following  
14 schedule:

15 i. Payments are due annually beginning August 15, 2014.

16 ii. The payment amounts are:

<u>Permittee</u>	<u>Payment amount</u>
<u>Clark County</u>	<u>\$ 43,308</u>
<u>King County</u>	<u>\$ 62,098</u>
<u>Pierce County</u>	<u>\$ 77,310</u>
<u>Port of Seattle</u>	<u>\$ 3,458</u>
<u>Port of Tacoma</u>	<u>\$ 3,458</u>
<u>City of Seattle</u>	<u>\$124,493</u>
<u>Snohomish County</u>	<u>\$ 61,192</u>
<u>City of Tacoma</u>	<u>\$ 41,538</u>

17 And

18 b. In accordance with the requirements below, independently conduct an  
19 effectiveness study that is not expected to be undertaken as part of the  
20 RSMP.

21 i. No later than February 2, 2014 each Permittee shall submit to  
22 Ecology for review and approval a detailed proposal describing the  
23 purpose, objectives, design, and methods of the independent  
24 effectiveness study; anticipated outcomes; expected modifications to  
25 the Permittee's stormwater management program; and relevance to  
26 other Permittees.

- ii. Each Permittee shall submit a draft QAPP to Ecology within 120 days of Ecology’s approval of the detailed proposal. The QAPP shall be prepared in accordance with *Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies*, July 2004 (Ecology Publication No. 04-03-030). The QAPP shall include reporting details including timely uploading of all relevant data to Ecology’s EIM database and/or the *International Stormwater BMP Database* as appropriate. If Ecology does not request changes within 90 days of submittal, the QAPP is considered approved.
- iii. Begin full implementation of the study no later than six months following Ecology’s approval of the QAPP.
- iv. Describe interim results and status of the study implementation in annual reports throughout the duration of the study.
- v. Report final results, including recommended future actions, to Ecology and on the Permittee’s webpage no later than six months after completion of the study.

E. Source Identification and Diagnostic Monitoring Information Repository. By December 1, 2013, Clark, King, Pierce, and Snohomish Counties, the Cities of Seattle and Tacoma, and the Ports of Seattle and Tacoma shall notify Ecology in writing which of the following options for the Source Identification and Diagnostic Monitoring Information Repository the Permittee chooses to conduct during this permit cycle. Either option will fully satisfy the Permittee’s obligations under this section (S8.E). Each Permittee shall select a single option for the duration of this permit term. Each Permittee shall either:

1. Source Identification and Diagnostic Monitoring Information Repository Option #1: Pay into a collective fund and enter into an agreement with Ecology to implement the source identification and diagnostic monitoring information repository component of the RSMP. Each agreement shall be substantially in the form of Appendix 12.

- a. Each Permittee shall pay the amount prescribed in this section, according to the following schedule:
  - i. Payments are due annually beginning August 15, 2014.
  - ii. The payment amounts are:

<u>Permittee</u>	<u>Payment amount</u>
<u>Clark County</u>	<u>\$ 8,033</u>
<u>King County</u>	<u>\$11,518</u>
<u>Pierce County</u>	<u>\$14,339</u>
<u>Port of Seattle</u>	<u>\$ 641</u>

<u>Port of Tacoma</u>	<u>\$ 641</u>
<u>City of Seattle</u>	<u>\$23,091</u>
<u>Snohomish County</u>	<u>\$11,350</u>
<u>City of Tacoma</u>	<u>\$ 7,704</u>

Or

2. Source Identification and Diagnostic Monitoring Information Repository Option #2: Submit detailed Quarterly Source Identification Reports as follows:

a. The reports shall be submitted in a format provided by Ecology.

b. The reports shall describe and summarize:

i. All illicit discharges identified by the jurisdiction; the approaches used to address each discharge; the status of resolving each discharge during the quarter; any changes to source identification methodology; and

ii. All environmental (including sediment, water quality, and biota) and flow data collected over the course of conducting IDDE and/or Source Control stormwater management program activities; and

iii. All environmental (including sediment, water quality, and biota) and flow data collected pursuant to section S7 and Appendix 2 of this permit if used for IDDE and/or Source Control stormwater management program activities.

c. Quarterly Source Identification Reports are due 30 days following the completion of each calendar quarter ending March 31, June 30, September 30, and December 31 throughout the permit term. The first Quarterly Source Identification Report shall reflect both the third quarter activities of 2013 and the first quarter activities of 2014. The first report is due on May 1, 2014.

**S9. REPORTING REQUIREMENTS**

A. No later than March 31, of each year beginning in 20~~14~~<sup>08</sup>, each Permittee shall submit an annual report. The reporting period for the first annual report will be from the effective date of this permit through December 31, 20~~13~~<sup>07</sup>. The reporting period for all subsequent annual reports shall be the previous calendar year unless otherwise specified.

B. Permittees shall submit annual reports electronically using Ecology's WAWebDMR program available on Ecology's website at [Draft Permit Placeholder for link to

1 appropriate Ecology webpage unless otherwise directed by Ecology] unless otherwise  
2 directed by Ecology.<sup>16</sup>

3 Permittees unable to submit electronically through Ecology's WWebDMR must  
4 contact Ecology to request a waiver and obtain instructions on how to submit an  
5 annual report in an alternative format.

6 ~~Two printed copies and an electronic (PDF) copy of the annual report shall be~~  
7 ~~submitted to Ecology. All submittals shall be delivered to:~~

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

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

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

- 15 1. A reasonable charge may be assessed by the Permittee for making photocopies  
16 of records.
- 17 2. The Permittee may require reasonable advance notice of intent to review records  
18 related to this permit.

19 C.E. The annual report for Permittees listed in S1.B. ~~and S1.C~~ shall include the following:-  
20 ~~Each annual report shall include the following:~~

- 21 1. A copy of the Permittee's current Stormwater Management Program **Report**  
22 (**SWMPR**) as required by S5.A.1.
- 23 2. Submittal of the annual report form as provided by Ecology pursuant to S9.B,  
24 describing the status of implementation of the requirements of this permit  
25 during the reporting period.
- 26 3. Attachments to the annual report form including summaries, descriptions,  
27 reports, and other information as required, or as applicable, to meet the  
28 conditions of this permit during the reporting period.

---

<sup>16</sup> Ecology will develop the online annual reporting webpage prior to issuing the final permit. The online annual report is proposed to include the questions and information requested as shown in draft Appendices 3 and 4. Ecology also expects to release draft questions and information for Phase I cities and counties during the October 19, 2011 to February 3, 2012 public comment period.

- 1           4.    Certification and signature pursuant to G19.D, and notification of any changes  
2           to authorization pursuant to G19.C.
- 3           5.    Notification of any annexations, incorporations, or jurisdictional boundary  
4           changes resulting in an increase or decrease in the Permittee's geographic area  
5           of permit coverage during the reporting period, and implications for the SWMP.
- 6           1.    ~~For each component of the SWMP the Permittee shall include the following:~~
- 7                a.   ~~Describe the current implementation status including whether the~~  
8                ~~Permittee has met the required implementation deadlines. If permit~~  
9                ~~deadlines are not met, Permittees shall report the reasons why the~~  
10              ~~requirement was not met and how the requirements will be met in the~~  
11              ~~future.~~
- 12              b.   ~~Compare program implementation results to the performance standards~~  
13              ~~established in the permit.~~
- 14              c.   ~~A summary of the number and nature of inspections performed by the~~  
15              ~~Permittee as required by S5.C.5., S5.C.7., and S5.C.9.~~
- 16              d.   ~~A summary of the nature and number of official enforcement actions taken~~  
17              ~~to enforce provisions of this permit.~~
- 18                        ~~The above information shall be submitted in a format approved by~~  
19                        ~~Ecology.~~
- 20           2.    ~~A summary of any actions taken by the Permittee pursuant to S4.F.~~
- 21           3.    ~~A summary of the status of any TMDL implementation requirements and any~~  
22           ~~associated monitoring as required by S7.A.~~
- 23           4.    ~~The Stormwater Monitoring Report required pursuant to S8.H.~~
- 24           5.    ~~Any reporting requirements associated with S8.B. not included elsewhere in the~~  
25           ~~annual report.~~
- 26           6.    ~~If the Permittee is relying on another governmental entity to satisfy any of the~~  
27           ~~obligations under this permit provide the name of the other entity and a~~  
28           ~~description of the permit requirements performed by the other entity.~~
- 29           7.    ~~Notification of any annexations, incorporations or jurisdictional boundary~~  
30           ~~changes resulting in an increase or decrease in the Permittee's geographic area~~  
31           ~~of permit coverage during the reporting period, and implications for the SWMP.~~
- 32           8.    ~~The annual report shall include certification and signature pursuant to G19.D,~~  
33           ~~and notification of any changes to authorization pursuant to G19.C.~~
- 34           9.    ~~A summary of barriers to implementation of LID and actions taken to remove~~  
35           ~~the barriers.~~

1 ~~10. A summary of the extent to which basin or watershed planning is being~~  
2 ~~conducted in the Permittee's jurisdiction, either voluntarily, or pursuant to the~~  
3 ~~Growth Management Act (Chapter 36.70A RCW) or any other requirement.~~

4 ~~11. In the annual report for calendar year 2010, the Permittee shall identify areas for~~  
5 ~~potential basin or watershed planning that can incorporate development~~  
6 ~~strategies as a water quality management tool to protect aquatic resources.~~

7 F. Annual Report for Secondary Permittees, ~~including except for~~ the Port of Seattle and  
8 the Port of Tacoma

9 Each annual report shall include the following:

10 1. Submittal of the annual report as provided by Ecology pursuant to S9.B,  
11 describing the status of implementation of the requirements of this permit  
12 during the reporting period.

13 2. Attachments to the annual report form including summaries, descriptions,  
14 reports, and other information as required, or as applicable, to meet the  
15 requirements of this permit during the reporting period.

16 3. Certification and signature pursuant to G19.D, and notification of any changes  
17 to authorization pursuant to G19.C.

18 ~~1. All Secondary Permittees (except the Port of Seattle and the Port of Tacoma)~~  
19 ~~shall complete the *Annual Report Form for Secondary Permittees* (Appendix 4)~~  
20 ~~and submit it along with any supporting documentation to Ecology.~~

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

23 ~~a. Status of implementation of each component of the SWMP in section S6~~  
24 ~~*Stormwater Management Program for Co-Permittees, and Secondary*~~  
25 ~~*Permittees, as applicable to the Permittee.*~~

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

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

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

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

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

1 | ~~2.4. Secondary Permittees shall include with the annual report a n~~Notification of any  
2 | jurisdictional boundary changes resulting in an increase or decrease in the  
3 | Permittee’s geographic area of permit coverage during the reporting period,~~and~~  
4 | ~~implications for the SWMP.~~

5 | ~~D. Annual Report for the Port of Tacoma and the Port of Seattle~~

6 | ~~The annual report shall include the following:~~

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

1 **GENERAL CONDITIONS**

2 **G1. DISCHARGE VIOLATIONS**

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

5 **G2. PROPER OPERATION AND MAINTENANCE**

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

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

11 | If a Permittee has knowledge of a discharge, including spill(s), into or from a ~~municipal~~  
12 | ~~storm-sewer~~MS4, which could constitute a threat to human health, welfare, or the  
13 | environment, the Permittee, shall:

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

16 | B. Notify the Ecology regional office and other appropriate spill response authorities  
17 | immediately but in no case later than within 24 hours of obtaining that knowledge.  
18 | The Department of Ecology's Regional Office 24-hr. number is 425-649-7000 for the  
19 | Northwest Regional Office and 360-407-6300 for the Southwest Regional Office.

20 | C. Immediately report spills or discharges which might cause bacterial contamination of  
21 | ~~shellfish~~marine waters, such as broken sewer lines and failing onsite septic systems,  
22 | to the Ecology regional office and to the Department of Health, Shellfish Program.  
23 | The Department of Health's Shellfish 24-hr. number is 360-236-3330.

24 | D. Immediately report spills or discharges of oils or hazardous ~~materials-substances~~ to the  
25 | Ecology regional office and to the Washington Emergency Management Division, 1-800-  
26 | 258-5990.

27 **G4. BYPASS PROHIBITED**

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

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

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

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

#### 5 **G5. RIGHT OF ENTRY**

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

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

#### 17 **G6. DUTY TO MITIGATE**

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

#### 21 **G7. PROPERTY RIGHTS**

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

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

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

#### 26 **G9. MONITORING**

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

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

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

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

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

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

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

#### 34 **G10. REMOVED SUBSTANCES**

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

1 **G11. SEVERABILITY**

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

6 **G12. REVOCATION OF COVERAGE**

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

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

21 **G13. TRANSFER OF COVERAGE**

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

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

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

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

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

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

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

12 **G16. APPEALS**

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

28 **G17. PENALTIES**

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

31 **G18. DUTY TO REAPPLY**

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

34 **G19. CERTIFICATION AND SIGNATURE**

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

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

## 28 **G20. NON-COMPLIANCE NOTIFICATION**

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

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

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

2 **G21. UPSETS**

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

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

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

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

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

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

22 3. The Permittee submitted notice of the upset as required in 40 CFR  
23 122.41(l)(6)(ii)(B) (24-hour notice of noncompliance).

24 4. The Permittee complied with any remedial measures required under 40 CFR  
25 122.41(d) (Duty to Mitigate).

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

28

29

1 **DEFINITIONS AND ACRONYMS**

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

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

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

10 “Applicable TMDL” means a TMDL which has been approved by EPA on or before the issuance  
11 date of this permit, or prior to the date that Ecology issues coverage under the permit,  
12 whichever is later, is granted.

13 “Beneficial Uses” means uses of waters of the state, 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” are the schedules of activities, prohibitions of practices,  
19 maintenance procedures, and structural and/or managerial practices approved by Ecology  
20 that, when used singly or in combination, prevent or reduce the release of pollutants and  
21 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 ~~“Certified Erosion and Sediment Control Lead” (CESCL) means an individual who is~~  
25 ~~knowledgeable in the principles and practices of erosion and sediment control. The CESCL~~  
26 ~~must have the skills to assess: the site conditions and construction activities that could impact~~  
27 ~~the quality of stormwater; and the effectiveness of erosion and sediment control measures~~  
28 ~~used to control the quality of stormwater discharges. The CESCL must have current~~  
29 ~~certification through an approved erosion and sediment control training program that meets~~  
30 ~~the minimum training standards established by Ecology.~~

31 ~~“CESCL” means Certified Erosion and Sediment Control Lead.~~

32 “Common Plan of Development or Sale” means a site where multiple separate and distinct  
33 construction activities may be taking place at different times on different schedules and/or by  
34 different contractors, but still under a single plan. Examples include: 1) phase projects and  
35 projects with multiple filings or lots, even if the separate phases or filings/lots will be  
36 constructed under separate contract or by separate owners (e.g., a development where lots are  
37 sold to separate builders); 2) a development plan that may be phased over multiple years, but  
38 is still under a consistent plan for long-term development; 3) projects in a contiguous area  
39 that may be unrelated but still under the same contract, such as construction of a building  
40 extension and a new parking lot at the same facility; and 4) linear projects such as roads,

1 pipelines, or utilities. If the project is part of a common plan of development or sale, the  
2 disturbed area of the entire plan must be used in determine permit requirements.

3 “Component” or “Program Component” means ~~the an~~ elements of the ~~s~~Stormwater  
4 ~~m~~Management ~~p~~Program listed in Special Condition S5 *Stormwater Management Program*  
5 *for Permittees* or S6 *Stormwater Management Program for ~~Co-Permittees and~~ Secondary*  
6 *Permittees, or S7 Compliance with Total Maximum Daily Load Requirements, or S8*  
7 *Monitoring.*

8 “Co-Permittee” means an owner or operator of a ~~municipal separate storm sewer~~ MS4 which is  
9 in a cooperative agreement with at least one other applicant for that has co-applied for permit  
10 coverage under this permit. A co-permittee is an owner or operator of a regulated MS4  
11 located within or in proximity to another regulated MS4. A co-permittee with another  
12 permittee, and that is only responsible for permit conditions relating to the discharges from  
13 the MS4 the co-permittee owns or operates for which it is operator. See also 40 CFR  
14 122.26(b)(1).

15 “Circuit” means a portion of a municipal separate storm sewer system (MS4) discharging to a  
16 single point and serving a discrete area determined by both topography and the configuration  
17 of the MS4. The discharge point may be: an outfall, physical interconnection with another  
18 MS4 or a private storm system, or a junction within the MS4.

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

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

25 ~~“DIP” means detailed implementation plan.~~

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

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

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

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

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

36 “Hazardous substance” means any liquid, solid, gas, or sludge, including any material, substance,  
37 product, commodity, or waste, regardless of quantity, that exhibits any of the physical,  
38 chemical, or biological properties described in WAC 173-303-090 or WAC 173-303-100.

39

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

5 “Hydraulically Near” means runoff from the site discharges to the sensitive feature without  
6 significant natural attenuation of flows that allows for suspended solids removal. See  
7 Appendix 7 Determining Construction Site Sediment Damage Potential for a more detailed  
8 definition.

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

10 “Illicit connection” means any infrastructure connection to the MS4 man-made conveyance that  
11 is not designed, permitted or used for collection and conveying stormwater or other allowed  
12 discharges as specified in this permit. ~~connected to a municipal separate storm sewer without~~  
13 ~~a permit, excluding roof drains and other similar type connections.~~ Examples include sanitary  
14 sewer connections, floor drains, ~~channels,~~ pipelines, conduits, inlets, or outlets that are  
15 connected directly to the municipal separate storm sewer system.

16 “Illicit discharge” means any discharge into or from a municipal separate storm sewer that is not  
17 composed entirely of storm-water or which is not an allowed discharge as specified in this  
18 Permit. Illicit discharges include, but are not limited to, spills, discharges associated with  
19 illicit connections, and infiltration/exfiltration of non-stormwater that takes place in pipe  
20 bedding. ~~except discharges pursuant to a NPDES permit (other than the NPDES permit for~~  
21 ~~discharges from the municipal separate storm sewer) and discharges resulting from fire~~  
22 ~~fighting activities.~~

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

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

30 (a) ~~Preventing pest problems;~~  
31 (b) ~~Monitoring for the presence of pests and pest damage;~~  
32 (c) ~~Establishing the density of the pest population, that may be set at zero, that can be~~  
33 ~~tolerated or correlated with a damage level sufficient to warrant treatment of the problem~~  
34 ~~based on health, public safety, economic, or aesthetic thresholds;~~  
35 (d) ~~Treating pest problems to reduce populations below those levels established by damage~~  
36 ~~thresholds using strategies that may include biological, cultural, mechanical, and~~  
37 ~~chemical control methods and that must consider human health, ecological impact,~~  
38 ~~feasibility, and cost effectiveness; and~~  
39 (e) ~~Evaluating the effects and efficacy of pest treatments.~~

40 “Pest” means, but is not limited to, any insect, rodent, nematode, snail, slug, weed, and any form  
41 of plant or animal life or virus, except virus, bacteria, or other microorganisms on or in a  
42 living person or other animal or in or on processed food or beverages or pharmaceuticals;

1 ~~which is normally considered to be a pest, or which the director of the department of~~  
2 ~~agriculture may declare to be a pest.~~

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

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

9 “Low Impact Development” (LID) means a stormwater and land use management strategy that  
10 ~~strives to~~ ~~and land development strategy applied at the parcel and subdivision scale that~~  
11 ~~emphasizes conservation and use of on-site natural features integrated with engineered,~~  
12 ~~small-scale hydrologic controls to more closely mimic~~ pre-development hydrologic processes  
13 ~~functions of~~ infiltration, filtration, storage, evaporation and transpiration by emphasizing  
14 conservation, use of on-site natural features, site planning, and distributed stormwater  
15 management practices that are integrated into a project design.

16 “LID Principles” means land use management strategies that emphasize conservation, use of on-  
17 site natural features, and site planning to minimize impervious surfaces, native vegetation  
18 loss, and stormwater runoff.

19 “LID BMP” means low impact development best management practices.

20 “Low impact development best management practices” means distributed stormwater  
21 management practices, integrated into a project design, that emphasize pre-disturbance  
22 hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID  
23 BMPs include, but are not limited to, bioretention/rain gardens, permeable pavements, roof  
24 downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation  
25 foundations, and water re-use.

26 ~~“Major Municipal Separate Storm Sewer Outfall” means a municipal separate storm sewer~~  
27 ~~outfall from a single pipe with an inside diameter of 36 inches or more, or its equivalent~~  
28 ~~(discharge from a single conveyance other than circular pipe which is associated with a~~  
29 ~~drainage area of more than 50 acres); or for municipal separate storm sewers that receive~~  
30 ~~stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or~~  
31 ~~the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12~~  
32 ~~inches or more or from its equivalent (discharge from other than a circular pipe associated~~  
33 ~~with a drainage area of 12 acres or more). See also 40 CFR 122.26(b)(5).~~

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

36 “MBAS” means Methylene Blue Activated Substances.

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

40 “Maximum Extent Practicable (MEP)” refers to paragraph 402(p)(3)(B)(iii) of the federal Clean  
41 Water Act which reads as follows: Permits for discharges from municipal storm sewers shall  
42 require controls to reduce the discharge of pollutants to the maximum extent practicable,

1 including management practices, control techniques, and system, design, and engineering  
2 methods, and other such provisions as the Administrator or the State determines appropriate  
3 for the control of such pollutants.

4 “Medium Municipal Separate Storm Sewer System (Medium MS4)” means all Municipal  
5 Separate Storm Sewer ~~Systems (MS3s)~~ located in an incorporated place with a population of  
6 more than 100,000 but less than 250,000, or a county with unincorporated urbanized areas of  
7 more than 100,000 but less than 250,000 according to the 1990 decennial census by the  
8 Bureau of Census. See also 40 CFR 122.26(b)(7).

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

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

19 ~~(b) designed or used for collecting or conveying stormwater;~~

20 ~~(c) which is not a combined sewer; and~~

21 ~~(d) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR  
22 122.2~~

23 “Municipal separate storm sewer system (MS4)” means ~~all separate storm sewers that are  
24 defined as “large” or “medium” or “small” municipal separate storm sewer systems. See also  
25 40 CFR 122.26(b)(18)~~ a conveyance, or system of conveyances (including roads with  
26 drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels,  
27 or storm drains):

28 (i) Owned or operated by a state, city, town, borough, county, parish, district, association,  
29 or other public body (created by or pursuant to State Law) having jurisdiction over  
30 disposal of wastes, storm water, or other wastes, including special districts under State  
31 law such as a sewer district, flood control district or drainage district, or similar entity,  
32 or an Indian tribe or an authorized Indian tribal organization, or a designated and  
33 approved management agency under section 208 of the CWA that discharges to waters  
34 of the Washington State.

35 (ii) Designed or used for collecting or conveying stormwater.

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

38 “National Pollutant Discharge Elimination System (NPDES)” means the national program for  
39 issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits,  
40 and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and  
41 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the  
42 state from point sources. These permits are referred to as NPDES permits and, in Washington  
43 State, are administered by the Washington Department of Ecology.

1 “New Secondary Permittee” means a Secondary Permittee that is covered under a Municipal  
2 Stormwater General Permit and was not covered by the permit prior to August 1, 2013.

3 “Notice of Intent (NOI)” means the application for, or a request for coverage under a General  
4 NPDES Permit pursuant to WAC 173-226-200.

5 “Notice of Intent for Construction Activity” means the application form for coverage under the  
6 Construction Stormwater General Permit.

7 “Notice of Intent for Industrial Activity” means the application form for coverage under the  
8 General Permit for Stormwater Discharges Associated with Industrial Activities.

9 “NPDES” means National Pollutant Discharge Elimination System.

10 “Outfall” means point source as defined by 40 CFR 122.2 at the point where a municipal  
11 separate storm sewer discharges to surface or ground waters of the State. ~~Outfall and~~ does not  
12 include ~~open conveyances connecting two municipal separate storm sewers, or pipes, tunnels,~~  
13 or other conveyances which connect segments of the same stream or other surface waters ~~of~~  
14 ~~the State~~ and are used to convey primarily surface waters ~~of the State~~.

15 “Permittee” ~~means unless otherwise noted, any Primary Permittee includes Permittee, Co-~~  
16 ~~Permittee, or Secondary Permittee, and New Secondary Permittee unless specifically stated~~  
17 ~~otherwise for a particular section of this permit.~~

18 “Physically Interconnected” means that ~~one municipal separate storm sewer~~MS4 is connected to  
19 ~~another second municipal separate~~ storm sewer system in such a way that it allows for direct  
20 discharges to the second system. For example, the roads with drainage systems and  
21 municipal streets of one entity are physically connected directly to a ~~municipal separate~~  
22 storm sewer system belonging to another entity

23 “Qualified Personnel or Consultant” means ~~someone staff members or contractors~~ who ~~has~~ve  
24 had professional training in the aspects of stormwater management for which they are  
25 responsible and are under the functional control of the Permittee. Qualified Personnel may be  
26 staff members, contractors, or volunteers.

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

28 “Runoff” ~~means is~~ water that travels across the land surface, ~~or laterally through the soil near the~~  
29 ~~land surface,~~ and discharges to water bodies either directly or through a collection and  
30 conveyance system. ~~Runoff includes stormwater and water from other sources that travels~~  
31 ~~across the land surface.~~ See also “Stormwater.”

32 “Secondary Permittee” is an operator of a municipal separate storm sewer which is not a city,  
33 town or county. Secondary Permittees include special purpose districts and other public  
34 entities that meet the criteria identified in S1.D.E.1 ~~which operate municipal separate storm~~  
35 ~~sewers.~~

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

38 “Significant contributor” means a discharge that contributes a loading of pollutants considered to  
39 be sufficient to cause or exacerbate the deterioration of receiving water quality or instream  
40 habitat conditions.

1 “Sediment/Erosion-Sensitive Feature” means an area subject to significant degradation due to the  
2 effect of construction runoff or areas requiring special protection to prevent erosion. See  
3 Appendix 6 Determining Construction Site Sediment Transport Potential for a more detailed  
4 definition.

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

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

12 “Stormwater facilities regulated by the Permittee” means permanent stormwater treatment and  
13 flow control BMPs/facilities and catch basins located in the geographic area covered by the  
14 permit and which are not owned by the Permittee, and are known by the permittee to  
15 discharge into municipal separate storm sewers owned or operated by the Permittee.

16 “Stormwater Management Manual for Western Washington” means the 5-volume technical  
17 manual (Publication Nos. 05-10-029 through 05-10-033 for the 2005 version) published by  
18 Ecology ~~in February 2005~~. A proposed 2012 version is currently under public review and  
19 comment.

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

25 “Stormwater Treatment and Flow Control BMPs/Facilities” means detention facilities, treatment  
26 BMPs/facilities, bioretention, vegetated roofs, and permeable pavements that help meet  
27 minimum requirement 6 (treatment), 7 (flow control), or both.

28 “SWMPR” means Stormwater Management Program Report.

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

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

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

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

8 ~~“Waters of the United States” refers to the definition in 40 CFR 122.2.~~

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

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