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PHASE I MUNICIPAL STORMWATER PERMIT

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

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

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

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

_____
Heather R. Bartlett
Water Quality Program Manager
Department of Ecology

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SPECIAL CONDITIONS

S1. PERMIT COVERAGE AND PERMITTEES

A. Geographic Area of Permit Coverage

This permit covers discharges from Large and Medium Municipal Separate Storm Sewer Systems (MS4s) as established at Title 40 CFR 122.26, except for the Washington State Department of Transportation's MS4s.

For Secondary Permittees required to obtain coverage under this permit, the minimum geographic area of coverage includes the portion of the MS4 which is located within the unincorporated areas of Clark, King, Snohomish, and Pierce Counties and the incorporated areas of the cities of Seattle and Tacoma. The Washington State Department of Ecology (Ecology) may establish additional geographic areas of coverage specific to an individual Secondary permittee.

B. The following cities and counties have submitted a Duty to Reapply-Notice of Intent (NOI) for coverage to Ecology prior to August 19, 2011, and have coverage as Permittees, beginning on the effective date of the permit:

1. The City of Tacoma and the City of Seattle.

2. Clark, King, Pierce, and Snohomish Counties.

C. The following entities have submitted a Duty to Reapply-Notice of Intent (NOI) for coverage to Ecology prior to August 19, 2011, and have coverage as Secondary Permittees, beginning on the effective date of the permit:

1. Port of Seattle, excluding Seattle-Tacoma International Airport.

2. Port of Tacoma.

3. The University of Washington, Seattle; Seattle School District #1; Metropolitan Park District of Tacoma; Washington State Military Department; Tacoma Community College; Washington State Department of Corrections: Larch Corrections Center, and Washington Corrections Center for Women.

D. Unless otherwise noted, the term "Permittee" includes city, county, or town Permittee, port Permittee, Co-Permittee, Secondary Permittee, and New Secondary Permittee.

E. Coverage for New Secondary Permittees

1. Entities meeting the requirements in S1.E.1.a-b, below, are required to apply for and obtain coverage under this Permit. Upon application and coverage the

following entities will have coverage under this Permit as New Secondary Permittees.

a. Active drainage, diking, flood control, or diking and drainage districts located in the Cities or unincorporated portions of the Counties listed in S1.B above, which own or operate MS4s serving non-agricultural land uses; and were not covered by the permit prior to August 1, 2013.

b. Other owners or operators of MS4s located in the Cities or unincorporated portions of the Counties listed in S1.B above; and were not covered by the permit prior to August 1, 2013.

2. Application Requirements:

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

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

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

S2. AUTHORIZED DISCHARGES

A. This permit authorizes the discharge of stormwater to surface waters and to ground waters of the state from MS4s owned or operated by each Permittee covered under this permit in the geographic area covered by this permit pursuant to S1.A subject to the following limitations:

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

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

B. This permit authorizes discharges of non-stormwater flows to surface waters and ground waters of the state from MS4s owned or operated by each Permittee covered under this permit, in the geographic area covered pursuant to S1.A, only under one or more of the following conditions:

1. The discharge is authorized by a separate National Pollutant Discharge Elimination System (NPDES) or State Waste Discharge permit.

2. The discharge is from emergency firefighting activities.

3. The discharge is from another illicit or non-stormwater discharge that is managed by the Permittee as provided in Special Condition S5.C.8., S6.D.3, or S6.E.3.

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

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

D. Discharges from MS4s constructed after the effective date of this permit shall receive all applicable state and local permits and use authorizations, including compliance with chapter 43.21C RCW (the State Environmental Policy Act).

E. This permit does not authorize discharges of stormwater to waters within Indian Country or to waters subject to water quality standards of Indian Tribes, including portions of the Puyallup River and other waters on trust or restricted lands within the 1873 Survey Area of the Puyallup Tribe of Indians Reservation, except where authority has been specifically delegated to Ecology by the U.S. Environmental Protection Agency. The exclusion of such discharges from this permit does not waive any rights the State may have with respect to the regulation of the discharges.

S3. RESPONSIBILITIES OF PERMITTEES

A. Each Permittee, Co-Permittee and Secondary Permittee is responsible for compliance with the terms of this Permit for the MS4s that they own or operate.

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

2. The Port of Tacoma and the Port of Seattle, are required to comply with all conditions of this permit except for S5. Stormwater Management Program and S6.D. Stormwater Management Program for Secondary Permittees.

3. All Secondary Permittees, except for the Port of Tacoma and the Port of Seattle, are required to comply with all conditions of this permit except for S5. Stormwater Management Program, S6.E. Stormwater Management Program for

the Port of Seattle and Port of Tacoma, and S8. Monitoring and Assessment conditions B, C, and D.

B. Permittees may rely on another entity to satisfy one or more of the requirements of this permit. Permittees that are relying on another entity to satisfy one or more or their permit obligations remain responsible for permit compliance if the other entity fails to implement the permit conditions. Where permit responsibilities are shared they shall be documented as follows:

1. Permittees and Co-Permittees that are continuing coverage under this permit shall submit a statement that describes the permit requirements that will be implemented by other entities. The statement must be signed by all participating entities. There is no deadline for submitting such a statement, provided that this does not alter implementation deadlines. Permittees and Co-Permittees may amend their statement during the term of the permit to establish, terminate, or amend their shared responsibilities statement, and submit the amended statements to Ecology.

2. Secondary Permittees shall submit an NOI that describes which requirements they will implement and identify the entities that will implement the other permit requirements in the area served by the Secondary Permittee's MS4. A statement confirming the shared responsibilities, signed by all participating entities, shall accompany the NOI. Secondary Permittees may amend their NOI, during the term of the permit, to establish, terminate, or amend shared responsibility arrangements, provided this does not alter implementation deadlines.

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

S4. COMPLIANCE WITH STANDARDS

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

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

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

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

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

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

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

2. In the event that Ecology determines, based on a notification provided under S4.F.1, or through any other means, that a discharge from a MS4 owned or operated by the Permittee is causing or contributing to a violation of Water Quality Standards in a receiving water, Ecology will notify the Permittee in writing that an adaptive management response outlined in S4.F.3 below is required unless:

a. Ecology also determines that the violation of Water Quality Standards is already being addressed by a Total Maximum Daily Load (TMDL) or other enforceable water quality cleanup plan; or

b. Ecology concludes the MS4 contribution to the violation will be eliminated through implementation of other permit requirements.

3. Adaptive Management Response

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

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

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

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

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

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

c. The Permittee shall implement the additional BMPs, pursuant to the schedule approved by Ecology, beginning immediately upon receipt of written notification of approval; or, as specified in Appendix 13.

d. The Permittee shall include with each subsequent annual report a summary of the status of implementation, and the results of any monitoring, assessment or

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

e. A TMDL or other enforceable water quality cleanup plan that has been approved and is being implemented to address the MS4's contribution to the Water Quality Standards violation supersedes and terminates the S4.F.3 implementation plan.

f. 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.A or B above.

g. 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

A. Each Permittee listed in S1.B shall implement a Stormwater Management Program (SWMP) during the term of this permit. A SWMP is a set of actions and activities comprising the components listed in S5, and additional actions necessary, to meet the requirements of applicable TMDLs pursuant to S7 Compliance with TMDL Requirements, and S8 Monitoring and Assessment.

1. Each Permittee shall prepare written documentation of their SWMP, called the SWMP Plan. The SWMP Plan shall be organized according to the program components in S5.C, or a format approved by Ecology, and shall be updated at least annually for submittal with the Permittee's annual report to Ecology (S9

Reporting Requirements). The SWMP Plan shall be written to inform the public of the planned SWMP activities for the upcoming calendar year, and shall include a description of:

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

b. Any additional planned actions to meet the requirements of applicable TMDLs pursuant to S7 Compliance with TMDL Requirements.

c. Any additional planned actions to meet the requirements of S8 Monitoring and Assessment.

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

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

B. The SWMP shall be designed to reduce the discharge of pollutants from MS4s to the MEP, meet state AKART requirements, and protect water quality.

Permittees are to continue implementation of existing stormwater management programs until they begin implementation of the updated stormwater management program in accordance with the terms of this permit, including implementation schedules.

C. The SWMP shall include the components listed below. The requirements of the SWMP shall apply to MS4s, and areas served by MS4s owned or operated by the Permittee. To the extent allowable under state and federal law, all SWMP components are mandatory.

1. Legal Authority

a. Each Permittee shall be able to demonstrate that they can operate pursuant to legal authority which authorizes or enables the Permittee to control discharges to and from MS4s owned or operated by the Permittee.

b. This legal authority, which may be a combination of statute, ordinance, permit, contracts, orders, interagency agreements, or similar means, shall authorize or enable the Permittee, at a minimum, to:

i. Control through ordinance, order, or similar means, the contribution of pollutants to MS4s 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 through ordinance, order, or similar means, illicit discharges to the MS4 owned or operated by the Permittee;

iii. Control through ordinance, order, or similar means, the discharge of spills and disposal of materials other than stormwater into the MS4s owned or operated by the Permittee;

iv. Control through interagency agreements among co-applicants, the contribution of pollutants from one portion of the MS4 to another portion of the MS4;

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 and non-compliance with permit conditions, including the prohibition on illicit discharges to the MS4 and compliance with local ordinances.

2. Municipal Separate Storm Sewer System Mapping and Documentation

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

Minimum performance measures:

a. Ongoing Mapping: Each Permittee shall maintain mapping data for the features listed below.

i. Known MS4 outfalls and discharge points.

ii. Receiving waters, other than ground water.

iii. Stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee.

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

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

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

(2) Associated drainage areas

(3) Land uses

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

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

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

b. New Mapping: Each Permittee shall complete the following mapping no later than December 31, 2017.

i. Counties shall map tributary conveyances, as described in S5.C.2.a.v, for any urban/higher density rural sub-basins not mapped under the previous permit.

ii. Counties shall map existing, known connections greater than 8 inches in nominal diameter to tributary conveyances mapped in accordance with S5.C.2.b.i.

iii. Each Permittee shall map existing, known connections equal to 8 inches in nominal diameter to tributary conveyances mapped in accordance with S.5.C.2.

iv. Each Permittee shall map connections between stormwater treatment and flow control BMPs/facilities and tributary conveyances mapped in accordance with S5.C.2. The Permittee shall map all associated emergency overflows.

c. To the extent consistent with national security laws and directives, each Permittee shall make available to Ecology, upon request, available maps depicting the information required in S5.C.2.a and b, above. The required format for mapping is electronic with fully described mapping standards. An example description is available on Ecology's website.

d. Upon request, and to the extent appropriate, Permittees shall provide mapping information to federally recognized Indian Tribes, municipalities, and other Permittees. This permit does not preclude Permittees from recovering reasonable costs associated with fulfilling mapping information requests by federally recognized Indian Tribes, municipalities, and other Permittees.

3. Coordination

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

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

Minimum performance measures:

a. Implement intra-governmental (internal) coordination agreement(s) or Executive Directive(s) to facilitate compliance with the terms of this permit. Permittees shall include a written description of internal coordination mechanisms in the Annual Report, due no later than March 31, 2015.

b. Implement; and within 2 years following the addition of a new Secondary Permittee, establish and implement:

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

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

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

4. Public Involvement and Participation

Permittees shall provide ongoing opportunities for public involvement and participation in the Permittee's SWMP and implementation priorities.

Minimum performance measures:

a. Permittees shall create opportunities for the public to participate in the decision-making processes involving the development, implementation and update of the Permittee's SWMP.

b. Each Permittee shall post on their website their SWMP Plan, and the annual report required under S9.A no later than May 31 each year. All other submittals shall be available to the public upon request.

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

The SWMP shall include a program to prevent and control the impacts of runoff from new development, redevelopment, and construction activities. Refer to Appendix 10 for a list of approved manuals and ordinances. The program shall apply to private and public development, including roads.

Minimum performance measures:

a. Site and subdivision scale requirements:

i. The Minimum Requirements, thresholds, and definitions in Appendix 1, or Minimum Requirements, thresholds, and definitions determined by Ecology to be equivalent to Appendix 1, for new development, redevelopment, and construction sites shall be included in ordinances or other enforceable documents adopted by the local government. Adjustment and variance criteria equivalent to those in Appendix 1 shall be included. More stringent requirements may be used, and/or certain requirements may be tailored to local circumstances through the use of Ecology approved basin plans or other similar water quality and quantity planning efforts. Such local requirements and thresholds shall provide equal or similar protection of receiving waters and equal or similar levels of pollutant control as compared to Appendix 1.

ii. The local requirements shall include the following requirements, limitations, and criteria that, when used to implement the minimum requirements in Appendix 1, will protect water quality, reduce the discharge of pollutants to the MEP, and satisfy the State requirement under chapter 90.48 RCW to apply AKART prior to discharge:

(1) Site planning requirements

(2) BMP selection criteria

(3) BMP design criteria

(4) BMP infeasibility criteria

(5) LID competing needs criteria

(6) BMP limitations

Permittees shall document how the criteria and requirements will protect water quality, reduce the discharge of pollutants to the maximum extent practicable, and satisfy the state AKART requirements.

Permittees who choose to use the requirements, limitations, and criteria in the Stormwater Management Manual for Western Washington

(SWMMWW), or an equivalent manual approved by Ecology, may cite this choice as their sole documentation to meet this requirement.

iii. No later than June 30, 2015, each Permittee shall adopt and make effective a local program that meets the requirements in S5.C.5.a.i through ii, above. The local program adopted to meet the requirements of S5.C.5.a.i through ii shall apply to all applications[1] submitted after June 30, 2015 and shall apply to applications submitted no later than June 30, 2015, which have not started construction[2] by June 30, 2020.

Ecology review and approval of the local manual and ordinances is required. Manuals and ordinances approved under this section are listed in Appendix 10, Part 2. Permittees shall provide detailed, written justification of any of the requirements which differ from those contained in Appendix 1 of this permit.

The Permittee shall submit draft enforceable requirements, technical standards and manual to Ecology no later than July 1, 2014. Ecology will review and provide written response to the Permittee. If Ecology takes longer than 90 days to provide a written response, the required deadline for adoption and effective date will be automatically extended by the number of calendar days that Ecology exceeds a 90 day period for written response.

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

iv. The program shall include the legal authority to inspect private stormwater facilities and enforce maintenance standards for all new development and redevelopment approved under the provisions of this section.

v. The program shall include a process of permits, site plan review, inspections, and enforcement capability to meet the following standards for both private and public projects, using qualified personnel:

[1] In this context, "application" means, at a minimum, a complete project description, site plan, and, if applicable, SEPA checklist. Permittees may establish additional elements of a complete application.

[2] In this context, "started construction" means, at a minimum, 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. Permittees may establish additional requirements related to the start of construction.

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

(2) Inspect prior to clearing and construction, all permitted development sites that meet the thresholds in S5.C.5.a.i, and that have a high potential for sediment transport as determined through plan review based on definitions and requirements in Appendix 7. As an alternative to evaluating each site according to Appendix 7, Permittees may choose to inspect all construction sites that meet the minimum thresholds in S5.C.5.a.i.

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

(4) Inspect all permitted development sites that meet the thresholds in S5.C.5.a.i, upon completion of construction and prior to final approval or occupancy to ensure proper installation of permanent stormwater facilities. Verify that a maintenance plan is completed and responsibility for maintenance is assigned for stormwater treatment and flow control BMPs/facilities. Enforce as necessary based on the inspection.

(5) Compliance with the inspection requirements in (2), (3) and (4) above shall be determined by the presence of an established inspection program designed to inspect all sites involving land disturbing activity that meet the thresholds in S5.C.5.a.i. Compliance during this permit term shall be determined by achieving at least 80% of scheduled inspections. The inspections may be combined with other inspections provided they are performed using qualified personnel.

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

(7) The program shall include an enforcement strategy to respond to issues of non-compliance.

vi. The Permittee shall make available, as applicable, 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. Permittees will continue to enforce local ordinances

controlling runoff from sites that are covered by other stormwater permits issued by Ecology.

vii. Each permittee shall ensure that all staff whose primary job duties are implementing the program to Control Stormwater Runoff from New Development, Redevelopment, and Construction Sites, including permitting, plan review, construction site inspections, and enforcement, are trained to conduct these activities. As determined necessary by the Permittee, follow-up training shall be provided to address changes in procedures, techniques or staffing. Permittees shall document and maintain records of the training provided and the staff trained.

b. Low impact development code-related requirements:

i. No later than June 30, 2015, or by an alternative date if established in accordance with S5.C.5.a.iii, Permittees shall review, revise, and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) Principles and LID Best Management Practices (BMPs).

The intent of the revisions shall be to make LID the preferred and commonly-used approach to site development. The revisions shall be designed to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations. Permittees shall conduct a similar review and revision process, and consider the range of issues, outlined in the following document: Integrating LID into Local Codes: A Guidebook for Local Governments (Puget Sound Partnership, 2012).

ii. Each Permittee shall submit a summary of the results of the review and revision process in S5.C.5.b.i with the Annual Report due on March 31, 2016. This summary shall include, at a minimum, a list of the participants (job title, brief job description, department represented), the codes, rules, standards, and other enforceable documents reviewed, and the revisions made to those documents which incorporate and require LID Principles and LID BMPs. The summary shall include existing requirements for LID Principles and LID BMPs in development-related codes. The summary of revisions shall be organized as follows:

(1) Measures to minimize impervious surfaces.

(2) Measures to minimize loss of native vegetation.

(3) Other measures to minimize stormwater runoff.

c. Watershed-scale stormwater planning requirements:

The objective of watershed-scale stormwater planning is to identify a stormwater management strategy or strategies that would result in hydrologic and water quality conditions that fully support "existing uses," and "designated uses," as those terms are defined in WAC 173-201A-020, throughout the stream system.

i. No later than October 31, 2013, each County Permittee listed below shall select one watershed from the following list in which to conduct watershed-scale stormwater planning:

- Clark County: Whipple, Salmon
- King County: Bear, May, Soos
- Pierce County: Clover
- Snohomish County: Swamp, North

A permittee may propose an alternative watershed that meets all of the following criteria:

(1) Has a drainage area of at least 10 square miles.

(2) Is partially or wholly within the County Permittee's existing MS4 service area with discharges to the stream.

(3) Has a stream system that has been impacted by development but retains some anadromous fish resources.

(4) Is targeted to accept significant population growth and associated development, and is partially, if not fully, within the urban growth area established under Chapter 36.70A RCW, or a potential future expansion of the urban growth area.

Each County Permittee[3] will notify Ecology in writing of the selected or proposed alternative watershed no later than October 31, 2013. Any proposed alternative watershed is subject to Ecology's review and approval. The required deadlines for submission of a scope of work and a final plan will be automatically extended by the number of calendar days

[3] Ecology approved a selected watershed for all four County Permittees. Clark County chose the Whipple Creek watershed which was one of the options listed in the permit. King County and Pierce County chose to do planning on subsets of watersheds listed in the permit that meet the four criteria identified for alternative watersheds. King County chose a portion of the Bear Creek watershed (excluding the Cottage Lake sub-watershed, Evans Creek, and the area downstream of the confluence with Evans Creek), and Pierce County chose the Spanaway Creek/Lake sub-watershed of the Clover Creek watershed.

Snohomish County proposed a subset of an alternative watershed, Little Bear Creek. Ecology originally approved the entire Little Bear Creek watershed, which meets the four qualifying criteria, but based on the 2014 ruling by the Pollution Control Hearings Board and comments received during the permit modification process, Ecology accepts the originally proposed subset of just that part of Little Bear Creek in Snohomish County.

that Ecology exceeds a 60 day period for written response to the alternative watershed proposal.

ii. Each County Permittee shall convene and lead a documented watershed-scale stormwater planning process as described in sections S5.C.5.c.ii through S5.C.5.c.vi below.

A City or County MS4 Permittee within a Phase I County selected basin must fully participate with the stormwater planning process as described below. Permittees may choose to participate in a coordinated Scope of Work and schedule with other Permittees within the selected watershed, or conduct their scope of work independently.

iii. No later than August 13, 2015, each Permittee within the basin selected by King County must submit to Ecology documentation of their proposed approach to coordinate their efforts with other Permittees within the watershed, including:

(1) A list of the municipal stormwater permittees with whom the Permittee will undertake watershed-scale planning under a common scope of work; and description of the coordination and dispute resolution procedures agreed to by all of the Permittees operating under the common scope of work; and

(2) A description of planned coordination and dispute resolution procedures for providing and receiving feedback from Permittees operating under different scopes of work within the same watershed, including procedures to:

a) Review, provide comment, and revise methods and assumptions to meet S5.C.5.c.iv (1) through (4) below;

b) Review, provide comment, and revise present- and future-condition B-IBI scores, pollutant concentrations, temperature and hydrologic metrics;

c) Share the results of the modeling performed by the Permittee with all other Permittees in the watershed;

d) Adjust the Permittee's proposed changes to development-related codes, rules, standards, plans, and potential future structural stormwater control projects in response to feedback from other Permittees so that the planning objectives, as described in S5.C.5.c above, are projected to be achieved throughout the watershed.

(3) It is not a permit violation if other entities, over whose actions the Permittee has limited or no control, refuse to participate in the coordination plan described in S5.C.5.c.iii.

iv. No later than April 1, 2014 for Permittees in watersheds selected by Clark and Pierce counties, November 4, 2015, for Permittees in the watershed selected by King county, and March 31, 2015, for Permittees in the watershed selected by Snohomish county, the Permittee shall submit a scope of work and a schedule to Ecology for the complete watershed planning process. The scope of work and schedule are subject to Ecology's review and approval. If Ecology takes longer than 90 days to provide a written response, the required deadline for submitting a final watershed-scale stormwater plan to Ecology will be automatically extended by the number of days Ecology exceeds 90 days, but no later than July 30, 2018.

The scope of work and schedule must apply to the geographic extent of the jurisdictions of the Permittees listed under S5.C.5.c.iii (1) above and, at a minimum, describe:

(1) An assessment of existing hydrologic, biologic, and water quality conditions within the selected watershed, and an assessment of the current status of the aquatic community. This assessment may be based on existing data where such data are available. Where such data are not available, or are not sufficient, the scope of work and schedule shall include the collection of such data.

The existing conditions assessment shall, at a minimum, include the following:

a) Water quality conditions as established through sampling during base flows and storm flows for, at a minimum, the following chemical parameters: dissolved copper, dissolved zinc, temperature, and fecal coliform. Permittees shall identify or collect data from locations upgradient and downgradient of stream sections influenced by MS4 discharges.

b) Continuous flow monitoring of the stream to provide the data necessary to calibrate a continuous runoff model to the selected watershed. Permittees shall identify or collect flow monitoring data from locations upgradient and downgradient of stream sections influenced by MS4 discharges.

c) Macroinvertebrate data for the purpose of estimating current Benthic Index of Biotic Integrity (B-IBI) scores and comparing them with the scores predicted by the existing values of the hydrologic metrics in S5.C.5.c.iv(4).

d) The status of the aquatic community, including the presence and distribution of salmonid uses, shall be documented using data from existing sources.

(2) Efforts to compile and/or generate maps of the selected watershed to identify the existing distribution and totals of general soil types, vegetative land cover, impervious land covers, MS4s and non-regulated public stormwater systems (if applicable). Maps must be sufficient to allow construction of a rainfall/runoff model representation of the watershed. Maps must also identify areas within the watershed appropriate for special attention in regard to hydrologic and water quality impacts. For example: headwater wetlands and critical aquifer recharge areas.

(3) How the Permittee will use the existing conditions assessment in S5.C.5.c.iv(1) and the maps described in S5.C.5.c.iv(2), to calibrate a continuous runoff model to reflect the existing hydrologic, water quality, and biologic (as represented by B-IBI score) conditions.

(4) How the Permittee will use the model calibrated in S5.C.5.c.iv(3), to estimate hydrologic changes from the historic condition; and predict the future hydrologic, biologic, and water quality conditions at full build-out under existing or proposed comprehensive land use management plan(s) for the watershed. Future biologic conditions shall be estimated by using a correlation of hydrologic metrics with B-IBI scores for *Puget Sound Lowland Streams*[4], or other similar correlation if approved by Ecology. Future water quality conditions shall be described through estimation of concentrations of, at a minimum, dissolved copper, dissolved zinc, temperature, and fecal coliform.

(5) How, if the estimation in S5.C.5.c.ii(4) predicts water quality standards will not be met, the Permittee will use the calibrated watershed model to evaluate stormwater management strategies to meet the standards. The same hydrologic metrics and correlated B-IBI scores, and water quality parameters used in S5.C.5.c.ii(4) shall be used to evaluate the effectiveness of strategies.

a) Stormwater management strategies to be evaluated for all jurisdictions in the watershed must include:

- Changes to development-related codes, rules, standards, and plans.

[4] DeGasperi, C.L., Berge, H. B., Whiting, K. R., Burkey, J. J., Cassin, J. L. and Fuerstenberg, R. R. (2009), Linking Hydrologic Alteration to Biological Impairment in Urbanizing Streams of the Puget Lowland, Washington, USA. JAWRA Journal of the American Water Resources Association, 45: 512-533. Doi: 10.1111/j.1752-1688.2009.00306.x

- Potential future structural stormwater control projects consistent with S5.C.6.a.

b) Stormwater management strategies evaluated may also include:

- Basin-specific stormwater control requirements for new development and redevelopment as allowed by Section 7 of Appendix 1.
- Strategies to encourage redevelopment and infill, and an assessment of options for efficient, effective runoff controls for redevelopment projects, such as regional facilities, in lieu of individual site requirements.

(6) How the permittee will create an implementation plan and schedule that includes: potential future actions to implement the identified stormwater management strategies, responsible parties, estimated costs, and potential funding mechanisms.

(7) A public review and comment process, at a minimum, focused on the draft watershed-scale stormwater plan. The public review must allow for public comment from all governmental entities with jurisdiction within the watershed.

v. The watershed-scale stormwater planning process, as documented in the scope of work and schedule, may include an evaluation of strategies to preserve or improve other factors that influence maintenance of the existing and designated uses of the stream. Examples include: channel restoration, in-stream culvert replacement, quality of the riparian zone, gravel disturbance regime, and presence and distribution of large woody debris.

vi. Each Permittee (or group of Permittees operating under a single scope of work, as described above) must submit a final watershed-scale stormwater plan to Ecology no later than September 6, 2017, for the Clark, Pierce, and Snohomish county efforts, and no later than April 4, 2018, for the King county effort. The plan must summarize results of the modeling and planning process, describe results of the evaluation of strategies under S5.C.5.c.iv(5), and include the implementation plan and schedule developed pursuant to S5.C.5.c.iv(6).

6. Structural Stormwater Controls

Each Permittee shall implement a structural stormwater controls program to prevent or reduce impacts to waters of the state caused by discharges from the MS4. Impacts that shall be addressed include disturbances to watershed hydrology and stormwater pollutant discharges.

The program shall consider impacts caused by stormwater discharges from areas

of existing development, including runoff from highways, streets and roads owned or operated by the Permittee, and areas of new development, where impacts are anticipated as development occurs.

Minimum performance measures:

a. The program shall address impacts that are not adequately controlled by the other required actions of the SWMP.

   i. The program shall consider the following projects:

      (1) New flow control facilities, including LID BMPs.

      (2) New treatment (or treatment and flow control) facilities, including LID BMPs.

      (3) Retrofit of existing treatment and/or flow control facilities.

      (4) Property acquisition for water quality and/or flow control benefits (not associated with future facilities).

      (5) Maintenance with capital construction costs ≥ $25,000.

   ii. Permittees should consider other projects to address impacts, such as:

      (1) Riparian habitat acquisition.

      (2) Restoration of forest cover and/ or riparian buffers.

      (3) Floodplain reconnection projects on water bodies that are not flow control exempt per Appendix 1.

      (4) Capital projects related to the MS4 which implement an Ecology-approved basin or watershed plan.

      (5) Other actions to address stormwater runoff into or from the MS4 not otherwise required in S5.C.

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

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

b. Each Permittee's SWMP Plan shall describe the Structural Stormwater Control Program including the following:

   i. The Structural Stormwater Control Program goals.

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

(1) The geographic scale of the planning process.

(2) Issues and regulations addressed.

(3) Steps in the planning process.

(4) Types of characterization information considered.

(5) Amount budgeted for implementation.

(6) The public involvement process.

(7) A description of the prioritization process, procedures and criteria used to select the Structural Stormwater Control projects.

c. No later than March 31, 2014 each Permittee shall provide a list of planned, individual projects scheduled for implementation during this permit term. This list must include at a minimum the information and formatting specified in Appendix 11. Each Permittee's annual report shall provide an update of this list.

7. Source Control Program for Existing Development

a. The Permittee shall implement a program to reduce pollutants in runoff from areas that discharge to MS4s owned or operated by the Permittee. The program shall include the following:

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

ii. Inspections of pollutant generating sources at commercial and industrial properties to enforce implementation of required BMPs to control pollution discharging into MS4s owned or operated by the Permittee.

iii. Application and enforcement of local ordinances at sites, identified pursuant to S5.C.7.b.ii, including sites with discharges authorized by a separate NPDES permit. Permittees that are in compliance with the terms of this permit will not be held liable by Ecology for water quality standard violations or receiving water impacts caused by industries and other Permittees covered, or which should be covered under an NPDES permit issued by Ecology.

iv. Practices to reduce polluted runoff from the application of pesticides, herbicides, and fertilizer discharging into MS4s owned or operated by the Permittee.

b. Minimum performance measures:

i. Permittees shall enforce ordinance(s), or other enforceable documents, requiring the application of source control BMPs for pollutant generating sources associated with existing land uses and activities.

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

The requirements of this subsection are met by using the source control BMPs in Volume IV of the Stormwater Management Manual for Western Washington, or a functionally equivalent manual approved by Ecology.

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

ii. Permittees shall implement a program to identify commercial and industrial properties which have the potential to generate pollutants to the Permittee's MS4. The program shall include a source control inventory which lists businesses and/or properties identified based on the presence of activities that are pollutant generating (refer to Appendix 8). The source control inventory shall also include other pollutant generating sources, such as mobile or home-based businesses and multifamily properties, which are identified based on complaint response. The Permittee shall update the inventory at least once every 5 years.

iii. Permittees shall implement an inspection program for sites identified pursuant to S5.C.7.b.ii above.

(1) All identified sites with a business address shall be provided, by mail, telephone, electronic communications, or in person, information about activities that may generate pollutants and the source control requirements applicable to those activities. This information may be provided all at one time or spread out over the permit term to allow for some tailoring and distribution of the information during site inspections.

(2) The Permittee shall annually complete the number of inspections equal to 20% of the businesses and/or properties listed in their source control inventory to assure BMP effectiveness and compliance with source control requirements. The Permittee may count follow up compliance inspections at the same site toward the 20% inspection rate. The Permittee may select which sites to inspect each year and is not required to inspect 100% of sites over a 5-year period. Sites may be prioritized for inspection based on their land use category, potential for pollution generation, proximity to receiving waters, or to address an identified pollution problem within a specific geographic area or sub-basin.

(3) Each Permittee shall inspect 100% of sites identified through legitimate complaints.

iv. Each Permittee shall implement a progressive enforcement policy to require sites to come into compliance with stormwater requirements within a reasonable time period as specified below:

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

(2) When a Permittee determines that a facility has failed to adequately implement BMPs after a follow-up inspection, the Permittee shall take enforcement action as established through authority in its municipal code and ordinances, or through the judicial system.

(3) Each Permittee shall maintain records, including documentation of each site visit, inspection reports, warning letters, notices of violations, and other enforcement records, demonstrating an effort to bring facilities into compliance. Each Permittee shall also maintain records of sites that are not inspected because the property owner denies entry.

(4) A Permittee may refer non-emergency violations of local ordinances to Ecology, provided, the Permittee also makes a documented effort of progressive enforcement. At a minimum, a Permittee's enforcement effort shall include documentation of inspections and warning letters or notices of violation.

v. Permittees shall train staff who are responsible for implementing the source control program to conduct these activities. The ongoing training program shall cover the legal authority for source control, source control BMPs and their proper application, inspection protocols, lessons learned, typical cases, and enforcement procedures. Follow-up training shall be provided as needed to address changes in procedures, techniques,

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

8. Illicit Connections and Illicit Discharges Detection and Elimination

The SWMP shall include an ongoing program designed to prevent, detect, characterize, trace, and eliminate illicit connections and illicit discharges into the MS4.

Minimum performance measures:

a. The program shall include procedures for reporting and correcting or removing illicit connections, spills and other illicit discharges when they are suspected or identified. The program shall also include procedures for addressing pollutants entering the MS4 from an interconnected, adjoining MS4.

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

b. No later than February 2, 2018, each Permittee shall evaluate, and if necessary update, existing ordinances or other regulatory mechanisms to effectively prohibit non-stormwater, illicit discharges, including spills, into the Permittee's MS4.

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

      (1) Diverted stream flows

      (2) Rising ground waters

      (3) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(b)(20))

      (4) Uncontaminated pumped ground water

      (5) Foundation drains

      (6) Air conditioning condensation

      (7) Irrigation water from agricultural sources that is commingled with urban stormwater

      (8) Springs

      (9) Uncontaminated water from crawl space pumps

      (10) Footing drains

(11) Flows from riparian habitats and wetlands

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

(13) Discharges from emergency firefighting activities in accordance with S2 Authorized Discharges

ii. Conditionally Allowable Discharges: The ordinance or other regulatory mechanism, may allow the following categories of non-stormwater discharges only if the stated conditions are met:

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

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

(3) Dechlorinated swimming pool, spa, and hot tub discharges. The discharges shall be dechlorinated to a total residual chlorine 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.

(4) Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. The Permittee shall reduce these discharges through, at a minimum, public education activities (see S5.C.10) and/or water conservation efforts. To avoid washing pollutants into the MS4, Permittees shall minimize the amount of street wash and dust control water used.

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

iii. The Permittee shall further address any category of discharges in S5.C.8.b.i or ii above if the discharges are identified as significant sources of pollutants to waters of the State.

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

i. Procedures for conducting investigations of the Permittees MS4, including field screening and methods for identifying potential sources. These procedures may also include source control inspections.

The permittee shall implement a field screening methodology appropriate to the characteristics of the MS4 and water quality concerns. Screening for illicit connections may be conducted using the Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments, Center for Watershed Protection, October 2004; or another method of comparable or improved effectiveness. The Permittee shall document the field screening methodology in the relevant Annual Report.

(1) Each Permittee shall implement an ongoing field screening program of, on average, 12% of the Permittee's known conveyance systems each calendar year.

(2) Each City shall field screen all the conveyance systems within the Permittee's incorporated area at least once between February 2007 and July 31, 2018.

(3) Each County shall field screen all the conveyance systems within the Permittee's urban/higher density rural sub-basins at least once between February 2007 and July 31, 2018.

ii. A publicly-listed and publicized hotline or other telephone number for public reporting of spills and other illicit discharges.

iii. An ongoing training program for all municipal field staff, who, as part of their normal job responsibilities might come into contact with or otherwise observe an illicit discharge or illicit connection to the MS4, on the identification of an illicit discharge and/or connection, and on the proper procedures for reporting and responding to the illicit discharge and/or connection. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staffing. Permittees shall document and maintain records of the trainings provided and the staff trained.

d. Each Permittee shall implement an ongoing program designed to address illicit discharges, including spills and illicit connections, into the Permittee's MS4. The program shall include:

i. Procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges found by or reported

to the Permittee. Procedures shall address the evaluation of whether the discharge must be immediately contained and steps to be taken for containment of the discharge.

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

iii. Procedures for eliminating the discharge; including notification of appropriate authorities; notification of the property owner; technical assistance; follow-up inspections; and escalating enforcement and legal actions if the discharge is not eliminated.

iv. Compliance with the provisions in S5.C.8.d.i, ii, and iii, above, shall be achieved by meeting the following timelines:

(1) Immediately respond to all illicit discharges, including spills, which are determined to constitute a threat to human health, welfare, or the environment consistent with General Condition G3.

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

(3) Initiate an investigation within 21 days of any report or discovery of a suspected illicit connection to determine the source of the connection, the nature and volume of discharge through the connection, and the party responsible for the connection.

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

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

f. Each Permittee shall either participate in a regional emergency response program, or develop and implement procedures to investigate and respond to spills and improper disposal into the MS4 owned or operated by the Permittee.

g. Recordkeeping: Each Permittee shall track and maintain records of the activities conducted to meet the requirements of this section.

9. Operation and Maintenance Program

Each Permittee shall implement a program to regulate maintenance activities and to conduct maintenance activities by the Permittee to prevent or reduce stormwater impacts.

Minimum performance measures:

a. Maintenance Standards. Each Permittee shall implement maintenance standards that are as protective, or more protective, of facility function than those specified in Chapter 4 of Volume V of the Stormwater Management Manual for Western Washington. For facilities which do not have maintenance standards, the Permittee shall develop a maintenance standard. No later than June 30, 2015 each Permittee shall update their maintenance standards as necessary to meet the requirements in this section.

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

   ii. Unless there are circumstances beyond the Permittee's control, when an inspection identifies an exceedance of the maintenance standard, maintenance shall be performed:

      (1) Within 1 year for typical maintenance of facilities, except catch basins.

      (2) Within 6 months for catch basins.

      (3) Within 2 years for maintenance that requires capital construction of less than $25,000.

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

b. Maintenance of stormwater facilities regulated by the Permittee:

   i. Each Permittee shall evaluate and, if necessary, update existing ordinances or other enforceable documents requiring maintenance of all permanent stormwater treatment and flow control BMPs/facilities regulated by the Permittee (including catch basins that are part of the

facilities regulated by the Permittee), in accordance with maintenance standards established under S5.C.9.a, above.

ii. Each Permittee shall implement an on-going inspection program to annually inspect all stormwater treatment and flow control BMPs/facilities regulated by the Permittee to enforce compliance with adopted maintenance standards as needed based on inspection. The inspection program is limited to facilities to which the Permittee can legally gain access, provided the Permittee shall seek access to all stormwater treatment and flow control BMPs/facilities regulated by the permittee.

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

iii. Each Permittee shall manage maintenance activities to inspect all permanent stormwater treatment and flow control BMPs/facilities, and catch basins, in new residential developments every six months, until 90% of the lots are constructed (or when construction has stopped and the site is fully stabilized), to identify maintenance needs and enforce compliance with maintenance standards as needed.

iv. Compliance with the inspection requirements of S5.C.9.b.ii and iii, above, shall be determined by the presence of an established inspection program designed to inspect all sites, and achieving inspection of 80% of all sites.

v. The Permittee shall require cleaning of catch basins regulated by the Permittee if they are found to be out of compliance with established maintenance standards in the course of inspections conducted at facilities under the requirements of S5.C.7. Source Control Program for Existing Development, and S5.C.8. Illicit Connections and Illicit Discharges Detection and Elimination, or if the catch basins are part of the stormwater facilities inspected under the requirements of S5.C.9 Operation and Maintenance Program.

c. Maintenance of stormwater facilities owned or operated by the Permittee

i. Each Permittee shall implement a program to annually inspect all permanent stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee. Permittees shall implement appropriate maintenance action(s) in accordance with adopted maintenance standards.

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

ii. Each Permittee shall implement a program to conduct spot checks of potentially damaged permanent stormwater treatment and flow control BMPs/facilities after major storm events (24 hour storm event with a 10 year or greater recurrence interval). If spot checks indicate widespread damage/maintenance needs, inspect all stormwater treatment and flow control BMPs/facilities that may be affected. Conduct repairs or take appropriate maintenance action in accordance with maintenance standards established under S5.C.9.a, above, based on the results of the inspections.

iii. Compliance with the inspection requirements of S5.C.9.c.i, and ii above, shall be determined by the presence of an established inspection program designed to inspect all sites and achieving at least 95% of required inspections.

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

i. Each Permittee shall annually inspect catch basins and inlets owned or operated by the Permittee, or implement alternatives below.

Alternatives to the standard approach of inspecting catch basins annually: Permittees may apply the following alternatives to all or portions of their system.

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

(2) Annual inspections may be conducted on a “circuit basis” whereby 25% of catch basins and inlets within each circuit are inspected to identify maintenance needs. Include an inspection of the catch basin immediately upstream of any system outfall or discharge point, if applicable. Clean all catch basins within a given circuit for

which the inspection indicates cleaning is needed to comply with maintenance standards established under S5.C.9.a, above.

(3) The Permittee may clean all pipes, ditches, catch basins, and inlets within a circuit once during the permit term. Circuits selected for this alternative must drain to a single point.

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

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

e. Each Permittee shall implement practices, policies, and procedures to reduce stormwater impacts associated with runoff from all lands owned or maintained by the Permittee, and road maintenance activities under the functional control of the Permittee. Lands owned or maintained by the Permittee include, but are not limited to: parking lots, streets, roads, highways, buildings, parks, open space, road right-of-way, maintenance yards, and stormwater treatment and flow control BMPs/facilities.

The following activities shall be addressed:

i. Pipe cleaning

ii. Cleaning of culverts that convey stormwater in ditch systems

iii. Ditch maintenance

iv. Street cleaning

v. Road repair and resurfacing, including pavement grinding

vi. Snow and ice control

vii. Utility installation

viii. Maintaining roadside areas, including vegetation management

ix. Dust control

x. Pavement striping maintenance

xi. Application of fertilizers, pesticides, and herbicides according to the instructions for their use, including reducing nutrients and pesticides using alternatives that minimize environmental impacts

xii. Sediment and erosion control

xiii. Landscape maintenance and vegetation disposal

xiv. Trash and pet waste management

xv. Building exterior cleaning and maintenance

f. Implement an ongoing training program for employees of the Permittee who have primary construction, operations or maintenance job functions may impact stormwater quality. The training program shall address the importance of protecting water quality, operation and maintenance standards, inspection procedures, selecting appropriate BMPs, ways to perform their job activities to prevent or minimize impacts to water quality, and procedures for reporting water quality concerns. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staffing. Permittees shall document and maintain records of the training provided and the staff trained.

g. Implement a Stormwater Pollution Prevention Plan (SWPPP) for all heavy equipment maintenance or storage yards, and material storage facilities owned or operated by the Permittee in areas subject to this permit that are not required to have coverage under the General NPDES Permit for Stormwater Discharges Associated with Industrial Activities or another NPDES permit that authorizes stormwater discharges associated with the activity. A schedule for implementation of structural BMPs shall be included in the SWPPP. Generic SWPPPs that can be applied at multiple sites may be used to comply with this requirement. The SWPPP shall include periodic visual observation of discharges from the facility to evaluate the effectiveness of BMPs.

h. Maintain records of inspections and maintenance or repair activities conducted by the Permittee.

10. Education and Outreach Program

The SWMP shall include an education and outreach program designed to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts and encourage the public to participate in stewardship activities. The education program may be developed and implemented locally or regionally.

Minimum performance measures:

a. Each Permittee shall implement or participate in an education and outreach program that uses a variety of methods to target the audiences and topics listed below. The outreach program shall be designed to educate each target

audience about the stormwater problem and provide specific actions they can follow to minimize the problem.

i. To build general awareness, Permittees shall target the following audiences and subject areas:

(1) General Public (including school age children), and businesses (including home-based and mobile business):

- General impacts of stormwater on surface waters.
- Impacts from impervious surfaces.
- Impacts of illicit discharges and how to report them.
- LID principles and LID BMPs.
- Opportunities to become involved in stewardship activities.

(2) Engineers, contractors, developers, and land use planners:

- Technical standards for stormwater site and erosion control plans.
- LID principles and LID BMPs.
- Stormwater treatment and flow control BMPs/facilities.

ii. To effect behavior change, Permittees shall target the following audiences and BMPs:

(1) General public (which may include school age children) and businesses (including home based and mobile businesses):

- Use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps, and other hazardous materials.
- Equipment maintenance.
- Prevention of illicit discharges.

(2) Residents, landscapers and property managers/owners:

- Yard care techniques protective of water quality.
- Use and storage of pesticides and fertilizers and other household chemicals.
- Carpet cleaning and auto repair and maintenance.
- Vehicle, equipment, and home/building maintenance.
- Pet waste management and disposal.
- LID principles and LID BMPs.
- Stormwater facility maintenance.
- Dumpster and trash compactor maintenance.

b. Each permittee shall create stewardship opportunities and/or partner with existing organizations to encourage residents to participate in activities such as stream teams, storm drain marking, volunteer monitoring, riparian plantings and education activities.

c. Each Permittee shall measure the understanding and adoption of the targeted behaviors for at least one targeted audience in at least one subject area. No later than February 2, 2016, Permittees shall use the resulting measurements to direct education and outreach resources most effectively as well as to evaluate changes in adoption of the targeted behaviors. Permittees may meet this requirement individually or as a member of a regional group.

S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES

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

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

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

2. Each Secondary Permittee shall develop and implement a stormwater management program (SWMP). A SWMP is a set of actions and activities comprising the components listed in S6 and any additional actions necessary to meet the requirements of applicable TMDLs pursuant to S7 Compliance with TMDL Requirements, and S8 Monitoring and Assessment. The SWMP shall be designed to reduce the discharge of pollutants from MS4s to the maximum extent practicable (MEP) and protect water quality.

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

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

5. Each Secondary Permittees shall prepare written documentation of the SWMP, called the SWMP Plan. The SWMP Plan shall include a description of program activities for the upcoming calendar year.

6. Conditions S6.A, S6.B, and S6.C are applicable to all Secondary Permittees covered under this permit. In addition:

   a. S6.D is applicable to all Secondary Permittees except the Port of Seattle and the Port of Tacoma.

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

B. Coordination

Secondary Permittees shall coordinate stormwater-related policies, programs and projects within a watershed and interconnected MS4s. Where relevant and appropriate, the SWMP shall coordinate among departments of the Secondary Permittee to ensure compliance with the terms of this permit.

C. Legal Authority

To the extent allowable under state law and federal law, each Secondary Permittee shall be able to demonstrate that it can operate pursuant to legal authority which authorizes or enables the Secondary Permittee to control discharges to and from MS4s owned or operated by the Secondary Permittee.

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

D. Stormwater Management Program for Secondary Permittees

The SWMP for Secondary Permittees shall include the following components:

1. Public Education and Outreach

   Each Secondary Permittee shall implement the following stormwater education strategies:

   a. Storm drain inlets owned or operated by the Secondary Permittee that are located in maintenance yards, in parking lots, along sidewalks, and at pedestrian access points shall be clearly labeled with the message similar to "Dump no waste – Drains to water body." [5]

      As identified during visual inspection and regular maintenance of storm drain

[5] New Secondary Permittees shall label all inlets as described in S6.D.1.a no later than four years from the initial date of permit coverage.

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

b. Each year, beginning no later than three years from the initial date of permit coverage, public ports, colleges, and universities shall distribute educational information to tenants and residents on the impact of stormwater discharges on receiving waters, and steps that can be taken to reduce pollutants in stormwater runoff. Distribution may be by hard copy or electronic means. Appropriate topics may include:

   i. How stormwater runoff affects local waterbodies.

   ii. Proper use and application of pesticides and fertilizers.

   iii. Benefits of using well-adapted vegetation.

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

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

   vi. Hazards associated with illicit connections, and illicit discharges.

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

2. Public Involvement and Participation

   Each year, no later than May 31, each Secondary Permittee shall:

   a. Make the annual report available on the Permittee's website.

   b. Make available on the Permittee's website the latest updated version of the SWMP Plan.

   c. A Secondary Permittee that does not maintain a website may submit their updated SWMP Plan in electronic format to Ecology for posting on Ecology's website.

3. Illicit Discharge Detection and Elimination

   Each Secondary Permittee shall:

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

b. Implement appropriate policies prohibiting illicit discharges[6] and an enforcement plan to ensure compliance with illicit discharge policies.[7] These policies shall address, at a minimum: illicit connections; non-stormwater discharges, including spills of hazardous materials; and improper disposal of pet waste and litter.

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

      (1) Diverted stream flows

      (2) Rising ground waters

      (3) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(b)(20))

      (4) Uncontaminated pumped ground water

      (5) Foundation drains

      (6) Air conditioning condensation

      (7) Irrigation water from agricultural sources that is commingled with urban stormwater

      (8) Springs

      (9) Uncontaminated water from crawl space pumps

      (10) Footing drains

      (11) Flows from riparian habitats and wetlands

      (12) Discharges from emergency firefighting activities in accordance with S2 Authorized Discharges

      (13) Non-stormwater discharges authorized by another NPDES or State Waste Discharge permit

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

[6] 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 initial date of permit coverage.

[7] New Secondary Permittees shall develop and implement an enforcement plan as described in S6.D.3.b no later than 18 months from the initial date of permit coverage.

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

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

(3) Dechlorinated swimming pool, spa, and hot tub discharges. The discharges shall be dechlorinated to a total residual chlorine 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.

(4) Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. The Secondary Permittee shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction. To avoid washing pollutants into the MS4, the Secondary Permittee shall minimize the amount of street wash and dust control water used.

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

iii. The Secondary Permittee shall address any category of discharges in i or ii above if the discharge is identified as a significant source of pollutants to waters of the State.

c. Maintain a storm sewer system map showing the locations of all known storm drain outfalls and discharge points, labeling the receiving waters (other than groundwater), and delineating the areas contributing runoff to each outfall and discharge point. Make the map (or completed portions of the map) available on request to Ecology and to the extent appropriate to other Permittees. The preferred format for mapping is an electronic format with fully described

mapping standards. An example description is provided on Ecology's website.[8]

d. Conduct field inspections and visually inspect for illicit discharges at all known MS4 outfalls and discharge points. Visually inspect at least one third (on average) of all known outfalls and discharge points each year beginning no later than two years from the initial date of permit coverage. Implement procedures to identify and remove illicit discharges. Keep records of inspections and follow-up activities.

e. Implement a spill response plan that includes coordination with a qualified spill responder.[9]

f. No later than two years from initial date of permit coverage, provide staff training or coordinate with existing training efforts to educate staff on proper BMPs for preventing illicit discharges, including spills. Train all Permittee staff who, as part of their normal job responsibilities, have a role in preventing such illicit discharges.

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. Ensure that all construction projects under the functional control of the Secondary Permittee which require a construction stormwater permit obtain coverage under the NPDES General Permit for Stormwater Discharges Associated with Construction Activities, or an individual NPDES permit prior to discharging construction related stormwater.

c. Coordinate with the local jurisdiction regarding projects owned 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.

[8] New Secondary Permittees shall meet the requirements of S6.D.3.c no later than four and one-half years from the initial date of permit coverage.

[9] New Secondary Permittees shall develop and implement a spill response plan as described in S6.D.3.e no later than four and one-half years from the initial date of permit coverage.

e. Coordinate as requested with Ecology or the local jurisdiction to provide access for inspection of construction sites or other land disturbances, which are under the functional control of the Secondary Permittee during land disturbing activities and/or the 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 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).

6. Pollution Prevention and Good Housekeeping for Municipal Operations

Each Secondary Permittee shall:

a. Implement a municipal operation and maintenance (O&M) plan to minimize stormwater pollution from activities conducted by the Secondary Permittee. The O&M Plan shall include appropriate pollution prevention and good housekeeping procedures for all of the following operations, activities, and/or types of facilities that are present within the Secondary Permittee's boundaries and under the functional control of the Secondary Permittee.[10]

i. Stormwater collection and conveyance systems, including catch basins, stormwater pipes, open channels, culverts, and stormwater treatment and flow control BMPs/facilities. The O&M Plan shall address, at a minimum: scheduled inspections and maintenance activities, including cleaning and proper disposal of waste removed from the system. Secondary Permittees shall properly maintain stormwater collection and conveyance systems owned or operated by the Secondary Permittee and regularly inspect and maintain all stormwater facilities to ensure facility function.

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

[10] New Secondary Permittees shall develop and implement the operation and maintenance plan described in S6.D.6.a no later than three and a half years from the initial date of permit coverage.

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

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

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

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

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

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

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

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

b. From the initial date of permit coverage, Secondary Permittees shall also have permit coverage for all facilities operated by the Secondary Permittee that are required to be covered under the General NPDES Permit for Stormwater

Discharges Associated with Industrial Activities or another NPDES permit that authorizes discharges associated with the activity.

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

d. No later than three years from the initial date of permit coverage, Secondary Permittees shall implement a program designed to train all employees whose primary construction, operations, or maintenance job functions may impact stormwater quality. The training shall address:

i. The importance of protecting water quality.

ii. The requirements of this Permit.

iii. Operation and maintenance requirements.

iv. Inspection procedures.

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

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

E. Stormwater Management Program for the Port of Seattle and Port of Tacoma

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

The SWMP for the Port of Seattle and the Port of Tacoma of shall include the following components:

1. Education Program

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

Minimum performance measure:

a. The Permittee shall make educational materials available to tenants and Permittee employees whose job duties could impact stormwater.

2. Public Involvement and Participation

Each Permittee shall make the latest updated version of the SWMP Plan available to the public. The most recent SWMP Plan and Annual Report shall be posted on the Permittee's website.

3. Illicit Discharge Detection and Elimination

The SWMP shall include a program to identify, detect, remove and prevent illicit connections and illicit discharges, including spills, into the MS4s owned or operated by the Permittee.

Minimum performance measures:

a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Permittee's MS4 is located that govern non-stormwater discharges.

b. Implement appropriate policies prohibiting illicit discharges and an enforcement plan to ensure compliance with illicit discharge policies. These policies shall address, at a minimum: illicit connections; non-stormwater discharges, including spills of hazardous materials; and improper disposal of pet waste and litter.

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

(1) Diverted stream flows

(2) Rising ground waters

(3) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(b)(20))

(4) Uncontaminated pumped ground water

(5) Foundation drains

(6) Air conditioning condensation

(7) Irrigation water from agricultural sources that is commingled with urban stormwater

(8) Springs

(9) Uncontaminated water from crawl space pumps

(10) Footing drains

(11) Flows from riparian habitats and wetlands

(12) Discharges from emergency firefighting activities in accordance with S2 Authorized Discharges

(13) Non-stormwater discharges authorized by another NPDES permit

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

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

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

(3) Dechlorinated swimming pool, spa, and hot tub discharges. The discharges shall be dechlorinated to a total residual chlorine 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.

(4) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The Ports of Seattle and Tacoma shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts conducted by the Port and/or the local jurisdiction. To avoid washing pollutants into the MS4, the amount of street wash and dust control water used shall be minimized.

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

iii. The Permittee shall address any category of discharges in i or ii above if the discharges are identified as significant source of pollutants to waters of the State.

c. The SWMP shall include an ongoing program for gathering, maintaining, and using adequate information to conduct planning, priority setting, and program evaluation activities for Permittee-owned properties. Permittees shall gather and maintain mapping data for the features listed below on an ongoing basis:

i. Known MS4 outfalls and discharge points, receiving waters (other than groundwater), and land uses for property owned by the Permittee, and all

other properties served by MS4s known to and owned or operated by the Permittee.

ii. Tributary conveyances (including size, material, and type attributes where known), and the associated drainage areas of MS4 outfalls and discharge points with a 24 inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems. No later than December 31, 2017, each Permittee shall complete this requirement for all MS4 outfalls and discharge points with a 12 inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems.

iii. Known connections greater than or equal to 8 inches in nominal diameter to tributary conveyances mapped in accordance with S6.E.3.c.ii. The mapping shall be completed no later than December 31, 2017.

iv. To the extent consistent with national security laws and directives, each Permittee shall make available to Ecology upon request, available maps depicting the information required in S6.E.3.c.i through iii, above. The required format for mapping is electronic with fully described mapping standards. An example description is available on Ecology's website.

v. Implement a program to document operation and maintenance records for stormwater treatment and flow control BMPs/facilities and catch basins.

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

d. Conduct field screening of at least 20% of the MS4 each year for the purpose of detecting illicit discharges and illicit connections. Field screening methodology shall be appropriate to the characteristics of the MS4 and water quality concerns. Implement procedures to identify and remove any illicit discharges and illicit connections. Keep records of inspections and follow-up activities.

e. Implement a spill response plan that includes coordination with a qualified spill responder.

f. Provide ongoing staff training or coordinate with existing training efforts to educate staff on proper BMPs for preventing illicit discharges, including spills, and for identifying, reporting, and responding as appropriate. Train all Permittee staff who, as part of their normal job responsibilities, have a role in preventing such discharges. Keep records of training provided and staff trained.

4. Construction Site Stormwater Runoff Control

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

Minimum performance measures:

a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Permittee is located that govern construction phase stormwater pollution prevention measures. To the extent allowed by local ordinances, rules, and regulations, comply with the applicable minimum technical requirements for new development and redevelopment contained in Appendix 1.

b. Ensure all construction projects under the functional control of the Permittee which require a construction stormwater permit obtain coverage under the NPDES General Permit for Stormwater Discharges Associated with Construction Activities or an individual NPDES permit prior to discharging construction related stormwater.

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

d. Provide staff training or coordinate with existing training efforts to educate Permittee staff responsible for implementing construction stormwater erosion and sediment control BMPs and requirements, or hire trained contractors to perform the work.

e. Coordinate as requested with Ecology or the local jurisdiction to provide access for inspection of construction sites or other land disturbances that are under the functional control of the Permittee during active land disturbing activities and/or the construction period.

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

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

Minimum performance measures:

a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Permittee is located that govern post-construction stormwater pollution prevention measures, including proper operation and maintenance of the MS4. To the extent allowed by local ordinances, rules, and

regulations, comply with the applicable the minimum technical requirements for new development and redevelopment contained in Appendix 1.

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

6. Operation and Maintenance Program

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

Minimum performance measures:

a. Each Permittee shall implement an operation and maintenance (O&M) manual for all stormwater treatment and flow control BMPs/facilities and catch basins that are under the functional control of the Permittee and which discharge stormwater to its MS4, or to an interconnected MS4.

i. Retain a copy of the O&M manual in the appropriate Permittee department and routinely update following discovery or construction of new stormwater facilities.

ii. The operation and maintenance manual shall establish facility-specific maintenance standards that are as protective, or more protective than those specified in Chapter 4 of Volume V of the Stormwater Management Manual for Western Washington. For existing stormwater facilities which do not have maintenance standards, the Permittee shall develop a maintenance standard. No later than July 1, 2016, each Permittee shall update maintenance standards, as necessary, to meet the requirements of this section.

iii. The purpose of the maintenance standard is to determine if maintenance is required. The maintenance standard is not a measure of the facility's required condition at all times between inspections. Exceeding the maintenance standards between inspections and/or maintenance is not a permit violation. Maintenance actions shall be performed within the time frames specified in S6.E.6.b.ii.

b. The Permittee will manage maintenance activities to inspect all stormwater facilities listed in the O&M manual annually, and take appropriate maintenance action in accordance with the O&M manual.

i. The Permittee may change the inspection frequency to less than annually, provided the maintenance standards are still met. Reducing the annual

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

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

(1) Within 1 year for wet pool facilities and retention/detention ponds.

(2) Within 1 year for typical maintenance of facilities, except catch basins.

(3) Within 6 months for catch basins.

(4) Within 2 years for maintenance that requires capital construction of less than $25,000.

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

c. The Permittee shall provide appropriate training for Permittee maintenance staff.

d. The Permittee will maintain records of inspections and maintenance activities.

7. Source Control in existing Developed Areas

The SWMP shall include the development and implementation of one or more Stormwater Pollution Prevention Plans (SWPPPs). A SWPPP is a documented plan to identify and implement measures to prevent and control the contamination of discharges of stormwater to surface or ground water. SWPPP(s) shall be prepared and implemented for all Permittee-owned lands, except environmental mitigation sites owned by the Permittee, that are not covered by a NPDES permit issued by Ecology that authorizes stormwater discharges.

Minimum performance measures:

a. SWPPP(s) shall be updated as necessary to reflect changes at the facility.

b. The SWPPP(s) shall include a facility assessment including a site plan, identification of pollutant sources, and description of the drainage system.

c. The SWPPP(s) shall include a description of the source control BMPs used or proposed for use by the Permittee. Source control BMPs shall be selected from the Stormwater Management Manual for Western Washington (or an equivalent Manual approved by Ecology). Implementation of non-structural BMPs shall begin immediately after the pollution prevention plan is developed. Where necessary, a schedule for implementation of structural BMPs shall be included in the SWPPP(s).

d. The Permittee shall maintain a list of sites covered by the SWPPP(s) required under this permit. At least 20% of the listed sites shall be inspected annually.

e. The SWPPP(s) shall include policies and procedures to reduce pollutants associated with the application of pesticides, herbicides and fertilizer.

f. The SWPPP(s) shall include measures to prevent, identify and respond to illicit discharges, including illicit connections, spills and improper disposal. When the Permittee submits a notification pursuant to G3, the Permittee shall also notify the City or County it is located in.

g. The SWPPP(s) shall include a component related to inspection and maintenance of stormwater facilities and catch basins that is consistent with the Permittee's O&M Program, as specified in S6.E.6 above.

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

S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS

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

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

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

C. For TMDLs that are approved by EPA after this permit is issued, Ecology may establish TMDL-related permit requirements through future permit modification if Ecology determines implementation of actions, monitoring or reporting necessary to

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

S8. MONITORING AND ASSESSMENT

A. All Permittees including Secondary Permittees shall provide, in each annual report, a description of any stormwater monitoring or stormwater-related studies conducted by the Permittee during the reporting period. If other stormwater monitoring or stormwater-related studies were conducted on behalf of the Permittee during the reporting period, or if stormwater-related investigations conducted by other entities were reported to the Permittee during the reporting period, a brief description of the type of information gathered or received shall be included in the annual report.

Permittees are not required to provide descriptions of any monitoring, studies, or analyses conducted as part of the Regional Stormwater Monitoring Program (RSMP) in annual reports. If a Permittee conducts independent monitoring in accordance with requirements in S8.B or S8.C below, annual reporting of such monitoring must follow the requirements specified in those sections.

B. Status and trends monitoring.

1. No later than October 15, 2013, King, Pierce, and Snohomish Counties, the Cities of Seattle and Tacoma, and the Ports of Seattle and Tacoma shall notify Ecology in writing which of the following two options for status and trends monitoring the Permittee chooses to carry out during this permit cycle. Either option will fully satisfy the Permittee's obligations under this section (S8.B.1). Each Permittee shall select a single option for the duration of this permit term.

   a. Status and Trends Monitoring Option #1: Each Permittee that chooses this option shall pay into a collective fund to implement RSMP small streams and marine nearshore status and trends monitoring in Puget Sound. The first payment into the collective fund is due to Ecology October 15, 2013, and subsequent payments into the collective fund are due to Ecology annually beginning August 15, 2014. The payment amounts are:

Permittee	First payment	Second and subsequent payments
King County	$ 15,000	$ 74,540
Pierce County	$ 15,000	$ 92,800
Port of Seattle	$ 5,000	$ 4,151
Port of Tacoma	$ 5,000	$ 4,151

City of Seattle	$ 15,000	$149,436
Snohomish County	$ 15,000	$ 73,452
City of Tacoma	$ 15,000	$ 49,861

Or

b. Status and Trends Monitoring Option #2: Each Permittee that chooses this option shall conduct status and trends monitoring as follows:

   i. Beginning no later than October 31, 2014 city and county Permittees shall conduct wadeable stream water quality, benthos, habitat, and sediment chemistry monitoring according to the Ecology-approved Quality Assurance Project Plan (QAPP) for RSMP Small Streams Status and Trends Monitoring at the first twelve qualified locations (as listed sequentially among the potential monitoring locations defined in the RSMP QAPP) that are located within the jurisdiction's boundaries. Counties shall monitor the first four locations inside UGA boundaries and the first eight locations outside UGA boundaries.

   ii. Beginning no later than October 1, 2015, city and county Permittees and the Ports of Seattle and Tacoma shall conduct sediment chemistry, bacteria, and mussel monitoring according to the Ecology-approved QAPPs for RSMP Marine Nearshore Status and Trends Monitoring at the first eight qualified locations each, for sediment and for mussels and bacteria (as listed sequentially among the potential monitoring locations defined in the RSMP QAPPs), that are located adjacent to the Permittee's Puget Sound shoreline boundary.

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

2. Clark County shall:

   a. Continue stormwater discharge monitoring at two of the three locations selected pursuant to S8.D in the Phase I Municipal Stormwater Permit February 16, 2007 – February 15, 2012 for the duration of this permit term. This monitoring and reporting of findings shall be conducted in accordance with the previously-approved QAPP until September 30, 2014.

   b. No later than February 2, 2014 submit a revised QAPP to Ecology. The revised QAPP shall follow the specifications and deadlines in Appendix 9. If Ecology does not request changes within 90 days, the QAPP is considered approved. The final QAPP shall be submitted to Ecology as soon as possible following finalization, and before September 30, 2014.

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

C. Stormwater management program effectiveness studies. No later than December 1, 2013, Clark, King, Pierce, and Snohomish Counties, the Cities of Seattle and Tacoma, and the Ports of Seattle and Tacoma shall notify Ecology in writing which of the following three options for effectiveness studies the Permittee chooses to carry out during this permit cycle. Any one of the three options will fully satisfy the Permittee's obligations under this section (S8.C). Each Permittee shall select a single option for the duration of this permit term.

1. Effectiveness Studies Option #1: Each Permittee that chooses this option shall pay into a collective fund to implement RSMP effectiveness studies. The payments into the collective fund are due to Ecology annually beginning August 15, 2014. The payment amounts are:

Permittee	Annual payment amount
Clark County	$ 86,617
King County	$124,196
Pierce County	$154,619
Port of Seattle	$ 6,916
Port of Tacoma	$ 6,916
City of Seattle	$248,986
Snohomish County	$122,383
City of Tacoma	$ 83,077

Or

2. Effectiveness Studies Option #2: Each Permittee that chooses this option shall conduct stormwater discharge monitoring in accordance with Appendix 9 and the following:

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

Any Permittee who would like to change a discharge monitoring location or add a new location shall document in the revised QAPP (see S8.C.2.c, below) why the pre-existing stormwater monitoring location is not a good location for

additional monitoring and why the newly selected location is of interest for long term stormwater discharge monitoring and associated stormwater management program effectiveness evaluations.

Clark County shall either:

i. Select and monitor five discharge monitoring locations in addition to the two discharge monitoring locations monitored pursuant to S8.B.2 above.

Or

ii. Select and monitor two discharge monitoring locations in addition to the two discharge monitoring locations monitored pursuant to S8.B.2 and conduct receiving-water monitoring in wadeable streams or lakes at locations downstream of each of all four stormwater discharge monitoring locations.

(1) Receiving-water chemistry samples will be collected during and following the storm events for which the discharge monitoring is conducted, and for the same parameters.

(2) Sediment samples shall be collected during the month of May or June. Streambed sediment samples at these receiving-water monitoring locations shall be collected and analyzed pursuant to the RSMP Small Streams Status and Trends Monitoring QAPP and for any additional sediment parameters listed in Appendix 9; lake bed sediments shall be collected from the surficial sediment layer and analyzed for the same parameters.

(3) Explain in the revised QAPP (see S8.C.2.c below) why the receiving-water monitoring locations were selected and describe in detail the design of the receiving-water monitoring.

b. Each port Permittee shall conduct stormwater discharge monitoring at two locations representing different pollution-generating activities or land uses. Permittees are encouraged to continue stormwater monitoring at locations monitored under S8.D of the Phase I Municipal Stormwater Permit February 16, 2007 – February 15, 2012. Any Permittee who would like to change a discharge monitoring location shall describe why the pre-existing stormwater monitoring location is not a good location for additional monitoring. The Permittee shall document why the newly selected location(s) are of interest for long term stormwater discharge monitoring and associated stormwater management program effectiveness evaluations.

c. No later than February 2, 2014 each Permittee shall submit to Ecology a draft updated 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.

d. Flow monitoring at new discharge monitoring locations shall begin no later than October 1, 2014. Stormwater discharge monitoring shall be fully implemented no later than October 1, 2014 at existing discharge monitoring locations and October 1, 2015 at new discharge monitoring locations. All monitoring shall be conducted in accordance with an Ecology-approved QAPP.

Or

3. Effectiveness Studies Option #3: Each Permittee that chooses this option shall both pay into a collective fund to implement RSMP effectiveness studies and independently conduct an effectiveness study that is not expected to be undertaken as part of the RSMP.

   a. Payments into the collective fund are due to Ecology annually beginning August 15, 2014. The payment amounts are:

Permittee	Annual payment amount
Clark County	$ 43,308
King County	$ 62,098
Pierce County	$ 77,310
Port of Seattle	$ 3,458
Port of Tacoma	$ 3,458
City of Seattle	$124,493
Snohomish County	$ 61,192
City of Tacoma	$ 41,538

And

   b. Conduct the independent effectiveness study in accordance with the requirements below:

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

      ii. Submit a draft QAPP to Ecology within 120 days of Ecology's approval of the detailed proposal. The QAPP shall be prepared in accordance with

Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, July 2004 (Ecology Publication No. 04-03-030). The QAPP shall include reporting details including timely uploading of all relevant data to Ecology's EIM database and/or the International Stormwater BMP Database as appropriate. If Ecology does not request changes within 90 days of submittal, the QAPP is considered approved.

iii. Begin full implementation of the study no later than six months following Ecology's approval of the QAPP.

iv. Describe interim results and status of the study implementation in annual reports throughout the duration of the study.

v. Report final results, including recommended future actions, to Ecology and on the Permittee's webpage no later than six months after completion of the study.

D. Source identification and diagnostic monitoring. Clark, King, Pierce, and Snohomish Counties, the Cities of Seattle and Tacoma, and the Ports of Seattle and Tacoma shall pay into a collective fund to implement the RSMP Source Identification Information Repository (SIDIR). The payments into the collective fund are due to Ecology annually beginning August 15, 2014. The payment amounts are:

Permittee	Annual payment amount
Clark County	$ 8,033
King County	$11,518
Pierce County	$14,339
Port of Seattle	$ 641
Port of Tacoma	$ 641
City of Seattle	$23,091
Snohomish County	$11,350
City of Tacoma	$ 7,704

S9. REPORTING REQUIREMENTS

A. No later than March 31 of each year beginning in 2015, each Permittee shall submit an annual report. The reporting period for the first annual report will be from January 1, 2014 through December 31, 2014. The reporting period for all subsequent annual reports shall be the previous calendar year unless otherwise specified.

Permittees must submit annual reports electronically using Ecology's Water Quality Permitting Portal (WQWebPortal) available on Ecology's website at: http://www.ecy.wa.gov/programs/wq/permits/paris/portal.html unless otherwise

directed by Ecology.

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

B. Each Permittee is required to keep all records related to this permit and the SWMP for at least five years.

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

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

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

D. The annual report for Permittees listed in S1.B shall include the following:

1. A copy of the Permittee's current SWMP Plan as required by S5.A.1.

2. Submittal of the annual report form as provided by Ecology pursuant to S9.A, describing the status of implementation of the requirements of this permit during the reporting period.

3. Attachments to the annual report form including summaries, descriptions, reports, and other information as required, or as applicable, to meet the requirements of this permit during the reporting period. Refer to Appendix 12 for annual report questions.

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

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

6. A notification of any annexations, incorporations, or jurisdictional boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period.

E. Annual Report for Secondary Permittees, including the Port of Seattle and the Port of Tacoma

Each annual report shall include the following:

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

2. Attachments to the annual report form including summaries, descriptions, reports, and other information as required, or as applicable, to meet the requirements of this permit during the reporting period. Refer to Appendix 3 for annual report questions for the Ports of Seattle and Tacoma, and Appendix 4 for annual report questions for all other Secondary Permittees.

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

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

5. A notification of any jurisdictional boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

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

G2. PROPER OPERATION AND MAINTENANCE

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

G3. NOTIFICATION OF DISCHARGE INCLUDING SPILLS

If a Permittee has knowledge of a discharge, including spill(s), into or from a MS4, which could constitute a threat to human health, welfare, or the environment, the Permittee, shall:

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

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

C. Immediately report spills or other discharges which might cause bacterial contamination of marine waters, such as discharges resulting from broken sewer lines and failing onsite septic systems, to the Ecology regional office and to the Department of Health, Shellfish Program. The Department of Health's Shellfish number is (360) 236-3330 (business hours) or (360) 789-8962 (24-hours).

D. Immediately report spills or discharges of oils or hazardous substances to the Ecology regional office and to the Washington Emergency Management Division, (800) 258-5990.

G4. BYPASS PROHIBITED

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

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

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

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

G5. RIGHT OF ENTRY

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

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

B. To have access to, and copy at reasonable cost and at reasonable times, any records that 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 any exclusive privilege.

G8. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the 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 Ecology. On request, monitoring data and analysis must be provided to Ecology.

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

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

E. Flow Measurement: Where flow measurements are required by other conditions of this Permit, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must 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 or at a minimum frequency of at least one calibration per year. Calibration records should be maintained for a minimum of three years.

F. Lab Accreditation: All monitoring data, except for flow, temperature, conductivity, pH, total residual chlorine, and other exceptions approved by Ecology, shall be prepared by a laboratory registered or accredited under the provisions of, Accreditation of Environmental Laboratories, chapter 173-50 WAC. Soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by Ecology. Quick methods of field detection of pollutants including nutrients, surfactants, salinity, and other parameters are exempted from this requirement when the purpose of the sampling is identification and removal of a suspected illicit discharge.

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 must 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 in accordance with the Street Waste Disposal Guidelines in Appendix 6. Solids generated from maintenance of the MS4 may be reclaimed, recycled, or reused when allowed by local codes and ordinances. Soils that are identified as contaminated pursuant to chapter 173-350 WAC shall be disposed at a qualified solid waste disposal facility (see Appendix 6).

G11. SEVERABILITY

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

G12. REVOCATION OF COVERAGE

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

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

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

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

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

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

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

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

G13. TRANSFER OF COVERAGE

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

G14. GENERAL PERMIT MODIFICATION AND REVOCATION

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

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

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

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

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

E. Changes made to State law reference this permit.

G15. REPORTING A CAUSE FOR MODIFICATION OR REVOCATION

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

G16. APPEALS

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

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

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

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

G17. PENALTIES

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

G18. DUTY TO REAPPLY

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

G19. CERTIFICATION AND SIGNATURE

All formal submittals to Ecology shall be signed and certified.

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

B. All formal submittals required by this Permit shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
   1. The authorization is made in writing by a person described above and submitted to Ecology, and
   2. The authorization specifies either an individual or a position having responsibility for the overall development and implementation of the stormwater management program. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

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

D. Certification. Any person signing a formal submittal under this permit must make the following certification:

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

G20. NON-COMPLIANCE NOTIFICATION

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

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

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

G21. UPSETS

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

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

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

C. Conditions necessary for demonstration of upset. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
   1. An upset occurred and that the Permittee can identify the cause(s) of the upset;
   2. The permitted facility was at the time being properly operated; and
   3. The Permittee submitted notice of the upset as required in 40 CFR 122.41(l)(6)(ii)(B) (24-hour notice of noncompliance).
   4. The Permittee complied with any remedial measures required under 40 CFR 122.41(d) (Duty to Mitigate).

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

DEFINITIONS AND ACRONYMS

This section includes definitions for terms used in the body of the permit and in all the appendices except Appendix 1. Terms defined in Appendix 1 are necessary to implement requirements related to Appendix 1.

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.

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

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

Applicable TMDL means a TMDL which has been approved by EPA on or before the issuance date of this Permit, or prior to the date that Ecology issues coverage under this Permit, whichever is later.

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

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

B-IBI means Benthic Index of Biotic Integrity.

BMP means Best Management Practice.

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

Circuit means a portion of a MS4 discharging to a single point or serving a discrete area determined by traffic volumes, land use, topography, or the configuration of the MS4.

Component or *Program Component* means an element of the Stormwater Management Program listed in Special Condition S5 Stormwater Management Program for Permittees or S6 Stormwater Management Program for Secondary Permittees, or S7 Compliance with Total Maximum Daily Load Requirements, or S8 Monitoring and Assessment.

Conveyance system means that portion of the municipal separate storm sewer system designed or used for conveying stormwater.

Co-Permittee means an owner or operator of a MS4 which is in a cooperative agreement with at least one other applicant for coverage under this permit. A co-permittee is an owner or operator of a regulated MS4 located within or in proximity to another regulated MS4. A Co-

Permittee is only responsible for permit conditions relating to the discharges from the MS4 the Co-Permittee owns or operates. See also 40 CFR 122.26(b)(1).

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

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

Discharge Point means the location where a discharge leaves the Permittee's MS4 through the Permittee's MS4 facilities/BMPs designed to infiltrate.

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

EPA means the U.S. Environmental Protection Agency.

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

Ground Water means water in a saturated zone or stratum beneath the surface of the land or below a surface water body. Refer to chapter 173-200 WAC.

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

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

Highway means a main public road connecting towns and cities.

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

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

Illicit Connection means any infrastructure connection to the MS4 that is not intended, permitted, or used for collecting and conveying stormwater or non-stormwater discharges allowed as specified in this permit (S5.C.8, S6.D.3, and S6.E.3). Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4.

Illicit Discharge means any discharge to a MS4 that is not composed entirely of stormwater or of non-stormwater discharges allowed as specified in this Permit (S5.C.8, S6.D.3 and S6.E.3).

Impervious Surface means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-

vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or stormwater areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Land disturbing activity means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

LID means Low Impact Development.

LID BMP means Low Impact Development Best Management Practices.

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

Low Impact Development means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

Low Impact Development Best Management Practices means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

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

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

MEP means Maximum Extent Practicable.

MS4 means Municipal Separate Storm Sewer System.

Municipal separate storm sewer system 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, stormwater, 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 State.

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

(iii) Which is not a combined sewer.

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

(v) Which is defined as "large" or "medium" or "small" or otherwise designated by Ecology pursuant to 40 CFR 122.26.

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

Native Vegetation means vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples include trees such as Douglas Fir, western hemlock, western red cedar, alder, big-leaf maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

"New Development" means land disturbing activities, including Class IV-General Forest Practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of hard surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development. Refer to Appendix 1 for a definition of hard surfaces.

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

NOI means Notice of Intent.

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

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

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

NPDES means National Pollutant Discharge Elimination System.

O&M means operation and maintenance.

Outfall means point source as defined by 40 CFR 122.2 at the point where a discharge means a point source as defined by 40 CFR 122.2 at the point where a discharge leaves the Permittee's MS4 and enters a surface receiving waterbody or surface receiving waters. Outfall does not include pipes, tunnels, or other conveyances which connect segments of the same stream or other surface waters and are used to convey primarily surface waters (i.e., culverts).

Permittee unless otherwise noted, includes city, town, or county Permittee, port Permittee, Co-Permittee, Secondary Permittee, and New Secondary Permittee.

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

Project Site means that portion of a property, properties, or right-of-ways subject to land disturbing activities, new hard surfaces, or replaced hard surfaces. Refer to Appendix 1 for a definition of hard surfaces.

QAPP means Quality Assurance Project Plan.

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

Quality Assurance Project Plan means a document that describes the objectives of an environmental study and the procedures to be followed to achieve those objectives.

RCW means the Revised Code of Washington State.

Receiving waterbody or *Receiving waters* means naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and marine waters, or ground water, to which a MS4 discharges. *Redevelopment* means, on a site that is already substantially developed (i.e., has 35% or more of existing hard surface coverage), the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities. Refer to Appendix 1 for a definition of hard surfaces.

Regional Stormwater Monitoring Program means for all of western Washington, a stormwater-focused monitoring and assessment program consisting of these components: status and trends monitoring in small streams and marine nearshore areas, stormwater management program effectiveness studies, and a source identification information repository (SIDIR).

The priorities and scope for the RSMP are set by a formal stakeholder group. For this permit term, RSMP status and trends monitoring will be conducted in the Puget Sound basin only.

RSMP means Regional Stormwater Monitoring Program.

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

Secondary Permittee is an operator of a MS4 which is not a city, town or county. Secondary Permittees include special purpose districts and other public entities that meet the criteria inS1.E.1.

Sediment/Erosion-Sensitive Feature means an area subject to significant degradation due to the effect of construction runoff, or areas requiring special protection to prevent erosion. See Appendix 7 Determining Construction Site Sediment Transport Potential for a more detailed definition.

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

SIDIR means a Source Identification Information Repository.

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

Source Control BMP means a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. The SWMMWW separates source control BMPs into two types. Structural Source Control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. Operational BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater. See Volume IV of the SWMMWW for details.

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

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

Stormwater facilities regulated by the Permittee means permanent stormwater treatment and flow control BMPs/facilities located in the geographic area covered by the permit and which are not owned by the Permittee, and are known by the permittee to discharge into MS4 owned or operated by the Permittee.

Stormwater Management Program means a set of actions and activities designed to reduce the discharge of pollutants from the MS4 to the MEP and to protect water quality, and comprising the components listed in S5 or S6 of this Permit and any additional actions

necessary to meet the requirements of applicable TMDLs pursuant to S7 Compliance with TMDL Requirements, and S8 Monitoring and Assessment.

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

SWMMWW and *Stormwater Management Manual for Western Washington* refer to the Stormwater Management Manual for Western Washington as amended in 2014.

SWMP means Stormwater Management Program.

TMDL means Total Maximum Daily Load.

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

Tributary Conveyance means pipes, ditches, catch basins, and inlets owned or operated by the Permittee and designed or used for collecting and conveying stormwater.

UGA means Urban Growth Area.

Urban Growth Area means those areas designated by a county pursuant to RCW 36.70A.110.

Urban/higher density rural sub-basins means all areas within or proposed to be within the UGA, or any sub-basin outside the UGA with 50% or more area comprised of lots less than 5 acres.

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

Water Quality Standards means Surface Water Quality Standards, chapter 173-201A WAC, Ground Water Quality Standards, chapter 173-200 WAC, and Sediment Management Standards, chapter 173-204 WAC.

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.

Waters of the United States refers to the definition in 40 CFR 122.2.