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Issuance Date:  
Effective Date:  
Expiration Date:

**DRAFT**

**Western Washington Phase II Municipal  
Stormwater Permit**

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

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

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

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

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

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1 **SPECIAL CONDITIONS**

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

3 A. Geographic Area of Permit Coverage

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

7 1. For all cities required to obtain coverage under this permit, the geographic area  
8 of coverage is the entire incorporated area of the city.

9 2. For all counties required to have coverage under this Permit, the geographic  
10 area of coverage is the urbanized areas and urban growth areas associated with  
11 permitted cities under the jurisdictional control of the county. The geographic  
12 area of coverage also includes any urban growth area contiguous to permitted  
13 urbanized areas under the jurisdictional control of the county.

14 For Clallam, Island, and Lewis counties, the geographic area of coverage is the  
15 unincorporated urban growth area associated with the cities of Port Angeles, Oak  
16 Harbor, and Centralia, respectively.<sup>1</sup>

17 For Whatcom County, the geographic area of coverage also includes the Lake  
18 Whatcom watershed.<sup>2</sup>

19 2.3. For sSecondary pPermittees required to obtain coverage under this permit, the  
20 minimum geographic area of coverage is all areas identified under S1.A.1. and  
21 S1.A.2. At the time of permit coverage, Ecology may establish a geographic  
22 area of coverage specific to an individual sSecondary pPermittee.

23 3.4. All regulated small MS4s owned or operated by the pPermittees named in  
24 S1.D.2.a-(i) and (ii),- S1.D.2.b, and S1.D.2.c and located in another city or  
25 county area requiring coverage under this permit or either the Phase I Municipal  
26 *Stormwater Permit* or the *Eastern Washington Phase II Municipal Stormwater*  
27 *Permit* are also covered under this permit.

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

29 All operators of regulated small municipal separate storm sewer systems (MS4s) are  
30 required to apply for and obtain coverage under this Permit or be permitted under a

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<sup>1</sup> Ecology includes in the draft permit the jurisdictions and areas that are being evaluated for permit coverage. When the evaluations are complete, Ecology will include in the final permit the new permittees and areas of coverage that meet the criteria for coverage.

<sup>2</sup> Ecology proposes to expand the permit coverage area for Whatcom County as described in S1.A.2 pending submittal and EPA approval of the Lake Whatcom Total Maximum Daily Load (TMDL) before the final permit is issued in June 2012.

1 separate individual permit, unless waived or exempted in accordance with condition  
2 S1.C.

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

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

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

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

26 4. The owner or operator of a regulated small MS4 may obtain coverage under this  
27 Permit as a [p](#)Permittee, [e](#)C~~o~~-permittee, or [s](#)S~~e~~condary [p](#)Permittee as defined in  
28 S1.D.1. below.

29 5. Pursuant to 40 CFR 122.26(f), any person or organization may petition Ecology  
30 to require that additional ~~municipal separate storm sewers~~ [MS4s](#) obtain coverage  
31 under this permit. The process for petitioning Ecology is:

- 32 a. The person or organization shall submit a complete petition in writing to  
33 Ecology. A complete petition shall address each of the relevant factors for  
34 petitions outlined on Ecology’s website.
- 35 b. In making its determination on the petition, Ecology may request  
36 additional information from either the petitioner or the [jurisdiction entity](#)  
37 [that is the subject of the petition](#).

- 1 c. Ecology will make a final determination on a complete petition within 180  
2 days of receipt of the petition and inform both the petitioner and the  
3 [MS4municipal separate storm sewer](#) of the decision, in writing.
- 4 d. If Ecology’s final determination is that the candidate [MS4municipal](#)  
5 [separate storm sewer](#) will be regulated, Ecology will issue an order to the  
6 [MS4municipal separate storm sewer](#) requiring them to obtain coverage  
7 under this Permit. The order will specify:
- 8 i. The geographic area of permit coverage for the [MS4municipal](#)  
9 [separate storm sewer system](#);
- 10 ii. Any modified dates or deadlines for developing and implementing  
11 [this permit Stormwater Management Program in S5. or S6.](#), as  
12 appropriate to the [MS4municipal separate storm sewer system](#), and  
13 for submitting their first annual report; and
- 14 iii. A deadline for the operator of the [MS4municipal separate storm](#)  
15 [sewer system](#) to submit a complete Notice of Intent (see Appendix 5)  
16 to Ecology.
- 17 C. Owners and operators of an otherwise regulated small MS4 are not required to obtain  
18 coverage under this Permit if:
- 19 1. The small MS4 is operated by:
- 20 a. The federal government on military bases or other federal lands; or by the  
21 United States Military, the Bureau of Land Management, the United States  
22 Park Service or other federal agencies;
- 23 b. Federally recognized Indian Tribes located within Indian Country Lands;  
24 or
- 25 c. The Washington State Department of Transportation.  
26 or:
- 27 2. The portions of the small MS4 located within the census defined urban area(s)  
28 serve a total population of less than 1000 people and a, b, and c, below all  
29 apply:
- 30 a. The small MS4 is not contributing substantially to the pollutant loadings  
31 of a physically interconnected MS4 that is regulated by the NPDES  
32 stormwater program.
- 33 b. The discharge of pollutants from the small MS4 has~~ve~~ not been identified  
34 as a cause of impairment of any water body to which the MS4 discharges.
- 35 c. In areas where an EPA approved TMDL has been completed, stormwater  
36 controls on the MS4 have not been identified as being necessary.

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

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

9 D. Obtaining coverage under this Permit

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

- 13 1. Permittees: unless otherwise noted, the term “Permittee” shall include  
14 ~~Permittee, New Permittee,~~ Co-Permittee, ~~and~~ Secondary Permittee, and New  
15 Secondary Permittee as defined below:
  - 16 a. “Permittee” is a city, town, or county owning or operating a regulated  
17 small MS4 applying and receiving a permit as a single entity.
  - 18 b. “New Permittee” is a city, town or county that is subject to the *Western*  
19 *Washington Phase II Municipal Stormwater General Permit* and was not  
20 subject to the permit prior to August 1, 2013.
  - 21 b.c. “Co-Permittee” is any owner or operator of a regulated small MS4 that is  
22 applying jointly in a cooperative agreement with at least one other  
23 applicant for coverage under this Permit. Co-Permittees own or operate a  
24 regulated small MS4 located within or adjacent in proximity to another  
25 regulated small MS4.
  - 26 d. A “Secondary Permittee” is an operator of regulated small MS4 that is not  
27 a city, town or county. Secondary Permittees include special purpose  
28 districts and other MS4s that meet the criteria for a regulated small MS4 in  
29 S1.B. above.
  - 30 e.e. “New Secondary Permittee” is a Secondary Permittee that is covered  
31 under a municipal stormwater general permit and was not covered by the  
32 permit prior to August 1, 2013.
- 33 2. Operators of regulated small MS4s have submitted or shall submit to Ecology  
34 either an individual application to the Department *Notice of Intent (NOI) for*  
35 *Coverage under National Pollutant Discharge Elimination System (NPDES)*  
36 *Municipal Stormwater General Permit* provided in Appendix 5 or a *Duty to*  
37 *Reapply - Notice of Intent (NOI).* Applications submitted after January 17,  
38 2007 must be made using the NOI provided in Appendix 5. The NOI is also  
39 available on Ecology’s website.

1 a. ~~All cities, towns and counties listed in i and ii below and operating regulated~~  
2 ~~small MS4s shall apply as either a Permittee or Co-Permittee.~~

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

18 ii. ~~Counties: Cowlitz, Kitsap, Thurston, Skagit, and Whatcom.~~

19 b. ~~All other regulated small MS4s shall apply as a Secondary Permittee or as~~  
20 ~~a Co-Permittee.~~

21 e.a. ~~The following Permittees and Secondary Permittees cities, towns and~~  
22 ~~counties submitted either an application or a Duty to Reapply - NOI for~~  
23 ~~coverage to Ecology prior to August 19, 2011 January 17, 2007:~~

24 i. Cities and towns: Aberdeen, Algona, Anacortes, Arlington, Auburn,  
25 Bainbridge Island, Battle Ground, Bellevue, Bellingham, Black  
26 Diamond, Bonney Lake, Bothell, Bremerton, Brier, Buckley, Burien,  
27 Burlington, Camas, Centralia, Clyde Hill, Covington, Des Moines,  
28 DuPont, Duvall, Edgewood, Edmonds, Enumclaw, Everett, Federal  
29 Way, Ferndale, Fife, Fircrest, Gig Harbor, Granite Falls, Issaquah,  
30 Kelso, Kenmore, Kent, Kirkland, Lacey, Lake Forest Park, Lake  
31 Stevens, Lakewood, Longview, Lynnwood, Maple Valley,  
32 Marysville, Medina, Mercer Island, Mill Creek, Milton, Monroe,  
33 Mountlake Terrace, Mount Vernon, Mukilteo, Newcastle, Normandy  
34 Park, Oak Harbor, Olympia, Orting, Pacific, Port Orchard, Port  
35 Angeles, Poulsbo, Puyallup, Redmond, Renton, Sammamish,  
36 SeaTac, Sedro-Woolley, Shoreline, Snohomish, Steilacoom, Sumner,  
37 Tukwila, Tumwater, University Place, Vancouver, Washougal, and  
38 Woodinville, and Yarrow

39 Point

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

1 ii.iii. Secondary Permittees: Bainbridge Island School District #303,  
2 Bellingham School District, Bellingham Technical College,  
3 Cascadia College, Central Kitsap School District, Centralia College,  
4 Clark College, Consolidated Diking Improvement District #1,  
5 Edmonds Community College, Evergreen College, Highline  
6 Community College, Kelso School District, Kent School District,  
7 Longview School District, Lower Columbia College, Port of  
8 Anacortes, Port of Bellingham, Port of Olympia, Port of Skagit  
9 County, Port of Vancouver, Skagit County Drainage District #19,  
10 Skagit Valley College, University of Washington Bothell,  
11 Washington State University Vancouver, Washington State General  
12 Administration (Capitol Campus), Washington Department of  
13 Corrections, Western Washington University, and Whatcom  
14 Community College.  
15

16 b. The following New Permittees submitted a Notice of Intent (NOI) for Coverage  
17 under National Pollutant Discharge Elimination System (NPDES)  
18 Municipal Stormwater General Permit to Ecology prior to June 12, 2012:

19 i. Cities and Towns:

20 ii. Counties:

21 d.c. All Operators of regulated small MS4s located in jurisdictions listed in  
22 S1.D.2.a. shall submit to Ecology a Notice of Intent (NOI) for Coverage  
23 under National Pollutant Discharge Elimination System (NPDES)  
24 Municipal Stormwater General Permit provided in Appendix 5 NOI or  
25 individual permit application before the effective date of this permit, with  
26 the following exceptions:

- 27 i. Operators of regulated small MS4s located in the Cities of Lynden  
28 and Snoqualmie, and Clallam, Island, and Lewis Counties Aberdeen,  
29 Anacortes, Centralia, Oak Harbor, and Port Angeles shall submit a  
30 NOI or application to Ecology no later than 30 days after the  
31 effective date of this permit<sup>3</sup>.
- 32 ii. Operators of regulated small MS4s listed in S1.D.2. ea. and b do not  
33 need to submit a new application to be covered under this permit.

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<sup>3</sup> Ecology includes in the draft permit the jurisdictions and areas that are being evaluated for permit coverage. When the evaluations are complete, Ecology will include in the final permit the new permittees and areas of coverage that meet the criteria for coverage.

1 | ~~e.d.~~ For operators of regulated small MS4s listed in S1.D.2.~~ea- and b~~, coverage  
2 | under this permit is automatic and begins on the effective date of this  
3 | permit, unless:

4 | ~~i.~~ The operator chooses to reapply before the effective date of this  
5 | permit; or

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

9 | ~~iii.~~ The operator chooses to be a Co-Permittee in accordance with S1.D.2.f.  
10 | and S1.D.3.e. below; or

11 | ~~T~~he operator chooses to opt out of this General Permit. Any  
12 | operator of a regulated small MS4 that is opting out of this permit  
13 | shall submit an application for an individual MS4 permit in  
14 | accordance with 40 CFR 122.33(b)(2)(ii) no later than the effective  
15 | date of this permit.

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

18 | ~~g.f.~~ Operators of regulated small MS4s which are relying on another entity to  
19 | satisfy ~~one or more~~all of their permit obligations shall submit a NOI to  
20 | Ecology.

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

24 | 3. Application Requirements

25 | ~~a.~~ NOIs shall be submitted to:

26 | ~~Department of Ecology~~  
27 | ~~Water Quality Program~~  
28 | ~~Municipal Stormwater Permits~~  
29 | ~~P.O. Box 47696~~  
30 | ~~Olympia, WA 98504-7696~~

31 | ~~b.a.~~ For NOIs submitted after ~~January 17, 2007~~the issuance date of this permit,  
32 | the ~~permit~~-applicant shall ~~provide public notice of the application in~~  
33 | ~~accordance with WAC 173-226-130(5). The applicant or co-applicant~~  
34 | ~~shall~~ include a certification that the public notification requirements of  
35 | WAC 173-226-130(5) have been satisfied. ~~Unless Ecology responds will~~  
36 | notify applicants in writing of their status concerning; coverage under this  
37 | Permit ~~will be effective 6~~ within 90 days ~~after of Ecology's~~ receipt of a  
38 | complete NOI. ~~A complete NOI shall include the certification of public~~  
39 | notice.

1 | ~~e.b.~~ Each Permittees applying as ~~ea Co-applicants-Permittee~~ shall submit a  
2 | ~~joint~~ NOI provided in Appendix 5. The joint NOI shall clearly identify the  
3 | areas of the MS4 for which ~~each of the eCo-Permitteeapplicants are is~~  
4 | responsible.

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

13 | ~~e.d.~~ Secondary pPermittees required to ~~have-obtain~~ coverage under this Permit,  
14 | and the NPDES and State Waste Discharge Permit for Discharges from  
15 | Small Municipal Separate Storm Sewers in Eastern Washington or the  
16 | NPDES and State Waste Discharge Permit for Discharges from Large and  
17 | Medium Municipal Separate Storm Sewers, may obtain coverage by  
18 | submitting a single NOI.

## 19 | **S2. AUTHORIZED DISCHARGES**

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

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

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

- 34 | 1. The discharge is authorized by a separate National Pollutant Discharge  
35 | Elimination System (NPDES) or State Waste Discharge permit-; or
- 36 | 2. The discharge ~~is from~~occurred during emergency fire fighting activities-; or
- 37 | 3. The discharge is from another illicit or non-stormwater discharge that is  
38 | managed by the Permittee as provided in Special Condition S5.C.3.~~b.~~ or  
39 | S6.C.3.~~b.~~

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

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

### 15   **S3. RESPONSIBILITIES OF PERMITTEES**

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

### 36   **S4. COMPLIANCE WITH STANDARDS**

- 37          A. In accordance with RCW 90.48.520, the discharge of toxicants to waters of the state  
38          of Washington which would violate any water quality standard, including toxicant

1 standards, sediment criteria, and dilution zone criteria is prohibited. The required  
2 response to such discharges is defined in section S4.F., below.

3 B. This Permit does not authorize a discharge which would be a violation of Washington  
4 State Surface Water Quality Standards (Chapter 173-201A WAC), Ground Water  
5 Quality Standards (Chapter 173-200 WAC), Sediment Management Standards  
6 (Chapter 173-204 WAC), or human health-based criteria in the national Toxics Rule  
7 (Federal Register, Vol. 57, NO. 246, Dec. 22, 1992, pages 60848-60923). The  
8 required response to such discharges is defined in section S4.F., below.

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

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

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

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

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

30 2. In the event that Ecology determines, based on a notification provided under  
31 S4.F.1. or through any other means, that a discharge from a municipal separate  
32 storm sewer owned or operated by the Permittee is causing or contributing to a  
33 violation of Water Quality Standards in a receiving water, Ecology will notify  
34 the Permittee in writing that an adaptive management response outlined in  
35 S4.F.3. below is required, unless Ecology also determines that (a) the violation  
36 of Water Quality Standards is already being addressed by a Total Maximum  
37 Daily Load or other enforceable water quality cleanup plan; or (b) Ecology  
38 concludes the [MS4 contribution to the](#) violation will be eliminated through  
39 implementation of other permit requirements.

40 3. Adaptive Management Response

- 1 a. Within 60 days of receiving a notification under S4.F.2., or by an  
2 alternative date established by Ecology, the Permittee shall review its  
3 Stormwater Management Program and submit a report to Ecology. The  
4 report shall include:
- 5 i. A description of the operational and/or structural BMPs that are  
6 currently being implemented to prevent or reduce any pollutants that  
7 are causing or contributing to the violation of Water Quality  
8 Standards, including a qualitative assessment of the effectiveness of  
9 each BMP.
- 10 ii. A description of potential additional operational and/or structural  
11 BMPs that will or may be implemented in order to apply AKART on  
12 a site-specific basis to prevent or reduce any pollutants that are  
13 causing or contributing to the violation of Water Quality Standards.
- 14 iii. A description of the potential monitoring or other assessment and  
15 evaluation efforts that will or may be implemented to monitor,  
16 assess, or evaluate the effectiveness of the additional BMPs.
- 17 iv. A schedule for implementing the additional BMPs including, as  
18 appropriate: funding, training, purchasing, construction, monitoring,  
19 and other assessment and evaluation components of implementation.
- 20 b. Ecology will, in writing, acknowledge receipt of the report within a  
21 reasonable time and notify the Permittee when it expects to complete its  
22 review of the report. Ecology will either approve the additional BMPs and  
23 implementation schedule or require the Permittee to modify the report as  
24 needed to meet AKART on a site-specific basis. If modifications are  
25 required, Ecology will specify a reasonable time frame in which the  
26 Permittee shall submit and Ecology will review the revised report.
- 27 c. The Permittee shall implement the additional BMPs, pursuant to the  
28 schedule approved by Ecology, beginning immediately upon receipt of  
29 written notification of approval.
- 30 d. The Permittee shall include with each subsequent annual report a summary  
31 of the status of implementation and the results of any monitoring,  
32 assessment or evaluation efforts conducted during the reporting period. If,  
33 based on the information provided under this subsection, Ecology  
34 determines that modification of the BMPs or implementation schedule is  
35 necessary to meet AKART on a site-specific basis, the Permittee shall  
36 make such modifications as Ecology directs. In the event there are  
37 ongoing violations of water quality standards despite the implementation  
38 of the BMP approach of this section, the Permittee may be subject to  
39 compliance schedules to eliminate the violation under WAC 173-201A-  
40 510(4) and WAC 173-226-180 or other enforcement orders as Ecology  
41 deems appropriate during the term of this permit.

- e. Provided the Permittee is implementing the approved adaptive management response under this section, the Permittee remains in compliance with Condition S4., despite any on-going violations of Water Quality Standards identified under S4.F.A or B above.
- f. The adaptive management process provided under Section S.4.F is not intended to create a shield for the Permittee from any liability it may face under 42 U.S.C. 9601 *et seq.* or RCW 70.105D.

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

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

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

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

New Permittees subject to this permit as described in S1.D.1.b shall fully meet the requirements in S5 as modified in footnotes below, or as specified in an alternate schedule as a condition of coverage by Ecology. Permittees obtaining coverage after the issuance date of this permit shall fully meet the requirements in S5 as specified in an alternate schedule as a condition of coverage by Ecology.

- 1. ~~The SWMP shall be developed and implemented in accordance with the schedules contained in this section and shall be fully developed and implemented no later than 180 days prior to the expiration date of this Permit. At a minimum the Permittee’s SWMP shall be implemented throughout the geographic area subject to this Permit as described in S1.A.<sup>4</sup>~~

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<sup>4</sup> New Permittees shall fully develop and implement the SWMP in accordance with the schedules contained in this section no later than February 2, 2018.

- 1           2. Each Permittee shall prepare written documentation of the SWMP. The SWMP  
2 |           Report (SWMPR) documentation shall be organized according to the program  
3 |           components in S5.C. and shall be updated at least annually for submittal with  
4 |           the Permittee's annual reports to Ecology (see S9 *Reporting and Record*  
5 |           *Keeping*). The SWMPR ~~documentation~~ shall be written to inform the public of  
6 |           the planned SWMP activities for the upcoming calendar year, and shall include:
- 7 |           a. A description of planned activities for each of the program components  
8 |           included in S5.C., and
- 9 |           Any additional actions implemented by the Permittee pursuant to S5.C.,  
10 |           and
- 11 |           b. Any additional planned actions necessary to meet the requirements of  
12 |           applicable TMDLs pursuant to S7 *Compliance with Total Maximum Daily*  
13 |           *Load Requirements*.
- 14 |           **b.c. Any additional planned actions to meet the requirements of S8**  
15 |           Monitoring.
- 16 |           3. The SWMP shall include an ongoing program for gathering, tracking,  
17 |           maintaining, and using information to evaluate SWMP development,  
18 |           implementation and permit compliance and to set priorities.
- 19 |           a. ~~Beginning no later than January 1, 2009, e~~Each Permittee shall track the  
20 |           cost or estimated cost of development and implementation of each  
21 |           component of the SWMP.<sup>5</sup> This information shall be provided to Ecology  
22 |           upon request.
- 23 |           b. Each Permittee shall track the number of inspections, official enforcement  
24 |           actions and types of public education activities as stipulated by the  
25 |           respective program component. This information shall be included in the  
26 |           annual report.
- 27 |           4. ~~The SWMP described herein supersedes SWMP descriptions provided by~~  
28 |           ~~permit applicants in individual applications submitted to the Department prior to~~  
29 |           ~~the effective date of this permit.~~
- 30 |           ~~Notwithstanding the schedules for implementation of SWMP components~~  
31 |           ~~contained in this permit,~~ Permittees that are already implementing some or all of  
32 |           the SWMP components in this section shall continue implementation of those  
33 |           components of their SWMP. Permittees shall not repeal existing local  
34 |           requirements to control stormwater that go beyond the requirements of this  
35 |           permit for prohibiting non-stormwater discharges and for new development and  
36 |           redevelopment sites.

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<sup>5</sup> New Permittees shall begin implementing the requirements of S5.A.3.a no later than August 1, 2015.

1           5.    Coordination among permittees

2           a.    Coordination among entities covered under municipal stormwater NPDES  
3           permits may be necessary to comply with certain conditions of the SWMP.  
4           The SWMP should include, when needed, coordination mechanisms  
5           among entities covered under a municipal stormwater NPDES permit to  
6           encourage coordinated stormwater-related policies, programs and projects  
7           within adjoining or shared areas, including:

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

11          ii.   Coordination ~~ing mechanisms shall coordinate~~ stormwater management  
12          activities for shared water bodies among ~~p~~Permittees to avoid  
13          conflicting plans, policies and regulations.

14          b.    The SWMP ~~should~~shall include coordination mechanisms among  
15          departments within each jurisdiction to eliminate barriers to compliance  
16          with the terms of this permit. Permittees shall include information in the  
17          First Year Annual Report to identify all departments within the  
18          Permittee’s jurisdiction that conduct stormwater-related activities, their  
19          roles and responsibilities under this permit, and a current organizational  
20          chart specifying these departments’ key personnel.

21          ~~A.B.~~ The SWMP shall be designed to reduce the discharge of pollutants from regulated  
22          small MS4s to the maximum extent practicable (MEP), meet state AKART  
23          requirements, and protect water quality. ~~Notwithstanding the schedules for~~  
24          ~~implementation of SWMP components contained in this Permit, permittees who are~~  
25          ~~implementing some or all of the SWMP components in this section shall continue~~  
26          ~~implementation of those components of their SWMP.~~

27          ~~B.C.~~ The SWMP shall include the components listed below. To the extent allowable under  
28          state or federal law, all components are mandatory for city, town or county  
29          ~~p~~Permittees covered under this ~~P~~permit. ~~In accordance with 40 CFR 122.35(a) and~~  
30          ~~Special Condition S3, a city, town or county may rely on another entity to implement~~  
31          ~~one or more of the components in this section.~~

32          1.    Public Education and Outreach

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

39                The minimum performance measures are:

- 1 | a. ~~No later than two years after the effective date of this Permit, the~~Each  
2 | Permittee shall provide an education and outreach program for the area  
3 | served by the MS4. The outreach program shall be designed to educate  
4 | target audiences about the stormwater problem and provide specific  
5 | actions they can follow to minimize the problem.<sup>6</sup>~~achieve measurable~~  
6 | ~~improvements in the target audience's understanding of the problem and~~  
7 | ~~what they can do to solve it.~~

8 | Education and outreach efforts shall be prioritized to target the following  
9 | audiences and subject areas:

- 10 | i. General public, including school age children.
- 11 | • General impacts of stormwater flows into surface waters.
  - 12 | • Impacts from impervious surfaces.
  - 13 | • Source control BMPs and environmental stewardship programs  
14 | and actions~~and opportunities~~ in the areas of pet waste, vehicle  
15 | maintenance, landscaping and buffers.
- 16 | ii. General public, businesses, including home-based and mobile  
17 | businesses
- 18 | • BMPs for use and storage of automotive chemicals, hazardous  
19 | cleaning supplies, carwash soaps and other hazardous  
20 | materials.
  - 21 | • Impacts of illicit discharges and how to report them.
  - 22 | • BMPs for equipment maintenance.
- 23 | iii. Homeowners, landscapers and property managers
- 24 | • Yard care techniques protective of water quality.
  - 25 | • BMPs for use and storage of pesticides and fertilizers.
  - 26 | • BMPs for carpet cleaning and auto repair and maintenance.
  - 27 | • Low Impact Development principles and BMPs~~techniques,~~  
28 | ~~including site design, pervious paving, retention of forests and~~  
29 | ~~mature trees.~~
  - 30 | • Stormwater ~~pond~~facility maintenance.
  - 31 | • Dumpster maintenance for property owners.

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<sup>6</sup> New Permittees shall begin implementing the requirements of S5.C.1 no later than August 1, 2015.

- 1 iv. Engineers, contractors, developers, review staff and land use  
2 planners
- 3 • Technical standards for stormwater site and erosion control  
4 plans.
- 5 • Low Impact Development principles and BMP techniques,  
6 including site design, pervious paving, retention of forests and  
7 mature trees.
- 8 • Stormwater treatment and flow control BMPs.
- 9 b. Each permittee shall create stewardship opportunities and/or build on  
10 existing organizations to encourage residents to participate in activities  
11 such as stream teams, storm drain stenciling, volunteer monitoring,  
12 riparian plantings and education activities.
- 13 c. No later than February 2, 2015, eEach Permittee shall begin measuring  
14 the understanding and adoption of the targeted behaviors for at least one  
15 new targeted audience in at least one new subject area. No later than  
16 February 2, 2016, fthe resulting measurements shall be used to direct  
17 education and outreach resources most effectively, as well as to evaluate  
18 changes in adoption of the targeted behaviors.<sup>7</sup> Permittees may meet this  
19 requirement individually or as a member of a regional group.
- 20 ~~d. Each Permittee shall track and maintain records of public education and~~  
21 ~~outreach activities.~~

22 2. Public Involvement and Participation

23 Permittees ~~The SWMP~~ shall include ongoing opportunities for public  
24 involvement and participation through advisory councils, public hearings,  
25 watershed committees, participation in developing rate-structures, ~~stewardship~~  
26 ~~programs, environmental activities~~ or other similar activities. Each Permittee  
27 shall comply with applicable State and local public notice requirements when  
28 developing elements of their SWMP.

29 The minimum performance measures are:

- 30 a. ~~No later than one year from the effective date of this Permit, all~~  
31 ~~p~~Permittees shall create opportunities for the public to participate in the  
32 decision-making processes involving the development, implementation  
33 and update of the Permittee's entire SWMP.<sup>8</sup> ~~Each Permittee shall~~

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<sup>7</sup> New Permittees shall begin measuring the understanding a adoption of target behaviors for at least one audience and one targeted behavior no later than August 1, 2016. By no later than August 1, 2017, New Permittees shall begin using the results to direct education and outreach resources more effectively, as well as to evaluate changes in adopted behaviors.

<sup>8</sup> New Permittees shall develop and begin implement requirements of S5.C.2.a no later than August 1, 2014.

1 ~~develop and implement a process for consideration of public comments on~~  
2 ~~their SWMP.~~

- 3 b. Each Permittee shall post on their jurisdiction's website ~~make their~~  
4 ~~SWMPR, and the annual report required under S9.A and all other~~  
5 ~~submittals required by this Permit, available to the public no later than~~  
6 ~~May 31, each year. All other submittals should be available to the public~~  
7 ~~upon request. The annual report, and SWMP that was submitted with the~~  
8 ~~latest annual report, shall be posted on the permittee's website.~~ To comply  
9 with the posting requirement, a ~~p~~Permittee that does not maintain a  
10 website may submit the updated SWMP in electronic format to  
11 ~~Ecologythe Department~~ for posting on ~~the DepartmentEcology~~'s website.

12 3. Illicit Discharge Detection and Elimination

13 The SWMP shall include an ongoing program to identify, detect, and remove  
14 and prevent illicit connections and illicit discharges into the MS4, as defined in  
15 40 CFR 122.26(b)(2), including any spills not under the purview of another  
16 responding authority, into the municipal separate storm sewers owned or  
17 operated by the Permittee. Permittees shall fully implement an ongoing illicit  
18 discharge detection and elimination program no later than 180 days prior to the  
19 expiration date of this Permit.

20 The minimum performance measures are:

- 21 a. Mapping of the MS4 municipal storm sewer system map shall continue  
22 on an ongoing basis.<sup>9</sup> be developed no later than four years from the  
23 effective date of this permit. Municipal storm sewer system MS4 maps  
24 shall be periodically updated. At a minimum, maps and shall include the  
25 following information:

26 i. The location of all known MS4 municipal separate storm sewer  
27 outfalls

28 ii. and receiving waters and s

29 iii. structural sStormwater treatment and flow control BMPs/facilities  
30 owned, operated, or maintained by the Permittee. Each Permittee  
31 shall map the attributes listed below. Permittees may rely on  
32 permanent stormwater control plans for mapping LID BMPs  
33 provided they are spatially referenced to the MS4 map and  
34 maintained on an ongoing basis.

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<sup>9</sup> New Permittees shall meet the requirements of S5.C.3.a no later than August 1, 2017, except where otherwise noted in this section.

1 iv. Tributary conveyances for all known storm sewer outfalls with a 24  
2 inch nominal diameter or larger, or an equivalent cross-sectional area  
3 for non-pipe systems. The following attributes shall be mapped:

- 4 • Tributary conveyances ~~(indicate~~ type, material, and size where  
5 known).
- 6 • Land use and associated drainage areas.

7 Land use.

8 ~~ii.v. Each Permittee shall initiate a program to develop and maintain a~~  
9 ~~map of a~~ All connections to the MS4 municipal separate storm sewer  
10 authorized or allowed by the Permittee after February 16, 2007.<sup>10</sup> ~~the~~  
11 ~~effective date of this Permit.~~

12 ~~iii.vi.~~ Geographic areas served by the Permittee's MS4 that do not  
13 discharge stormwater to surface waters.

14 ~~iv.vii. To the extent consistent with national security laws and directives,~~  
15 ~~e~~ Each Permittee shall make available to Ecology, upon request,  
16 municipal storm sewer system map(s) depicting the information  
17 required in S5.C.3.a.i. through ~~iii.vi~~ above. The preferred format for  
18 mapping of submission will be an electronic format with fully  
19 described mapping standards. An example description is  
20 available provided on Ecology website Web Pages under Core  
21 Services, GIS Data.

22 ~~v.viii.~~ Upon request, and to the extent appropriate, permittees shall  
23 provide mapping information to other municipalities, federally-  
24 recognized Indian Tribes, e Co-~~p~~ Permittees and s Secondary  
25 p Permittees. This permit does not preclude Permittees from  
26 recovering reasonable costs associated with fulfilling mapping  
27 information requests by other municipalities, Co-Permittees and  
28 Secondary Permittees.

29 b. Each Permittee shall ~~develop and~~ implement an ordinance or other  
30 regulatory mechanism to effectively prohibit non-stormwater, illicit  
31 discharges into the Permittee's municipal separate storm sewer system to  
32 the maximum extent allowable under State and Federal law.<sup>11</sup> ~~The~~  
33 ~~ordinance or other regulatory mechanism shall be adopted no later than 30~~  
34 ~~months from the effective date of this Permit.~~

35 i. Allowable Discharges: The regulatory mechanism does not need to  
36 prohibit the following categories of non-stormwater discharges:

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<sup>10</sup> New Permittees shall meet the requirements of S5.C.3.a.v. after August 1, 2013.

<sup>11</sup> New Permittees shall meet the requirements of S5.C.3.b no later than February 2, 2016.

- 1 • Diverted stream flows.
- 2 • Rising ground waters.
- 3 • Uncontaminated ground water infiltration (as defined at 40
- 4 CFR 35.2005(20)).
- 5 • Uncontaminated pumped ground water.
- 6 • Foundation drains.
- 7 • Air conditioning condensation.
- 8 • Irrigation water from agricultural sources that is commingled
- 9 with urban stormwater.
- 10 • Springs.
- 11 • Water from crawl space pumps.
- 12 • Footing drains.
- 13 • Flows from riparian habitats and wetlands.
- 14 • Non-stormwater discharges ~~covered~~authorized by another
- 15 NPDES or state waste discharge permit.
- 16 • Discharges ~~from~~that occur during emergency fire fighting
- 17 activities in accordance with S2 *Authorized Discharges*.
- 18 ii. Conditionally Allowable Discharges: The regulatory mechanism
- 19 ~~shall~~may allow ~~prohibit~~ the following categories of non-stormwater
- 20 discharges ~~unless~~only if the stated conditions are met:
- 21 • Discharges from potable water sources, including but not
- 22 limited to water line flushing, hyperchlorinated water line
- 23 flushing, fire hydrant system flushing, and pipeline hydrostatic
- 24 test water. Planned discharges shall be de-chlorinated to a
- 25 concentration of 0.1 ppm or less, pH-adjusted, if necessary, and
- 26 volumetrically and velocity controlled to prevent re-suspension
- 27 of sediments in the MS4.
- 28 • Discharges from lawn watering and other irrigation runoff.
- 29 These shall be minimized through, at a minimum, public
- 30 education activities (see section S5.C.1) and water
- 31 conservation efforts.
- 32 • Dechlorinated swimming pool, spa and hot tub discharges.
- 33 The discharges shall be dechlorinated to a concentration of 0.1
- 34 ppm or less, pH-adjusted and reoxygenized if necessary,
- 35 volumetrically and velocity controlled to prevent re-suspension

1 of sediments in the MS4. Discharges shall be thermally  
2 controlled to prevent an increase in temperature of the  
3 receiving water. Swimming pool cleaning wastewater and  
4 filter backwash shall not be discharged to the MS4.

- 5 • Street and sidewalk wash water, water used to control dust, and  
6 routine external building wash down that does not use  
7 detergents. The Permittee shall reduce these discharges  
8 through, at a minimum, public education activities (see section  
9 S5.C.1.) and/or water conservation efforts. To avoid washing  
10 pollutants into the MS4, Permittees must minimize the amount  
11 of street wash and dust control water used. ~~At active~~  
12 ~~construction sites, street sweeping must be performed prior to~~  
13 ~~washing the street.~~
- 14 • Other non-stormwater discharges. The discharges shall be in  
15 compliance with the requirements of a ~~stormwater~~ pollution  
16 prevention plan reviewed by the Permittee, which addresses  
17 control of such discharges.

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

20 ~~iv.iii.~~ The ~~Permittee SWMP~~ shall further address any category of  
21 discharges in (i) or (ii) above if the discharges are identified as  
22 significant sources of pollutants to waters of the State.

23 ~~v.iv.~~ The ordinance or other regulatory mechanism shall include  
24 escalating enforcement procedures and actions.

25 ~~v.~~ The Permittee shall ~~develop~~ implement a compliance and enforcement  
26 strategy that includes informal compliance actions such as public  
27 education and technical assistance as well as and implement the  
28 enforcement provisions of the ordinance or other regulatory  
29 mechanism.

- 30 • The compliance strategy should include the application of  
31 operational and/or structural source control BMPs for pollutant  
32 generating sources associated with existing land uses and  
33 activities. The source control BMPs referenced in this subsection  
34 are in Volume IV of the 2012 Stormwater management Manual for  
35 Western Washington, or an equivalent manual approved by  
36 Ecology under the Phase I Permit.
- 37 • The compliance strategy should address the maintenance of  
38 permanent stormwater treatment facilities, flow control facilities  
39 and catch basins which discharge into the Permittee's MS4 in  
40 accordance with maintenance standards established under S5.C.4  
41 and/or S5.C.5 where necessary to prevent illicit discharges or

1 violations of surface water, ground water, or sediment management  
2 standards.

3 vi. The Permittee's ordinance or other regulatory mechanism in effect as  
4 of the effective date of this permit shall be revised if necessary to  
5 meet the requirements of this section, no later than February 2, 2018.

6 c. Each Permittee shall ~~develop and~~ implement an ongoing program to  
7 identify and detect ~~and address~~ non-stormwater discharges, ~~including~~  
8 spills, and illicit connections ~~into the Permittee's MS4.~~<sup>12</sup> municipal  
9 separate storm sewer system. The program shall ~~be fully implemented no~~  
10 later than 180 days prior to the expiration date of this Permit and shall  
11 include the following components:

12 i. Procedures for conducting investigations of the Permittee's MS4 for  
13 the purpose of detecting illicit discharges and illicit connections. The  
14 program shall include field screening and methods for identifying  
15 potential sources, locating priority areas likely to have illicit  
16 discharges, including at a minimum: evaluating land uses and  
17 associated business/industrial activities present; areas where  
18 complaints have been registered in the past; and areas with storage of  
19 large quantities of materials that could result in spills.

20 ii. ~~Field assessment activities, including visual inspection of priority~~  
21 ~~outfalls identified in i, above, during dry weather and for the~~  
22 ~~purposes of verifying outfall locations, identifying previously~~  
23 ~~unknown outfalls, and detecting illicit discharges.~~

24 ~~Receiving waters shall be prioritized for visual inspection no~~  
25 ~~later than three years from the effective date of this Permit,~~  
26 ~~with field assessments of three high priority water bodies made~~  
27 ~~no later than four years from the effective date of this Permit.~~  
28 ~~Field assessments on at least one high priority water body shall~~  
29 ~~be made each year thereafter.~~

30 The Permittee shall implement a field screening methodology  
31 appropriate to the characteristics of the MS4 and water quality  
32 concerns. Screening for illicit connections shall~~may~~ be  
33 conducted using: *Illicit Discharge Detection and Elimination:*  
34 *A Guidance Manual for Program Development and Technical*  
35 *Assessments*, Center for Watershed Protection, October 2004,  
36 or another methodology of comparable or improved  
37 effectiveness. If another method of field screening is developed

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<sup>12</sup> New Permittees shall fully implement the requirements of S4.C.3.c no later than February 2, 2018, except where otherwise noted in this section.

1 and implemented, the Permittee shall document the field  
2 screening methodology in the relevant Annual Report.

3 Permittees shall prioritize conveyances and outfalls and  
4 complete field screening for at least 40% of the MS4 within the  
5 Permittee's coverage area no later than February 2, 2016,<sup>13</sup> and  
6 20% each year thereafter.

7 ii. A publicly listed and publicized hotline or other telephone number  
8 for public reporting of spills and other illicit discharges.<sup>14</sup>

9 iii. An ongoing training program for all municipal field staff, which, as  
10 part of their normal job responsibilities, might come into contact  
11 with or otherwise observe an illicit discharge and/or illicit  
12 connection to the MS4, on the identification of an illicit discharge  
13 and/or connection, and on the proper procedures for reporting and  
14 responding, as appropriate, to the illicit discharge and/or connection.  
15 Follow-up training shall be provided as needed to address changes in  
16 procedures, techniques, requirements, or staffing. Permittees shall  
17 document and maintain records of the trainings provided and the  
18 staff trained.<sup>15</sup>

19 iv. Permittees shall inform public employees, businesses, and the  
20 general public of hazards associate with illicit discharges and  
21 improper disposal of waste.

22 d. Each Permittee shall implement an ongoing program to address illicit  
23 discharges, including spills, and illicit connections into the Permittee's  
24 MS4.<sup>16</sup> The program shall include:

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

30 ~~Compliance with this provision shall be achieved by investigating~~  
31 ~~(or referring to the appropriate agency) within 7 days, on average,~~  
32 ~~any complaints, reports or monitoring information that indicates a~~  
33 ~~potential illicit discharge, including spills; and immediately~~

---

<sup>13</sup> New Permittees shall complete S5.C.3.c.i requirements for field screening covering at least 20% of the MS4 within the Permittee's coverage area no later than February 2, 2016, and at least 20% each year thereafter.

<sup>14</sup> New Permittees shall implement the requirements of S5.B.3.ii no later than August 1, 2015.

<sup>15</sup> New Permittees shall develop and begin implementing the ongoing training program described in S5.B.3.c.iii no later than February 2, 2016.

<sup>16</sup> New Permittees shall fully develop and implement the requirements of S5.C.3.d no later than February 2, 2018.

1 ~~investigating (or referring) problems and violations determined to be~~  
2 ~~emergencies or otherwise judged to be urgent or severe.~~

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

7 ~~ii.~~

8 iii. Procedures for ~~removing the source of~~eliminating the discharge; including  
9 notification of appropriate authorities; notification of the property owner;  
10 technical assistance ~~for eliminating the discharge~~; follow-up inspections;  
11 and use of the compliance strategy developed pursuant to S5.C.3.b  
12 including escalating enforcement and legal actions if the discharge is not  
13 eliminated.

14  
15 iv. Compliance with ~~the~~ is provisions in (i), (ii), and (iii), above, shall be  
16 achieved by meeting the following timelines:

- 17  
18 • Immediately respond to all illicit discharges, including spills,  
19 which are determined to constitute a threat to human health,  
20 welfare, or the environment in accordance with General Condition  
21 G3, or are otherwise judged to be urgent.
- 22  
23 • Investigate (or refer to the appropriate agency with the authority to  
24 act) within 7 days, on average, any complaints, reports or  
25 monitoring information that indicates a potential discharge.
- 26  
27 • For all illicit connections, initiating an investigation within 21  
28 days of any report or discovery of a suspected illicit connection to  
29 determine the source of the connection, the nature and volume of  
30 discharge through the connection, and the party responsible for the  
31 connection.

32  
33 Upon confirmation of ~~the an~~ illicit nature of a storm drain  
34 connection, ~~Permittees shall~~ use ~~their~~ enforcement authority in a  
35 documented effort to eliminate the illicit connection within 6  
36 months. All illicit connections to the MS4 shall be eliminated.

37 ~~d. Permittees shall inform public employees, businesses, and the general~~  
38 ~~public of hazards associated with illegal discharges.~~

39 ~~i. No later than 180 days prior to the expiration date of this Permit,~~  
40 ~~distribute appropriate information to target audiences identified~~  
41 ~~pursuant to S5.C.1.~~

42 ~~ii. No later than two years from the effective date of this Permit,~~  
43 ~~publicly list and publicize a hotline or other local telephone number~~  
44 ~~for public reporting of spills and other illicit discharges. Keep a~~

1 record of calls received and follow-up actions taken in accordance  
2 with S5.C.3.c.ii. through v. above; include a summary in the annual  
3 report (see section S9 Reporting and Record Keeping Requirements).

4 e. Permittees shall train staff who are responsible for identification,  
5 investigation, termination, cleanup, and reporting illicit discharges,  
6 including spills, and illicit connections, to conduct these activities. Follow-  
7 up training shall be provided as needed to address changes in procedures,  
8 techniques, requirements or staff. Permittees shall document and maintain  
9 records of the training provided and the staff trained.<sup>17</sup>

10 f. Recordkeeping: Permittees shall track and maintain records of the  
11 activities conducted to meet the requirements of this section.

12 ~~e. Permittees shall adopt and implement procedures for program evaluation~~  
13 ~~and assessment, including tracking the number and type of illicit~~  
14 ~~discharges, including spills, identified; inspections made; and any~~  
15 ~~feedback received from public education efforts. A summary of this~~  
16 ~~information shall be included in the Permittee's annual report (see section~~  
17 ~~S9 Reporting and Recordkeeping Requirements).~~

18 ~~f. Each Permittee will provide appropriate training for municipal field staff~~  
19 ~~on the identification and reporting of illicit discharges into MS4s.~~

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

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

---

<sup>17</sup> New Permittees shall meet the requirements of S5.C.3.e no later than February 2, 2016.

1  
2  
3 4. Controlling Runoff from New Development, Redevelopment and Construction  
4 Sites

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

14 The minimum performance measures are:

- 15 a. The program shall ~~include~~ implement an ordinance or other enforceable  
16 mechanism that addresses runoff from new development, redevelopment,  
17 and construction site projects. Pursuant to S5.A.4., ~~in adopting this~~  
18 ~~ordinance or other regulatory mechanism,~~ existing local requirements to  
19 apply stormwater controls at smaller sites, or at lower thresholds than  
20 required pursuant to S5.C.4., shall be retained. The ordinance or other  
21 enforceable mechanism to implement (i) through (iii), below, shall be  
22 adopted and effective no later than ~~February 16, 2010~~ December 31, 2015.  
23 The local program adopted to meet the requirements of S5.C.5.a(i)  
24 through (iii), below shall apply to all applications<sup>19</sup> submitted after  
25 January 1, 2016 and shall apply to projects approved prior to January 1,  
26 2016, which have not started construction<sup>20</sup> by January 1, 2021<sup>21</sup>. The  
27 ordinance or other enforceable mechanism shall include, at a minimum:
- 28 i. The Minimum Requirements, technical thresholds, and definitions in  
29 Appendix 1 or a ~~program~~ equivalent approved by Ecology under

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<sup>18</sup> New permittees shall meet the requirements of S5.C.4 no later than August 1, 2016, except where otherwise specified in this section.

<sup>19</sup> In this context, “application” means, at a minimum a complete project description, site plan, and, if applicable, SEPA checklist.

<sup>20</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.

<sup>21</sup> New Permittees shall meet the requirements of S5.C.4.a no later than August 1, 2016. The local program shall apply to all applications submitted after August 1, 2016 and shall apply to projects approved prior to August 1, 2016, which have not started construction by August 1, 2021.

1 the NPDES Phase I Municipal Stormwater Permit, for new  
2 development, redevelopment, and construction sites. Adjustment  
3 and variance criteria equivalent to those in Appendix 1 shall be  
4 included. More stringent requirements may be used, and/or certain  
5 requirements may be tailored to local circumstances through the use  
6 of basin plans or other similar water quality and quantity planning  
7 efforts. Such local requirements shall provide equal protection of  
8 receiving waters and equal levels of pollutant control to those  
9 provided in Appendix 1.

- 10 ii. A site planning process and BMP selection and design criteria that,  
11 when used to implement the minimum requirements in Appendix 1  
12 (or [equivalent program](#) approved by Ecology under the Phase I  
13 Permit) will protect water quality, reduce the discharge of pollutants  
14 to the maximum extent practicable and satisfy the State requirement  
15 under Chapter 90.48 RCW to apply all known, available and  
16 reasonable methods of prevention, control and treatment (AKART)  
17 prior to discharge. Permittees shall document how the criteria and  
18 requirements will protect water quality, reduce the discharge of  
19 pollutants to the maximum extent practicable, and satisfy State  
20 AKART requirements.

21 Permittees who choose to use the site planning process and BMP  
22 selection and design criteria in the [2005/2012 Stormwater](#)  
23 *Management Manual for Western Washington*, or a [program](#)  
24 [equivalent manual](#) approved by [the Department Ecology](#) under the  
25 Phase I Permit, may cite this choice as their sole documentation to  
26 meet this requirement.

- 27 iii. The legal authority, through the approval process for new  
28 development [and redevelopment](#), to inspect [and enforce maintenance](#)  
29 [standards for all](#) private stormwater facilities that discharge to the  
30 Permittee's MS4.

31 ~~iv. Provisions to allow non-structural preventive actions and source~~  
32 ~~reduction approaches such as Low Impact Development Techniques~~  
33 ~~(LID), measures to minimize the creation of impervious surfaces and~~  
34 ~~measures to minimize the disturbance of native soils and vegetation.~~  
35 ~~Provisions for LID should take into account site conditions, access~~  
36 ~~and long term maintenance.~~

37 ~~v. If the Permittee chooses to allow construction sites to apply the~~  
38 ~~"Erosivity Waiver" in Appendix 1, Minimum Requirement #2, the~~  
39 ~~ordinance or regulatory mechanism shall include appropriate,~~  
40 ~~escalating enforcement sanctions for construction sites that provide~~  
41 ~~notice to the Permittee of their intention to apply the waiver but do~~  
42 ~~not meet the requirements (including timeframe restrictions, limits~~  
43 ~~on activities that result in non-stormwater discharges, and~~

1 | ~~implementation of appropriate BMPs to prevent violations of water~~  
2 | ~~quality standards) to qualify for the waiver.~~

- 3 | b. The program shall include a permitting process with site plan review,  
4 | inspection and enforcement capability to meet the standards listed in (i)  
5 | through (iv) below, for both private and public projects, using qualified  
6 | personnel (as defined in *Definitions and Acronyms*). At a minimum, this  
7 | program shall be applied to all sites that meet the thresholds in S5.C.4.a,  
8 | ~~above. disturb a land area 1 acre or greater, including projects less than~~  
9 | ~~one acre that are part of a larger common plan of the development or sale.~~  
10 | ~~The process shall be in place no later than February 16, 2010.~~
- 11 | i. ~~Except as provided in S5.C.4.b.vii. below, r~~Review of all stormwater  
12 | site plans for proposed development activities.
- 13 | ii. ~~Except as provided in S5.C.4.b.vii. below, i~~Inspect, prior to clearing  
14 | and construction, all ~~permitted~~known development sites that have a  
15 | high potential for sediment transport as determined through plan  
16 | review based on definitions and requirements in Appendix 7  
17 | Determining Construction Site Sediment Damage Potential.
- 18 | iii. ~~Except as provided in S5.C.4.b.vii. below, i~~Inspect all known  
19 | permitted development sites during construction to verify proper  
20 | installation and maintenance of required erosion and sediment  
21 | controls. Enforce as necessary based on the inspection.
- 22 | iv. Inspect all permitted development sites upon completion of  
23 | construction and prior to final approval or occupancy to ensure  
24 | proper installation of permanent ~~stormwater controls such as~~  
25 | ~~stormwater facilities, and structural BMPs including LID BMPs.~~  
26 | Verify that- Also, ~~verify~~ a maintenance plan is completed and  
27 | responsibility for maintenance is assigned for stormwater treatment  
28 | and flow control BMPs/facilities. Enforce as necessary based on the  
29 | inspection.
- 30 | v. Compliance with the inspection requirements in (ii), (iii) and (iv)  
31 | above shall be determined by the presence and records of an  
32 | established inspection program designed to inspect all sites.  
33 | Compliance during this permit term shall be determined by achieving  
34 | at least 80% of scheduled inspections.
- 35 | vi. An enforcement strategy shall be ~~developed and~~ implemented to  
36 | respond to issues of non-compliance.
- 37 | ~~vi.~~ ~~If the Permittee chooses to allow construction sites to apply the~~  
38 | ~~“Erosivity Waiver” in Appendix 1, Minimum Requirement #2, the~~  
39 | ~~Permittee is not required to review the construction stormwater~~  
40 | ~~pollution prevention plans as part of the site plan review in (i) above,~~  
41 | ~~and is not required to perform the construction phase inspections~~

1 ~~identified in (ii) and (iii) above related to construction sites which~~  
2 ~~are eligible for the erosivity waiver.~~

- 3 c. The program shall include provisions to verify adequate long-term  
4 operation and maintenance (O&M) of ~~post-construction~~ stormwater  
5 treatment and flow control BMPs/facilities ~~and BMPs~~ that are permitted  
6 and constructed pursuant to (b) above. These provisions shall be in place  
7 no later than December 31, 2015, ~~February 16, 2010~~ and shall include:<sup>22</sup>

- 8 i. Annual inspections of all stormwater treatment and flow control  
9 BMPs/facilities permitted by the permittee according to S5.C.4.b. and in  
10 accordance with requirements of the permit first issued by Ecology in  
11 2007, unless there are maintenance records to justify a different frequency.

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

- 19 ii. Inspections of all new stormwater treatment and flow control  
20 BMPs/facilities and catch basins for permanent residential developments  
21 every 6 months until 90% of the lots are constructed to identify  
22 maintenance needs and enforce compliance with maintenance standards as  
23 needed.

24 i. ~~Adoption of an ordinance or other enforceable mechanism that~~  
25 ~~clearly identifies the party responsible for maintenance, requires~~  
26 ~~inspection of facilities in accordance with the requirements in (ii)~~  
27 ~~through (iv) below, and establishes enforcement procedures.~~

28 ii. ~~Each Permittee shall establish maintenance standards that are as~~  
29 ~~protective or more protective of facility function than those specified~~  
30 ~~in Chapter 4 of Volume V of the 2005 *Stormwater Management*~~  
31 ~~*Manual for Western Washington*. For facilities which do not have~~  
32 ~~maintenance standards, the Permittee shall develop a maintenance~~  
33 ~~standard.~~

34 (1) ~~The purpose of the maintenance standard is to determine if~~  
35 ~~maintenance is required. The maintenance standard is not a~~  
36 ~~measure of the facilities required condition at all times between~~  
37 ~~inspections. Exceeding the maintenance standard between the~~  
38 ~~period of inspections is not a permit violation.~~

---

<sup>22</sup> New Permittees shall meet the requirements of S5.C.4.c no later than August 1, 2016.

1 Compliance with the inspection requirements in (i) and (ii) above shall be  
2 determined by the presence and records of an established inspection  
3 program designed to inspect all sites. Compliance during this permit term  
4 shall be determined by achieving at least 80% of scheduled inspections.

5 i.iii. Unless there are circumstances beyond the Permittee's control, when an  
6 inspection identifies an exceed~~ea~~nce of the maintenance standard,  
7 maintenance shall be performed:

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

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

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

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

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

38 f.d. The program shall include a procedure for keeping records of inspections  
39 and enforcement actions by staff, including inspection reports, warning  
40 letters, notices of violations, and other enforcement records. Records of

1 maintenance inspections and maintenance activities shall be maintained.  
2 ~~Permittees shall keep records of all projects disturbing more than one acre,~~  
3 ~~and all projects of any size that are part of a common plan of development~~  
4 ~~or sale that is greater than one acre that are approved after the effective~~  
5 ~~date of this Permit.~~

6 g-e. The program shall make available as applicable copies of the "Notice of  
7 Intent for Construction Activity" and copies of the "Notice of Intent for  
8 Industrial Activity" to representatives of proposed new development and  
9 redevelopment. Permittees will continue to enforce local ordinances  
10 controlling runoff from sites that are also covered by stormwater permits  
11 issued by Ecology.<sup>23</sup>

12 f. ~~No later than February 16, 2010, e~~Each Permittee shall verify that all staff  
13 responsible for implementing the program to control stormwater runoff  
14 from new development, redevelopment, and construction sites, including  
15 permitting, plan review, construction site inspections, and enforcement,  
16 are trained to conduct these activities. Follow-up training shall be  
17 provided as needed to address changes in procedures, techniques or  
18 staffing. Permittees shall document and maintain records of the training  
19 provided and the staff trained.<sup>24</sup>

20 g. Low impact development code-related requirements

21 i. No later than December 31, 2016,<sup>25</sup> Permittees shall review and revise  
22 their local development-related codes, rules, standards, or other  
23 enforceable documents to incorporate and require LID principles and LID  
24 Best Management Practices (BMPs). The intent of the revisions shall be to  
25 make LID the preferred and commonly-used approach to site  
26 development. In reviewing the local codes, rules, standards, and other  
27 enforceable documents, the Permittees shall identify opportunities to  
28 minimize impervious surfaces, native vegetation loss, and stormwater  
29 runoff in all types of development situations. Permittees shall conduct a  
30 review and revision process similar to the steps and range of issues  
31 outlined in the following document: *Integrating LID into Local Codes: A*  
32 *Guidebook for Local Governments* (Puget Sound Partnership, 2011).

33 ii. Each Permittee shall submit a summary of the results of the review and  
34 revision process in (i) above with the Fourth Year Annual Report.<sup>26</sup> This

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<sup>23</sup> New Permittees shall meet the requirements of S5.C.4.e beginning no later than August 1, 2013.

<sup>24</sup> New Permittees shall meet the requirements of S5.C.4.f no later than August 1, 2016.

<sup>25</sup> New Permittees shall meet the requirements of S5.C.4.g no later than December 31, 2017.

<sup>26</sup> The Fourth Year annual report covering calendar year 2016 is due no later than March 31, 2017. New Permittees shall meet this reporting requirement in the Fifth Year annual report covering calendar year 2017 and due no later than March 31, 2018.

1 summary shall include, at a minimum, a list of the participants, the codes,  
2 rules, standards, and other enforceable documents reviewed, and the  
3 amendments made to those documents which incorporate and require LID  
4 principles and LID BMPs. Identified amendments shall include previously  
5 adopted amendments to require LID principles and LID BMPs in  
6 development-related codes. The description of amendments shall be  
7 organized as follows:

- 8 1. Measures to minimize impervious surfaces;
- 9 2. Measures to minimize loss of native vegetation; and
- 10 3. Measures to minimize stormwater runoff.

11  
12 h. Watershed-scale stormwater planning

13 Each Permittee that has all or part of its coverage area under this Permit in  
14 a watershed selected by a Phase I county for watershed-scale stormwater  
15 planning under condition S5.C.4.c of the *Phase I Municipal Stormwater*  
16 *General Permit* must participate and cooperate with the watershed-scale  
17 stormwater planning process led by the Phase I county.

18 5. Pollution Prevention and Municipal Operations and Maintenance ~~for Municipal~~  
19 ~~Operations~~

20 ~~Within three years of the effective date of this Permit, e~~Each Permittee shall  
21 ~~develop and~~ implement an operations and maintenance (O&M) program that  
22 includes a training component and has the ultimate goal of preventing or  
23 reducing pollutant runoff from municipal operations.<sup>27</sup>

24 The minimum performance measures are:

- 25 a. Each Permittee shall ~~establish~~implement maintenance standards that are as  
26 protective, or more protective, of facility function than those specified in  
27 Chapter 4 of Volume V of the 201~~205~~ Stormwater Management Manual  
28 for Western Washington. For facilities which do not have maintenance  
29 standards, the Permittee shall develop a maintenance standard. No later  
30 than December 31, 2015, each Permittee shall update maintenance  
31 standards as necessary to meet the requirements of this section.<sup>28</sup>

---

<sup>27</sup> New Permittees shall develop and implement the requirements of S5.C.5 no later than August 1, 2016 except where otherwise noted in this section.

<sup>28</sup> New Permittees shall adopt the updated maintenance standards in Chapter 4 of Volume V of the 2012 *Stormwater Management Manual for Western Washington* or an Ecology-approved program under the Phase I Permit no later than August 1, 2016.

1 i. The purpose of the maintenance standard is to determine if  
2 maintenance is required. The maintenance standard is not a measure  
3 of the facility's required condition at all times between inspections.  
4 Exceeding the maintenance standard between inspections and/or  
5 maintenance is not a permit violation.

6 ii. Unless there are circumstances beyond the Permittees control, when  
7 an inspection identifies an exceedance of the maintenance standard,  
8 maintenance shall be performed:

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

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

21 b. Annual inspection of all municipally owned or operated permanent  
22 stormwater treatment and flow control ~~BMPs/facilities, other than catch~~  
23 ~~basins,~~ and taking appropriate maintenance actions in accordance with the  
24 adopted maintenance standards. ~~The annual inspection requirement may~~  
25 ~~be reduced based on inspection records.~~

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

33 c. Spot checks of potentially damaged permanent stormwater treatment and  
34 flow control BMPs/facilities (~~other than catch basins~~) after major (~~greater~~  
35 ~~than 24-hour 10-year recurrence interval rainfall~~) storm events. If spot  
36 checks indicate widespread damage/maintenance needs, inspect all  
37 stormwater treatment and flow control facilities that may be affected.  
38 Conduct repairs or take appropriate maintenance action in accordance with  
39 maintenance standards established above, based on the results of the  
40 inspections.

1 d. Inspection of all catch basins and inlets owned or operated by the  
2 Permittee at least once ~~every two years before the end of the permit term.~~  
3 Clean catch basins if the inspection indicates cleaning is needed to comply  
4 with maintenance standards established in the 201205 *Stormwater*  
5 *Management Manual for Western Washington*. Decant water shall be  
6 disposed of in accordance with Appendix 6 *Street Waste Disposal*.

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

15 ~~As an~~ The following alternatives to the standard approach of inspecting  
16 catch basins every two years on a “circuit basis,” are allowed:

17 i. Inspections at least once every two years may be conducted on a “circuit  
18 basis” whereby a sampling of catch basins and inlets within each circuit is  
19 inspected to identify maintenance needs. Include in the sampling an  
20 inspection of the catch basin immediately upstream of any system outfall.  
21 Clean all catch basins within a given circuit for which the inspection  
22 indicates cleaning is needed to comply with maintenance standards  
23 established under S5.C.4.ea., above.

24  
25 ii. The Permittee may clean the entire MS4 within a circuit, including all  
26 conveyances and catch basins, once during the permit term. inspect all  
27 catch basins, and clean only catch basins where cleaning is needed to  
28 comply with maintenance standards.

29  
30 e. Compliance with the inspection requirements in b, c and d above shall be  
31 determined by the presence of an established inspection program designed  
32 to inspect all sites. ~~Compliance during this permit term shall be~~  
33 determined by and achieving ~~an annual rate of~~ at least 95% of inspections.  
34 ~~no later than 180 days prior to the expiration date of this permit.~~

35 f. ~~Establishment and Implementation of~~ practices, policies and procedures  
36 to reduce stormwater impacts associated with runoff from all lands streets,  
37 parking lots, roads or highways owned or maintained by the Permittee,  
38 and road maintenance activities ~~conducted by~~ under the functional control  
39 of the Permittee. Lands owned or maintained by the Permittee include,  
40 but are not limited to, streets, parking lots, roads, highways, buildings,  
41 parks, open space, road right-of-way, maintenance yards, and stormwater  
42 treatment and flow control BMPs/facilities. The following activities shall  
43 be addressed:

- 1 • Pipe cleaning
- 2 • Cleaning of culverts that convey stormwater in ditch systems
- 3 • Ditch maintenance
- 4 • Street cleaning
- 5 • Road repair and resurfacing, including pavement grinding
- 6 • Snow and ice control and disposal
- 7 • Utility installation
- 8 • Pavement striping maintenance
- 9 • Maintaining roadside areas, including vegetation management
- 10 • Dust control
- 11 • Appropriate application of fertilizer, pesticides, and herbicides
- 12 including reducing nutrients and pesticides using environmentally
- 13 friendly alternatives.
- 14 • Sediment and erosion control.
- 15 • Landscape maintenance and vegetation disposal.
- 16 • Trash and pet waste management.
- 17 • Building exterior cleaning and maintenance.
- 18 ~~g. Establishment and implementation of policies and procedures to reduce~~
- 19 ~~pollutants in discharges from all lands owned or maintained by the~~
- 20 ~~Permittee and subject to this Permit, including but not limited to: parks,~~
- 21 ~~open space, road right-of-way, maintenance yards, and stormwater~~
- 22 ~~treatment and flow control facilities. These policies and procedures shall~~
- 23 ~~address, but are not limited to:~~
- 24 • ~~Application of fertilizer, pesticides, and herbicides including the~~
- 25 ~~development of nutrient management and integrated pest~~
- 26 ~~management plans.~~
- 27 • ~~Sediment and erosion control.~~
- 28 • ~~Landscape maintenance and vegetation disposal.~~
- 29 • ~~Trash management.~~
- 30 • ~~Building exterior cleaning and maintenance.~~

1 | ~~h.g. Develop and i~~Implement an ongoing training program for employees of  
2 | the Permittee whose construction, operations or maintenance job functions  
3 | may impact stormwater quality. The training program shall address the  
4 | importance of protecting water quality, ~~the requirements of this Permit,~~  
5 | operation and maintenance standards, inspection procedures, selecting  
6 | appropriate BMPs, ways to perform their job activities to prevent or  
7 | minimize impacts to water quality, and procedures for reporting water  
8 | quality concerns, ~~including potential illicit discharges.~~ Follow-up training  
9 | shall be provided as needed to address changes in procedures, techniques,  
10 | ~~or~~ requirements, ~~or staffing.~~ Permittees shall document and maintain  
11 | records of training provided.

12 | ~~i.h. Development and i~~Implementation of a Stormwater Pollution Prevention  
13 | Plan (SWPPP) for all heavy equipment maintenance or storage yards, and  
14 | material storage facilities owned or operated by the Permittee in areas  
15 | subject to this Permit that are not required to have coverage under the  
16 | *General NPDES Permit for Stormwater Discharges Associated with*  
17 | *Industrial Activities* or another NPDES permit that covers stormwater  
18 | discharges associated with the activity. ~~Implementation of non-structural~~  
19 | ~~BMPs shall begin immediately after the pollution prevention plan is~~  
20 | ~~developed.~~ A schedule for implementation of structural BMPs shall be  
21 | included in the SWPPP. Generic SWPPPs that can be applied at multiple  
22 | sites may be used to comply with this requirement. The SWPPP shall  
23 | include periodic visual observation of discharges from the facility to  
24 | evaluate the effectiveness of the BMP.

25 | ~~j.i. Maintain r~~Records of inspections and maintenance or repair activities  
26 | conducted by the Permittee ~~shall be maintained in accordance with S9~~  
27 | ~~Reporting Requirements.~~

## 28 | **S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES**

29 | Permittees that are already implementing some or all of the Stormwater Management Program  
30 | (SMWP) components in this section shall continue implementation of those components of their  
31 | SWMP.

32 | A. This section applies to all ~~s~~Secondary ~~p~~Permittees and all New Secondary Permittees,  
33 | whether coverage under this Permit is obtained individually or as a ~~e~~Co-~~p~~Permittee  
34 | with a city, town or county or another ~~s~~Secondary ~~p~~Permittee.

35 | New Secondary Permittees as described in S1.D.1.e shall fully meet the  
36 | requirements of this section as modified in footnotes in S6.D below, or as  
37 | established as a condition of coverage by Ecology.

- 38 | 1. To the extent allowable under state, federal or local law, all components are  
39 | mandatory for each Secondary Permittee covered under this Permit, whether  
40 | covered as an individual permittee or as a ~~e~~Co-~~p~~Permittee.

- 1           2. Each Secondary Permittee shall develop and implement a stormwater  
2           management program (SWMP). The SWMP shall be designed to reduce the  
3           discharge of pollutants from regulated small MS4s to the maximum extent  
4           practicable and protect water quality.
  
- 5           3. Unless an alternate implementation schedule is established by Ecology as a  
6           condition of permit coverage, the SWMP shall be developed and implemented  
7           in accordance with the schedules contained in this section and shall be fully  
8           developed and implemented no later than four and one-half years from initial  
9           permit coverage date~~180 days before the expiration date of this Permit.~~  
10          ~~Notwithstanding the schedules in this Permit, s~~Secondary pPermittees that are  
11          already implementing some or all of the required SWMP components shall  
12          continue implementation of those components.
  
- 13          4. Secondary pPermittees may implement parts of their SWMP in accordance with  
14          the schedule for cities, towns and counties in S5, provided they have signed a  
15          memorandum of understanding or other agreement to jointly implement the  
16          activity or activities with one or more jurisdictions listed in S1.D.2.a., and  
17          submitted a copy of the agreement to Ecology.
  
- 18          ~~5.—~~Each Secondary Permittee shall prepare written documentation of the SWMP.  
19          The SWMP ~~documentation~~Report (SWMPR) shall include a description of  
20          program activities for the upcoming calendar year. ~~be organized according to~~  
21          ~~the program components in S6.D below and shall be updated at least annually~~  
22          ~~for submittal with the Permittee's annual reports to Ecology (see S9 Reporting~~  
23          ~~Requirements).~~ The SWMP documentation shall include:
  - 24           6.—~~A description of each of the program components included in S6.D.1. through~~  
25           ~~S6.D.6., and~~
  
  - 26           7.—~~Any additional actions necessary to meet the requirements of applicable~~  
27           ~~TMDLs pursuant to S7 Compliance with Total Maximum Daily Load~~  
28           ~~Requirements.~~

29          A.B. Coordination

30           The SWMP ~~should~~~~all include mechanisms to encourage~~ coordinated stormwater-  
31           related policies, programs and projects within a watershed and interconnected MS4s.  
32           Where relevant and appropriate, the SWMP shall also ~~include~~ coordination among  
33           departments of the Secondary Permittee to ensure compliance with the terms of this  
34           Permit.

35          B.C. Legal Authority

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

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

3 C.D. Stormwater Management Program for Secondary Permittees

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

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

10 1. Public Education and Outreach

11 Each Secondary Permittee shall implement the following stormwater education  
12 strategies:

- 13 a. Storm drain inlets owned and operated by the Secondary Permittee that are  
14 located in maintenance yards, in parking lots, along sidewalks, and at  
15 pedestrian access points shall be clearly ~~and permanently~~ labeled with ~~the~~  
16 message similar to “Dump no waste – Drains to water body” ~~and~~  
17 indicating the point of discharge as a river, lake, bay, or groundwater.<sup>29</sup>

18 ~~i. No later than three years from the date of permit coverage, at least~~  
19 ~~50 percent of these inlets shall be labeled.~~

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

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

- 28 b. Each year ~~beginning no later than three years from the date of permit~~  
29 ~~coverage~~, public ports, colleges and universities shall distribute  
30 educational information to tenants and residents on the impact of  
31 stormwater discharges on receiving waters, and steps that can be taken to  
32 reduce pollutants in stormwater runoff. Distribution may be by hard copy  
33 or electronic means.<sup>30</sup> ~~Different combinations of Appropriate topics shall~~

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<sup>29</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.

<sup>30</sup> New Secondary Permittees shall begin meeting the requirements of S6.D.1.b no later than three years from permit coverage date.

1 | ~~be addressed each year, and, before the expiration date of this Permit,~~  
2 | ~~where relevant, tenants and residents shall receive educational information~~  
3 | ~~about the following topics may include:~~

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

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

17 | 2. Public Involvement and Participation

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

- 21 | a. ~~Publish a public notice in the local newspaper or~~ Make the annual report  
22 | available on the Permittee's website, ~~and solicit public review of their~~  
23 | SWMP.
- 24 | b. Make available on the Permittee's website the latest updated version of the  
25 | SWMPR. To comply with the posting requirement, a Permittee that does  
26 | not maintain a website may submit the updated SWMP in electronic  
27 | format to Ecology for posting on Ecology's website. available to the  
28 | public. If the Secondary Permittee maintains a website, the SWMP shall  
29 | be posted on the Secondary Permittee's website.

30 | 3. Illicit Discharge Detection and Elimination

31 | Each Secondary Permittee shall:

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

1 b. ~~No later than one year from the date of permit coverage, develop and~~  
2 ~~adopt~~Implement appropriate policies prohibiting illicit discharges,<sup>31</sup> and  
3 ~~identify possible enforcement mechanisms for those policies. No later~~  
4 ~~than eighteen months from the date of permit coverage, develop and~~  
5 ~~implement~~ an enforcement plan ~~using these mechanisms~~ to ensure  
6 compliance with illicit discharge policies.<sup>32</sup> These policies shall address,  
7 at a minimum: illicit connections and non-stormwater discharges,  
8 including spills of hazardous materials and improper disposal of pet waste  
9 and litter.

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

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

- 15 ● Diverted stream flows
- 16 ● Rising ground waters
- 17 ● Uncontaminated ground water infiltration (as defined at 40  
18 CFR 35.2005(20))
- 19 ● Uncontaminated pumped ground water
- 20 ● Foundation drains
- 21 ● Air conditioning condensation
- 22 ● Irrigation water from agricultural sources that is commingled  
23 with urban stormwater
- 24 ● Springs
- 25 ● Water from crawl space pumps
- 26 ● Footing drains
- 27 ● Flows from riparian habitats and wetlands
- 28 ● Discharges that occur during emergency fire fighting activities.

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<sup>31</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>32</sup> New Secondary Permittees shall develop and implement an enforcement plan as described in S6.D.3.b no later than 18 months from permit coverage date.

- Non-stormwater discharges authorized by another NPDES or state waste discharge permit.

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

- 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.
- Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities and water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction.
- Dechlorinated swimming pool, 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 receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
- ~~Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The Secondary Permittee shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction. To avoid washing pollutants into the MS4, the Secondary Permittee shall minimize the amount of street wash and dust control water used. At active construction sites, street sweeping shall be performed prior to washing the street.~~
- Other non-stormwater discharges shall be in compliance with the requirements of a ~~stormwater~~ pollution prevention plan reviewed by the Permittee which addresses control of such discharges.

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

4                                   v.iii. ~~The SWMP~~Secondary Permittee shall ~~further~~ address any category  
5                                   of discharges in (ii) or (iii) above if the discharge is identified as a  
6                                   significant source of pollutants to waters of the State.

7                                   c. ~~No later than 180 days before the expiration date of this Permit, or as~~  
8                                   ~~established as a condition of coverage by Ecology, develop~~ Maintain a  
9                                   storm sewer system map showing the locations of all known storm drain  
10                                   outfalls, labeled receiving waters and delineated areas contributing runoff  
11                                   to each outfall. Make the map (or completed portions of the map)  
12                                   available on request to ~~the Ecology Department and/or to the extent~~  
13                                   ~~appropriate,~~ to other Permittees ~~or Secondary Permittees~~. The preferred,  
14                                   ~~but not required,~~ format ~~of submission will be for mapping is~~ an electronic  
15                                   format with fully described mapping standards. An example description is  
16                                   provided on Ecology's ~~Website~~ Pages.<sup>33</sup>

17                                   d. Conduct field inspections and visually inspect for illicit discharges at all  
18                                   known MS4 discharge points and outfalls ~~that discharge to surface waters~~.  
19                                   Visually inspect at least one third (on average) of all known discharge  
20                                   points and outfalls each year. ~~beginning no later than two years from the~~  
21                                   ~~date of permit coverage. Develop and i~~ Implement procedures to identify  
22                                   and remove any illicit discharges. Keep records of inspections and follow-  
23                                   up activities.<sup>34</sup>

24                                   e. ~~No later than 180 days before the expiration date of this Permit, or as~~  
25                                   ~~established as a condition of coverage by the Ecology, develop and~~  
26                                   ~~i~~ Implement a spill response plan that includes coordination with a  
27                                   qualified spill responder.<sup>35</sup>

28                                   f. ~~No later than two years from permit coverage date, p~~ Provide staff training  
29                                   or coordinate with existing training efforts to educate ~~relevant~~ staff and, as  
30                                   appropriate, provide the opportunity for such training to tenants, on proper  
31                                   best management practices for preventing illicit discharges, including  
32                                   spills. Train A ~~all relevant~~ Permittee staff who, as part of their normal job

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<sup>33</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.

<sup>34</sup> New Secondary Permittees shall begin meeting the requirements of S6D.3.d no later than two years from permit coverage date.

<sup>35</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.

responsibilities, have a role in preventing such illicit discharges.<sup>36</sup> ~~shall be trained.~~

4. Construction Site Stormwater Runoff Control

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

- a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern construction phase stormwater pollution prevention measures.
- b. ~~For~~ Ensure that all construction projects under the functional control of the Secondary Permittee which; require a construction stormwater permit; ~~Secondary Permittees shall~~ obtain coverage under the NPDES General Permit for Stormwater Discharges Associated with Construction Activities or an alternative-individual NPDES permit prior to discharging construction related stormwater.
- c. Coordinate with the local jurisdiction regarding projects owned and or operated by other entities which discharge into the Secondary Permittee's MS4, to assist the local jurisdiction with achieving compliance with all relevant ordinances, rules, and regulations of the local jurisdiction(s).
- d. Provide training or coordinate with existing training efforts to educate relevant staff in erosion and sediment control BMPs and requirements, or hire trained contractors to perform the work.
- e. Coordinate as requested with ~~the Department~~ Ecology or the local jurisdiction to provide access for inspection of construction sites or other land disturbances, which are under the control of the Secondary Permittee during the active gradingland disturbing activity and/or construction period.

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

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

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

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<sup>36</sup> New Secondary Permittees shall meet the requirements of S6.D.3.f no later than two years from permit coverage date.

1           6.    Pollution Prevention and Good Housekeeping for Municipal Operations

2           Each Secondary Permittee shall:

3           a.    ~~No later than three years from the date of permit coverage, develop and~~  
4           ~~implement~~ a municipal operation and maintenance (O&M) plan to  
5           minimize stormwater pollution from activities under the functional control  
6           of conducted by the Secondary Permittee. The O&M Plan shall include  
7           appropriate pollution prevention and good housekeeping procedures for all  
8           of the following operations, activities, and/or types of facilities that are  
9           present within the Secondary Permittee’s boundaries that are under the  
10          functional control of the Secondary Permittee.<sup>37</sup>

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

22                               For facilities located in Western Washington, Secondary Permittees  
23                               shall establish maintenance standards that are as protective or more  
24                               protective of facility function than those specified in Chapter 4  
25                               Volume V of the ~~2005~~12 Stormwater Management Manual for  
26                               Western Washington;

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

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

34                               Secondary Permittees shall conduct spot checks of potentially  
35                               damaged permanent stormwater treatment and flow control facilities  
36                               following ~~a 24-hour storm~~major storm events ~~with a 10-year or~~  
37                               ~~greater recurrence interval.~~

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<sup>37</sup> New Secondary Permittees shall meet the requirements of S6.D.6.d no later than three years from permit coverage date.

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

6 |  
7 | iii.iii. Vehicle fleets. The O&M Plan shall address, but is not limited to:  
8 | storage, washing, and maintenance of Secondary Permittee vehicle  
9 | fleets; and fueling facilities. Secondary Permittees shall conduct all  
10 | vehicle and equipment washing and maintenance in a self-contained  
11 | covered building or in designated wash and/or maintenance areas.

12 |  
13 | iii.iv. External building maintenance. The O&M Plan shall address,  
14 | building exterior cleaning and maintenance including cleaning,  
15 | washing, painting and other maintenance activities, including  
16 | maintenance and management of dumpsters.

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

21 | v.vi. Material storage ~~areas~~ facilities; and heavy equipment maintenance or  
22 | storage ~~yards~~ areas, and ~~maintenance~~ areas. Secondary Permittees  
23 | shall develop and implement a Stormwater Pollution Prevention Plan  
24 | to protect water quality at each of these facilities owned or operated  
25 | by the Secondary Permittee and not covered under the General  
26 | NPDES Permit for Stormwater Discharges Associated with  
27 | Industrial Activities or under another NPDES permit that covers  
28 | stormwater discharges associated with the activity.

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

32 | b. From the initial date of coverage under this Permit, Secondary Permittees  
33 | shall also have permit coverage for all facilities operated by the Secondary  
34 | Permittee that are required to be covered under the *General NPDES*  
35 | *Permit for Stormwater Discharges Associated with Industrial Activities* or  
36 | another NPDES permit that regulates surface water discharges associated  
37 | with the activity.

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

- 1 | d. Secondary Permittees shall implement a program designed to train all  
2 | employees whose construction, operations, or maintenance job functions  
3 | may impact stormwater quality.<sup>38</sup> The training shall address:
- 4 | i. The importance of protecting water quality,
  - 5 | ii. The requirements of this Permit,
  - 6 | iii. Operation and maintenance requirements,
  - 7 | iv. Inspection procedures,
  - 8 | v. Ways to perform their job activities to prevent or minimize impacts  
9 | to water quality, and
  - 10 | vi. Procedures for reporting water quality concerns, including potential  
11 | illicit discharges, including spills.
  - 12 |

## 13 | **S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS**

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

- 19 | A. For applicable TMDLs listed in Appendix 2, affected permittees shall comply with  
20 | the specific requirements identified in Appendix 2. Each Permittee shall keep records  
21 | of all actions required by this Permit that are relevant to applicable TMDLs within  
22 | their jurisdiction. The status of the TMDL implementation shall be included as part of  
23 | the annual report submitted to Ecology. Each annual report shall include a summary  
24 | of relevant SWMP and Appendix 2 activities conducted in the TMDL area to address  
25 | the applicable TMDL parameter(s).

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

- 29 | B. For applicable TMDLs not listed in Appendix 2, compliance with this Permit shall  
30 | constitute compliance with those TMDLs.
- 31 | C. For TMDLs that are approved by EPA after this Permit is issued, Ecology may  
32 | establish TMDL related permit requirements through future permit modification if  
33 | Ecology determines implementation of actions, monitoring or reporting necessary to

---

<sup>38</sup> New Secondary Permittees shall develop and implement the training program required in S6.D.6.d no later than three years from permit coverage date.

1 demonstrate reasonable further progress toward achieving TMDL waste load  
2 allocations, and other targets, are not occurring and shall be implemented during the  
3 term of this Ppermit or when this Ppermit is reissued. Permittees are encouraged to  
4 participate in development of TMDLs within their jurisdiction and to begin  
5 implementation.

## 6 **S8. MONITORING**

7  
8 Explanation of changes:

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

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

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

17 A. All Permittees including Secondary Permittees are only required to conduct water  
18 sampling or other testing during the effective term of this permit under the following  
19 conditions:

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

23 2. Any sampling or testing required for characterizing illicit discharges pursuant to  
24 sections S5.C.3 or S6.D.3 of this permit; and

25 3. Monitoring required under S8.C.2 or S8.D.2 below, should a city or county  
26 Permittee listed in S1.D.2.a(i) or S1.D.2.a(ii) opt not to participate in any  
27 component of the regional stormwater monitoring program (RSMP).

28 B. All Permittees including Secondary Permittees shall provide, in each annual report a  
29 description of any stormwater monitoring or stormwater-related studies conducted by  
30 the Permittee during the reporting period. If other stormwater monitoring or  
31 stormwater related studies were conducted on behalf of the Permittee, or if  
32 stormwater-related investigations conducted by other entities were reported to the  
33 Permittee, a brief description of the type of information gathered or received shall be  
34 included in the annual report(s) covering the time period(s) during which the  
35 information was received.

36 Permittees are not required to provide descriptions of any monitoring, studies, or  
37 analyses conducted as part of the RSMP in annual reports. If a Permittee opts for  
independent monitoring in accordance with requirements in S8.C or S8.D below,

1 annual reporting of such monitoring must follow the requirements specified in those  
2 sections.

3 C. Status and Trends Monitoring. By December 1, 2013, each city and county Permittee  
4 listed in S1.D.2.a(i) and S1.D.2.a(ii) and also located in Clallam, Island, King, Kitsap,  
5 Pierce, Skagit, Snohomish, Thurston, and Whatcom Counties shall notify Ecology in  
6 writing which of the following two options for Status and Trends Monitoring the  
7 Permittee chooses to conduct during this permit cycle. Either option will fully satisfy  
8 the Permittee's obligations under this section (S8.C). Each Permittee shall select a  
9 single option for the duration of this permit term. Each Permittee shall either:

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

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

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

20 ii. The payment amounts are listed below. Permittees are listed  
21 alphabetically by county.

<u>Permittee</u>	<u>Payment amount</u>
<u>Clallam Co.</u>	<u>N/A</u>
<u>Port Angeles</u>	<u>\$4,732</u>
<u>Island Co.</u>	<u>N/A</u>
<u>Oak Harbor</u>	<u>\$5,719</u>
<u>King Co.</u>	<u>N/A</u>
<u>Algona</u>	<u>\$678</u>
<u>Auburn</u>	<u>\$16,914</u>
<u>Bellevue</u>	<u>\$30,009</u>
<u>Black Diamond</u>	<u>\$1,023</u>
<u>Bothell</u>	<u>\$8,163</u>
<u>Burien</u>	<u>\$11,238</u>
<u>Clyde Hill</u>	<u>\$695</u>
<u>Covington</u>	<u>\$4,307</u>
<u>Des Moines</u>	<u>\$7,152</u>

<a href="#"><u>Duvall</u></a>	<a href="#"><u>\$1,463</u></a>
<a href="#"><u>Enumclaw</u></a>	<a href="#"><u>\$2,806</u></a>
<a href="#"><u>Federal Way</u></a>	<a href="#"><u>\$21,673</u></a>
<a href="#"><u>Issaquah</u></a>	<a href="#"><u>\$6,632</u></a>
<a href="#"><u>Kenmore</u></a>	<a href="#"><u>\$5,042</u></a>
<a href="#"><u>Kent</u></a>	<a href="#"><u>\$27,441</u></a>
<a href="#"><u>Kirkland</u></a>	<a href="#"><u>\$12,116</u></a>
<a href="#"><u>Lake Forest Park</u></a>	<a href="#"><u>\$3,135</u></a>
<a href="#"><u>Maple Valley</u></a>	<a href="#"><u>\$5,648</u></a>
<a href="#"><u>Medina</u></a>	<a href="#"><u>\$728</u></a>
<a href="#"><u>Mercer Island</u></a>	<a href="#"><u>\$5,589</u></a>
<a href="#"><u>Newcastle</u></a>	<a href="#"><u>\$2,431</u></a>
<a href="#"><u>Normandy Park</u></a>	<a href="#"><u>\$1,597</u></a>
<a href="#"><u>Pacific</u></a>	<a href="#"><u>\$1,540</u></a>
<a href="#"><u>Redmond</u></a>	<a href="#"><u>\$13,143</u></a>
<a href="#"><u>Renton</u></a>	<a href="#"><u>\$21,055</u></a>
<a href="#"><u>Sammamish</u></a>	<a href="#"><u>\$10,028</u></a>
<a href="#"><u>SeaTac</u></a>	<a href="#"><u>\$6,322</u></a>
<a href="#"><u>Shoreline</u></a>	<a href="#"><u>\$13,327</u></a>
<a href="#"><u>Tukwila</u></a>	<a href="#"><u>\$4,444</u></a>
<a href="#"><u>Woodinville</u></a>	<a href="#"><u>\$2,771</u></a>
<a href="#"><u>Kitsap County</u></a>	<a href="#"><u>\$17,133</u></a>
<a href="#"><u>Bainbridge Island</u></a>	<a href="#"><u>\$5,709</u></a>
<a href="#"><u>Bremerton</u></a>	<a href="#"><u>\$8,837</u></a>
<a href="#"><u>Port Orchard</u></a>	<a href="#"><u>\$2,664</u></a>
<a href="#"><u>Poulsbo</u></a>	<a href="#"><u>\$2,187</u></a>
<a href="#"><u>Pierce Co.</u></a>	<a href="#"><u>N/A</u></a>
<a href="#"><u>Bonney Lake</u></a>	<a href="#"><u>\$4,075</u></a>
<a href="#"><u>Buckley</u></a>	<a href="#"><u>\$1,129</u></a>
<a href="#"><u>DuPont</u></a>	<a href="#"><u>\$1,936</u></a>
<a href="#"><u>Edgewood</u></a>	<a href="#"><u>\$2,350</u></a>
<a href="#"><u>Fife</u></a>	<a href="#"><u>\$2,005</u></a>
<a href="#"><u>Fircrest</u></a>	<a href="#"><u>\$1,549</u></a>

<a href="#">Gig Harbor</a>	<a href="#">\$1,836</a>
<a href="#">Lakewood</a>	<a href="#">\$14,367</a>
<a href="#">Milton</a>	<a href="#">\$1,597</a>
<a href="#">Orting</a>	<a href="#">\$1,525</a>
<a href="#">Puyallup</a>	<a href="#">\$9,498</a>
<a href="#">Steilacoom</a>	<a href="#">\$1,538</a>
<a href="#">Sumner</a>	<a href="#">\$2,217</a>
<a href="#">University Place</a>	<a href="#">\$7,704</a>
<a href="#">Skagit Co.</a>	<a href="#">\$1,257</a>
<a href="#">Burlington</a>	<a href="#">\$2,194</a>
<a href="#">Anacortes</a>	<a href="#">\$4,102</a>
<a href="#">Mount Vernon</a>	<a href="#">\$7,574</a>
<a href="#">Sedro-Woolley</a>	<a href="#">\$2,452</a>
<a href="#">Snohomish Co.</a>	<a href="#">N/A</a>
<a href="#">Arlington</a>	<a href="#">\$4,219</a>
<a href="#">Brier</a>	<a href="#">\$1,585</a>
<a href="#">Edmonds</a>	<a href="#">\$9,987</a>
<a href="#">Everett</a>	<a href="#">\$25,419</a>
<a href="#">Granite Falls</a>	<a href="#">\$824</a>
<a href="#">Lake Stevens</a>	<a href="#">\$6,512</a>
<a href="#">Lynnwood</a>	<a href="#">\$8,829</a>
<a href="#">Marysville</a>	<a href="#">\$14,172</a>
<a href="#">Mill Creek</a>	<a href="#">\$4,566</a>
<a href="#">Monroe</a>	<a href="#">\$4,073</a>
<a href="#">Mountlake Ter.</a>	<a href="#">\$5,118</a>
<a href="#">Mukilteo</a>	<a href="#">\$4,920</a>
<a href="#">Snohomish</a>	<a href="#">\$2,276</a>
<a href="#">Thurston Co.</a>	<a href="#">\$12,841</a>
<a href="#">Lacey</a>	<a href="#">\$9,799</a>
<a href="#">Olympia</a>	<a href="#">\$11,110</a>
<a href="#">Tumwater</a>	<a href="#">\$4,095</a>
<a href="#">Whatcom Co.</a>	<a href="#">\$3,714</a>
<a href="#">Bellingham</a>	<a href="#">\$18,936</a>

Ferndale	\$2,737
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1 Or

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

4 a. Conduct wadeable stream water quality, benthos, habitat, and sediment  
5 chemistry monitoring according to the Ecology-approved QAPP for the  
6 Small Streams Status and Trends component of the RSMP.

7 i. Permittees with population less than 10,000 in the permit coverage  
8 area shall conduct this monitoring at the first two qualified (as  
9 defined in the QAPP) sites that are located within the jurisdiction's  
10 boundaries, as listed sequentially among the potential RSMP  
11 sampling sites in the QAPP. Counties shall monitor the first qualified  
12 site located inside UGA boundaries and the first site outside UGA  
13 boundaries.

14 ii. Permittees with population equal to or greater than 10,000 and fewer  
15 than 50,000 in the permit coverage area shall conduct this  
16 monitoring at the first four qualified (as defined in the QAPP) sites  
17 that are located within the jurisdiction's boundaries, as listed  
18 sequentially among the potential RSMP sampling sites in the QAPP.  
19 Counties shall monitor the first two qualified sites located inside  
20 UGA boundaries and the first two sites outside UGA boundaries.

21 iii. Permittees with population equal to or greater than 50,000 in the  
22 permit coverage area shall conduct this monitoring at the first eight  
23 qualified (as defined in the QAPP) sites that are located within the  
24 jurisdiction's boundaries, as listed sequentially among the potential  
25 RSMP sampling sites in the QAPP. Counties shall monitor the first  
26 four qualified sites located inside UGA boundaries and the first four  
27 sites outside UGA boundaries.

28 Permittees with population equal to or greater than 50,000 in the  
29 permit coverage area and located entirely inland (i.e., having no  
30 Puget Sound shoreline boundary) shall conduct this monitoring at an  
31 additional four sites (as listed sequentially in the QAPP), for a total  
32 of twelve sites.

33 And

34 b. Permittees with Puget Sound shoreline shall conduct sediment chemistry,  
35 mussel, and bacteria monitoring according to the Ecology-approved QAPP  
36 for the Marine Nearshore Status and Trends component of the RSMP.

37 i. Permittees with population less than 10,000 shall conduct this  
38 monitoring at the first two qualified (as defined in the QAPP) sites  
39 that are located adjacent to the jurisdiction's coverage area, as listed

1 sequentially among the potential RSMP sampling sites included in  
2 the QAPP.

3 ii. Permittees with population equal to or greater than 10,000 and fewer  
4 than 50,000 in the permit coverage area shall conduct this  
5 monitoring at the first four qualified (as defined in the QAPP) sites  
6 that are located adjacent to the jurisdiction's coverage area, as listed  
7 sequentially among the potential RSMP sampling sites included in  
8 the QAPP.

9 iii. Permittees with population equal to or greater than 50,000 in the  
10 permit coverage area shall conduct this monitoring at the first six  
11 qualified (as defined in the QAPP) sites that are located adjacent to  
12 the jurisdiction's coverage area, as listed sequentially among the  
13 potential RSMP sampling sites included in the QAPP.

14 And

15 c. Data and analyses shall be reported annually in accordance with the  
16 Ecology-approved QAPP.

17 D. Effectiveness Studies. By December 1, 2013, each city and county Permittee listed in  
18 S1.D.2.a(i) and S1.D.2.a(ii) shall notify Ecology in writing which of the following  
19 two options for effectiveness studies the Permittee chooses to conduct during this  
20 permit cycle. Either option will fully satisfy the Permittee's obligations under this  
21 section (S8.C). Each Permittee shall select a single option for the duration of this  
22 permit term. Each Permittee shall either:

23 1. Effectiveness Studies Option #1: Pay into a collective fund and enter into an  
24 agreement with Ecology to implement the effectiveness studies component of  
25 the RSMP. Each agreement shall be substantially in the form of Appendix 10.  
26 The agreement will specify the tasks and deliverables of the RSMP.

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

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

30 ii. The payment amounts are listed below. Permittees are listed  
31 alphabetically by county.

<u>Permittee</u>	<u>Payment amount</u>
<u>Clallam Co.</u>	<u>N/A</u>
<u>Port Angeles</u>	<u>\$7,885</u>
<u>Clark Co.</u>	<u>N/A</u>
<u>Battle Ground</u>	<u>\$7,079</u>
<u>Camas</u>	<u>\$7,002</u>

<a href="#">Vancouver</a>	<a href="#">\$67,335</a>
<a href="#">Washougal</a>	<a href="#">\$5,716</a>
<a href="#">Cowlitz Co.</a>	<a href="#">\$1,384</a>
<a href="#">Kelso</a>	<a href="#">\$4,793</a>
<a href="#">Longview</a>	<a href="#">\$14,687</a>
<a href="#">Grays Harbor Co.</a>	<a href="#">N/A</a>
<a href="#">Aberdeen</a>	<a href="#">\$6,693</a>
<a href="#">Island Co.</a>	<a href="#">N/A</a>
<a href="#">Oak Harbor</a>	<a href="#">\$9,528</a>
<a href="#">King Co.</a>	<a href="#">N/A</a>
<a href="#">Algona</a>	<a href="#">\$1,129</a>
<a href="#">Auburn</a>	<a href="#">\$28,182</a>
<a href="#">Bellevue</a>	<a href="#">\$50,001</a>
<a href="#">Black Diamond</a>	<a href="#">\$1,705</a>
<a href="#">Bothell</a>	<a href="#">\$13,601</a>
<a href="#">Burien</a>	<a href="#">\$18,724</a>
<a href="#">Clyde Hill</a>	<a href="#">\$1,157</a>
<a href="#">Covington</a>	<a href="#">\$7,177</a>
<a href="#">Des Moines</a>	<a href="#">\$11,916</a>
<a href="#">Duvall</a>	<a href="#">\$2,437</a>
<a href="#">Enumclaw</a>	<a href="#">\$4,675</a>
<a href="#">Federal Way</a>	<a href="#">\$36,111</a>
<a href="#">Issaquah</a>	<a href="#">\$11,050</a>
<a href="#">Kenmore</a>	<a href="#">\$8,401</a>
<a href="#">Kent</a>	<a href="#">\$45,721</a>
<a href="#">Kirkland</a>	<a href="#">\$20,187</a>
<a href="#">Lake Forest Park</a>	<a href="#">\$5,224</a>
<a href="#">Maple Valley</a>	<a href="#">\$9,410</a>
<a href="#">Medina</a>	<a href="#">\$1,212</a>
<a href="#">Mercer Island</a>	<a href="#">\$9,313</a>
<a href="#">Newcastle</a>	<a href="#">\$4,050</a>
<a href="#">Normandy Park</a>	<a href="#">\$2,661</a>
<a href="#">Pacific</a>	<a href="#">\$2,565</a>

<a href="#">Redmond</a>	<a href="#">\$21,899</a>
<a href="#">Renton</a>	<a href="#">\$35,082</a>
<a href="#">Sammamish</a>	<a href="#">\$16,709</a>
<a href="#">SeaTac</a>	<a href="#">\$10,533</a>
<a href="#">Shoreline</a>	<a href="#">\$22,205</a>
<a href="#">Tukwila</a>	<a href="#">\$7,405</a>
<a href="#">Woodinville</a>	<a href="#">\$4,618</a>
<a href="#">Kitsap County</a>	<a href="#">\$28,547</a>
<a href="#">Bainbridge Island</a>	<a href="#">\$9,512</a>
<a href="#">Bremerton</a>	<a href="#">\$14,724</a>
<a href="#">Port Orchard</a>	<a href="#">\$4,439</a>
<a href="#">Poulsbo</a>	<a href="#">\$3,643</a>
<a href="#">Lewis Co.</a>	<a href="#">N/A</a>
<a href="#">Centralia</a>	<a href="#">\$6,334</a>
<a href="#">Pierce Co.</a>	<a href="#">N/A</a>
<a href="#">Bonney Lake</a>	<a href="#">\$6,790</a>
<a href="#">Buckley</a>	<a href="#">\$1,882</a>
<a href="#">DuPont</a>	<a href="#">\$3,226</a>
<a href="#">Edgewood</a>	<a href="#">\$3,916</a>
<a href="#">Fife</a>	<a href="#">\$3,340</a>
<a href="#">Fircrest</a>	<a href="#">\$2,581</a>
<a href="#">Gig Harbor</a>	<a href="#">\$3,059</a>
<a href="#">Lakewood</a>	<a href="#">\$23,938</a>
<a href="#">Milton</a>	<a href="#">\$2,661</a>
<a href="#">Orting</a>	<a href="#">\$2,541</a>
<a href="#">Puyallup</a>	<a href="#">\$15,826</a>
<a href="#">Steilacoom</a>	<a href="#">\$2,563</a>
<a href="#">Sumner</a>	<a href="#">\$3,694</a>
<a href="#">University Place</a>	<a href="#">\$12,836</a>
<a href="#">Skagit Co.</a>	<a href="#">\$2,094</a>
<a href="#">Burlington</a>	<a href="#">\$3,655</a>
<a href="#">Anacortes</a>	<a href="#">\$6,835</a>
<a href="#">Mount Vernon</a>	<a href="#">\$12,620</a>

<a href="#">Sedro-Woolley</a>	<a href="#">\$4,085</a>
<a href="#">Snohomish Co.</a>	<a href="#">N/A</a>
<a href="#">Arlington</a>	<a href="#">\$7,030</a>
<a href="#">Brier</a>	<a href="#">\$2,640</a>
<a href="#">Edmonds</a>	<a href="#">\$16,640</a>
<a href="#">Everett</a>	<a href="#">\$42,352</a>
<a href="#">Granite Falls</a>	<a href="#">\$1,373</a>
<a href="#">Lake Stevens</a>	<a href="#">\$10,850</a>
<a href="#">Lynnwood</a>	<a href="#">\$14,711</a>
<a href="#">Marysville</a>	<a href="#">\$23,613</a>
<a href="#">Mill Creek</a>	<a href="#">\$7,608</a>
<a href="#">Monroe</a>	<a href="#">\$6,786</a>
<a href="#">Mountlake Ter.</a>	<a href="#">\$8,527</a>
<a href="#">Mukilteo</a>	<a href="#">\$8,198</a>
<a href="#">Snohomish</a>	<a href="#">\$3,792</a>
<a href="#">Thurston Co.</a>	<a href="#">\$21,395</a>
<a href="#">Lacey</a>	<a href="#">\$16,326</a>
<a href="#">Olympia</a>	<a href="#">\$18,511</a>
<a href="#">Tumwater</a>	<a href="#">\$6,823</a>
<a href="#">Whatcom Co.</a>	<a href="#">\$6,188</a>
<a href="#">Bellingham</a>	<a href="#">\$31,550</a>
<a href="#">Ferndale</a>	<a href="#">\$4,561</a>

Or

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

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

i. Each Permittee with population fewer than 10,000 in the permit coverage area shall conduct stormwater discharge monitoring at one site.

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- ii. Each Permittee with population equal to or greater than 10,000 but fewer than 50,000 in the permit coverage area shall conduct stormwater discharge monitoring at two sites.
  - iii. Each Permittee with population equal to or greater than 50,000 but fewer than 100,000 in the permit coverage area shall conduct stormwater discharge monitoring at three sites.
  - iv. Each Permittee with population 100,000 or more in the permit coverage area shall conduct stormwater discharge monitoring at four sites.
- b. Permittees shall document in the QAPP why selected sites are of interest for long term stormwater discharge monitoring and associated stormwater management program effectiveness evaluations. Permittees are encouraged to monitor at locations chosen and submitted in the annual reports that were due March 31, 2011. Any Permittee who would like to change a discharge monitoring location shall document in the QAPP why the previously selected stormwater monitoring location is not a good location for monitoring.
  - c. Stormwater discharge monitoring shall be fully implemented no later than October 1, 2014 in accordance with an Ecology-approved QAPP.

E. Source Identification and Diagnostic Monitoring Information Repository. By December 1, 2013, each city and county Permittee listed in S1.D.2.a(i) and S1.D.2.a(ii) 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 10.
  - a. Each Permittee shall pay the amounts prescribed in this section, according to the following schedule:
    - i. Payments are due annually beginning August 15, 2014.
    - ii. The payment amounts are listed below. Permittees are listed alphabetically by county.

<u>Permittee</u>	<u>Payment amount</u>
<u>Clallam Co.</u>	<u>N/A</u>

<a href="#">Port Angeles</a>	<a href="#">\$731</a>
<a href="#">Clark Co.</a>	<a href="#">N/A</a>
<a href="#">Battle Ground</a>	<a href="#">\$657</a>
<a href="#">Camas</a>	<a href="#">\$649</a>
<a href="#">Vancouver</a>	<a href="#">\$6,245</a>
<a href="#">Washougal</a>	<a href="#">\$530</a>
<a href="#">Cowlitz Co.</a>	<a href="#">\$128</a>
<a href="#">Kelso</a>	<a href="#">\$444</a>
<a href="#">Longview</a>	<a href="#">\$1,362</a>
<a href="#">Grays Harbor Co.</a>	<a href="#">N/A</a>
<a href="#">Aberdeen</a>	<a href="#">\$621</a>
<a href="#">Island Co.</a>	<a href="#">N/A</a>
<a href="#">Oak Harbor</a>	<a href="#">\$884</a>
<a href="#">King Co.</a>	<a href="#">N/A</a>
<a href="#">Algona</a>	<a href="#">\$105</a>
<a href="#">Auburn</a>	<a href="#">\$2,614</a>
<a href="#">Bellevue</a>	<a href="#">\$4,637</a>
<a href="#">Black Diamond</a>	<a href="#">\$158</a>
<a href="#">Bothell</a>	<a href="#">\$1,261</a>
<a href="#">Burien</a>	<a href="#">\$1,736</a>
<a href="#">Clyde Hill</a>	<a href="#">\$107</a>
<a href="#">Covington</a>	<a href="#">\$666</a>
<a href="#">Des Moines</a>	<a href="#">\$1,105</a>
<a href="#">Duvall</a>	<a href="#">\$226</a>
<a href="#">Enumclaw</a>	<a href="#">\$434</a>
<a href="#">Federal Way</a>	<a href="#">\$3,349</a>
<a href="#">Issaquah</a>	<a href="#">\$1,025</a>
<a href="#">Kenmore</a>	<a href="#">\$779</a>
<a href="#">Kent</a>	<a href="#">\$4,240</a>
<a href="#">Kirkland</a>	<a href="#">\$1,872</a>
<a href="#">Lake Forest Park</a>	<a href="#">\$484</a>
<a href="#">Maple Valley</a>	<a href="#">\$873</a>
<a href="#">Medina</a>	<a href="#">\$112</a>

<a href="#">Mercer Island</a>	<a href="#">\$864</a>
<a href="#">Newcastle</a>	<a href="#">\$376</a>
<a href="#">Normandy Park</a>	<a href="#">\$247</a>
<a href="#">Pacific</a>	<a href="#">\$238</a>
<a href="#">Redmond</a>	<a href="#">\$2,031</a>
<a href="#">Renton</a>	<a href="#">\$3,253</a>
<a href="#">Sammamish</a>	<a href="#">\$1,550</a>
<a href="#">SeaTac</a>	<a href="#">\$977</a>
<a href="#">Shoreline</a>	<a href="#">\$2,059</a>
<a href="#">Tukwila</a>	<a href="#">\$687</a>
<a href="#">Woodinville</a>	<a href="#">\$428</a>
<a href="#">Kitsap County</a>	<a href="#">\$2,647</a>
<a href="#">Bainbridge Island</a>	<a href="#">\$882</a>
<a href="#">Bremerton</a>	<a href="#">\$1,365</a>
<a href="#">Port Orchard</a>	<a href="#">\$412</a>
<a href="#">Poulsbo</a>	<a href="#">\$338</a>
<a href="#">Lewis Co.</a>	<a href="#">N/A</a>
<a href="#">Centralia</a>	<a href="#">\$587</a>
<a href="#">Pierce Co.</a>	<a href="#">N/A</a>
<a href="#">Bonney Lake</a>	<a href="#">\$630</a>
<a href="#">Buckley</a>	<a href="#">\$175</a>
<a href="#">DuPont</a>	<a href="#">\$299</a>
<a href="#">Edgewood</a>	<a href="#">\$363</a>
<a href="#">Fife</a>	<a href="#">\$310</a>
<a href="#">Fircrest</a>	<a href="#">\$239</a>
<a href="#">Gig Harbor</a>	<a href="#">\$284</a>
<a href="#">Lakewood</a>	<a href="#">\$2,220</a>
<a href="#">Milton</a>	<a href="#">\$247</a>
<a href="#">Orting</a>	<a href="#">\$236</a>
<a href="#">Puyallup</a>	<a href="#">\$1,468</a>
<a href="#">Steilacoom</a>	<a href="#">\$238</a>
<a href="#">Sumner</a>	<a href="#">\$343</a>
<a href="#">University Place</a>	<a href="#">\$1,190</a>

<u>Skagit Co.</u>	<u>\$194</u>
<u>Burlington</u>	<u>\$339</u>
<u>Anacortes</u>	<u>\$634</u>
<u>Mount Vernon</u>	<u>\$1,170</u>
<u>Sedro-Woolley</u>	<u>\$379</u>
<u>Snohomish Co.</u>	<u>N/A</u>
<u>Arlington</u>	<u>\$652</u>
<u>Brier</u>	<u>\$245</u>
<u>Edmonds</u>	<u>\$1,543</u>
<u>Everett</u>	<u>\$3,928</u>
<u>Granite Falls</u>	<u>\$127</u>
<u>Lake Stevens</u>	<u>\$1,006</u>
<u>Lynnwood</u>	<u>\$1,364</u>
<u>Marysville</u>	<u>\$2,190</u>
<u>Mill Creek</u>	<u>\$706</u>
<u>Monroe</u>	<u>\$629</u>
<u>Mountlake Ter.</u>	<u>\$791</u>
<u>Mukilteo</u>	<u>\$760</u>
<u>Snohomish</u>	<u>\$352</u>
<u>Thurston Co.</u>	<u>\$1,984</u>
<u>Lacey</u>	<u>\$1,514</u>
<u>Olympia</u>	<u>\$1,717</u>
<u>Tumwater</u>	<u>\$633</u>
<u>Whatcom Co.</u>	<u>\$574</u>
<u>Bellingham</u>	<u>\$2,926</u>
<u>Ferndale</u>	<u>\$423</u>

1            Or

2            2. Source Identification and Diagnostic Monitoring Information Repository Option  
3            #2: Submit detailed Quarterly Source Identification Reports as follows:

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

5            b. The reports shall describe and summarize:

6            i. All illicit discharges identified by the jurisdiction; the approaches  
7            used to address each discharge; the status of resolving each

1 discharge during the quarter; any changes to source identification  
2 methodology; and

3 ii. All environmental (including sediment, water quality, and biota) and  
4 flow data collected over the course of conducting IDDE program  
5 activities; and

6 iii. All environmental (including sediment, water quality, and biota) and  
7 flow data collected pursuant to section S7 and Appendix 2 of this  
8 permit if used for IDDE program activities.

9 c. Quarterly Source Identification Reports are due 30 days following the  
10 completion of each calendar quarter ending March 31, June 30, September  
11 30, and December 31 throughout the permit term. The first Quarterly  
12 Source Identification Report shall reflect both the third quarter activities of  
13 2013 and the first quarter activities of 2014. The first report is due on May  
14 1, 2014.

15  
16 **S9. REPORTING REQUIREMENTS**

17 A. No later than March 31 of each year beginning in 2014~~08~~, each Permittee shall  
18 submit an annual report. The reporting period for the first annual report will be from  
19 the effective date of this permit through December 31, 2013~~07~~. The reporting period  
20 for all subsequent annual reports will be the previous calendar year unless otherwise  
21 specified.

22 B. Permittees shall submit annual reports electronically using Ecology's WAWebDMR  
23 program available on Ecology's website at [Draft Permit placeholder for link to  
24 appropriate Ecology webpage] unless otherwise directed by Ecology.<sup>39</sup>

25 Permittees unable to submit electronically through Ecology's WAWebDMR must  
26 contact Ecology to request a waiver and obtain instructions on how to submit an  
27 annual report in an alternative format.

28 ~~Two printed copies and an electronic (PDF) copy of each document shall be~~  
29 ~~submitted to Ecology. All submittals shall be delivered to:~~

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

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<sup>39</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, 4 and 8.

1 ~~B.C.~~ Each Permittee is required to keep all records related to this permit ~~and the SWMP~~  
2 for at least five years. ~~Except for the requirements of the annual reports described in~~  
3 ~~this permit, records shall be submitted to Ecology only upon request.~~

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

- 8 1. A reasonable charge may be assessed by the Permittee for making photocopies  
9 of records.
- 10 2. The Permittee may require reasonable advance notice of intent to review  
11 records related to this Permit.

12 ~~D.E.~~ The annual report for cities, towns, and counties

13 Each annual report shall include the following:

14 1. A copy of the Permittee's current Stormwater Management Program Report  
15 (SWMPR) as required by S5.A.2.

16 2. Submittal of the annual report form as provided by Ecology pursuant to S9.B,  
17 describing the status of implementation of the requirements of this permit  
18 during the reporting period. Appendix 3—Annual Report Form for Cities,  
19 Towns, and Counties, which is intended to summarize the Permittees  
20 compliance with the conditions of this permit, including:

21 ~~1.3.~~ Attachments to the annual report form including summaries, descriptions,  
22 reports, and other information as required, or as applicable, to meet the  
23 requirements of this permit during the reporting period.

24  
25 ~~2.~~ Status of implementation of each component of the SWMP in section S5  
26 Stormwater Management Program for Cities, Towns and Counties. An  
27 assessment of the Permittee's progress in meeting the minimum performance  
28 standards established for each of the minimum control measures of the SWMP.

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

33 ~~4.~~ The Permittee's SWMP implementation schedule and plans for meeting permit  
34 deadlines, and the status of SWMP implementation to date. If permit deadlines  
35 are not met, or may not be met in the future, include: reasons why, corrective  
36 steps taken and proposed, and expected dates that the deadlines will be met.

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

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

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

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

5  
6 ~~8.5. Permittees shall include with the annual report, A notification of any annexations,~~  
7 ~~incorporations or jurisdictional boundary changes resulting in an increase or~~  
8 ~~decrease in the Permittee's geographic area of permit coverage during the~~  
9 ~~reporting period, and implications for the SWMP.~~

10 ~~9. Permittees shall include with the annual report submitted no later than March~~  
11 ~~31, 2011 information that at a minimum includes:~~

12 ~~10. A summary of identified barriers to the use of low impact development (LID)~~  
13 ~~within the area covered by the permit and measures to address the barriers. Each~~  
14 ~~individual Permittee must complete this summary.~~

15 ~~11. A report completed by an individual Permittee or in cooperation with multiple~~  
16 ~~Permittees describing, at a minimum:~~

17 ~~12. LID practices that are currently available and that can reasonably be~~  
18 ~~implemented within this permit term.~~

19 ~~13. Potential or planned non-structural actions and LID techniques to prevent~~  
20 ~~stormwater impacts.~~

21 ~~14. Goals and metrics to identify, promote, and measure LID use.~~

22 ~~15. Potential or planned schedules for the Permittee(s) to require and implement the~~  
23 ~~non-structural and LID techniques on a broader scale in the future.~~

24 E.F. Annual report for Secondary Permittees

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

28 Each annual report shall include the following:

29 1. Submittal of the annual report form as provided by Ecology pursuant to S9.B,  
30 describing the status of implementation of the requirements of this permit during  
31 the reporting period.

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

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

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

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

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

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

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

12 ~~1.3.~~ Certification and signature pursuant to G19.D, and notification of any changes to  
13 authorization pursuant to G19.C.

14 ~~2.4.~~ Secondary Permittees shall include with the annual report a A notification of  
15 any jurisdictional boundary changes resulting in an increase or decrease in the  
16 Permittee's geographic area of permit coverage during the reporting period, ~~and~~  
17 ~~implications for the SWMP.~~

## 18 19 GENERAL CONDITIONS

### 20 G1. DISCHARGE VIOLATIONS

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

### 23 G2. PROPER OPERATION AND MAINTENANCE

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

### 28 G3. NOTIFICATION OF DISCHARGE, INCLUDING SPILLS

29 If a Permittee has knowledge of a discharge, including spills, into or from a MS4municipal  
30 storm sewer which could constitute a threat to human health, welfare, or the environment,  
31 the Permittee shall

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

34 B. Notify the Ecology regional office and other appropriate spill response authorities  
35 immediately but in no case later than within 24 hours of obtaining that knowledge.

1 The Ecology Northwest Regional Office 24-hour number is 425-649-7000 and for the  
2 Southwest Regional Office the number is 360-407-6300.

3 C. Immediately report discharges, including spills, which might cause bacterial  
4 contamination of [shellfishmarine waters](#), such as might result from broken sewer lines  
5 and failing onsite septic systems, to the Ecology regional office and to the  
6 Department of Health, Shellfish Program. The Department of Health's shellfish 24-  
7 hour number is 360-236-3330.

8 D. Immediately report spills or discharges of oils or hazardous [materials](#)~~substances~~  
9 Ecology regional office and to the Washington Emergency Management Division at  
10 1-800-258-5990.

#### 11 **G4. BYPASS PROHIBITED**

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

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

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

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

#### 25 **G5. RIGHT OF ENTRY**

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

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

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

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

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

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

1 **G6. DUTY TO MITIGATE**

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

5 **G7. PROPERTY RIGHTS**

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

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

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

10 **G9. MONITORING**

11 A. Representative Sampling:

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

16 B. Records Retention:

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

24 C. Recording of Results:

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

30 D. Test Procedures:

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

35 E. Flow Measurement:

1 Appropriate flow measurement devices and methods consistent with accepted  
2 scientific practices shall be selected and used to ensure the accuracy and reliability of  
3 measurements of the volume of monitored discharges. The devices shall be installed,  
4 calibrated, and maintained to ensure that the accuracy of the measurements ~~are~~  
5 consistent with the accepted industry standard for that type of device. Frequency of  
6 calibration shall be in conformance with manufacturer's recommendations or at a  
7 minimum frequency of at least one calibration per year. Calibration records should  
8 be maintained for a minimum of three years.

9 F. Lab Accreditation:

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

16 G. Additional Monitoring:

17 Ecology may establish specific monitoring requirements in addition to those  
18 contained in this permit by administrative order or permit modification.

19 **G10. REMOVED SUBSTANCES**

20 With the exception of decant from street waste vehicles, the Permittee shall not allow  
21 collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in  
22 the course of treatment or control of stormwater to be resuspended or reintroduced to the  
23 storm sewer system or to waters of the state. Decant from street waste vehicles resulting  
24 from cleaning stormwater facilities may be reintroduced only when other practical means  
25 are not available and only in accordance with the Street Waste Disposal Guidelines in  
26 Appendix 46. Solids resulting from cleaning stormwater facilities may be reused or  
27 delivered to a solid waste disposal site qualified to receive the material (see Appendix 6).

28 **G11. SEVERABILITY**

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

33 **G12. REVOCATION OF COVERAGE**

34 The director may terminate coverage under this General Permit in accordance with Chapter  
35 43.21B RCW and Chapter 173-226 WAC. Cases where coverage may be terminated  
36 include, but are not limited to the following:

- 37 A. Violation of any term or condition of this general permit;

- 1 B. Obtaining coverage under this general permit by misrepresentation or failure to  
2 disclose fully all relevant facts;
  - 3 C. A change in any condition that requires either a temporary or permanent reduction or  
4 elimination of the permitted discharge;
  - 5 D. A determination that the permitted activity endangers human health or the  
6 environment, or contributes significantly to water quality standards violations;
  - 7 E. Failure or refusal of the permittee to allow entry as required in Chapter 90.48.090  
8 RCW;
  - 9 F. Nonpayment of permit fees assessed pursuant to Chapter 90.48.465 RCW;
- 10 Revocation of coverage under this general permit may be initiated by Ecology or  
11 requested by any interested person.

### 12 **G13. TRANSFER OF COVERAGE**

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

### 16 **G14. GENERAL PERMIT MODIFICATION AND REVOCATION**

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

- 20 A. A change occurs in the technology or practices for control or abatement of pollutants  
21 applicable to the category of dischargers covered under this General Permit;
- 22 B. Effluent limitation guidelines or standards are promulgated pursuant to the CWA or  
23 Chapter 90.48 RCW, for the category of dischargers covered under this General  
24 Permit;
- 25 C. A water quality management plan containing requirements applicable to the category  
26 of dischargers covered under this General Permit is approved; or
- 27 D. Information is obtained which indicates that cumulative effects on the environment  
28 from dischargers covered under this General Permit are unacceptable.
- 29 E. Changes in state law that reference this permit.

### 30 **G15. REPORTING A CAUSE FOR MODIFICATION OR REVOCATION**

31 A Permittee who knows or has reason to believe that any activity has occurred or will occur  
32 which would constitute cause for modification or revocation and reissuance under  
33 Condition G12, G14, or 40 CFR 122.62 must report such plans, or such information, to  
34 Ecology so that a decision can be made on whether action to modify, or revoke and reissue  
35 this Permit will be required. Ecology may then require submission of a new or amended

1 application. Submission of such application does not relieve the Permittee of the duty to  
2 comply with this Permit until it is modified or reissued.

### 3 **G16. APPEALS**

- 4 A. The terms and conditions of this General Permit, as they apply to the appropriate  
5 class of dischargers, are subject to appeal within thirty days of issuance of this  
6 General Permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226  
7 WAC.
- 8 B. The terms and conditions of this General Permit, as they apply to an individual  
9 discharger, are appealable in accordance with chapter 43.21B RCW within thirty days  
10 of the effective date of coverage of that discharger. Consideration of an appeal of  
11 General Permit coverage of an individual discharger is limited to the General Permit's  
12 applicability or nonapplicability to that individual discharger.
- 13 C. The appeal of General Permit coverage of an individual discharger does not affect  
14 any other dischargers covered under this General Permit. If the terms and conditions  
15 of this General Permit are found to be inapplicable to any individual discharger(s), the  
16 matter shall be remanded to Ecology for consideration of issuance of an individual  
17 permit or permits.
- 18 D. Modifications of this Permit are appealable in accordance with Chapter 43.21B RCW  
19 and Chapter 173-226 WAC.

### 20 **G17. PENALTIES**

21 40 CFR 122.41(a)(2) and (3), 40 CFR 122.41(j)(5), and 40 CFR 122.41(k)(2) are hereby  
22 incorporated into this Permit by reference.

### 23 **G18. DUTY TO REAPPLY**

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

### 26 **G19. CERTIFICATION AND SIGNATURE**

27 | All ~~applications, reports, or information~~formal submittals submitted to ~~the~~  
28 DepartmentEcology shall be signed and certified.

- 29 A. All permit applications shall be signed by either a principal executive officer or  
30 ranking elected official.
- 31 B. All ~~reports~~formal submittals required by this Permit ~~and other information requested~~  
32 by the Department shall be signed by a person described above or by a duly  
33 authorized representative of that person. A person is a duly authorized representative  
34 only if:
- 35 1. The authorization is made in writing by a person described above and submitted  
36 | to ~~the Department~~Ecology, and

- 1           2.    The authorization specifies either an individual or a position having  
2                   responsibility for the overall development and implementation of the  
3                   stormwater management program. (A duly authorized representative may thus  
4                   be either a named individual or any individual occupying a named position.)
- 5           C.    Changes to authorization. If an authorization under condition G19.B.2 is no longer  
6                   accurate because a different individual or position has responsibility for the overall  
7                   development and implementation of the stormwater management program, a new  
8                   authorization satisfying the requirements of condition G19.B.2 must be submitted to  
9                   the Department prior to or together with any reports, information, or applications to  
10                   be signed by an authorized representative.
- 11 |       D.    Certification. Any person signing a [document formal submittal](#) under this Permit shall  
12                   make the following certification:
- 13                   “I certify, under penalty of law, that this document and all attachments were prepared  
14                   under my direction or supervision in accordance with a system designed to assure that  
15                   Qualified Personnel properly gathered and evaluated the information submitted.  
16                   Based on my inquiry of the person or persons who manage the system or those  
17                   persons directly responsible for gathering information, the information submitted is,  
18                   to the best of my knowledge and belief, true, accurate, and complete. I am aware that  
19                   there are significant penalties for submitting false information, including the  
20                   possibility of fine and imprisonment for willful violations.”

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

- 22 |       In the event [the Permittee](#) is unable to comply with any of the terms and conditions of this  
23                   permit, the Permittee must:
- 24           A.    Notify Ecology of the failure to comply with the permit terms and conditions in  
25                   writing within 30 days of becoming aware that the non-compliance has occurred. The  
26                   written notification must include all of the following:
- 27                   1.    A description of the non-compliance, including dates.
- 28                   2.    Beginning and end dates of the non-compliance, and if the compliance has not  
29                   been corrected, the anticipated date of correction.
- 30                   3.    Steps taken or planned to reduce, eliminate, or prevent reoccurrence of the non-  
31                   compliance.
- 32           B.    Take appropriate action to stop or correct the condition of non-compliance.

## 33   **G21. UPSETS**

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

- 36           A.    Definition. “Upset” means an exceptional incident in which there is unintentional and  
37                   temporary noncompliance with technology based permit effluent limitations because

1 of factors beyond the reasonable control of the Permittee. An upset does not include  
2 noncompliance to the extent caused by operational error, improperly designed  
3 treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or  
4 careless or improper operation.

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

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

- 14 1. An upset occurred and that the Permittee can identify the cause(s) of the upset;
- 15 2. The permitted facility was at the time being properly operated; and
- 16 3. The Permittee submitted notice of the upset as required in 40 CFR  
17 122.41(l)(6)(ii)(B) (24-hour notice of noncompliance).
- 18 4. The Permittee complied with any remedial measures required under 40 CFR  
19 122.41(d) (Duty to Mitigate).

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

## 22 DEFINITIONS AND ACRONYMS

23 [40 CFR](#) means Title 40 of the Code of Federal Regulations, which is the codification of the  
24 [general and permanent rules published in the Federal Register by the executive departments](#)  
25 [and agencies of the federal government.](#)

26 **AKART** means all known, available, and reasonable methods of prevention, control and  
27 treatment. [See also State Water Pollution Control Act, Chapter 90.48.010 and 90.48.520](#)  
28 [RCW.](#)

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

31 **Applicable TMDL** means a TMDL which has been approved by EPA on or before the issuance  
32 date of this Permit, or prior to the date that [Ecology issues coverage under this permit,](#)  
33 [whichever is later. the Permittee's application is received by Ecology, or prior to a](#)  
34 [modification of this Permit, whichever is later.](#)

35 **Beneficial Uses** means uses of waters of the states which include but are not limited to use for  
36 domestic, stock watering, industrial, commercial, agricultural, irrigation, mining, fish and  
37 wildlife maintenance and enhancement, recreation, generation of electric power and

1 preservation of environmental and aesthetic values, and all other uses compatible with the  
2 enjoyment of the public waters of the state.

3 **Best Management Practices** ("BMPs") are the schedules of activities, prohibitions of practices,  
4 maintenance procedures, and structural and/or managerial practices approved by [Ecology](#)~~the~~  
5 [Department](#) that, when used singly or in combination, prevent or reduce the release of  
6 pollutants and other adverse impacts to waters of Washington State.

7 **BMP** means Best Management Practice.

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

9 **Census urban area** means [urbanized area](#).

10 **Common plan of development or sale** means a site where multiple separate and distinct  
11 construction activities may be taking place at different times on different schedules [and/or by](#)  
12 [different contractors](#), but still under a single plan. Examples include: [1\) phased projects and](#)  
13 [projects with multiple filings or lots, even if the separate phases or filings/lots will be](#)  
14 [constructed under separate contract or by separate owners \(e.g. a development where lots are](#)  
15 [sold to separate builders\); 2\) a development plan that may be phased over multiple years, but](#)  
16 [is still under a consistent plan for long-term development; and 3\) projects in a contiguous](#)  
17 [area that may be unrelated but still under the same contract, such as construction of a](#)  
18 [building extension and a new parking lot at the same facility; and 4\) linear projects such as](#)  
19 [roads, pipelines, or utilities](#). If the project is part of a common plan of development or sale,  
20 the disturbed area of the entire plan shall be used in determining permit requirements.

21 **Component or Program Component** means an element of the Stormwater Management  
22 Program listed in S5 Stormwater Management Program for Cities, Towns, and Counties or  
23 S6 Stormwater Management Program for Secondary Permittees, [or S7 Compliance with](#)  
24 [Total Maximum Daily Load Requirements, or S8 Monitoring](#) -of this permit.

25 **Co-permittee** means an [owner or](#) operator of a regulated small MS4 which is [in a cooperative](#)  
26 [agreement with at least one applying jointly with an](#) other applicant for coverage under this  
27 permit. A co-permittee is an owner or operator of a regulated small MS4 located within or  
28 [adjacent in proximity](#) to another regulated MS4. A co-permittee is only responsible for  
29 complying with the conditions of this permit relating to discharges from the MS4 the co-  
30 permittee owns or operates. See also 40 CFR 122.26(b)(1)

31 **Circuit** means [a portion of a municipal separate storm sewer system \(MS4\) discharging to a](#)  
32 [single point and serving a discrete area determined by both topography and the configuration](#)  
33 [of the MS4. The discharge point may be: an outfall, physical interconnection with another](#)  
34 [MS4 or a private storm system, or a junction within the MS4.](#)

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

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

40 ~~**DIP** means Detailed Implementation Plan.~~

1 **Director** means the Director of the Washington State Department of Ecology, or an authorized  
2 representative.

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

5 **Entity** means ~~another~~ governmental body, or a public or private organization, ~~such as another  
6 permittee, a conservation district, or volunteer organization.~~

7 ~~**40 CFR** means Title 40 of the Code of Federal Regulations, which is the codification of the  
8 general and permanent rules published in the Federal Register by the executive departments  
9 and agencies of the federal government.~~

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

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

15 **Hazardous substance** means any liquid, solid, gas, or sludge, including any material, substance,  
16 product, commodity, or waste, regardless of quantity, that exhibits any of the physical,  
17 chemical, or biological properties described in WAC 173-303-090 or WAC 173-303-100.

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

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

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

29 **Illicit connection** means any infrastructure connection to the MS4 that is not designed, permitted  
30 or used for collecting and conveying stormwater or other allowed discharges as specified in  
31 this permit. ~~man-made conveyance that is connected to a municipal separate storm sewer  
32 without a permit, excluding roof drains and other similar type connections.~~ Examples  
33 include sanitary sewer connections, floor drains, ~~channels,~~ pipelines, conduits, inlets, or  
34 outlets that are connected directly to the municipal separate storm sewer system.

35 **Illicit discharge** means any discharge into or from a municipal separate storm sewer that is not  
36 composed entirely of storm water or which is not an allowed discharge as specified in  
37 this except discharges pursuant to a NPDES permit. Illicit discharges include, but are not  
38 limited to, spills, discharges associated with illicit connections, and infiltration/exfiltration of  
39 non-stormwater that takes place in pipe bedding. (other than the NPDES permit for  
40 discharges from the municipal separate storm sewer) and discharges resulting from fire  
41 fighting activities.

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

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

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

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

18 **LID BMP** means low impact development best management practices.

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

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

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

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

41 ~~**Medium Municipal Separate Storm Sewer System** means municipal separate storm sewer~~  
42 ~~systems located in an incorporated place with a population of more than 100,000 but less~~

1 | ~~than 250,000, or a county with unincorporated urbanized areas of more than 100,000 but less~~  
2 | ~~than 250,000 according to the 1990 decennial census by the Bureau of Census.~~

3 | **MEP** means Maximum Extent Practicable.

4 | ~~**MTRs** means Minimum Technical Requirements.~~

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

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

15 | (ii) designed or used for collecting or conveying stormwater.

16 | (iii) which is not a combined sewer; and

17 | (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR  
18 | 122.2.

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

25 | **New Permittee** means a city, town, or county that is subject to the Western Washington  
26 | Municipal Stormwater General Permit and was not subject to the permit prior to August 1,  
27 | 2013.

28 | **New Secondary Permittee** means a Secondary Permittee that is covered under a municipal  
29 | stormwater general permit and was not covered by the permit prior to August 1, 2013.

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

32 | **Notice of Intent for Construction Activity** ~~and~~means the application form for coverage under  
33 | the Construction Stormwater General Permit.

34 | **Notice of Intent for Industrial Activity** means the application forms for coverage under the  
35 | Baseline General Permit for Stormwater Discharges Associated with Industrial Activities.

36 | **Outfall** means point source as defined by 40 CFR 122.2 at the point where a municipal separate  
37 | storm sewer discharges to surface or ground waters of the State. ~~Outfall and~~ does not include  
38 | ~~open conveyances connecting two municipal separate storm sewer systems, or~~ pipes, tunnels,  
39 | or other conveyances which connect segments of the same stream or other ~~waters of the~~  
40 | Statesurface waters and are used to convey primarily surface waters ~~of the State~~.

1 **Permittee** unless otherwise noted, the term “Permittee” includes ~~Permittee, Co-Permittee, New~~  
2 ~~Permittee, and Secondary Permittee, and New Secondary Permittee.~~ as defined below:

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

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

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

10 **Physically Interconnected** means that one MS4 is connected to ~~another second MS4 storm~~  
11 ~~sewer system~~ in such a way that it allows for direct discharges to the second system. For  
12 example, the roads with drainage systems and municipal streets of one entity are physically  
13 connected directly to a ~~MS4 storm sewer system~~ belonging to another entity.

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

24 ~~**Process Wastewater** means any water which, during manufacture or processing, comes into~~  
25 ~~direct contact with or results from the production or use of any raw material, intermediate~~  
26 ~~product, finished product, by product, or waste product.~~

27 **Qualified Personnel or Consultant** means someone who has had professional training in the  
28 aspects of stormwater management for which they are responsible and are under the  
29 functional control of the Permittee. ~~Qualified Personnel may be staff members, contractors,~~  
30 ~~or volunteers.~~

31 **RCW** means the Revised Code of Washington State.

32 **Regulated Small Municipal Separate Storm Sewer System (MS4)** means a Municipal  
33 Separate Storm Sewer System which is automatically designated for inclusion in the Phase II  
34 stormwater permitting program by its location within an Urbanized Area, or by designation  
35 by ~~Ecology the NPDES permitting authority~~ and is not eligible for a waiver or exemption  
36 under S1.C.

37 ~~**Replaced impervious surfaces** means, for structures, the removal and replacement of any~~  
38 ~~exterior impervious surfaces or foundation; or, for other impervious surfaces, the removal~~  
39 ~~down to bare soil, or base course, and replacement. Exemptions and partial exemptions are~~  
40 ~~defined in Appendix 1 of this Permit.~~

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

3 **Secondary Permittee** is an operator of ~~regulated small municipal separate storm sewer systems~~  
4 ~~MS4~~ which is not a city, town or county. Secondary Permittees include special purpose  
5 districts and other ~~MS4~~public entities that meet the criteria ~~for a regulated small MS4~~ in  
6 S1.B.

7 **Shared Waterbodies** means waterbodies, including downstream segments, lakes and estuaries  
8 that receive discharges from more than one permittee.

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

12 **Sediment/Erosion-Sensitive Feature** means an area subject to significant degradation due to  
13 the effect of construction runoff or areas requiring special protection to prevent erosion. See  
14 Appendix 6 Determining Construction Site Sediment Transport Potential for a more detailed  
15 definition.

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

19 ~~a. Owned or operated by a city, town, county, district, association or other public body created~~  
20 ~~pursuant to State law having jurisdiction over disposal of sewage, industrial wastes,~~  
21 ~~stormwater, or other wastes, including special districts under State law such as a sewer~~  
22 ~~districts, flood control districts or drainage districts, or similar entity.~~

23 ~~b. Designed or used for collecting or conveying stormwater.~~

24 ~~c. Not a combined sewer system,~~

25 ~~d. Not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.~~

26 ~~Not defined as “large” or “medium” pursuant to 40 CFR 122.26(b)(4) & (7) or~~  
27 ~~designated under 40 CFR 122.26 (a)(1)(v).~~

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

32 ~~Small MS4s do not include storm drain systems operated by non-governmental entities such~~  
33 ~~as: individual buildings, private schools, private colleges, private universities, and industrial~~  
34 ~~and commercial entities.~~

35 **Stormwater** means runoff during and following precipitation and snowmelt events, including  
36 surface runoff, and drainage or interflow.

37 **Stormwater Associated with Industrial and Construction Activity** means the discharge from  
38 any conveyance which is used for collecting and conveying stormwater, which is directly  
39 related to manufacturing, processing or raw materials storage areas at an industrial plant, or

1 | associated with clearing, grading and/or excavation, and is required to have an NPDES  
2 | permit in accordance with 40 CFR 122.26.

3 | **Stormwater Management Manual for Western Washington** means the 5-volume technical  
4 | manual (Publication Nos. ~~99-11 through 15 for the 2001 version and Publication Nos. 05-10-~~  
5 | ~~029- through 05-09-033 for the 2005 version) published by Ecology. ~~(The 2005 version~~  
6 | ~~replaces the 2001 version) prepared by Ecology for use by local governments that contains~~  
7 | ~~BMPs to prevent, control, or treat pollution in storm water. A proposed 2012 version is~~  
8 | ~~currently under public review and comment.~~~~

9 | **Stormwater Management Program (SWMP)** means a set of actions and activities designed to  
10 | reduce the discharge of pollutants from the regulated small MS4 to the maximum extent  
11 | practicable and to protect water quality, and comprising the components listed in S5 or S6 of  
12 | this Permit and any additional actions necessary to ~~meet the requirements of this permit.~~  
13 | ~~meet the requirements of applicable~~

14 | **Stormwater Treatment and Flow Control BMPs/Facilities** means detention facilities,  
15 | treatment BMPs/facilities, bioretention, vegetated roofs, and permeable pavements that help  
16 | meet Appendix 1 Minimum Requirements #6 (treatment), #7 (flow control), or both.

17 | **SWMPR** means Stormwater Management Program Report.

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

29 | **Urbanized Area (UA)** is a land area comprising one or more places and the adjacent densely  
30 | settled surrounding area that together have a residential population of at least 50,000 and an  
31 | overall population density of at least 1,000 people per square mile. For the year 2000  
32 | Census, the U.S. Census Bureau classified "urban" as all territory, population, and housing  
33 | units located within an Urbanized Area (UA) or an Urban Cluster (UC). It delineated UA  
34 | and UC boundaries to encompass densely settled territory, which consists of: core census  
35 | block groups or blocks that have a population density of at least 1,000 people per square mile  
36 | and surrounding census blocks that have an overall density of at least 500 people per square  
37 | mile. In addition, under certain conditions, less densely settled territory may be part of each  
38 | UA or UC. The U.S. Census Bureau announced the "Census 2000 Urbanized Areas" on May  
39 | 1, 2002. More information can be found at the U.S. Census Bureau website.

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

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.