



Issuance
Date: July 16,
1999
Effective

Date: August 15, 1999
Expiration Date: December 31, 2000

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
and STATE WASTE DISCHARGE PERMIT No. WA- 004211-1**

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-8711

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.

**Clark County, Washington
1013 Franklin
Vancouver, WA 98666-9810**

is authorized to discharge stormwater to waters of the state from their municipal separate storm sewers in accordance with the special and general conditions that follow.

Melodie A. Selby, P.E.
Section Manager

Water Quality Program
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S8.	Stormwater Management Program Annual Report	1/year	July 1, 2000
S9.D.1	Outline for Interim NPDES Stormwater Funding Strategy for Calendar Year 2000		December 31, 1999
S9.D.1	Status Report on Recommendations for a NPDES Stormwater Funding Strategy		December 31, 1999
S9.D.1	Status Report on the Adoption of an Ordinance for Long Term NPDES Stormwater Funding		September 31, 2000
S10.	Application for Coverage Under the Proposed Statewide General Permit for Municipal Stormwater Discharges.	1/permit cycle	Within 30 days of notification by Ecology
G18.	Application for Permit Renewal	1/permit cycle	180 days prior to permit expiration

SPECIAL CONDITIONS

S1. PERMIT COVERAGE AREA

This permit covers all areas within unincorporated Clark County, served by, or otherwise contributing to discharges from municipal separate storm sewers owned or operated by the permittee.

S2. AUTHORIZED DISCHARGES

A. This permit authorizes the discharge of stormwater to waters of the state from the municipal separate storm sewers owned or operated by the permittee as follows:

1. New and existing discharges from existing conveyance.
2. Discharges from new stormwater conveyances constructed after the issuance date of this permit that have received all applicable state and local permits and use authorizations, including compliance with Ch. 43.21C RCW (the State Environmental Policy Act).

B. This permit authorizes discharges of stormwater associated with industrial activity and non-stormwater flows (e.g., industrial process wastewater or non-process wastewater) from municipal separate storm sewers owned or operated by the permittee to waters of the state only under the following conditions:

1. Non-stormwater discharges must be authorized by another NPDES permit or identified in the approved Stormwater Management Program (SWMP) revised April 15, 1999, in compliance with Special Condition S5.B.8.g, as being a non-significant source of pollutants to waters of the state; or
2. Stormwater associated with industrial activity must be authorized by a separate individual or general NPDES permit.

C. This permit does not authorize illicit discharges, except those discharges identified in the approved SWMP in compliance with Special Condition S5.B.8.g, as being non-significant, nor does it relieve entities responsible for illicit discharges, including spills of oil or hazardous substances, from responsibilities and liabilities under state and federal laws and regulations pertaining to those discharges.

S3. RESPONSIBILITIES OF PERMITTEE

The permittee is responsible for full compliance with the terms and conditions of this permit and implementing the approved SWMP, to reduce the discharge of pollutants, reduce impacts to receiving waters, and make progress toward compliance with surface

water, ground water and sediment standards from stormwater discharges to municipal separate storm sewers the permittee owns or operates.

S4. COMPLIANCE WITH STANDARDS

- A. Compliance with the requirements of Special Condition S5 shall constitute reduction of the discharge of pollutants to the maximum extent practicable (MEP) during the term of this permit.
- B. Ecology recognizes that a compliance schedule is necessary to meet ground water quality standards (Chapter 173-200 WAC), surface water quality standards (Chapter 173-201A WAC), and sediment management standards (Chapter 173-204 WAC) in cases where municipal stormwater discharges do not comply with those standards. For the purposes of this permit, development and implementation of the approved SWMP represent an ongoing effort towards meeting those standards on an approved compliance schedule as allowed in those standards.
- C. This permit authorizes discharges of stormwater to surface waters and to ground waters of the state. Discharges to surface waters are regulated under both state law, Chapter 90.48 RCW, and federal NPDES permit authority as delegated to Ecology by U.S. EPA. Compliance with Ground Water Standards for discharges to ground waters are regulated only under state authorities, Chapter 90.48 RCW, the Water Pollution Control Act, and Chapter 173-216 WAC, the State Waste Discharge Permit Program.

S5. STORMWATER MANAGEMENT PROGRAM

- A. The ongoing development and implementation of current activities listed in the permittees SWMP that meet a specific permit requirement and those specific activities listed in Special Condition S9 constitute an approved SWMP and compliance with Special Condition S5.B, for this permit term.
- B. For the purpose of this permit a stormwater management program is a plan to reduce the discharge of pollutants, reduce impacts to receiving waters, eliminate illicit discharges as described in Special Condition S5.B.8.g.i, and make progress toward compliance with surface water, ground water and sediment standards. The stormwater management program shall consist of the administration and evaluation components listed in Special Condition S5.B 1 through 7, below and the stormwater control components in Special Condition S5.B.8, below:
 - 1. A description of a comprehensive planning process used to develop the stormwater management program including public participation, intergovernmental coordination, and the relationship to other planning processes.

2. An analysis of stormwater management needs, a system for prioritizing needs, a description of the basis for the priority system and an implementation plan and schedule for the term of the permit that reflect the priority needs. The stormwater management program must have an appropriate balance between prevention and correction based upon available information about sources of pollution and discharges from municipal separate storm sewers owned or operated by the permittee.
3. Adequate legal authority to control discharges to and from municipal separate storm sewers owned or operated by the permittee.
 - a. This legal authority, which may be a combination of statute, ordinance, permit, contract, or order, which have existing legal authority, shall include the ability to:
 - i. Control the contribution of pollutants to municipal separate storm sewers owned or operated by the permittee from stormwater discharges associated with industrial activity, and control the quality of stormwater discharged from sites of industrial activity;
 - ii. Prohibit illicit discharges to the municipal separate storm sewers owned or operated by the permittee;
 - iii. Control the discharge of spills and the dumping or disposal of materials other than stormwater into the municipal separate storm sewers owned or operated by the permittee;
 - iv. Control through interagency agreements the contribution of pollutants from one municipal separate storm sewer to another;
 - v. Require compliance with conditions in ordinances, permits, contracts or orders; and
 - vi. Within the limitations of state law, carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance with local ordinances.
4. A program to monitor the effectiveness of the stormwater management program in reducing pollutants discharged and reducing impacts to surface waters, ground waters, and sediments. The monitoring program, based upon the priorities identified in Special Condition S5.B.2. and specific actions required in Special Condition S9.C., shall address field evaluation, sampling, and analysis to:

- a. Estimate concentrations and loads from representative areas or basins to be used in evaluating overall program effectiveness;
- b. Evaluate the effectiveness of selected Best Management Practices (BMPs);
- c. Identify specific sources of pollution; and
- d. Identify the degree to which stormwater discharges are impacting selected receiving waters and sediments.

The monitoring program shall include a quality assurance/quality control plan.

5. A fiscal analysis, covering the term of the permit, of the capital, and operation and maintenance expenditures necessary to implement the stormwater management program, and a description of staff, equipment, and support capabilities to implement the stormwater management program. The fiscal analysis shall include a description of the source of funds that are available or are proposed to meet the necessary expenditures.
6. A mechanism for gathering, maintaining and using adequate information to conduct planning, priority setting, and program evaluation activities. The information and its form of retention shall include but not be limited to:
 - a. Mapping of known municipal separate storm sewer outfalls;
 - b. Mapping of tributary conveyances, and the associated drainage areas of major municipal separate storm sewer outfalls;
 - c. Map(s) depicting existing land use;
 - d. A map depicting zoning;
 - e. A data base, including at least the following information:
 - i precipitation records;
 - ii stormwater quality and quantity records;
 - iii water quality and physical characteristics of receiving water that may be impacted by stormwater; and

- iv a description and location of major structural BMPs and other structural controls for stormwater discharges.
7. Consider opportunities for watershed-wide coordination mechanisms to address the following during the term of the permit:
- a. Development of coordinated stormwater management programs for shared waterbodies;
 - b. Coordination of data management and mapping activities for compatibility; and
 - c. Coordination of monitoring and modeling activities to develop comparable data sets when estimating pollutant concentrations and loads, evaluating impacts, and assessing controls.
8. The stormwater control components listed below, with levels of effort established in accordance with the priorities established in Special Condition S5.B.2.
- a. A program to control runoff from new development, redevelopment and construction sites that discharge to the municipal separate storm sewers owned or operated by the permittee. The program must include: ordinances, minimum requirements and best management practices (BMPs) equivalent to those found in Volumes I through IV of Ecology's Stormwater Management Manual for the Puget Sound Basin (1992 edition), permits, inspections, and enforcement capability. The program must also include a process to make available copies of the "Notice of Intent for Construction Activity" and copies of the "Notice of Intent for Industrial Activity" to representatives of proposed new development and redevelopment.
 - b. Appropriate treatment and source control measures to reduce pollutants in runoff from existing commercial and residential areas that discharge to municipal separate storm sewers owned or operated by the permittee.
 - c. Operation and maintenance programs for new and existing stormwater facilities owned or operated by the permittee, and an ordinance requiring and establishing responsibility for operation and maintenance of other stormwater facilities that discharge into municipal separate storm sewers owned or operated by the permittee. The programs shall include a strategy for addressing the disposal of street waste decant, and cooperative efforts with Ecology and other entities to develop decant solutions.

- d. Practices for operating and maintaining public streets, roads, and highways, including rest areas, to reduce stormwater runoff impacts.
- e. A program to include water quality management considerations into flood management projects, including a schedule for retrofitting existing projects to the extent practicable.
- f. A program to reduce pollutants associated with the application of pesticides, herbicides and fertilizer discharging into the municipal separate storm sewers owned or operated by the permittee.
- g. An ongoing program to detect, remove and prevent illicit discharges and improper disposal, including spills, into the municipal separate storm sewers owned or operated by the permittee.
 - i. The permittee shall effectively prohibit illicit discharges to the municipal separate storm sewers owned or operated by the permittee other than those authorized under a separate NPDES permit. Unless identified by either the permittee or Ecology as significant sources of pollution to waters of the state, the illicit discharges listed in 40 CFR §122.26(d)(2)(iv)(B)(1) need not be prohibited from entering the municipal separate storm sewers owned or operated by the permittee. As necessary, the permittee shall incorporate appropriate control measures in the stormwater management program to ensure these discharges are not significant sources of pollutants to waters of the state.
 - ii. The program shall include ongoing field screening, using the methods required in 40 CFR §122.26 (d)(1)(iv), or alternative methods that have been approved by Ecology. The field screening program shall focus on urbanized areas.
 - iii. The program shall include best management practices and procedures to prevent, contain and respond to spills or improper disposal into the municipal separate storm sewers owned or operated by the permittee.
- h. A program to reduce pollutants in stormwater discharges from industrial facilities that discharge into municipal separate storm sewers owned or operated by the permittee, and ensure compliance

with local ordinances. The program shall include, but not be limited to:

- i. Procedures to identify industrial facilities that discharge into the municipal separate storm sewers owned or operated by the permittee;
 - ii. A field inspection program to assess compliance with local ordinances adopted in accordance with Special Condition S.5.B.3; and
 - iii. A program to monitor and control pollutants in stormwater discharges to municipal separate storm sewers owned or operated by the permittee, from industrial facilities that the permittee determines are contributing a substantial pollutant loading to municipal separate storm sewers. For industrial facilities which require coverage under Ecology's "Baseline General Permit for Stormwater Discharges Associated with Industrial Activity," this program shall be developed jointly with Ecology.
- i. An education program aimed at residents, businesses, industries, and employees of the permittee whose job functions may impact stormwater quality. An education program may be developed locally or regionally. The program shall include:
- i. Education on proper use and disposal of pesticides, herbicides and fertilizers;
 - ii. Training of construction contractors and developers on developing stormwater site plans and BMPs for construction activities;
 - iii. Efforts to explain the definition and impacts, and promote removal of illicit discharges; and
 - iv. Activities to explain and promote proper management and disposal of used oil and toxic materials.

S6. TOTAL MAXIMUM DAILY LOAD ALLOCATIONS

Within four months of approval of a Total Maximum Daily Load (TMDL) for any waterbody located within the permittee's jurisdiction, the permittee shall modify its SWMP to implement the TMDL, if the TMDL includes requirements for control of stormwater discharges from municipal separate storm sewers owned or operated by the permittee. If the modifications meet one of the criteria of Special Condition S7.A., the

permittee shall submit a program modification request within four months of approval of the TMDL. Otherwise, the permittee shall describe the modifications in its annual SWMP report submitted in compliance with Special Condition S8.

S7. PROGRAM MODIFICATION

- A. The following modifications to the SWMP require prior approval from Ecology.
1. A greater than 5 percent reallocation, or reduction of resources in the annual overall SWMP budget.
 2. An anticipated delay of 90 days or more in implementation of any program component.
 3. A complete change in a program component.
 4. Elimination of a program component.
 5. Addition of a co-permittee, or another entity for which the permittee is accepting permit responsibility.
- B. Prior to Ecology making a decision on the proposed modification(s) the permittee shall publish a public notice of the modification(s) in the County's legal newspaper to provide an opportunity for public comment in compliance with Special Condition S5.B.1. The public notice must appear at least twice in the County's legal newspaper separated by a minimum of seven days and contain the following information:
1. Name and address of the permittee; and
 2. A brief summary of the proposed modification(s); and
 3. A description of any potential negative impacts that would result from the modification; and
 4. The statement:
"Any person desiring to present their views to the Department of Ecology concerning this modification to Clark County's Storm Water Management Plan, or interested in the department's action to approve this modification may notify the Department of Ecology in writing within 30 days of the last date of publication of this notice. Comments can be submitted to:
Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696."
- C. It will be the responsibility of the permittee to hold any public hearings that Ecology deems necessary as a result of a proposed modification to the permittees SWMP.

- D. Ecology shall approve or disapprove the modification request within 30 days after the close of the public comment period.
- E. Notification of all other modifications shall be included in the SWMP report described in Special Condition S8.
- F. Modification requests and/or notifications must be made in writing and signed in accordance with General Condition G14. Modification requests shall include a copy of the public notice, descriptions and supporting information for the proposed changes and how these changes will impact the SWMP.
- G. Delays or changes less than those specified in Special Condition S7.A. and modifications approved in accordance with Special Condition S7.B., are in compliance with this permit.

S8. STORMWATER MANAGEMENT PROGRAM ANNUAL REPORT

- A. The permittee shall submit an annual report by July 1, 2000 and annually thereafter. Any information in the report readily distinguished by water quality management areas should be presented as such.
- B. The report shall include the following sections:
 - 1. Status of implementing the Components of the approved SWMP, including the status of compliance with the approved implementation schedule described in Special Condition S9, and a description and rationale of any program modifications made, other than those submitted for approval under Special Condition S7.A;
 - 2. Notification of any recent or proposed annexations or incorporations resulting in an increase or decrease in permit coverage area, and implications for the SWMP;
 - 3. Differences between planned and actual expenditures with a breakdown for the components of the SWMP and the budget since permit issuance. The report shall reflect numeric expenditures for the components of the SWMP;
 - 4. Revisions, if necessary, to the fiscal analysis reported in the SWMP;
 - 5. A summary and analysis of the cumulative monitoring data collected throughout the term of the permit;

- a. If the permittee monitors any pollutant more frequently than required by the SWMP, then the results of this monitoring shall be included in the report.
 - b. If the permittee conducts any other stormwater monitoring in addition to that required in the SWMP, then it shall provide a description of the additional monitoring in the report.
6. A summary describing compliance activities, including the nature and number of official enforcement actions, inspections, and types of public education activities;
 7. Identification of known water quality improvements or degradation; and
 8. Status of watershed-wide coordination and activities which the permittee has undertaken individually or jointly. The report shall include proposed management measures to enhance regional coordination and/or address regional stormwater problems that will be implemented during the term of the next permit.

S9. SCHEDULES FOR COMPLIANCE WITH PROGRAM COMPONENTS

The permittee shall continue all Current Activities that meet specific permit requirements at the level described in Chapter 3 of the approved SWMP. The following Proposed Activities as described in Chapter 3 of the approved SWMP shall be completed by the compliance date specified. Any changes or delays in the current or proposed activities shall comply with Special Condition S7. The status of current and proposed activities shall be reported in the annual report in compliance with Special Condition S8. Additional staffing positions indicated in this section shall not be filled with existing staff such that other program elements are not being fully staffed and implemented.

A. Regulations to meet NPDES Requirements

1. Stormwater Equivalence to the Puget Sound Manual

Make code revisions to adopt minimum requirements and best management practices and make codes revisions for redevelopment equivalent to those found in Volumes I through IV of Ecology's Stormwater Management Manual for the Puget Sound Basin (February 1992 edition) by July 31, 2000.

2. Storm Sewer Maintenance Ordinance

Draft and adopt an ordinance by July 31, 2000 to require all existing private storm sewers be maintained and/or repaired at county standards to

assure proper function and removal of trapped sediment and other pollutants.

3. Code Enforcement

Add one code enforcement officer to enforce current and proposed codes by August 31, 1999. If caseload dictates, another code enforcement officer or coordinator will be added by February 28, 2000.

4. Additional Erosion Control Inspection

Add one inspector to ensure erosion control compliance for development projects, and one inspector for erosion control on building projects, and initiate an inspection program by March 31, 2000.

5. Stormwater Facilities Inspection for New Development

Add one stormwater facilities inspector and initiate a stormwater facilities inspection program by July 31, 2000.

6. Implementation of the Water Quality Ordinance

Develop a tracking system to inventory private systems, and schedule periodic inspections by July 31, 2000.

B. Operations and Maintenance Program

1. Increased Street Sweeping

Street sweeping shall be increased to 9 times per year for residential areas and 12 times per year for arterials starting no later than August 31, 1999.

2. Biofiltration Swales

Increased maintenance will be performed on biofiltration swales that includes at a minimum: 4 annual mowings, and as needed sediment removal, reseeding of bare spots, and debris removal, starting no later than August 31, 1999.

3. Detention Ponds and Retention Basins

Through an inspection program detention and retention facilities shall be maintained for aesthetics and to preserve the designed hydraulic functions through periodic maintenance that will include: regular inspections,

mowing, correcting erosion or other problems, removing debris, and removing sediment, starting no later than March 31, 2000.

4. Roadside Ditches and Culverts

Ditch and culvert maintenance will be changed from being performed in response to complaints to a systematic program of inspection and maintenance starting no later than March 31, 2000.

5. Comprehensive Private Facilities Inspection

Add one inspector to perform private facilities inspections, respond to complaints, provide technical assistance for storm sewer maintenance, and perform follow-up inspections by July 31, 2000.

6. Spill Response

Develop a comprehensive spill response program by July 31, 2000.

7. Storm Sewer Pipe

Storm sewer pipe maintenance will be performed by a systematic program of inspection and maintenance to minimize the amount of sediment flushed into streams starting no later than March 31, 2000.

8. Catch Basins and Manholes

Stormwater catch basins and manholes shall be inspected and cleaned a minimum of once per year and problem catch basins and manholes shall be cleaned more frequently to maintain hydraulic capacity and to minimize the amount of sediment flushed into streams starting no later than August 31, 1999.

9. Drywells

Drywells shall be inspected and cleaned every three to five years and problem drywells more frequently to maintain design function and prevent localized flooding starting no later than March 31, 2000.

10. Storm Sewer Maintenance Tracking

Establish a computer-based maintenance tracking program, linked to an inspection and maintenance approach by December 31, 2000.

11. Private Storm Sewer Inventory and Mapping

Develop a program to map and inventory private storm sewer systems and track private facilities maintenance by July 31, 2000.

C. Monitoring and Evaluation

1. Centralized NPDES Data Management

Develop a centralized and standardized data management and reporting system for all data relevant to the stormwater management program and NPDES permit compliance to include water resource data, summaries of O&M work, inspections, enforcement actions, and budget tracking, by December 31, 2000.

2. Storm Sewer Inventory

Establish a program to maintain the storm sewer GIS inventory by December 31, 2000.

3. Regulatory Program Monitoring

A monitoring program to track implementation of the regulatory programs shall be established. The program will examine if stormwater facilities perform as designed, erosion control measures are in place, wetland covenants are being followed, wetland mitigations are implemented as designed, and source control BMPs are in place at commercial and industrial sites. This activity shall begin no later than July 31, 2000.

4. Outfall Screening

Establish a program to screen stormwater outfalls for pollutant discharges and identify upstream sources by July 31, 2000.

5. Receiving Water and Watershed Characterization, Basin Management Effectiveness and Hydrologic Model Development

Develop an implementation schedule to conduct the *Proposed Receiving Water and Watershed Characterization, Basin Management Effectiveness and Hydrologic Model Development* as listed in the approved SWMP (pages 88-91) by July 31, 2000.

D. Public Involvement for Watershed Management and Education

1. Establishing a Funding Strategy

The permittee shall outline an interim funding strategy for calendar year 2000, by December 31, 1999. Recommendations for a stormwater funding strategy shall be completed by December 31, 1999, and an ordinance for implementation of a long term NPDES stormwater funding method shall be adopted by September 31, 2000. **The permittee shall submit a report to Ecology on the status of each of these tasks no later than the date specified.**

2. Natural Lawn Care Campaign

Implement an education campaign to reduce residential use of chemical pesticides and fertilizers, and promote waste reduction by December 31, 1999.

3. Stormwater-Specific Outreach and Education

Add two FTEs to perform outreach and education directed specifically at stormwater issues with a focus on implementing pollution control BMPs for businesses and residents and perform site visits to provide support for businesses subject to new water quality requirements such as implementing source controls and performing storm sewer maintenance. Residential education may take the form of public service announcements and other media-oriented actions. This activity shall commence no later than July 31, 2000.

4. Watershed Stewards

One permanent FTE shall be assigned the task of establishing and implementing a watershed stewards program modeled after successful programs from other areas by July 31, 2000.

5. River Rangers Program

Implement the River Rangers outreach and education program directed at elementary school children by March 31, 2000.

6. County Policy on Pesticides, Herbicides and Fertilizers

Develop a plan and a schedule for adoption and implementation (including staff training) of policies and specifications for use of pesticides, and fertilizers directed at minimizing water quality impacts by July 31, 2000. The plan shall include the concept of integrated pest management.

E. Capital Improvements Program

1. Establish a Capital Program for Stormwater Management

Begin developing Capital Plans for urbanizing basins currently lacking capital plans, notably Whipple Creek basin, Gee Creek, Flume Creek and Lacamas basin. The program may include evaluation of existing facilities, and a procedure to select projects to mitigate for existing development or stream channel rehabilitation. Also, planning may be a tool for addressing Special Condition S5.B.8a. requirement for retrofitting entire redevelopment sites. Work shall begin on this activity no later than August 31, 2000.

S10. TERMINATION OF COVERAGE UPON ISSUANCE OF A STATEWIDE GENERAL PERMIT

Upon notification by Ecology, the permittee shall have 30 days to apply for coverage under Ecology's statewide municipal stormwater general permit. The applicability of this individual permit to Clark County is automatically terminated upon coverage under the statewide municipal stormwater general permit.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

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

G2. PROPER OPERATION AND MAINTENANCE

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

G3. NOTIFICATION OF SPILL

If a permittee has knowledge of a spill into a municipal storm sewer which could constitute a threat to human health, welfare, or the environment, the permittee shall notify the Ecology regional office and other appropriate spill response authorities immediately but in no case later than 24 hours of obtaining that knowledge.

G4. BYPASS PROHIBITED

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

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

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

G5. RIGHT OF ENTRY

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

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

G6. DUTY TO MITIGATE

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

G7. PROPERTY RIGHTS

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

G8. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G9. MONITORING

- A. Representative Sampling

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored discharge, including

representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

B. Records Retention

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

C. Recording of Results

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

D. Test Procedures

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

E. Flow Measurement

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

F. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, Accreditation of Environmental

Laboratories, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Crops, soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by the Department.

G. Additional Monitoring

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

G10. REMOVED SUBSTANCES

With the exception of decant from street waste vehicles, the permittee shall not allow collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of stormwater to be resuspended or reintroduced to the storm sewer system or to waters of the state. Decant from street waste vehicles resulting from cleaning stormwater facilities may be reintroduced only when other practical means are not available and only to catch basins remote from the discharge point to waters of the state.

G11. SEVERABILITY

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

G12. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, as provided in 40 CFR 122.61 and 122.62, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G13. REPORTING A CAUSE FOR MODIFICATION

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

G14. SIGNATORY REQUIREMENTS

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

- A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department, and
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of B.2. must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

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

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

G15. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42(c) are incorporated in this permit by reference.

G16. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

G17. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G18. DUTY TO REAPPLY

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

DEFINITIONS AND ACRONYMS

"Best Management Practices" ("BMPs" - general definition) means schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters of the state. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In this permit BMPs are further categorized as operational, source control, erosion and sediment control, and treatment BMPs.

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

"Clean Water Act" ("CWA") means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1251 et seq.

"Component" or "Program Component" means the elements of the stormwater management program listed in Special Condition S5.B1. through 7., S5.B.8.a. through i, and the specific requirements listed in Special Conditions S9.

"Director" means the Director of the Washington Department of Ecology or his/her authorized representative.

"Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from the permittees Municipal Separate Storm Sewers.

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

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

"Large Municipality" means an incorporated place with a population of 250,000 or more, a County with unincorporated urbanized areas with a population of 250,000 or more according to the latest decennial census by the Bureau of Census.

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

equivalent (discharge from other than a circular pipe associated with a drainage area of 12 acres or more).

"Medium Municipality" means an incorporated place with a population of more than 100,000 but less than 250,000, or a county with unincorporated urbanized areas of more than 100,000 but less than 250,000 according to the latest decennial census by the Bureau of Census.

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

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

"Notice of Intent for Construction Activity" ("NOI") and "Notice of Intent for Industrial Activity" mean the application forms for coverage under the "Baseline General Permit for Stormwater Discharges Associated with Industrial Activities."

"Runoff" see Stormwater.

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

"Stormwater" for the purpose of this permit, means rainfall or snow melt runoff.

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

"Stormwater Management Manual for the Puget Sound Basin" means the technical manual prepared by Ecology for use by local governments that contains BMPs to prevent, control, or treat pollution in stormwater.

"Stormwater Management Program" ("SWMP") is an approved documented management and program plan to reduce the discharge of pollutants, reduce impacts to receiving waters, eliminate illicit discharges, and make progress toward compliance with surface water, ground water and sediment standards from stormwater discharges to municipal separate storm sewers.

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

"Water Quality Management Area" means a geographic unit established by Ecology for the purposes of planning, scheduling and synchronizing water quality assessments and management activities. Water quality management areas are individual or groups of Water Resource Inventory Areas (WRIAs) adopted under the Water Resources Act of 1971 (Chapter 90.54 RCW) for water supply planning and Sewage Drainage Basins (SDBs) adopted under the Water Pollution Control Act (Chapter 90.48 RCW) for comprehensive water pollution control plans.