

Draft

Phase I Municipal Stormwater NPDES and State Waste
Discharge General Permit

February 15, 2006

Permit No. _____

Coverage Date _____

Issuance Date:

Effective Date:

Expiration Date:

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.

Dave C. Peeler
Water Quality Program Manager
Department of Ecology

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¹ Terms that are included in the definitions and acronyms section are indicated in italics the first time they are used in the text of the permit.

1 **SPECIAL CONDITIONS**

2 **S1. PERMIT COVERAGE AND PERMITTEES**

3 A. Permit Coverage Area

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

9 B. The following entities had coverage under a previous municipal *stormwater* permit and
10 reapplied for coverage. Their coverage date under this permit begins on the effective
11 date of this permit. These entities are covered under this permit as Permittees:

- 12 • The City of Seattle
- 13 • The City of Tacoma
- 14 • King County
- 15 • Snohomish County
- 16 • Pierce County
- 17 • Clark County

18 C. King County had coverage under a previous municipal stormwater permit, as a *Co-*
19 *Permittee* with the City of Seattle, and reapplied for coverage. Their coverage date
20 under this permit begins on the effective date of this permit. King County is covered as
21 a Co-Permittee with the City of Seattle for discharges it owns or operates in the City of
22 Seattle.

23 D. Upon application and coverage in accordance with Special Condition S1.F, the
24 following entities are covered under this permit as *Secondary Permittees*:

- 25 1. Port of Seattle, excluding Seattle-Tacoma International Airport
- 26 2. Port of Tacoma
- 27 3. Drainage, diking, flood control, or diking and drainage districts located in the Cities
28 or unincorporated portions of the Counties listed in S1.B., above, which own or
29 operate municipal separate storm sewers serving non-agricultural land uses.
- 30 4. Other owners or operators of municipal separate storm sewers located in the Cities
31 or unincorporated portions of the Counties listed in S1.B., above.

32 E. Unless otherwise noted, the term “Permittee” shall include Permittee, Co-Permittee,
33 and Secondary Permittee, as defined above in Special Conditions S1.B., S1.C. and
34 S1.D.

35 F. Coverage for Secondary Permittees

- 1 1. To obtain coverage under this permit, each secondary Permittee identified under
2 Special Condition S1.D shall either:
- 3 a. Submit a *Notice of Intent* (NOI) and provide public notice of the application for
4 coverage in accordance with WAC 173-226-130. The NOI shall constitute the
5 application for coverage. Ecology will notify applicants in writing of their status
6 concerning coverage under this permit within 90 days of Ecology's receipt of
7 the NOI and demonstration that the public notice requirements have been met.
8 OR
- 9 b. Submit a co-application jointly with a permittee named in S1.B. and provide
10 public notice of the application for coverage in accordance with WAC 173-226-
11 130. The co-application shall consist of an amendment to the Phase I Part 1 and
12 Part 2 permit applications. Ecology will notify applicants in writing of their
13 status concerning coverage under this permit within 90 days of Ecology's
14 receipt of the NOI and demonstration that the public notice requirements have
15 been met.
- 16 2. NOIs and co-applications shall be submitted to:
- 17 Department of Ecology
18 Water Quality Program
19 Municipal Stormwater Permit Program
20 P.O. Box 47696
21 Olympia, WA 98504-7696

22 **S2. AUTHORIZED DISCHARGES**

- 23 A. This permit authorizes the discharge of stormwater to surface waters and to ground
24 *waters of the state* from municipal separate storm sewers owned or operated by each
25 Permittee covered under this permit in the geographic area covered by this permit
26 pursuant to S1.A, subject to the following limitations:
- 27 1. All discharges into and from municipal separate storm sewers owned or operated by
28 Permittees must be in compliance with this permit.
- 29 2. Discharges from municipal separate storm sewers constructed after the effective
30 date of this permit must receive all applicable state and local permits and use
31 authorizations, including compliance with Ch. 43.21C RCW (the State
32 Environmental Policy Act).
- 33 3. Discharges to ground waters of the state through facilities regulated under the
34 Underground Injection Control (UIC) program, Chapter 173-218 WAC, are not
35 covered under this permit.
- 36 4. Discharges to ground waters not subject to regulation under the federal *Clean Water*
37 *Act* are covered in this permit only under state authorities, Chapter 90.48 RCW, the
38 Water Pollution Control Act
- 39 B. This permit authorizes discharges of *stormwater associated with industrial and*
40 *construction activity* and *process wastewater* discharges from municipal separate storm

1 sewers owned or operated by the Permittee to waters of the state only under the
2 following conditions:

- 3 1. Stormwater associated with construction or industrial activity, as defined by
4 40CFR122.26, must be authorized by a separate individual or general *National*
5 *Pollutant Discharge Elimination* (NPDES) permit; or
 - 6 2. Process wastewater must be authorized by another NPDES permit.
- 7 C. This permit authorizes discharges from emergency fire fighting activities unless the
8 discharges from fire fighting activities are identified as significant sources of pollutants
9 to waters of the State.
- 10 D. This permit does not authorize any other illicit or non-stormwater discharges except as
11 provided in Special Condition S5.C.8 or S6., nor does it relieve entities responsible for
12 illicit discharges, including spills of oil or hazardous substances, from responsibilities
13 and liabilities under state and federal laws and regulations pertaining to those
14 discharges.

15 **S3. RESPONSIBILITIES OF PERMITTEES, CO-PERMITTEES, AND SECONDARY**
16 **PERMITTEES**

- 17 A. Each Permittee, Co-Permittee and Secondary Permittee is responsible for compliance
18 with the terms of this permit for the municipal separate storm sewers it owns or
19 operates.
- 20 1. Each Permittee, as listed in S1.B., is required to comply with all conditions of this
21 permit, except for S6., *Stormwater management program* for Co-Permittees and
22 Secondary Permittees.
 - 23 2. Each Co-Permittee and Secondary Permittee, as defined in S1.C. and S1.D., is
24 required to comply with all conditions of this permit, except for Special Condition
25 S5., *Stormwater management program* for Permittees. This provision includes
26 Secondary Permittees that co-apply under Special Condition S1.F.1.b.
- 27 B. Permittees may rely on another *entity* to meet one or more of the requirements of this
28 permit, if the other entity, in fact, implements the control measure, and agrees to
29 implement the control measure on the Permittee's behalf. Permittees that are relying on
30 another entity to satisfy one or more of their permit obligations remain responsible for
31 permit compliance if the other entity fails to implement the permit conditions. Where
32 permit responsibilities are shared they must be documented as follows:
- 33 1. Permittees and Co-Permittees that are continuing coverage under this permit must
34 submit a statement that describes the permit requirements that will be implemented
35 by other entities. The statement must be signed by all participating entities. There
36 is no deadline for submitting such a statement, provided that this does not alter
37 implementation deadlines.
 - 38 2. Secondary Permittees must submit an NOI that describes which requirements they
39 will implement and identify the entities that will implement the other permit
40 requirements in the area served by the secondary Permittee's MS4. A statement

1 confirming the shared responsibilities, signed all participating entities, must
 2 accompany the NOI. Secondary Permittees may amend their NOI, during the term
 3 of the permit, to establish, terminate, or amend shared responsibility arrangements,
 4 provided this does not alter implementation deadlines.

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

7 **S4. COMPLIANCE WITH STANDARDS**

- 8 A. In accordance with RCW 90.48.520, the discharge of toxicants to waters of the state of
 9 Washington which would violate any *water quality standard*, including toxicant
 10 standards, sediment criteria, and dilution zone criteria is prohibited.
- 11 B. This permit does not authorize a violation of Washington State surface water quality
 12 standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200
 13 WAC), sediment management standards (chapter 173-204 WAC), or human health-
 14 based criteria in the national Toxics Rule (Federal Register, Vol. 57, NO. 246, Dec. 22,
 15 1992, pages 60848-60923).
- 16 C. The Permittee shall reduce the discharge of pollutants to the *maximum extent*
 17 *practicable* (MEP).
- 18 D. The Permittee shall use *all known, available, and reasonable methods of prevention,*
 19 *control and treatment* (AKART) to prevent and control pollution of waters of the state
 20 of Washington.
- 21 E. In order to meet the goals of the Clean Water Act, to demonstrate compliance with
 22 S4.C and S4.D, and make progress towards compliance with applicable surface water,
 23 ground water and sediment management standards, each Permittee shall comply with
 24 the requirements of this permit.
- 25 F. Ecology may modify or revoke and reissue this *general permit* in accordance with
 26 General Condition G14. GENERAL PERMIT MODIFICATION AND
 27 REVOCATION, if Ecology becomes aware of additional control measures,
 28 management practices or other actions beyond what is required in this permit, that are
 29 necessary to:
- 30 1. Reduce the discharge of pollutants to the MEP;
 - 31 2. Comply with the state AKART requirements; or
 - 32 3. Control the discharge of toxicants to waters of the state of Washington.

33 **S5. STORMWATER MANAGEMENT PROGRAM**

- 34 A. Each Permittee shall implement a Stormwater Management Program (SWMP) during
 35 the term of this permit. For the purpose of this permit a stormwater management
 36 program is a set of actions comprising the *components* listed in S5.B., S5.C.1 through
 37 S5.C.10., and additional actions and activities, where necessary, to meet the
 38 requirements of *applicable TMDLs*.

- 1 1. Each Permittee shall prepare written documentation of their SWMP and submit it to
 2 Ecology in written and electronic formats with the first year annual report, in
 3 accordance with the requirements in S9 Reporting Requirements. The
 4 documentation of the SWMP shall be organized according to the program
 5 components in S5.C., and shall be updated annually. The SWMP documentation
 6 shall include a description of each of the program components included in S5.C,
 7 and any additional actions necessary to meet the requirements of applicable
 8 TMDLs.
- 9 2. Each permittee shall track the cost of development and implementation of the
 10 SWMP required by this section. This information shall be included in the annual
 11 report.
- 12 3. Each Permittee shall track the number of inspections, official enforcement actions
 13 and types of public education activities as stipulated by the respective program
 14 component. This information shall be included in the annual report.
- 15 B. The SWMP shall be designed to reduce the discharge of pollutants from MS4s to the
 16 maximum extent practicable, meet state AKART requirements, and protect water
 17 quality.
- 18 Permittees are to continue implementation of existing stormwater management
 19 programs until they begin implementation of the updated stormwater management
 20 program in accordance with the terms of this permit, including implementation
 21 schedules.
- 22 C. The SWMP shall include the components listed below. All components are mandatory
 23 and must be implemented by each Permittee within the limits of state and federal law.
 24 The requirements of the stormwater management program shall apply to municipal
 25 separate storm sewers and areas served by municipal separate storm sewers owned or
 26 operated by each Permittee. Co-Permittees and Secondary Permittees are responsible
 27 for implementation of Stormwater Management Programs as indicated in Special
 28 Condition S6.
- 29 1. Legal Authority
- 30 a. No later than the effective date of this permit, each Permittee must be able to
 31 demonstrate that they can operate pursuant to legal authority which authorizes
 32 or enables the Permittee to control discharges to and from municipal separate
 33 storm sewers owned or operated by the Permittee.
- 34 b. This legal authority, which may be a combination of statute, ordinance, permit,
 35 contracts, orders, interagency agreements, or similar means, shall authorize or
 36 enable the Permittee, at a minimum, to:
- 37 i. Control the contribution of pollutants to municipal separate storm sewers
 38 owned or operated by the Permittee from stormwater discharges associated
 39 with industrial activity, and control the quality of stormwater discharged
 40 from sites of industrial activity;

- 1 ii. Prohibit illicit discharges to the municipal separate storm sewer owned or
2 operated by the Permittee;
- 3 iii. Control the discharge of spills and the dumping or disposal of materials
4 other than stormwater into the municipal separate storm sewers owned or
5 operated by the Permittee;
- 6 iv. Control through interagency agreements among co-applicants, the
7 contribution of pollutants from one portion of the municipal separate storm
8 sewer system to another portion of the municipal separate storm sewer
9 system;
- 10 v. Require compliance with conditions in ordinances, permits, contracts, or
11 orders; and,
- 12 vi. Within the limitations of state law, carry out all inspection, surveillance, and
13 monitoring procedures necessary to determine compliance and non-
14 compliance with permit conditions, including the prohibition on illicit
15 discharges to the municipal separate storm sewer and compliance with local
16 ordinances.
- 17 2. Municipal Separate Storm Sewer System Mapping and Documentation
- 18 a. The SWMP shall include an ongoing program for mapping and documenting the
19 MS4.
- 20 b. Minimum performance measures. The information and its form of retention
21 shall include:
- 22 i. No later than 2 years from the effective date of this permit each permittee
23 shall map all known municipal separate storm sewer *outfalls* and receiving
24 waters, and structural stormwater BMPs owned, operated, or maintained by
25 the Permittee.
- 26 ii. No later than 4 years from the effective date of this permit each permittee
27 shall map the attributes listed below for all storm sewer outfalls with a 24”
28 inches nominal diameter or larger, or an equivalent cross-sectional area for
29 non-pipe systems. For Counties, the mapping shall be done within
30 *urban/higher density rural sub-basins*. For Cities, the mapping shall be done
31 throughout the City.
- 32 (1) Tributary conveyances (indicate type, material, and size where known);
- 33 (2) Associated drainage areas; and
- 34 (3) Land use.
- 35 iii. Each Permittee shall initiate a program to develop and maintain a map of all
36 connections to the municipal separate storm sewer authorized or allowed by
37 the permittee after the effective date of this permit.
- 38 iv. Each Permittee shall map existing connections over 8” to municipal separate
39 storm sewers tributary to all storm sewer outfalls with a 24” inches nominal

1 diameter or larger, or an equivalent cross-sectional area for non-pipe systems,
2 according to the following schedule:

3 City of Seattle and City of Tacoma: 2 years after the effective date of this
4 permit

5 Snohomish, King, Pierce and Clark Counties: one half the area of the
6 County within urban/higher density rural subbasins 4 years after the effective
7 date of this permit.

8 v. No later than 4 years from the effective date of this permit each permittee
9 shall map geographic areas served by the Permittee's MS4 that do not
10 discharge stormwater to surface water.

11 vi. Each Permittee shall make available to Ecology, upon request, available
12 maps depicting the information required in S5.C.2b.i. through v., above. The
13 preferred format of submission will be an electronic format with fully
14 described mapping standards. An example description is provided at
15 <http://www.ecy.wa.gov/services/gis/data/standards.htm> where the preferred
16 standards are described. Notification of updated GIS data layers shall be
17 included in annual reports.

18 vii. Upon request, and to the extent appropriate, Permittees shall provide
19 mapping information to Co-Permittees and Secondary Permittees.

20 3. Coordination

21 a. The SWMP shall include coordination mechanisms among entities covered
22 under a municipal stormwater NPDES permit to encourage coordinated
23 stormwater-related policies, programs and projects within a watershed. The
24 SWMP shall also include coordination mechanisms among departments within
25 each jurisdiction to eliminate barriers to compliance with the terms of this
26 permit.

27 b. Minimum Performance Measures:

28 i. No later than 12 months after the effective date of this permit, establish, in
29 writing, and begin implementation of, intragovernmental (internal)
30 coordination agreement to facilitate compliance with the terms of this permit.

31 ii. No later than 12 months after the effective date of this permit, establish, in
32 writing, and begin implementation of, intergovernmental coordination
33 procedures on stormwater management, including

- 34 • Coordination mechanisms clarifying roles and responsibilities to for the
35 control of pollutants between *physically interconnected* MS3s of the
36 Permittee and any other Permittee covered by a municipal stormwater
37 permit.
- 38 • Coordinating stormwater management activities, for *shared waterbodies*,
39 among Permittees, to avoid conflicting plans, policies and regulations.

- 1 • Coordination necessary to develop an integrated monitoring program.
- 2 4. Public Involvement and Participation
- 3 a. The SWMP shall provide ongoing opportunities for public involvement in the
- 4 Permittee's stormwater management program and implementation priorities.
- 5 b. Minimum performance measures:
- 6 i. No later than 6 months after the effective date of this permit, develop and
- 7 begin implementing a process to create opportunities for the public to
- 8 participate in an advisory role in the decision making processes involving the
- 9 development, implementation and update of the permittee's SWMP. Each
- 10 Permittee must develop and implement a process for consideration of public
- 11 comments on their SWMP.
- 12 ii. Each Permittee must make their SWMP, the SWMP documentation required
- 13 under S5.A.1. and all submittals required by this permit, including annual
- 14 reports, available to the public, starting with the first annual report, on the
- 15 permittee's website or submitted in electronic format to Ecology for posting
- 16 on Ecology's website.
- 17 5. Controlling Runoff from New Development, Redevelopment and Construction Sites
- 18 a. The SWMP shall include a program to prevent and control the impacts of runoff
- 19 from new development, redevelopment, and construction activities. The
- 20 program shall apply to private and public development, including roads.
- 21 b. Minimum performance measures:
- 22 i. The Minimum Requirements, thresholds, and definitions in Appendix 1, or
- 23 Minimum Requirements, thresholds, and definitions determined by Ecology
- 24 to be equivalent to Appendix 1, for new development, redevelopment, and
- 25 construction sites must be included in ordinance or other enforceable
- 26 documents adopted by the local government. Adjustment and variance
- 27 criteria equivalent to those in Appendix 1 must be included. More stringent
- 28 requirements may be used, and/or certain requirements may be tailored to
- 29 local circumstances through the use of basin plans or other similar water
- 30 quality and quantity planning efforts. Such local requirements and thresholds
- 31 must provide equal protection of receiving waters and equal levels of
- 32 pollutant control as compared to Appendix 1.
- 33 ii. The local requirements must include a site planning process and BMP
- 34 selection and design criteria that, when used to implement the minimum
- 35 requirements in Appendix 1 (or equivalent requirement approved by
- 36 Ecology), will protect water quality, reduce the discharge of pollutants to the
- 37 maximum extent practicable, and satisfy the state requirement under chapter
- 38 90.48 RCW to apply all known, available, and reasonable methods of
- 39 prevention, control and treatment (AKART) prior to discharge. Permittees
- 40 must document how the criteria and requirements will protect water quality,

1 reduce the discharge of pollutants to the maximum extent practicable, and
2 satisfy the state AKART requirements.

3 Permittees who choose to use the site planning process, and BMP selection
4 and design criteria in the 2005 *Stormwater Management Manual for Western*
5 *Washington*, or an equivalent manual approved by the Department, may cite
6 this choice as their sole documentation to meet this requirement.

7 iii. The program must allow non-structural preventive actions and source
8 reduction approaches such as *Low Impact Development Techniques (LID)*,
9 measures to minimize the creation of impervious surfaces, and measures to
10 minimize the disturbance of soils and vegetation.

11 iv. Deadlines for and Review of Local Manual and Ordinances. No later than 12
12 months from the effective date of this permit, each Permittee must adopt a
13 local program that meets the requirements in S5C.5.b.i through iii., above.
14 Ecology review and approval of the local manual and ordinances is required.
15 To ensure compliance with the 12 month deadline, Permittees may use the
16 following review process:

17 (1) The Permittee submits draft enforceable requirements, technical
18 standards and manual to Ecology no later than 8 months after the
19 effective date of this permit. Ecology will review and provide written
20 response to the Permittee.

21 (2) If this review process is followed, the deadline for adoption of
22 enforceable requirements, technical standards and manual shall be
23 automatically extended by the number of calendar days that Ecology
24 exceeds a 60 day period for written response.

25 (3) In the case of circumstances beyond the Permittee's control, such as
26 litigation or administrative appeals, that may result in noncompliance
27 with the requirements of this section, the Permittee shall promptly notify
28 Ecology and submit a written request for an extension. Extensions may
29 be granted by Ecology.

30 v. No later than 12 months after the effective date of this permit, the program
31 must establish legal authority to inspect private stormwater facilities and
32 enforce maintenance standards for all new development and redevelopment
33 approved under the provisions of this section.

34 vi. No later than 18 months after the effective date of this permit, the program
35 must include a process of permits, plan review, inspections, and enforcement
36 capability to meet the following standards for both private and public
37 projects, using *qualified personnel*:

38 (1) Review all stormwater site plans for proposed development involving
39 land disturbing activity that meet the thresholds in S5.C.5.b.i., above.

- 1 (2) Inspect prior to clearing and construction, all development sites that
 2 have a high potential for sediment transport as determined through plan
 3 review based on definitions and requirements in Appendix 7.
- 4 (3) Inspect all permitted development sites involving land disturbing
 5 activity that meet the thresholds in S5.C.5.b.i., above, during
 6 construction to ensure proper installation and maintenance of required
 7 erosion and sediment controls. Enforce as necessary based on the
 8 inspection.
- 9 (4) Inspect all development sites upon completion of construction and prior
 10 to final approval/occupancy to ensure proper installation of permanent
 11 erosion controls and stormwater facilities/BMPs. Enforce as necessary
 12 based on the inspection. Also, complete a maintenance plan and assign
 13 responsibility for maintenance.
- 14 (5) Compliance with the inspection requirements of S5.C.5.(b)vi.(2), (3),
 15 and (4), above shall be determined by the presence of an established
 16 inspection program designed to inspect all sites involving land
 17 disturbing activity that meet the thresholds in S5.C.5.b.i., above, and
 18 achieve inspection of 95% of sites.
- 19 (6) The program shall include a procedure for keeping records of
 20 inspections and enforcement actions by staff, including inspection
 21 reports, warning letters, notices of violations, and other enforcement
 22 records. Records of maintenance inspections and maintenance activities
 23 shall be maintained.
- 24 (7) The program shall include an enforcement strategy to respond to issues
 25 of non-compliance.

26 vii. No later than the effective date of this permit, the Permittee must make
 27 available the "*Notice of Intent for Construction Activity*" and/or copies of the
 28 "*Notice of Intent for Industrial Activity*" to representatives of proposed new
 29 development and redevelopment. Permittees will continue to enforce local
 30 ordinances controlling runoff from sites that are also covered by stormwater
 31 permits that are issued by Ecology.

32 viii. No later than 18 months after the effective date of this permit, each
 33 permittee shall ensure that all staff responsible for implementing the
 34 program to Control Stormwater Runoff from New Development,
 35 Redevelopment, and Construction Sites, including permitting, plan review,
 36 construction site inspections, and enforcement, are trained to conduct these
 37 activities. Follow-up training shall be provided as needed to address
 38 changes in procedures, techniques or staffing. Permittees shall document
 39 and maintain records of the training provided and the staff trained.

40 6. Structural Stormwater Controls

- 41 a. The SWMP shall include a program to construct structural stormwater controls
 42 to address impacts to beneficial uses resulting from disturbances to watershed

1 hydrology and stormwater pollutant discharges. This program shall consider
 2 impacts caused by stormwater discharges from areas of existing development,
 3 including runoff from highways, streets and roads owned or operated by the
 4 Permittee, and areas of new development, where impacts are anticipated as
 5 development proceeds. This program shall address impacts that are not
 6 adequately controlled by the other required actions of the SWMP, and shall
 7 provide proposed projects and an implementation schedule.

8 The program shall consider the construction of projects such as regional flow
 9 control facilities, water quality treatment facilities, and retrofitting of existing
 10 flood control facilities to provide water quality functions. Permittees should
 11 also consider other means to address impacts from existing development, such
 12 as reduction of hydrologic changes through the use of on-site (infiltration and
 13 dispersion) stormwater management BMPs and site design techniques, habitat
 14 acquisition or restoration of forest cover and riparian buffers, for compliance
 15 with this requirement. Permittees may not use in-stream culvert replacement
 16 projects for compliance with this requirement.

17 b. Minimum Performance Measures:

- 18 i. No later than 18 months after the effective date of this permit, each Permittee
 19 shall develop and begin implementing a Structural Stormwater Control
 20 program designed to control stormwater impacts that are not adequately
 21 controlled by the other required actions of the SWMP. Permittees shall
 22 provide a list of planned individual projects that are scheduled for
 23 implementation during the term of this permit. Updates and revisions to the
 24 list will be provided in the annual report.

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

- 27 ii. Each Permittee shall include a description of the Structural Stormwater
 28 Control Program in the written documentation of their SWMP that must be
 29 submitted with the first year annual report. The description of the Structural
 30 Stormwater Control Program must include the following:

- 31 • The goals that the Structural Stormwater Control Program are intended to
 32 achieve.
- 33 • The planning process used to develop the Structural Stormwater Control
 34 Program, including: the geographic scale of the planning process, the
 35 issues and regulations addressed, the steps in the planning process, the
 36 types of characterization information considered, the amount budgeted for
 37 implementation, and the public involvement process.

- 38 iii. For planned individual projects, provide the following information:

- 39 • The estimated pollutant load reduction that will result from each project
 40 designed to provide stormwater treatment.
- 41 • The expected outcome of each project designed to provide flow control.
- 42 • Any other expected environmental benefits.

- Planned monitoring or evaluation of the project and monitoring/evaluation results.

iv. Information about the Structural Stormwater Control Program shall be updated with each annual report.

7. Source Control Program for Existing Development

a. The SWMP shall include a program to reduce pollutants in runoff from areas that discharge to municipal separate storm sewers owned or operated by the Permittee. The program shall include the following elements within the limits of state and federal law, and implemented by the minimum performance measures, below:

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

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

iii. Application and enforcement of local ordinances at applicable sites, including sites that are also covered by stormwater permits issued by Ecology. Permittees that are in compliance with the terms of this permit will not be held liable by Ecology for water quality standard violations caused by industries covered under an NPDES permit issued by Ecology.

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

b. Minimum Performance Measures for Source Control Program:

i. No later than 12 months after the effective date of this permit, adopt and begin enforcement of an ordinance, or other enforceable documents, requiring the application of source control BMPs for pollutant generating sources associated with existing land uses and activities (See Appendix 3, to identify pollutant generating sources).

The local source control requirements must include operational and structural source control BMPs that, when used on a site specific basis, will protect water quality, reduce the discharge of pollutants to the maximum extent practicable, and satisfy the state requirement under chapter 90.48 RCW to apply all known, available, and reasonable methods of prevention, control and treatment (AKART) prior to discharge. Permittees must document how the stormwater source control BMP selection process for different activities and land uses, the types of BMPs and design criteria for those BMPs will protect water quality by reducing the discharge of pollutants to the maximum extent practicable, and satisfy the state AKART requirements.

1 Permitees who choose to use the source control BMPs in Volume IV of the
2 2005 Stormwater Management Manual for Western Washington, or an
3 equivalent manual approved by Ecology, may cite this choice as their sole
4 documentation to meet this requirement.

5 Ecology review and approval of the ordinance, or other enforceable
6 documents, and source control BMPs is required. Each Permittee must
7 submit the proposed source control program and all necessary documentation
8 to Ecology for review, the deadline for doing so is no later than 9 months
9 after the effective date of this permit. If Ecology does not request changes
10 within 30 days, the proposed source control BMPs are considered approved.
11 Operational source control BMPs shall be required for all pollutant
12 generating sources. Structural source control BMPs shall be required for
13 pollutant generating sources if operational source control BMPs are
14 determined not to be effective, resulting in an illicit discharge or causing or
15 contributing to a violation of surface water, ground water, or sediment
16 management standards because of inadequate stormwater controls.
17 Implementation of source control requirements may be done through
18 education and technical assistance programs, provided that formal
19 enforcement authority is available to the Permittee and is used as necessary.

- 20 ii. No later than 12 months after the effective date of this permit, establish a
21 program to identify sites which are potentially pollution generating. The
22 program shall include:
- 23 (1) Estimating the inventory of land uses/businesses using the categories of
24 land uses and businesses in Appendix 8. The permittee shall update the
25 inventory regularly.
 - 26 (2) Complaint-based response to identify other pollutant generating sources,
27 such as mobile or home-based businesses
- 28 iii. Starting no later than 24 months after the effective date of this permit,
29 implement a self audit/inspection program for sites identified pursuant to
30 S5.C.7.b.ii above, with adequate enforcement capability to ensure
31 implementation of source control BMPs in accordance with the ordinance
32 required in S5.C.7.b.i., above.
- 33 (1) All identified sites with a business address shall be provided, by mail,
34 with information about activities that may generate pollutants and the
35 source control requirements. Businesses may self-certify compliance
36 with the source control requirements. The permittee shall inspect 20%
37 of these sites annually to assure BMP effectiveness and compliance with
38 source control requirements.
 - 39 (2) Each permittee shall inspect 100% of sites identified through legitimate
40 complaints.
- 41 iv. No later than 24 months after the effective date of this permit, each
42 Permittee shall implement a progressive enforcement policy to require that

1 facilities are brought into compliance with stormwater requirements within a
2 reasonable time period as specified below:

- 3 (1) In the event that a Permittee determines, based on an inspection
4 conducted above, that a site has failed to adequately implement all
5 necessary BMPs, that Permittee shall take progressive enforcement
6 including, as appropriate, phone calls, reminder letters or follow up
7 inspections within 30 days from the date of the initial inspection, or
8 other time period as specified in the corrective action letter.
- 9 (2) When a Permittee determines that a facility has failed to adequately
10 implement BMPs after a follow-up inspection, that Permittee shall take
11 further enforcement action as established through authority in its
12 municipal code and ordinances, or through the judicial system.
- 13 (3) Each Permittee shall maintain records, including documentation of each
14 site visit, inspection reports, warning letters, notices of violations, and
15 other enforcement records, demonstrating a good faith effort to bring
16 facilities into compliance. Each permittee shall also maintain records of
17 sites that are not inspected because the property owner denies entry.
- 18 (4) A Permittee may refer violations of local ordinances to Ecology
19 provided that the Permittee also makes a good faith effort of progressive
20 enforcement. At a minimum a Permittee's enforcement effort must
21 include documentation of inspections and warning letters or notices of
22 violation.
- 23 v. No later than 24 months after the effective date of this permit, each
24 permittee shall ensure that all staff responsible for implementing the source
25 control program are trained to conduct these activities. The training shall
26 cover the legal authority for source control (adopted codes, ordinances,
27 rules, etc.), source control BMPs and their proper application, inspection
28 protocols, and enforcement procedures. Follow-up training shall be
29 provided as needed to address changes in procedures, techniques or staffing.
30 Permittees shall document and maintain records of the training provided and
31 the staff trained

32 8. *Illicit Connections* and Illicit Discharges Detection and Elimination

- 33 a. The SWMP shall include an ongoing program to detect, remove and prevent
34 illicit connections and illicit discharges, including spills, into the municipal
35 separate storm sewers owned or operated by the Permittee.
- 36 b. Minimum Performance Measures:
- 37 i. No later than the effective date of this permit, each Permittee must continue
38 implementing an on-going program to prevent, identify and respond to illicit
39 connections and illicit discharges. The program shall include procedures for
40 reporting and correcting or removing illicit connections, spills and other
41 illicit discharges when they are suspected or identified. The program shall
42 also include procedures for addressing pollutants entering the MS4 from an

1 interconnected, adjoining MS4. Illicit connections and illicit discharges shall
2 be identified through field screening, inspections, complaints/reports,
3 construction inspections, maintenance inspections, source control
4 inspections, and/or monitoring information, as appropriate.

- 5 ii. No later than 12 months after the effective date of this permit, each
6 Permittee shall evaluate, and if necessary update, existing ordinances or
7 other regulatory mechanisms to effectively prohibit non-stormwater, illegal
8 discharges, and/or dumping into the Permittee's municipal separate storm
9 sewer system, to the maximum extent allowable under State and federal law.

10 (1) The regulatory mechanism required in S5.C.8.b.ii, above, does not need
11 to prohibit the following categories of non-stormwater discharges, unless
12 the discharges are identified as significant sources of pollutants to waters
13 of the State:

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

27 (2) The regulatory mechanism required in S5.C.8.b.ii, above, shall prohibit
28 the following categories of non-stormwater discharges unless the
29 following conditions are met:

- 30 • Discharges from potable water sources, including water line
31 flushing, hyperchlorinated water line flushing, fire hydrant system
32 flushing, and pipeline hydrostatic test water. Planned discharges
33 shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-
34 adjusted if necessary, and volumetrically and velocity controlled to
35 prevent resuspension of sediments;
- 36 • Discharges from lawn watering and other landscape irrigation runoff.
37 These discharges must be reduced through, at a minimum, public
38 education activities (see S5.C.10) and water conservation efforts.

- 1 • Dechlorinated swimming pool discharges. The discharges shall be
2 dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if
3 necessary, reoxygenated, and volumetrically and velocity controlled
4 to prevent resuspension of sediments. Swimming pool cleaning
5 wastewater and filter backwash shall not be discharged to the MS4.
- 6 • Street and sidewalk wash water, water used to control dust, and
7 routine external building wash down that does not use detergents.
8 The Permittee shall reduce these discharges through, at a minimum,
9 public education activities (see S5.C.10) and/or water conservation
10 efforts. To avoid washing pollutants into the MS4, Permittees must
11 minimize the amount of street wash and dust control water used. At
12 active construction sites, street sweeping must be performed prior to
13 washing the street.
- 14 (3) The Permittee's SWMP shall, at a minimum, address each category in
15 (2) above in accordance with the conditions stated therein.
- 16 (4) The SWMP must further address any category of discharges in (1) or (2)
17 above if the discharges are identified as significant sources of pollutants
18 to waters of the State.
- 19 (5) The regulatory mechanism required in S5.C.8.b.ii, above, shall include
20 all appropriate enforcement provisions and procedures as allowed under
21 State Law.
- 22 iii. No later than 18 months after the effective date of this permit, each
23 Permittee shall ensure that all municipal field staff who are responsible for
24 identification, investigation, termination, cleanup, and reporting illicit
25 discharges, including spills, improper disposal and illicit connections are
26 trained to conduct these activities. Follow-up training shall be provided as
27 needed to address changes in procedures, techniques or staffing. Permittees
28 shall document and maintain records of the training provided and the staff
29 trained.
- 30 iv. No later than 24 months after the effective date of this permit, develop and
31 implement an ongoing training program for all municipal field staff, which
32 as part of their normal job responsibilities might come into contact with or
33 otherwise observe an illicit discharge or illicit connection to the storm sewer
34 system shall be trained on the identification of an illicit
35 discharge/connection and on the proper procedures for reporting and
36 responding to the illicit discharge/connection. Follow-up training shall be
37 provided as needed to address changes in procedures, techniques or staffing.
38 Permittees shall document and maintain records of the training provided and
39 the staff trained.
- 40 v. Each Permittee shall continue to provide a publicly listed water quality
41 citizen complaints/reports telephone number. This program shall be in place
42 no later than the effective date of this permit. Complaints shall be
43 responded to in accordance with S5.C.8.b.vii. and viii., below.

1 vi. Each Permittee shall conduct on-going screening to detect illicit connections
2 using the methods identified in Illicit Discharge Detection and Elimination:
3 A Guidance Manual for Program Development and Technical Assessments,
4 Center for Watershed Protection, October 2004.

5 (1) Each City covered under this permit shall complete an Outfall
6 Reconnaissance Inventory for each stream and shoreline within the
7 Permittee's incorporated area 180 days prior to expiration of the permit.

8 (2) Each County covered under this permit shall prioritize streams and
9 shorelines in urban/higher density rural subbasins for screening and shall
10 complete an Outfall Reconnaissance Inventory for at least half of
11 streams and shorelines in these areas 180 days prior to expiration of this
12 permit.

13 vii. Response to Illicit Connections

14 (1) Investigation: Upon discovery or upon receiving a report of a suspected
15 illicit connection, Permittees shall initiate an investigation within 21
16 days, to determine the source of the connection, the nature and volume
17 of discharge through the connection, and the responsible party for the
18 connection.

19 (2) Termination: Upon confirmation of the illicit nature of a storm drain
20 connection, Permittees shall use their enforcement authority and work
21 with the property owner in a documented effort to eliminate the illicit
22 connection within 6 months.

23 (3) A permittee may refer illicit connection violations to Ecology provided
24 that the Permittee also makes a good faith effort of progressive
25 enforcement. At a minimum a Permittee's enforcement effort must
26 include documentation of inspections and warning letters or notices of
27 violation.

28 viii. No later than 6 months after the effective date of this permit, each
29 Permitteeshall develop and implement procedures to prevent, respond to and
30 clean up spills and improper disposal into municipal separate storm sewers
31 owned or operated by the Permittee. Investigate, within 7 days on average,
32 any complaints/reports or monitoring information that indicates a potential
33 illicit discharge, including a spill or illegal dumping. Immediately respond
34 to problems/violations judged to be urgent, severe, or an emergency.

35 ix. Each Permittee shall track and maintain records of the illicit discharge
36 detection and elimination program, including documentation of inspections,
37 complaint/spill response and other enforcement records.

38 9. Operation and Maintenance Program

39 a. The SWMP shall include a program to regulate maintenance activities and to
40 conduct maintenance activities by the Permittee that prevent or reduce

1 stormwater impacts. Within the limits of state and federal law the program shall
2 include:

- 3 i. Maintenance standards and programs for proper and timely maintenance of
4 public and private stormwater facilities.
- 5 ii. Practices for operating and maintaining Permittee's streets, roads, and
6 highways to reduce stormwater impacts.
- 7 iii. Policies and procedures to reduce pollutants associated with the application
8 of pesticides, herbicides, and fertilizer by the Permittee's agencies or
9 departments.
- 10 iv. Practices for reducing stormwater impacts from *heavy equipment*
11 *maintenance or storage yards*, and from *material storage facilities* owned or
12 operated by the Permittee.
- 13 v. A training component.

14 b. Minimum Performance Measures:

- 15 i. Maintenance Standards. No later than 12 months after the effective date of
16 this permit, each Permittee must establish maintenance standards that are as
17 protective or more protective of facility function than those specified in
18 Chapter 4 of Volume V of the 2005 Stormwater Management Manual for
19 Western Washington.

20 The facility-specific maintenance standards are intended to be conditions for
21 determining if maintenance actions are required as identified through
22 inspection. They are not intended to be measures of the facility's required
23 condition at all times between inspections. Exceeding these conditions at
24 any time between inspections and/or maintenance does not automatically
25 constitute a violation of these standards. However, based upon inspection
26 observations, the inspection and maintenance schedules shall be adjusted to
27 minimize the length of time that a facility is in a condition that requires a
28 maintenance action. These standards are violated when an inspection
29 identifies a required maintenance action related to facility function, and that
30 action is not performed within 6 months for typical maintenance, within 9
31 months for revegetation, and within 2 years for maintenance that requires
32 capital construction of less than \$25,000.

- 33 ii. Maintenance of *stormwater facilities regulated by the Permittee*

34 (1) No later than 1 year after the effective date of this permit, each Permittee
35 shall evaluate and, if necessary, update existing ordinances or other
36 enforceable documents requiring maintenance of all permanent
37 stormwater treatment and flow control facilities regulated by the
38 Permittee (including catch basins), in accordance with maintenance
39 standards established under S5.C.9.b.i, above.

40 (2) No later than 1 year after the effective date of this permit, each Permittee
41 shall develop and implement an initial inspection schedule for all

1 known, permanent stormwater treatment and flow control facilities
2 (other than catch basins) regulated by the Permittee to inspect each
3 facility at least once during the term of this permit to enforce compliance
4 with adopted maintenance standards as needed based on the inspection.

5 (3) No later than 4 years after the effective date of this permit, each
6 Permittee shall develop an on-going inspection schedule for
7 implementation after the initial schedule to annually inspect all
8 stormwater treatment and flow control facilities (other than catch basins)
9 regulated by the Permittee. The annual inspection schedule may be
10 changed to a lesser or greater frequency of inspection, as appropriate to
11 meet the maintenance standards, based on maintenance records of
12 double the length of time of the proposed inspection frequency.

13 (4) No later than 2 years after the effective date of this permit each
14 Permittee shall manage maintenance activities to inspect all new
15 permanent stormwater treatment and flow control facilities, including
16 catch basins, in new residential developments every 6 months during the
17 period of heaviest house construction (i.e., 1 to 2 years following
18 subdivision approval) to identify maintenance needs and enforce
19 compliance with maintenance standards as needed.

20 (5) Compliance with the inspection requirements of S5.C.9.b.ii.(2),(3), and
21 (4), above, shall be determined by the presence of an established
22 inspection program designed to inspect all sites, and achieving
23 inspection of 95% of all sites.

24 (6) The Permittee shall require cleaning of catch basins regulated by the
25 permittee if they are found to be out of compliance with established
26 maintenance standards in the course of inspections conducted at
27 facilities under the requirements of S5.C.7 (Source Control Program),
28 and S5.C.8 (Illicit Connections and Illicit Discharges Detection and
29 Elimination), or if the catch basins are part of the treatment or flow
30 control systems inspected under the requirements of S5.C.9.

31 iii. Maintenance of stormwater facilities owned or operated by the Permittee

32 (1) No later than 24 months after the effective date of this permit each
33 Permittee shall begin implementing a program to inspect all permanent
34 stormwater treatment and flow control facilities (other than catch basins)
35 owned or operated by the Permittee annually, and implement appropriate
36 maintenance action in accordance with adopted maintenance standards.
37 The annual inspection schedule may be changed to a lesser or greater
38 frequency of inspection as appropriate to meet the maintenance
39 standards based on maintenance records of double the length of time of
40 the proposed inspection frequency. In the absence of maintenance
41 records for permanent stormwater treatment and flow control facilities,
42 the permittee may substitute written statements, including the signature
43 certification in General Condition G19, proposing a specific less

- 1 frequent inspection schedule, based on actual inspection and
2 maintenance experience.
- 3 (2) No later than 24 months after the effective date of this program each
4 Permittee shall begin implementing a program to conduct spot checks of
5 potentially damaged permanent treatment and flow control facilities
6 (other than catch basins) after major storm events (24 hour storm event
7 with a 10 year recurrence interval). If spot checks indicate widespread
8 damage/maintenance needs, inspect all stormwater treatment and flow
9 control facilities that may be affected. Conduct repairs or take
10 appropriate maintenance action in accordance with maintenance
11 standards established under S5.C.9.b.i, above, based on the results of the
12 inspections.
- 13 (3) Compliance with the inspection requirements of S5.C.9.b.iii.(1) and (2),
14 above, shall be determined by the presence of an established inspection
15 program designed to inspect all sites, and achieving inspection of 95%
16 of all sites.
- 17 iv. Maintenance of Catch Basins Owned or Operated by the Permittee
- 18 (1) No later than 24 months after the effective date of this permit each
19 Permittee shall begin implementing a program to annually inspect
20 catchbasins and inlets owned or operated by the Permittee.
- 21 • Inspections may be conducted on a “circuit basis” whereby a
22 sampling of catchbasins and inlets within each circuit is inspected to
23 identify maintenance needs. Include in the sampling an inspection of
24 the catchbasin immediately upstream of any system outfall. Clean
25 all catchbasins within a given circuit at one time if the inspection
26 sampling indicates cleaning is needed to comply with maintenance
27 standards established under S5.C.9.b.i, above.
 - 28 • As an alternative to inspecting catchbasins on a “circuit basis,” the
29 Permittee may inspect all catchbasins, and clean only catchbasins
30 where cleaning is needed to comply with maintenance standards.
- 31 (2) The annual inspection schedule for may be changed to a lesser or greater
32 frequency of inspection as appropriate to meet the maintenance
33 standards based on maintenance records of double the length of time of
34 the proposed inspection frequency. In the absence of maintenance
35 records for catch basins, the permittee may substitute written statements,
36 including the signature certification in General Condition G19,
37 proposing a specific less frequent inspection schedule, not to exceed
38 three years, based on actual inspection and maintenance experience.
- 39 (3) The disposal of decant water shall be in accordance with the
40 requirements in Appendix 6.
- 41 v. Records of inspections and maintenance or repair activities conducted by the
42 Permittee shall be maintained. Records of maintenance or repair requiring

1 capital construction of \$25,000 or more shall be maintained and provided in
2 the annual report.

- 3 vi. Establish practices to reduce stormwater impacts associated with runoff
4 from parking lots, streets, roads, and highways owned or operated by the
5 permittee; and road maintenance activities conducted by the permittee,
6 within 12 months of the effective date of this permit.

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

- 10 (1) Pipe cleaning
11 (2) Cleaning of culverts that convey stormwater in ditch systems
12 (3) Ditch maintenance
13 (4) Street cleaning
14 (5) Road repair and resurfacing, including pavement grinding
15 (6) Snow and ice control
16 (7) Utility installation
17 (8) Maintaining roadside areas, including vegetation management.
18 (9) Dust control
19 (10) Pavement striping maintenance

- 20 vii. No later than 12 months after the effective date of this permit each Permittee
21 shall establish and implement policies and procedures to reduce pollutants in
22 discharges from lands owned or maintained by the Permittee subject to this
23 permit, including but not limited to: parks, open space, road right-of-ways,
24 maintenance yards, and at stormwater treatment and flow control facilities.
25 These policies and procedures must address, but are not limited to:

- 26 (1) Application of fertilizer, pesticides, and herbicides, including the
27 development of Nutrient management and *Integrated Pest Management*
28 Plans
29 (2) Sediment and erosion control
30 (3) Landscape maintenance and vegetation disposal
31 (4) Trash management
32 (5) Building exterior cleaning and maintenance

- 33 viii. No later than 2 years after the effective date of this permit, develop and
34 implement an ongoing training program for appropriate employees of the
35 Permittee whose construction, operations or maintenance job functions may
36 impact stormwater quality. The training program shall address the
37 importance of protecting water quality, the requirements of this permit,
38 operation and maintenance standards, inspection procedures, selecting

1 appropriate BMPs, ways to perform their job activities to prevent or
2 minimize impacts to water quality, and procedures for reporting water
3 quality concerns, including potential illicit discharges. Follow-up training
4 shall be provided as needed to address changes in procedures, techniques or
5 staffing. Permittees shall document and maintain records of the training
6 provided and the staff trained.

- 7 ix. Develop and implement a Stormwater Pollution Prevention Plan (SWPPP)
8 for all heavy equipment maintenance or storage yards, and material storage
9 facilities owned or operated by the Permittee in areas subject to this permit,
10 that are not covered under the Industrial Stormwater General permit. The
11 SWPPPs must be developed within 18 months of the effective date of this
12 permit. Implementation of non-structural BMPs shall begin immediately
13 after the pollution prevention plan is developed. A schedule for
14 implementation of structural BMPs shall be included in the SWPPP.
15 Generic SWPPPs that can be applied at multiple sites may be used to
16 comply with this requirement. The SWPPP shall include periodic visual
17 observation of discharges from the facility to evaluate the effectiveness of
18 BMPs.

19 10. Education and Outreach Program

- 20 a. The SWMP shall include an education program aimed at residents, businesses,
21 industries, elected officials, policy makers, planning staff and other employees
22 of the Permittee. The goal of the education program is to reduce or eliminate
23 behaviors and practices that cause or contribute to adverse stormwater impacts.
24 An education program may be developed locally or regionally.
- 25 b. Minimum Performance Measures:
- 26 i. No later than 12 months after the effective date of this permit each Permittee
27 shall implement or participate in an education and outreach program that
28 uses a variety of methods to target the audiences and topics listed in II,
29 below. The outreach program shall be designed to achieve measurable
30 improvements in each target audience's understanding of the problem and
31 what they can do to solve it, and measurable improvements in the
32 percentage of each target audience regularly carrying out the intended action
33 or behavior change.
- 34 ii. The education and outreach program shall increase regular adoption of the
35 following behaviors in the following target audiences by the expiration date
36 of this permit:
- 37 (1) Awareness among the general public of the importance of improving
38 water quality, reducing impervious surfaces, and protecting the existing
39 and designated uses of waters of the state and the potential impacts
40 caused by stormwater discharges, and promote specific actions and
41 opportunities for avoiding, minimizing, reducing and/or eliminating the
42 adverse impacts of stormwater runoff, especially through the use of
43 source control BMPs.

- 1 (2) Awareness of natural yard care techniques (e.g. composting lawn and
2 yard clippings, using compost and mulch, using natural organic
3 fertilizers, watering infrequently and deeply) among homeowners, the
4 general public, landscape professionals, and property managers to
5 protect water quality.
- 6 (3) Awareness by homeowners, the general public, landscape professionals,
7 and property managers of the need to protect water quality by reducing
8 their purchase of and properly storing, using and disposing of pesticides,
9 fertilizers, and other yard care chemicals.
- 10 (4) Awareness by the general public and businesses of the need to protect
11 water quality by reducing their purchase of and properly storing, using,
12 and disposing of automotive chemicals, hazardous cleaning supplies,
13 and other hazardous materials, and by facilitating use of source control
14 BMPs that minimize the discharge of soap/detergents (e.g., supplying or
15 providing grant funding for carwash kits, etc.).
- 16 (5) Use of technical standards to develop stormwater site plans and erosion
17 control plans, and the use of *Best Management Practices* to mitigate
18 contaminated runoff and the quantity of runoff from development sites
19 by engineers, construction contractors, developers, development review
20 staff, and land use planners.
- 21 (6) Understanding and use of Low Impact Development (LID) techniques
22 (e.g. appropriate site design, pervious paving, full dispersion BMPs, and
23 retention of forests and mature trees) among engineers, contractors,
24 developers, architects, landscape architects, realtors, and potential home
25 buyers to avoid or minimize stormwater impacts of new development.
- 26 (7) Awareness by small businesses and the general public about the impacts
27 of illicit discharges and encourage their identification and removal to
28 avoid impacts to water quality.
- 29 (8) Involvement the general public in environmental stewardship activities
30 (e.g. habitat restoration and community involvement and education
31 projects) to increase awareness of the importance of water quality and
32 mitigate, reduce, or eliminate adverse impacts of stormwater runoff.
- 33 iii. Each permittee shall implement or participate in an effort to measure
34 understanding and adoption of the targeted behaviors among the targeted
35 audiences. The resulting measurements shall be used to direct education and
36 outreach resources most effectively as well as to evaluate changes in
37 adoption of the targeted behaviors.
- 38 iv. Each permittee shall track and maintain records of public education
39 activities.

1 **S6. STORMWATER MANAGEMENT PROGRAM FOR CO-PERMITTEES AND**
2 **SECONDARY PERMITTEES**

3 A. This section applies to all Secondary Permittees, whether coverage under this Permit is
4 obtained individually or as a Co-Permittee with a City and/or Town and/or County
5 and/or another Secondary Permittee.

6 Each Co-Permittee and Secondary Permittee shall develop and implement a stormwater
7 management program (SWMP) during the term of this permit. The SWMP shall be
8 designed to reduce the discharge of pollutants from regulated small MS4s to the
9 maximum extent practicable and protect water quality. For the purpose of this permit a
10 SWMP for a Co-Permittee or Secondary Permittee is a set of actions and activities
11 comprising the components in this Special Condition as outlined below. All applicable
12 components are mandatory and must be implemented by each Co-Permittee or
13 Secondary Permittee within the limits of state and federal law. The SWMP must be
14 developed and implemented in accordance with the schedules contained in this section
15 and shall be fully developed and implemented 180 days before the expiration date of
16 this Permit. Notwithstanding the schedules contained in this section for
17 implementation of SWMP components, Secondary Permittees that are already
18 implementing some or all of the SWMP components in this section shall continue
19 implementation of those components of their SWMP.

20 Each Co-Permittee and Secondary Permittee shall track the cost of development and
21 implementation of the SWMP required by this section. This information shall be
22 included in the annual report.

- 23 1. S6.B Coordination, and S8.C Legal Authority are applicable to all Co-Permittees
24 and Secondary Permittees covered under this permit.
- 25 2. S6.D is applicable only to the Port of Seattle and the Port of Tacoma.
- 26 3. S6.E is applicable only to King County as a Co-Permittee with the City of Seattle
27 for MS4s owned by King County but located within the City of Seattle.
- 28 4. S6.F is applicable all other Secondary Permittees.

29 B. Coordination

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

35

36

1 C. Legal Authority

2 To the extent allowable under state law and federal law, each Secondary Permittee must
3 be able to demonstrate that they can operate pursuant to legal authority which
4 authorizes or enables the Secondary Permittee to control discharges to and from
5 municipal separate storm sewers owned or operated by the Secondary Permittee.

6 This legal authority, which may be a combination of statutes, ordinances, permits,
7 contracts, orders, interagency agreements, or similar means, shall include the ability to:

- 8 1. Control the contribution of pollutants to municipal separate storm sewers owned or
9 operated by the Secondary Permittee from stormwater discharges associated with
10 industrial activity, and control the quality of stormwater discharged from sites of
11 industrial activity into the Secondary Permittee’s municipal separate storm sewer;
- 12 2. Prohibit illicit discharges to the municipal separate storm sewer owned or operated
13 by the Secondary Permittee;
- 14 3. Control the discharge of spills and the dumping or disposal of materials other than
15 stormwater into the municipal separate storm sewer owned or operated by the
16 Secondary Permittee;
- 17 4. Control through interagency agreements among co-applicants, the contribution of
18 pollutants from one portion of the MS4 to another portion of the MS4;
- 19 5. Require compliance with conditions in ordinances, permits, contracts, or orders;
20 and,
- 21 6. Within the limitations of state law, carry out inspection, surveillance, and
22 monitoring procedures necessary to determine compliance and non-compliance
23 with permit conditions, including the prohibition on illicit discharges to the MS4.

24 D. Stormwater Management Program for the Port of Seattle and Port of Tacoma:

- 25 1. Mapping and Documentation. The SWMP shall include an ongoing program for
26 gathering, maintaining, and using adequate information to conduct planning,
27 priority setting, and program evaluation activities for Port-owned properties.

28 Minimum Performance Measures. The following information will be gathered and
29 retained:

- 30 a. Mapping of known municipal separate storm sewer outfalls, and maps depicting
31 land use for property owned by the Port district, and all other properties served
32 by municipal separate storm sewers known to and owned or operated by the
33 Port. The mapping shall be completed within 2 years of receiving coverage
34 under this permit.
- 35 b. Mapping of tributary conveyances, and the associated drainage areas of
36 municipal separate storm sewer outfalls owned or operated by the Port, with a

- 1 24 inch nominal diameter or larger, or an equivalent cross-sectional area for
2 nonpipe systems. The mapping will be completed within 2 years of receiving
3 coverage under this permit.
- 4 c. To the extent consistent with national security laws and directives, each Port
5 shall make available to Ecology, upon request, GIS data layers generated by the
6 Port depicting outfall locations, land use, tributary conveyances and associated
7 drainage areas of outfalls owned or operated by the Port district. The preferred
8 format of submission will be an electronic format with fully described mapping
9 standards. An example description is provided at
10 <http://www.ecy.wa.gov/services/gis/data/standards.htm> where the preferred
11 standards are described. Notification of updated GIS data layers shall be
12 included in annual reports.
- 13 d. No later than 2 years after receiving coverage under this permit, develop and
14 implement a program to maintain operation and maintenance records for
15 stormwater facilities covered under this permit. The information shall be
16 available for inspection.
- 17 e. Upon request, and to the extent consistent with national security laws and
18 directives, mapping information and operation and maintenance records shall be
19 provided to the City or County in which the Port is located.
- 20 2. Source Control in existing Developed Areas. The SWMP shall include a program
21 to reduce pollutants in runoff from areas that discharge to municipal separate storm
22 sewers owned or operated by the Port district, through the development and
23 implementation of Stormwater Pollution Prevention Plans (SWPPPs). The SWPPP
24 is a documented plan to implement measures to identify, prevent, and control the
25 contamination of discharges of stormwater to surface or ground water. SWPPPS
26 shall be prepared and implemented for all Port-owned lands with potential
27 pollutant-generating sources (see Appendix 3, for definition of pollutant-generating
28 sources) that are not covered under the Industrial Stormwater General Permit, the
29 Boatyard General Permit or an individual NPDES permit that covers stormwater
30 discharges, and that could contribute pollutants to municipal separate storm sewers
31 owned or operated by the Port.
- 32 Minimum Performance Measures
- 33 a. SWPPPs must be developed for applicable properties within 24 months of
34 receiving coverage under this permit.
- 35 b. The SWPPP shall include a facility assessment including a site plan,
36 identification of pollutant sources and description of the drainage system.
- 37 c. The SWPPP shall include a description of the BMPs determined to be
38 appropriate under the 2005 Stormwater Management Manual for Western
39 Washington (or its approved equivalent) to eliminate or reduce stormwater
40 contamination. Implementation of non-structural BMPs shall begin
41 immediately after the pollution prevention plan is developed. A schedule for
42 implementation of structural BMPs shall be included in the SWPPP. Generic

1 SWPPPs that can be applied at multiple sites may be used to comply with this
2 requirement.

- 3 d. The Port shall maintain a list of sites for which SWPPPs are required under this
4 permit. At least 15% of the listed sites shall be inspected annually, and 80% of
5 the total number of listed properties will be inspected by 180 days before the
6 expiration date of the permit.
- 7 e. The SWPPPs shall include policies and procedures to reduce pollutants
8 associated with the application of pesticides, herbicides and fertilizer.
- 9 f. The SWPPPs shall include measures to prevent, identify and respond to illicit
10 discharges, including illicit connections, spills and improper disposal.
11 Immediately upon becoming aware of a spill into the drainage system owned or
12 operated by the Port, the Port shall notify the City or County it is located in, and
13 notify Ecology.
- 14 g. The SWPPPs shall include a component related to inspection and maintenance
15 of stormwater facilities and catchbasins that is consistent with the Port's
16 Operation and Maintenance Program, as specified in S6.D.3, below.

- 17 3. Operation and Maintenance Program. The SWMP shall include an operation and
18 maintenance program for all stormwater treatment and flow control facilities, and
19 catchbasins to ensure that BMPs continue to function properly.

20 Minimum Performance Measures:

- 21 a. Each Port must prepare an operation and maintenance manual for all stormwater
22 BMPs that are under the functional control of the Port District that discharge to
23 its MS3s. The deadline for preparing the O&M manual is 2 years after
24 receiving coverage under this permit. A copy of the manual shall be retained in
25 the appropriate Port department. The operation and maintenance manual shall
26 establish facility-specific maintenance standards that are as protective, or more
27 protective than those specified in Chapter 4 of Volume V of the 2005
28 Stormwater Management Manual for Western Washington.

29 The facility-specific maintenance standards are intended to be conditions for
30 determining if maintenance actions are required as identified through
31 inspection. They are not a measure of the facilities required condition at all
32 times between inspections. Exceeding the maintenance standards between
33 inspections and/or maintenance does not automatically constitute a violation of
34 these standards. However, based upon inspection observations, the inspection
35 and maintenance schedules shall be adjusted to minimize the length of time that
36 a facility is in a condition that requires a maintenance action. These standards
37 are violated when an inspection identifies a required maintenance action related
38 to facility function, and that action is not performed within 6 months for typical
39 maintenance, within 9 months for re-vegetation, and within 2 years for
40 maintenance that requires capital construction of less than \$25,000.

- 1 b. The Port will manage maintenance activities to inspect all stormwater BMPs
- 2 listed in the O&M manual annually, and take appropriate maintenance action in
- 3 accordance with the O&M manual. The Port may change the annual inspection
- 4 to a lesser or greater frequency of inspection, as appropriate to comply with
- 5 maintenance standards, based on maintenance records of double the length of
- 6 time of the proposed inspection frequency.
- 7 c. The Port shall provide appropriate training for Port maintenance staff.
- 8 d. The Port will maintain records of inspections and maintenance activities.
- 9 4. Education Program. The SWMP shall include an education program aimed at
- 10 tenants and Port employees. The goal of the education program is to reduce or
- 11 eliminate behaviors and practices that cause or contribute to adverse stormwater
- 12 impacts.

13 Minimum Performance Measure:

- 14 a. No later than 18 months after receiving coverage under this permit, the Port
- 15 shall make educational materials available to tenants and Port employees whose
- 16 job duties could negatively impact stormwater.
- 17 5. Monitoring Program. The monitoring requirements for the Port of Seattle and Port
- 18 of Tacoma are included in Special Condition S8.

19 6. Construction Site Stormwater Runoff Control

20 The SWMP shall include a program to reduce pollutants in stormwater runoff to the

21 MS3s owned or operated by the Port District from the Port District's construction

22 activities that meet the thresholds in Appendix 1 of this permit.

23 Minimum performance measures:

- 24 a. Comply with all relevant ordinances, rules, and regulations of the local
- 25 jurisdiction(s) in which the Port is located that govern construction phase
- 26 stormwater pollution prevention measures.
- 27 b. Seek coverage under the General NPDES Permit for Stormwater Discharges
- 28 Associated with Construction Activities, when applicable.
- 29 c. Provide training or coordinate with existing training efforts to educate relevant
- 30 staff in erosion and sediment control BMPs and requirements, or hire trained
- 31 contractors to perform the work.

32 7. Post-Construction Stormwater Management for New Development and

33 Redevelopment

34 The SWMP shall include a program to address post-construction stormwater runoff

35 to the MS3s owned or operated by the Port District from the Port District's new

36 development and redevelopment projects that meet the thresholds in Appendix 1 of

37 this permit. The program must establish controls to prevent or minimize water

38 quality impacts.

1 Minimum performance measures:

- 2 a. Comply with all relevant ordinances, rules and regulations of the local
3 jurisdiction(s) in which the Port District's MS3 is located that govern post-
4 construction stormwater pollution prevention measures, including proper
5 operation and maintenance of the MS3.
- 6 b. Provide for the post-construction stormwater controls in Appendix 1 to be
7 included on all land-disturbing projects which exceed regulatory thresholds.

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

9 King County as a Co-Permittee with the City of Seattle for the Densmore Metro
10 Drainage Basin, as defined in the Memorandum of Agreement between the City and
11 King County dated September 25, 1995, shall participate in the City of Seattle's
12 Stormwater Management Program in accordance with the Joint Stormwater
13 Management Program element of the Memorandum of Agreement. The Joint
14 Stormwater Management Program shall at a minimum include the following:

- 15 1. Stormwater controls for areas of existing development consistent with S5.C.6.
- 16 2. A source control program consistent with S5.C.7.
- 17 3. An illicit discharge detection and elimination program consistent with S5.C.8.
- 18 4. An operation and maintenance program consistent with S5.C.9.
- 19 5. A public education program consistent with S5.C.10.

20 F. Stormwater Management Program for all other Secondary Permittees

21 All other Secondary Permittees shall develop and implement the following Stormwater
22 Management Program. The term "all other Secondary Permittees" means drainage,
23 diking, flood control, or diking and drainage districts, Ports (other than the Ports of
24 Seattle and Tacoma), public colleges and universities, and any other owners or
25 operators of municipal separate storm sewers located within the municipalities that are
26 listed as Permittees in Special Condition S1.B.

27 SWMP components

28 1. Public Education and Outreach

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

- 31 a. Storm drain inlets owned and operated by the Secondary Permittee that are
32 located in maintenance yards, in parking lots, along sidewalks, and at pedestrian
33 access points shall be clearly and permanently labeled with the message "Dump
34 no waste" and indicating the point of discharge as a river, lake, bay, or
35 groundwater. No later than three years from the date of permit coverage, at
36 least 50 percent of these inlets must be labeled; and no later than the expiration
37 date of this Permit, all of these inlets shall be labeled. As identified during
38 visual inspection and regular maintenance of storm drain inlets per the

1 requirements of S6.F.3.iv and S6.F.6.a.i below, or as otherwise reported to the
 2 Secondary Permittee, any inlet having a label that is no longer clearly visible
 3 and/or easily readable must be re-labeled within 90 days.

4 b. Each year beginning no later than three years from the date of permit coverage,
 5 Public Ports, Colleges and Universities shall distribute educational information
 6 to tenants and residents on the impact of stormwater discharges on receiving
 7 waters, and steps that can be taken to reduce pollutants in stormwater runoff.
 8 Different combinations of topics shall be addressed each year, and, before the
 9 expiration date of this Permit, tenants and residents shall receive educational
 10 information about the following topics, where relevant:

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

21 Compliance with this requirement can be achieved through participation in the
 22 local jurisdiction's public education and outreach programs.

23 2. Public Involvement and Participation

24 180 days before the expiration date of this Permit, each Secondary Permittee shall:

- 25 a. Publish a public notice in the local newspaper and solicit public review of their
 26 SWMP.
- 27 b. Make the latest updated version of the SWMP available to the public. If the
 28 Secondary Permittee maintains a website, the SWMP shall be posted on the
 29 Secondary Permittee's website.

30 3. Illicit Discharge Detection and Elimination

31 Each Secondary Permittee shall:

- 32 a. From the date of permit coverage, comply with all relevant ordinances, rules,
 33 and regulations of the local jurisdiction(s) in which the Secondary Permittee is
 34 located that govern non-stormwater discharges.
- 35 b. Develop and adopt appropriate policies prohibiting illicit discharges and illegal
 36 dumping no later than one year from the date of permit coverage. Identify
 37 possible enforcement mechanisms no later than one year from the date of permit
 38 coverage; and, no later than eighteen months from the date of permit coverage,

1 develop and implement an enforcement plan using these mechanisms to ensure
2 compliance with illicit discharge policies. These policies shall address, at a
3 minimum: illicit connections; non-stormwater discharges as defined below; and
4 spilling, dumping, or otherwise improperly disposing of: hazardous materials,
5 pet waste, and litter.

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

9 ii. The policies do not need to prohibit the following categories of non-
10 stormwater discharges:

- 11 • Diverted stream flows;
- 12 • Rising ground waters;
- 13 • Uncontaminated ground water infiltration (as defined at 40 CFR
14 35.2005(20));
- 15 • Uncontaminated pumped ground water;
- 16 • Foundation drains;
- 17 • Air conditioning condensation;
- 18 • Irrigation water from agricultural sources that is commingled with urban
19 stormwater;
- 20 • Springs;
- 21 • Water from crawl space pumps;
- 22 • Footing drains; and
- 23 • Flows from riparian habitats and wetlands.

24 iii. The policies shall prohibit the following categories of non-stormwater
25 discharges unless the stated conditions are met:

- 26 • Discharges from potable water sources, including water line flushing,
27 hyperchlorinated water line flushing, fire hydrant system flushing, and
28 pipeline hydrostatic test water. Planned discharges shall be de-
29 chlorinated to a concentration of 0.1 ppm or less, pH-adjusted if
30 necessary, and volumetrically and velocity controlled to prevent
31 resuspension of sediments;
- 32 • Discharges from lawn watering and other landscape irrigation runoff.
33 These discharges must be reduced through, at a minimum, public
34 education activities and water conservation efforts conducted by the
35 Secondary Permittee and/or the local jurisdiction.
- 36 • Dechlorinated swimming pool discharges. The discharges shall be
37 dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if
38 necessary, reoxygenated, and volumetrically and velocity controlled to

- 1 prevent resuspension of sediments. Swimming pool cleaning
 2 wastewater and filter backwash shall not be discharged to the MS4.
- 3 • Street and sidewalk wash water, water used to control dust, and routine
 4 external building wash down that does not use detergents. The
 5 Secondary Permittee shall reduce these discharges through, at a
 6 minimum, public education activities and/or water conservation efforts
 7 conducted by the Secondary Permittee and/or the local jurisdiction. To
 8 avoid washing pollutants into the MS4, the Secondary Permittee shall
 9 minimize the amount of street wash and dust control water used. At
 10 active construction sites, street sweeping must be performed prior to
 11 washing the street.
- 12 iv. The Secondary Permittee's SWMP shall, at a minimum, address each
 13 category in iii above in accordance with the conditions stated therein.
 - 14 v. The SWMP must further address any category of discharges in ii or iii above
 15 if the discharge is identified as a significant source of pollutants to waters of
 16 the State.
- 17 c. 180 days before the expiration date of this Permit, develop a storm sewer
 18 system map showing the locations of all known storm drain outfalls, labeling
 19 the receiving waters, and delineating the areas contributing runoff to each
 20 outfall. Make the map (or completed portions of the map) available on request
 21 to the Department and/or to other Permittees or Secondary Permittees. The
 22 preferred, but not required, format of submission will be an electronic format
 23 with fully described mapping standards. An example description is provided at
 24 <http://www.ecy.wa.gov/services/gis/data/standards.htm>.
 - 25 d. Conduct field inspections and visually inspect for illicit discharges at all known
 26 outfalls that discharge to surface waters. Visually inspect at least one third (on
 27 average) of all known outfalls each year beginning no later than two years from
 28 the date of permit coverage. Develop and implement procedures to identify and
 29 remove any illicit discharges. Keep records of inspections and follow-up
 30 activities.
 - 31 e. 180 days before the expiration date of this Permit, develop and implement a
 32 spill response plan that includes coordination with a qualified spill responder.
 - 33 f. Provide staff training or coordinate with existing training efforts to educate
 34 relevant staff on proper best management practices for preventing spills and
 35 illicit discharges. All relevant staff must be trained.
- 36 4. Construction Site Stormwater Runoff Control
- 37 From the date of permit coverage, each Secondary Permittee shall:
- 38 a. Comply with all relevant ordinances, rules, and regulations of the local
 39 jurisdiction(s) in which the Secondary Permittee is located that govern
 40 construction phase stormwater pollution prevention measures.

- 1 b. For all construction projects under the control of the Secondary Permittee which
 2 require an NPDES permits under 40 CFR 122.26 and where required by
 3 departments General NPDES Permit for Stormwater Discharges Associated
 4 with Construction Activities the Secondary Permittees shall obtain coverage
 5 under the General NPDES Permit for Stormwater Discharges Associated with
 6 Construction Activities or an alternative individual NPDES permit prior to
 7 discharging.
- 8 c. To the extent allowable under local, state and federal law, coordinate with the
 9 local jurisdiction regarding projects owned and operated by other entities which
 10 discharge into the Secondary Permittee's MS4, to assist the local jurisdiction
 11 with achieving compliance with all relevant ordinances, rules, and regulations
 12 of the local jurisdiction(s), including implementation of the Minimum Technical
 13 Requirements for Construction Stormwater Pollution Prevention contained in
 14 Appendix 1, Minimum Requirement #2.
- 15 d. Provide training or coordinate with existing training efforts to educate relevant
 16 staff in erosion and sediment control BMPs and requirements, or hire trained
 17 contractors to perform the work.
- 18 e. Coordinate as requested with the Department or the local jurisdiction to provide
 19 access for inspection of construction sites or other land disturbances that are
 20 under the control of the Secondary Permittee during the active grading and/or
 21 construction period.
- 22 5. Post-Construction Stormwater Management for New Development and
 23 Redevelopment
- 24 From the date of permit coverage, each Secondary Permittee shall:
- 25 a. Comply with all relevant ordinances, rules and regulations of the local
 26 jurisdiction(s) in which the Secondary Permittee is located that govern post-
 27 construction stormwater pollution prevention measures.
- 28 b. To the extent allowable under local, state and federal law, coordinate with the
 29 local jurisdiction regarding projects owned and operated by other entities which
 30 discharge into the Secondary Permittee's MS4, to assist the local jurisdiction
 31 with achieving compliance with all relevant ordinances, rules, and regulations
 32 of the local jurisdiction(s), including implementation of the Minimum Technical
 33 Requirements in Appendix 1.
- 34 c. No later than one year from the date of permit coverage, and to the extent
 35 allowable under local, state and federal law, new projects owned or operated by
 36 the Secondary Permittee, must comply with the Minimum Technical
 37 Requirements in Appendix 1 for post construction stormwater controls.
- 38 6. Pollution Prevention and Good Housekeeping for Municipal Operations
- 39 Each Secondary Permittee shall:
- 40 a. No later than three years from the date of permit coverage, develop and
 41 implement a municipal operation and maintenance (O&M) plan to minimize

1 stormwater pollution from activities conducted by the Secondary Permittee.
2 The O&M Plan must include appropriate pollution prevention and good
3 housekeeping procedures for all of the following operations, activities, and/or
4 types of facilities that are present within the Secondary Permittee's boundaries.
5 Record keeping is required to track performance of operational source control
6 activities; performance of scheduled inspections and maintenance activities; and
7 response to spills and other potential pollution incidents not addressed in S6.F.3

8 i. Stormwater collection and conveyance system, including catch basins,
9 stormwater sewer pipes, open channels, culverts, structural stormwater
10 controls, and structural runoff treatment and/or flow control facilities. The
11 O&M Plan must address, but is not limited to: scheduled inspections and
12 maintenance activities, including cleaning and proper disposal of waste
13 removed from the system. Secondary Permittees shall properly maintain
14 stormwater collection and conveyance systems owned or operated by the
15 Secondary Permittee and regularly inspect and maintain all structural post-
16 construction stormwater BMPs to ensure facility function. The Secondary
17 Permittee shall establish maintenance standards that are as protective or
18 more protective of facility function as those specified in Chapter 4 Volume
19 V of the 2005 Stormwater Management Manual for Western Washington.

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

23 ii. Roads, highways, and parking lots. The O&M Plan must address, but is not
24 limited to: deicing, anti-icing, and snow removal practices; snow disposal
25 areas; material (e.g. salt, sand, or other chemical) storage areas; all-season
26 BMPs to reduce road and parking lot debris and other pollutants from
27 entering the MS4. Secondary Permittees shall store all de-icing and anti-
28 icing materials in a permanent walled and roof structure.

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

34 iv. External building maintenance. The O&M Plan must address, building
35 exterior cleaning and maintenance including cleaning, washing, painting and
36 other maintenance activities.

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

41 vi. Material storage areas, heavy equipment storage areas, and maintenance
42 areas. Secondary Permittees shall develop and implement a Stormwater
43 Pollution Prevention Plan to protect water quality at each of these facilities

1 owned or operated by the Secondary Permittee and not covered under the
 2 General NPDES Permit for Stormwater Discharges Associated with
 3 Industrial Activities or under another NPDES permit that covers stormwater
 4 discharges associated with the activity.

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

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

11 b. From the date of coverage under this Permit, also have permit coverage for all
 12 facilities owned, operated or maintained by the Secondary Permittee that are
 13 required to be covered under the General NPDES Permit for Stormwater
 14 Discharges Associated with Industrial Activities.

15 c. Train all employees whose construction, operations, or maintenance job
 16 functions may impact stormwater quality. The training shall address:

17 i. The importance of protecting water quality,

18 ii. The requirements of this Permit,

19 iii. Operation and maintenance requirements,

20 iv. Inspection procedures,

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

23 vi. Procedures for reporting water quality concerns, including potential illicit
 24 discharges.

25 **S7. TOTAL MAXIMUM DAILY LOAD ALLOCATIONS**

26 The following requirements apply if an applicable Total Maximum Daily Load (TMDL) is
 27 approved for stormwater discharges from MS4s owned or operated by the Permittee.
 28 Applicable TMDLs or applicable TMDL requirements are TMDLs which have been
 29 approved by EPA on or before the issuance date of this permit, or TMDLs which have been
 30 approved by EPA prior to the date that the Permittees application is received by Ecology.
 31 All Permittees must be in compliance with applicable TMDL requirements.

32
 33 A. For applicable TMDLs listed in Appendix 2, affected Permittees shall comply with the
 34 specific requirements identified in Appendix 2 in addition to the requirements of this
 35 permit. The status of the TMDL implementation must be included as part of the annual
 36 report submitted to Ecology for this Permit.

37 1. Where monitoring is required in Appendix 2, the permittee shall submit a Quality
 38 Assurance Project Plan (QAPP) to Ecology for review and approval, or, if available,
 39 conduct the monitoring according to a QAPP developed by Ecology.

- 1 B. For applicable TMDLs not listed in Appendix 2, compliance with this permit shall
 2 constitute compliance with those TMDLs. Each Permittee shall keep records of all
 3 actions required by this permit that are relevant to applicable TMDLs within their
 4 jurisdiction. The status of the TMDL implementation must be included as part of the
 5 annual report submitted to Ecology for this permit.
- 6 C. For TMDLs that are approved by EPA after this permit is issued, the Department may
 7 establish TMDL related permit requirements through future permit modification or
 8 when this permit is reissued. Permittees are encouraged to participate in development
 9 of TMDLs within their jurisdiction and to begin implementation. The Department may
 10 modify this permit to incorporate requirements from TMDLs completed after the
 11 issuance of this permit if the Department determines implementation of actions,
 12 monitoring or reporting necessary to demonstrate reasonable further progress toward
 13 achieving TMDL waste load allocations, and other targets, are not occurring and must
 14 be implemented during the term of this permit.

15 **S8. MONITORING**

16 The Permittees listed in S1.B, Port of Seattle and Port of Tacoma shall develop and
 17 implement a comprehensive long-term monitoring program. The monitoring program shall
 18 include three components:

19 Stormwater Monitoring,

20 Stormwater Management Program effectiveness monitoring

21 Stormwater Treatment and Hydrologic Management BMP evaluation monitoring.

22 The results of the monitoring program shall be used to support the adaptive management
 23 process and lead to refinements of the Stormwater Management Program. The monitoring
 24 program must include Quality Assurance Project Plans (QAPPs) for each monitoring
 25 objective, written in accordance with Ecology's QAPP guidelines at
 26 <http://www.ecy.wa.gov/biblio/0403030.html>. The monitoring program must be developed
 27 by qualified staff or contractors that have experience in applying Ecology's or EPA's
 28 QAPP Guidelines.

29 Secondary Permittees other than Ports have no requirement for monitoring under this
 30 section during this permit term, however, in accordance with S6.F.3.c, they are required to
 31 provide information, maps and access for sampling efforts, as necessary. Secondary
 32 Permittees are encouraged to participate in the monitoring program

33 A. Stormwater Monitoring

34 1. Stormwater monitoring site selection

- 35 a. Adequate sites will have the tributary conveyance system and drainage area
 36 mapped, and be suitable for permanent installation and operation of flow-
 37 weighted composite sampling equipment.
- 38 b. Counties shall monitor one outfall or conveyance representing each of the
 39 following land uses:

- 1 i. Commercial,
2 ii. Low density residential, and
3 iii. High density residential.
4 c. Cities shall monitor one outfall or conveyance representing each of the
5 following land uses:
6 i. Commercial,
7 ii. High density residential, and
8 iii. Industrial.
9 d. The Ports of Seattle and Tacoma shall each monitor one outfall or conveyance.
- 10 2. Stormwater monitoring frequency and type of sampling shall be as follows:
11 a. Each stormwater monitoring site shall be sampled according to the following
12 frequency:
13 i. 75% of the qualifying storms up to a maximum of 15 storm events per year,
14 with sampling distributed throughout the year, reflecting the 80%/20%
15 distribution of rainfall between the wet and dry seasons as follows:
16 (1) 75% of the qualifying storms during the wet season, from October 1
17 through April 30. A wet season storm event is defined as follows:
18 • Rainfall volume 0.10” minimum
19 No fixed maximum
20 • Rainfall duration No fixed minimum or maximum
21 • Antecedent dry period less than 0.02” rain fall in the previous 24
22 hours
23 • Inter-event dry period 6 hours
24 (2) 75% of the qualifying storms during the dry season, from May 1
25 through September 30. A dry season storm event is defined as follows:
26 • Rainfall volume 0.10” minimum
27 No fixed maximum
28 • Rainfall duration No fixed minimum or maximum
29 • Antecedent dry period less than 0.02” in the previous 72 hours
30 • Inter-event dry period 6 hours
31 b. Each storm event shall be sampled using flow-weighted composite storm
32 sampling, for the full duration of the storm event, for the
33 constituents/parameters listed below. Chemicals that are below detection limits
34 after two years of data may be dropped from the analysis.

- 1 i. Flow, Hydrograph data including antecedent dry period, rainfall and runoff,
2 ii. TSS and turbidity,
3 iii. Conductivity if tidally influenced,
4 iv. Chloride,
5 v. Metals including, at a minimum, total and dissolved copper, zinc, cadmium,
6 and lead; and mercury sampling in commercial and industrial land use areas,
7 vi. Hardness,
8 vii. PAHs associated with vehicles, roads and parking lots; phthalates
9 viii. Pesticides including:
- 10 • Herbicides: 2,4-D, MCP, Dichlobenil, Prometon, Triclopyr,
 - 11 • Insecticides: Diazinon, Malathion, Chlorpyrifos
 - 12 • Fungicides: Pentachlorophenol
- 13 ix. Nutrients including total nitrogen, phosphorus, nitrate/nitrite and
14 orthophosphate,
15 x. Biochemical oxygen demand (BOD), and
- 16 c. Toxicity testing of a “seasonal first-flush” storm event defined as an event in
17 August or September, with at least a 1 week antecedent dry period. Required
18 test is the Daphnid acute test, Ceriodaphnia dubia or Daphnia pulex (48-hour
19 static test, method: EPA-821-R-02-012).
- 20 d. Each storm event shall be sampled using grab samples for the following
21 constituents/parameters:
- 22 i. Total Petroleum Hydrocarbons (TPH) using NWTPH-Gx and NWTPH-Dx.
23 (sample must be collected early in the storm event and skimmed from the
24 surface), and
 - 25 ii. Fecal coliform bacteria.
- 26 e. Sediments will be collected and analyzed for percent solids, total organic
27 carbon, metals, PAHs, phthalates, phenolics and PCBs at all sites in the system
28 proposed for monitoring. Chemicals that are below detection limits after two
29 years of data may be dropped from the analysis. A minimum of 1 independent
30 sample, up to a maximum of 3 independent samples per year should be
31 collected. Use of in-line sediment traps or similar collection system is
32 preferred. Sampling of sediment deposits is an alternative where approved by
33 the department.
- 34 3. The objective of the stormwater monitoring is to measure and track long term trends
35 in annual and seasonal pollutant loading of stormwater discharges. A QAPP is
36 required for the stormwater monitoring program. For each stormwater monitoring
37 site, calculate the Event Mean Concentrations (EMCs), total annual pollutant load
38 and the seasonal pollutant load for the wet and dry seasons. The loadings shall be

1 expressed as total pounds and as pounds per acre, and must take into account
2 potential pollutant load from base flow.

3 B. Stormwater Management Program Effectiveness Monitoring

- 4 1. Each permittee and the Ports of Seattle and Tacoma shall conduct monitoring
5 designed to determine the effectiveness of the permittee's SWMP at controlling a
6 stormwater related problem directly addressable by actions in the SWMP. Each
7 Permittee and the Ports of Seattle and Tacoma shall develop and implement a
8 monitoring program designed to answer one of each type of the following
9 questions, at minimum 2 questions must be addressed:
- 10 a. The effectiveness of a targeted action (or narrow suite of actions), and
11 b. The effectiveness of achieving a targeted environmental outcome.
- 12 2. The monitoring shall at a minimum include either stormwater or receiving water
13 monitoring of physical, chemical and/or biological characteristics. The monitoring
14 may also include evaluation of regulatory processes, programmatic actions or other
15 similar evaluations.
- 16 3. For each of the 2 questions selected for monitoring, the permittee must develop a
17 monitoring program containing the following elements:
- 18 a. Statement of the problem selected and explanation of why the problem is
19 significant to the permittee, and if the problem is significant to other stormwater
20 managers;
- 21 b. Specific hypotheses about the problem or management actions that will be
22 tested by the monitoring problem;
- 23 c. Specific parameters of attributes to be measured;
- 24 d. A QAPP written in accordance with Ecology's QAPP guidelines
- 25 e. Expected modifications to management actions depending on the outcome of
26 hypotheses testing.

27 C. Stormwater Treatment and Hydrologic Management Best Management Practice (BMP)
28 Evaluation Monitoring

- 29 1. Each Permittee listed in S1.B and the Ports of Seattle and Tacoma shall conduct full
30 scale field monitoring to evaluate the effectiveness and operation and maintenance
31 requirements of stormwater treatment and hydrologic management BMPs applied in
32 their jurisdiction. A QAPP is required for each BMP and flow reduction strategy
33 being monitored.
- 34 2. Each Permittee listed in S1.B shall monitor at least 2 treatment BMPs, at no less
35 than 2 sites per BMP. The Ports of Seattle and Tacoma shall each monitor at least 1
36 treatment BMP, at 2 sites. BMPs shall be selected from the following list:
- 37 a. BMP treatment types:
- 38 i. Basic Treatment

- 1 (1) Biofiltration swale
- 2 (2) Filter strip
- 3 (3) Basic wetpond
- 4 (4) Treatment wetland
- 5 (5) Sand filter
- 6 ii. Metals/Phosphorus Treatment
- 7 (1) Amended sand filter
- 8 (2) Two facility treatment train
- 9 (3) Compost amended filter strips
- 10 (4) Bioretention
- 11 (5) Large wetpond
- 12 iii. Oil Control
- 13 (1) Linear sand filter
- 14 (2) Catch basin insert
- 15 b. BMPs shall be designed in accordance with the 2005 Stormwater Management
- 16 Manual for Western Washington unless Ecology approves of an alternate design
- 17 in the QAPP review. Permittees may also petition Ecology to monitor a BMP
- 18 that is not on the above list that they wish to evaluate as a potential option for
- 19 common use in their jurisdiction.
- 20 c. Permittees shall prepare QAPPs consistent with Ecology (guidelines available
- 21 at: <http://www.ecy.wa.gov/biblio/0403030.html>) and shall use appropriate
- 22 sections of “Guidance for Evaluating Emerging Stormwater Treatment
- 23 Technologies” (Publication Number 02-10-037) - or its updated version if
- 24 published before the issuance date of this permit – including the “Technology
- 25 Assessment Protocol-Ecology” (TAPE) for preparing, implementing, and
- 26 reporting on the results of the BMP evaluation program. The statistical goal is
- 27 to determine mean effluent concentrations and mean percent removals for each
- 28 BMP type with 95% confidence and 80% power. However, a maximum of 35
- 29 influent and effluent sample pairs will suffice.
- 30 Permittees shall use USEPA publication number 821-B-02-001 , “Urban
- 31 Stormwater BMP Performance Monitoring,” as additional guidance for
- 32 preparing the BMP evaluation monitoring, and shall collect information
- 33 pertinent to fulfilling the “National Stormwater BMP Data Base Requirements”
- 34 in section 3.4.3. of that document.
- 35 d. Parameters to be monitored in whole water at each test site for Basic, Enhanced,
- 36 or Phosphorus treatment BMP’s include:
- 37 i. Total suspended solids

- 1 ii. Particle size distribution
- 2 iii. pH
- 3 iv. Total and ortho-phosphorus
- 4 v. Hardness
- 5 vi. Total and dissolved copper and zinc
- 6 e. Parameters to be monitored in whole water at test sites for Oil Control BMP's
- 7 include:
- 8 i. Total suspended solids
- 9 ii. Particle size distribution
- 10 iii. pH
- 11 iv. NWTPH-Dx and -Gx
- 12 v. Visible sheen
- 13 f. Parameters to be monitored in accumulated sediment at each test site for Basic,
- 14 Enhanced, Phosphorus treatment, or Oil Control BMP's include:
- 15 i. Percent total solids
- 16 ii. Grain size
- 17 iii. Total volatile solids
- 18 iv. NWTPH-Dx
- 19 v. Total cadmium, copper, lead, and zinc
- 20 vi. Total phosphorus

21 3. Each Permittee listed in S1.B. shall monitor the effectiveness of 1 flow reduction
22 strategy that is in use or planned for installation in their jurisdiction.

23 Monitoring of a flow reduction strategy shall include continuous rainfall and
24 surface runoff monitoring. Flow reduction strategies shall be monitored through
25 either a paired site study or against a predicted outcome.

26 D. Monitoring Program Development

27 1. The Permittees listed in S1.B and the Ports of Seattle and Tacoma may choose to
28 develop 1, 2 or all of the components of the monitoring program, conduct the
29 monitoring, and report results through an integrated, long-term, water quality
30 monitoring program in collaboration with other municipal stormwater Permittees;
31 or they may independently develop 1, 2 or all of the components of the monitoring
32 program, conduct the monitoring, and report results.

33 A collaborative monitoring program may be developed by a third party (or parties)
34 that is not a Permittee, provided that the permittee complies with the provisions of
35 Special Condition S3.B (relying on another entity to meet permit requirements).

- 1 2. All QAPPs must be submitted to Ecology, for review, in accordance with the
2 deadlines below. QAPPs for S8.A, Stormwater Monitoring, and S8.C., Stormwater
3 Treatment and Hydrologic Management BMP Evaluation Monitoring Program must
4 be reviewed and approved by Ecology prior to monitoring.

5 E. Monitoring Program Deadline

- 6 1. The deadlines for collaborative, integrated monitoring program are as follows:
- 7 a. Permittees that intend to meet all or part of the monitoring requirements through
8 a collaborative process must submit a statement to Ecology explaining their
9 commitment to the collaborative process no later than 1 year after the effective
10 date of this permit
- 11 b. The summary description of the monitoring program and QAPPs, as required,
12 shall be submitted to Ecology no later than 2 years after the effective date of this
13 permit. The monitoring program shall be submitted in both paper and electronic
14 form.
- 15 c. Approved or final QAPPs must be completed no later than 2.5 years after the
16 effective date of this permit.
- 17 d. Full implementation of the stormwater and receiving water monitoring program
18 shall begin no later than 3 years after the effective date of this permit. The third
19 party or parties selected to develop the monitoring plan may continue to be
20 utilized to collect and analyze the data and to write the subsequent reports
21 required under this permit.
- 22 e. Data collection and analysis for S8.C. Stormwater Treatment and Hydrologic
23 Management BMP Evaluation Monitoring Program must be complete and
24 submitted to Ecology no later than 4 years from the effective date of this permit.
- 25 2. The deadlines for an independently developed monitoring program are as follows:
- 26 a. A summary description of the monitoring program and QAPPs, as required,
27 shall be submitted to Ecology no later than 1 year after the effective date of this
28 permit. The monitoring program shall be submitted in both paper and electronic
29 form.
- 30 b. Approved or final QAPPs must be completed no later than 1.5 years after the
31 effective date of this permit.
- 32 c. Full implementation of the stormwater and receiving water monitoring program
33 shall begin no later than 2 years after the effective date of this permit.
- 34 d. Data collection and analysis for S8.C. Stormwater Treatment and Hydrologic
35 Management BMP Evaluation Monitoring Program must be complete and
36 submitted to Ecology no later than 4 years from the effective date of this permit.

37 F. Monitoring Program Reporting Requirements

- 38 1. The stormwater monitoring report shall be submitted by December 31 each year,
39 beginning in 2009 for independent monitoring, and 2010 for collaborative

1 monitoring. Each report shall include all monitoring data collected during the
2 preceding period from October 1 through September 30. Each report shall also
3 integrate data from earlier years into the analysis of results, as appropriate.
4 Permittees that choose to participate in an integrated water quality monitoring
5 program shall submit a single integrated monitoring report. Reports shall be
6 submitted in both paper and electronic form and shall include:

7 a. Stormwater Monitoring Reporting

- 8 i. A summary including the location, land use, drainage area size, and
9 hydrology for each site,
10 ii. A comprehensive data and QA/QC report for each part of the monitoring
11 program, with an explanation and discussion of the results of each monitoring
12 project,
13 iii. The annual pollutant load for each site expressed in total pounds, and
14 pounds/acre, and
15 iv. The wet and dry season pollutant loads, expressed in total pounds, and
16 pounds/acre.

17 b. Stormwater Management Program Effectiveness Monitoring Reporting

- 18 i. A summary of the purpose, design, and methods of the monitoring program,
19 ii. The status of implementing the monitoring program,
20 iii. A comprehensive data and QA/QC report for each part of the monitoring
21 program, with an explanation and discussion of the results of each monitoring
22 project,
23 iv. An analysis of the results of each part of the monitoring program, including
24 any identified water quality problems or improvements or other trends in
25 stormwater or receiving water quality, and
26 v. Recommended future actions based on the findings.

27 c. Stormwater Treatment and Hydrologic Management Best Management Practice
28 (BMP) Evaluation Monitoring Reporting

- 29 i. A summary including the BMP type location, land use, drainage area size,
30 and hydrology for each site.
31 ii. The status of implementing the monitoring program,
32 iii. A comprehensive data and QA/QC report for each part of the monitoring
33 program, with an explanation and discussion of the results of each monitoring
34 project,
35 iv. Performance data or flow reduction performance. Performance data for
36 treatment BMPs shall be reported consistent with:

- 37 (1) The guidelines in appropriate sections of “Guidance for Evaluating
38 Emerging Stormwater Treatment Technologies” (Publication Number 02-

1 10-037) - or its updated version if published before the issuance date of
 2 this permit – including the “Technology Assessment Protocol-Ecology
 3 (TAPE), and

4 (2) USEPA publication number 821-B-02-00, “Urban Stormwater BMP
 5 Performance Monitoring,” including information pertinent to fulfilling
 6 the “National Stormwater BMP Data Base Requirements” in section
 7 3.4.3. of that document.

8 d. Monitoring Cost Reporting. Report the cost of development and
 9 implementation of the monitoring program including the preparation of
 10 monitoring plans, sample collection, sampling equipment, laboratory analysis,
 11 data analysis and reporting.

12 2. If the Permittee monitors any pollutant more frequently than required by the
 13 required monitoring program, then the results of this monitoring shall be included in
 14 the report. If the Permittee conducts any other stormwater monitoring in addition to
 15 that required in the required monitoring program, then it shall provide a description
 16 of the additional monitoring in the report.

17 **S9. REPORTING REQUIREMENTS**

18 A. Each Permittee, co-Permittee and secondary Permittee shall submit, no later than March
 19 31 of each year beginning in the year 2008, an annual report. The reporting period for
 20 each annual report shall be the previous calendar year.

21 B. The annual report shall include the following information:

22 1. Status of compliance with the conditions of this permit, including the status of
 23 implementing the components of the stormwater management program, and the
 24 implementation schedule. If permit deadlines are not met, Permittees, co-
 25 Permittees and secondary Permittees shall report the reasons why the requirement
 26 was not met and how the requirements will be met in the future, including projected
 27 implementation dates. A comparison of program implementation results to
 28 performance standards established in this permit shall be included for each program
 29 area.

30 2. Notification of any recent or proposed annexations or incorporations resulting in an
 31 increase or decrease in permit coverage area, and implications for the stormwater
 32 management program

33 3. Expenditures for the reporting period, with a breakdown for the components of the
 34 stormwater management program.

35 4. A summary describing compliance activities, including the nature and number of
 36 official enforcement actions, inspections, and types of public education activities;
 37 and

38 5. Identification of known water quality improvements or degradation.

- 1 C. Report Format
- 2 Each Permittee, co-Permittee or secondary Permittee shall use the attached reporting
- 3 forms, in Appendices 3 and 4. Each Permittee shall complete the applicable form in its
- 4 entirety. Two copies of the annual report shall be submitted to Ecology. In addition, an
- 5 electronic copy of the report, in pdf format, shall be submitted to Ecology
- 6

1 GENERAL CONDITIONS

2
3 **G1. DISCHARGE VIOLATIONS**

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

6 **G2. PROPER OPERATION AND MAINTENANCE**

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

11 **G3. NOTIFICATION OF SPILL**

12 If a Permittee has knowledge of a spill into a municipal storm sewer which could constitute
13 a threat to human health, welfare, or the environment, the Permittee shall notify the
14 Ecology regional office and other appropriate spill response authorities immediately but in
15 no case later than within 24 hours of obtaining that knowledge. Spills which might cause
16 bacterial contamination of shellfish, such as might result from broken sewer lines, shall be
17 reported immediately to the Department of Ecology and the Department of Health,
18 Shellfish Program. The Department of Ecology's Regional Office 24-hr. number is 425
19 649-7000 for NWRO and 360 407-6300 for SWRO and the Department of Health's
20 Shellfish 24-hr. number is 360-236-3330.

21 **G4. BYPASS PROHIBITED**

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

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

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

1 **G5. RIGHT OF ENTRY**

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

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

13 **G6. DUTY TO MITIGATE**

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

17 **G7. PROPERTY RIGHTS**

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

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

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

22 **G9. MONITORING**

23 A. Representative Sampling:

24 Samples and measurements taken to meet the requirements of this permit shall be
25 representative of the volume and nature of the monitored discharge, including
26 representative sampling of any unusual discharge or discharge condition, including
27 bypasses, upsets, and maintenance-related conditions affecting effluent quality.

28 B. Records Retention:

29 The Permittee shall retain records of all monitoring information, including all
30 calibration and maintenance records and all original recordings for continuous
31 monitoring instrumentation, copies of all reports required by this permit, and records of
32 all data used to complete the application for this permit, for a period of at least five
33 years. This period of retention shall be extended during the course of any unresolved

1 litigation regarding the discharge of pollutants by the Permittee or when requested by
2 Ecology. On request, monitoring data and analysis shall be provided to Ecology.

3 C. Recording of Results:

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

9 D. Test Procedures:

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

15 E. Flow Measurement:

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

25 F. Lab Accreditation:

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

33 G. Additional Monitoring:

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

36 **G10. REMOVED SUBSTANCES**

37 With the exception of decant from street waste vehicles, the Permittee shall not allow
38 collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in
39 the course of treatment or control of stormwater to be resuspended or reintroduced to the
40 storm sewer system or to waters of the state. Decant from street waste vehicles resulting

1 from cleaning stormwater facilities may be reintroduced only when other practical means
2 are not available and only in accordance with the Street Waste Disposal Guidelines in
3 Appendix 6.

4 **G11. SEVERABILITY**

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

9 **G12. REVOCATION OF COVERAGE**

10 The director may terminate coverage under this General Permit in accordance with Chapter
11 43.21B RCW and Chapter 173-226 WAC. Cases where coverage may be terminated
12 include, but are not limited to the following:

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

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

24 **G13. TRANSFER OF COVERAGE**

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

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

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

- 32 A. A change occurs in the technology or practices for control or abatement of pollutants
33 applicable to the category of dischargers covered under this general permit;
- 34 B. Effluent limitation guidelines or standards are promulgated pursuant to the CWA or
35 chapter 90.48RCW, for the category of dischargers covered under this general permit;

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

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

5 The filing of a request by the permittee for a permit modification, revocation and
6 reissuance, or termination, or a notification of planned changes or anticipated
7 noncompliance does not stay any permit condition.

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

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

17 **G16. APPEALS**

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

21 B. The terms and conditions of this general permit, as they apply to an individual
22 discharger, are appealable in accordance with Chapter 43.21B RCW within thirty days
23 of the effective date of coverage of that discharger. Consideration of an appeal of
24 general permit coverage of an individual discharger is limited to the general permit's
25 applicability or nonapplicability to that individual discharger.

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

31 D. Modifications of this permit are appealable in accordance with Chapter 43.21B RCW
32 and Chapter 173-226 WAC.

33 **G17. PENALTIES**

34 40 CFR 122.41(a)(2) and (3), 40 CFR 122.41(j)(5), and 40 CFR 122.41(k)(2) are hereby
35 incorporated into this permit by reference.

1 **G18. DUTY TO REAPPLY**

2 The Permittee must apply for permit renewal at least 180 days prior to the specified
3 expiration date of this permit. An expired permit continues in force and effect until a new
4 permit is issued or until Ecology cancels the permit. Only Permittees who have reapplied
5 for coverage under this permit are covered under the continued permit.

6 **G19. CERTIFICATION AND SIGNATURE**

7 All applications, reports, or information submitted to Ecology shall be signed and certified.

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

10 B. All reports required by this permit and other information requested by Ecology shall be
11 signed by a person described above or by a duly authorized representative of that
12 person. A person is a duly authorized representative only if:

13 1. The authorization is made in writing by a person described above and submitted to
14 Ecology, and

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

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

25 D. Certification. Any person signing a document under this permit shall make the
26 following certification:

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

35 **G20. RECORDS RETENTION**

36 Each Permittee is required to keep all records related to this Permit for at least five years.
37

1 **G21. NON-COMPLIANCE NOTIFICATION**

2 In the event the Permittee is unable to comply with any of the terms and conditions of this
3 permit, including discharges from the Permittees MS4 which may cause a threat to human
4 heath or the environment, the Permittee shall:

5 A. Take appropriate action to correct or minimize the threat to human health or the
6 environment or otherwise stop or correct the condition of noncompliance.

7 B. Notify Ecology of the failure to comply with the permit terms and conditions within 30
8 days of becoming aware of the non-compliance.

9 C. Notify Ecology immediately in cases where the Permittee becomes aware of a
10 discharge from the Permittees MS4 which may cause or contribute to an eminent threat
11 to human health or the environment.

1 **DEFINITIONS AND ACRONYMS**

2 “AKART” means All Known, Available, and Reasonable methods of prevention, control and Treatment.

3 “All known, available and reasonable methods of prevention, control and treatment” refers to the
4 State Water Pollution Control Act, Chapter 90.48.010 and 90.48.520 RCW.

5 “Applicable TMDL” means a TMDL which has been approved by EPA on or before the issuance
6 date of this Permit, or prior to the date that the Permittee’s application is received by Ecology, or
7 prior to a modification of this Permit, whichever is later.

8 “Best Management Practices (BMPs)” means the schedules of activities, prohibitions of
9 practices, maintenance procedures, and structural and/or managerial practices that when used
10 singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to
11 waters of Washington State.

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

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

16 “Component” or “Program Component” means the elements of the stormwater management
17 program listed in Special Condition S5Stormwater Management Program for Permittees or S6
18 Stormwater Management Program for Co-Permittees and Secondary Permittees.

19 “Co-Permittee” means an owner or operator of a municipal separate storm sewer that has co-
20 applied for permit coverage with another permittee, and that is only responsible for permit
21 conditions relating to the discharge for which it is operator. See also 40 CFR 122.26(b)(1).

22 “Discharge” for the purpose of this permit, unless indicated otherwise, refers to discharges from
23 Municipal Separate Storm Sewers of the Permittees. See also 40 CFR 122.2.

24 “Entity” means another governmental body, or public or private organization, such as another
25 permittee, a conservation district, or volunteer organization.

26 “40 CFR” means Title 40 of the Code of Federal Regulations, which is the codification of the
27 general and permanent rules published in the Federal Register by the executive departments and
28 agencies of the federal government.

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

32 “Heavy equipment maintenance or storage yard” means an uncovered area where any heavy
33 equipment, such as mowing equipment, excavators, dump trucks, backhoes, or bulldozers are

1 washed or regularly maintained at an established heavy equipment washing facility, or where at
2 least five pieces of heavy equipment are stored on a permanent basis.

3 "Illicit connection" means any man-made conveyance that is connected to a municipal separate
4 storm sewer without a permit or other legal justification, excluding roof drains and other similar
5 type connections designed to convey drainage, surface water and ground water. Examples of
6 illicit connections include sanitary sewer connections, floor drains, channels, pipelines, conduits,
7 inlets, or outlets that are connected directly to the municipal separate storm sewer system.

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

12 "Integrated Pest Management (IPM)" means a coordinated decision-making and action process
13 that uses the most appropriate pest control methods and strategy in an environmentally and
14 economically sound manner to meet agency programmatic pest management objectives. The
15 elements of integrated pest management include:

16 (a) Preventing pest problems;

17 (b) Monitoring for the presence of pests and pest damage;

18 (c) Establishing the density of the pest population, that may be set at zero, that can be tolerated or
19 correlated with a damage level sufficient to warrant treatment of the problem based on health,
20 public safety, economic, or aesthetic thresholds;

21 (d) Treating pest problems to reduce populations below those levels established by damage
22 thresholds using strategies that may include biological, cultural, mechanical, and chemical
23 control methods and that must consider human health, ecological impact, feasibility, and cost-
24 effectiveness; and

25 (e) Evaluating the effects and efficacy of pest treatments.

26 "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed, and any form
27 of plant or animal life or virus, except virus, bacteria, or other microorganisms on or in a living
28 person or other animal or in or on processed food or beverages or pharmaceuticals, which is
29 normally considered to be a pest, or which the director of the department of agriculture may
30 declare to be a pest.

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

35 "Low Impact Development" (LID) means a stormwater management and land development
36 strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-

1 site natural features integrated with engineered, small-scale hydrologic controls to more closely
2 mimic pre-development hydrologic functions.

3 "Major Municipal Separate Storm Sewer Outfall" means a municipal separate storm sewer
4 outfall from a single pipe with an inside diameter of 36 inches or more, or its equivalent
5 (discharge from a single conveyance other than circular pipe which is associated with a drainage
6 area of more than 50 acres); or for municipal separate storm sewers that receive stormwater from
7 lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an
8 outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its
9 equivalent (discharge from other than a circular pipe associated with a drainage area of 12 acres
10 or more). See also 40 CFR 122.26(b)(5).

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

17 "Material Storage Facilities" means an uncovered area used on a permanent basis for outside
18 storage of uncontained bulk materials (liquid, solid, granular, etc.) in piles, barrels, tanks, bins,
19 crates, or other means.

20 "Medium Municipal Separate Storm Sewer System (Medium MS4)" means all Municipal
21 Separate Storm Sewers (MS3s) located in an incorporated place with a population of more than
22 100,000 but less than 250,000, or a county with unincorporated urbanized areas of more than
23 100,000 but less than 250,000 according to the 1990 decennial census by the Bureau of Census.
24 See also 40 CFR 122.26(b)(7).

25 "Municipal Separate Storm Sewer (MS3)" means a conveyance, or system of conveyances
26 (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches,
27 manmade channels, or storm drains):

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

35 (b) designed or used for collecting or conveying stormwater;

36 (c) which is not a combined sewer; and

37 (d) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40
38 CFR 122.2.

- 1 “Municipal separate storm sewer system (MS4)” means all separate storm sewers that are
2 defined as “large” or “medium” or “small” municipal separate storm sewer systems. See also
3 40 CFR 122.26(b)(18)
- 4 "National Pollutant Discharge Elimination System" (NPDES) means the national program for
5 issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and
6 imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the
7 Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point
8 sources. These permits are referred to as NPDES permits and, in Washington State, are
9 administered by the Washington Department of Ecology.
- 10 "Notice of Intent" (NOI) means the application for, or a request for coverage under this General
11 Permit pursuant to WAC 173-226-200. See Appendix 5 for the NOI for this permit.
- 12 "Notice of Intent for Construction Activity," and "Notice of Intent for Industrial Activity" mean
13 the application forms for coverage under the Construction Stormwater General Permit and the
14 Industrial Stormwater General Permit.
- 15 “Outfall” means point source as defined by 40 CFR 122.2 at the point where a municipal
16 separate storm sewer discharges to waters of the State and does not include open conveyances
17 connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances which
18 connect segments of the same stream or other waters of the State and are used to convey waters
19 of the State.
- 20 “Physically Interconnected” means that one MS3 is connected to a second MS3 in such a way
21 that it allows for direct discharges to the second system. For example, the roads with drainage
22 systems and municipal streets of one entity are physically connected directly to a MS3 belonging
23 to another entity.
- 24 “Process Wastewater” means any water which, during manufacture or processing, comes into
25 direct contact with or results from the production or use of any raw material, intermediate
26 product, finished product, by product, or waste product.
- 27 “Qualified Personnel” means someone who has had professional training in the aspects of
28 stormwater management they are responsible for.
- 29 “RCW” means the Revised Code of Washington State.
- 30 "Runoff" see Stormwater.
- 31 “Secondary Permittee” is an operator of municipal separate storm sewer which is not a city, town
32 or county. Secondary Permittees include special purpose districts and other public entities
33 identified in S1D which operate municipal separate storm sewers.
- 34 "Shared Waterbodies" means waterbodies, including downstream segments, lakes and estuaries,
35 that receive discharges from more than one Permittee.

- 1 "Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.
- 2 "Stormwater Associated with Industrial and Construction Activity" means the discharge from
3 any conveyance which is used for collecting and conveying stormwater, which is directly related
4 to manufacturing, processing or raw materials storage areas at an industrial plant, or associated
5 with clearing grading and/or excavation, and is required to have an NPDES permit in accordance
6 with 40 CFR 122.26.
- 7 "Stormwater facilities regulated by the Permittee" means all known, permanent stormwater
8 treatment and flow control BMPs not owned by the Permittee, that discharge into municipal
9 separate storm sewers owned or operated by the Permittee.
- 10 "Stormwater Management Manual for Western Washington" means the 5-volume technical
11 manual (Publication Nos. 05-10-029 through 05-10-033) published by Ecology in February
12 2005.
- 13 "Stormwater Management Program (SWMP)" means a set of actions and activities designed to
14 reduce the discharge of pollutants from the regulated small MS4 to the maximum extent
15 practicable and to protect water quality, and comprising the components listed in S5 or S6 of this
16 Permit and any additional actions necessary to meet the requirements of applicable TMDLs.
- 17 "Urban/higher density rural sub-basins" means any sub-basin or portion thereof that is within or
18 proposed to be within the urban growth area (UGA), or any rural area sub-basin or portion
19 thereof, fifty percent or more of which is comprised of lots smaller than 5 acres in size.
- 20 "Waters of the State" includes those waters as defined as "waters of the United States" in 40
21 CFR Subpart 122.2 within the geographic boundaries of Washington State and "waters of the
22 state" as defined in Chapter 90.48 RCW which includes lakes, rivers, ponds, streams, inland
23 waters, underground waters, salt waters and all other surface waters and water courses within the
24 jurisdiction of the State of Washington.
- 25 "Water Quality Standards" means Surface Water Quality Standards, Chapter 173-201A WAC,
26 Ground Water Quality Standards, Chapter 173-200 WAC, and Sediment Management Standards,
27 Chapter 173-204 WAC.