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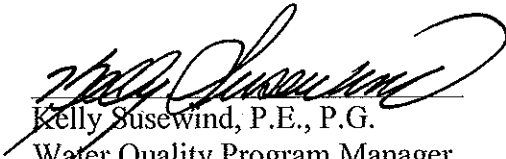
WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT

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

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
OLYMPIA, WASHINGTON 98504-7600

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

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



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

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TABLE OF CONTENTS

SPECIAL AND GENERAL CONDITIONS

S1.	PERMIT COVERAGE AREA AND PERMITTEES	1
S2.	AUTHORIZED DISCHARGES.....	6
S3.	RESPONSIBILITIES OF PERMITTEES	7
S4.	COMPLIANCE WITH STANDARDS	7
S5.	STORMWATER MANAGEMENT PROGRAM FOR CITIES, TOWNS AND COUNTIES.....	10
S6.	STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES	24
S7.	COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS	31
S8.	MONITORING.....	32
S9.	REPORTING REQUIREMENTS	34
G1.	DISCHARGE VIOLATIONS	38
G2.	PROPER OPERATION AND MAINTENANCE.....	38
G3.	NOTIFICATION OF DISCHARGE, INCLUDING SPILLS	38
G4.	BYPASS PROHIBITED.....	38
G5.	RIGHT OF ENTRY	39
G6.	DUTY TO MITIGATE.....	39
G7.	PROPERTY RIGHTS.....	39
G8.	COMPLIANCE WITH OTHER LAWS AND STATUTES.....	39
G9.	MONITORING.....	39
G10.	REMOVED SUBSTANCES	40
G11.	SEVERABILITY	41
G12.	REVOCAION OF COVERAGE.....	41
G13.	TRANSFER OF COVERAGE	41
G14.	GENERAL PERMIT MODIFICATION AND REVOCATION	41
G15.	REPORTING A CAUSE FOR MODIFICATION OR REVOCATION	42
G16.	APPEALS	42
G17.	PENALTIES	42
G18.	DUTY TO REAPPLY	43
G19.	CERTIFICATION AND SIGNATURE.....	43
G20.	NON-COMPLIANCE NOTIFICATION	43
G21.	UPSETS	44
	DEFINITIONS AND ACRONYMS	45

APPENDICES

- APPENDIX 1. Minimum Technical Requirements
 - APPENDIX 2. TMDL Requirements
 - APPENDIX 3. Annual Report Form for County, Town and City Permittees
 - APPENDIX 4. Annual Report Form for Secondary Permittees
 - APPENDIX 5. Notice of Intent
 - APPENDIX 6. Street Waste Disposal
 - APPENDIX 7. Determining Construction Site Damage Transport Potential
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SPECIAL CONDITIONS

Notice: If legislation related to this Permit is passed into law, Ecology will, as necessary, modify, revoke and re-issue or terminate this Permit to carry out legislative requirements. Any such modification will be in accordance with G14 *General Permit Modification and Revocation* and the provisions of WAC 173-226-230.

S1. PERMIT COVERAGE AREA AND PERMITTEES

A. Geographic Area of Permit Coverage

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

1. For all cities required to obtain coverage under this permit, the geographic area of coverage is the entire incorporated area of the city.
2. For all counties required to have coverage under this Permit, the geographic area of coverage is the urbanized areas and urban growth areas associated with cities under the jurisdictional control of the county. The geographic area of coverage also includes any urban growth area contiguous to urbanized areas under the jurisdictional control of the county.
3. For secondary permittees required to obtain coverage under this permit, the minimum geographic area of coverage is all areas identified under S1.A.1. and S1.A.2. At the time of permit coverage, Ecology may establish a geographic area of coverage specific to an individual secondary permittee.
4. All regulated small MS4s owned or operated by the permittees named in S1.D.2.a. and located in another city or county area requiring coverage under either the Phase I *Municipal Stormwater Permit* or the *Eastern Washington Phase II Municipal Stormwater Permit* are also covered under this permit.

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

All operators of regulated small municipal separate storm sewer systems (MS4s) are required to apply for and obtain coverage under this Permit or be permitted under a separate individual permit, unless waived or exempted in accordance with condition S1.C.

1. **A regulated small MS4:**
 - a. Is a “Small MS4” as defined in the *Definitions and Acronyms* section at the end of this Permit; and
 - b. Is located within, or partially located within, an urbanized area as defined by the latest decennial census conducted by the U.S. Bureau of Census, or designated by the Department pursuant to 40 CFR 123.35(b) or 40 CFR 122.26(f); and
 - c. Discharges stormwater from the MS4 to a surface water of Washington State; and

- d. Is not eligible for a waiver or exemption under S1.C. below.
 2. All other operators of MS4s, including special purpose districts, which meet the criteria for a regulated small MS4 shall obtain coverage under this Permit. Other operators of municipal separate storm sewers may include, but are not limited to: flood control, or diking and drainage districts, schools including universities, and correctional facilities that own or operate a small MS4 serving non-agricultural land uses.
 3. Any other operators of small MS4s may be required by the Department to obtain coverage under this permit or an alternative NPDES permit if the Department determines the small MS4 is a significant source of pollution to surface waters of the state. Notification of the Department's determination that permit coverage is required will be through the issuance of an Administrative Order issued in accordance with RCW 90.48.
 4. The owner or operator of a regulated small MS4 may obtain coverage under this Permit as a permittee, co-permittee, or secondary permittee as defined in S1.D.1. below.
 5. Pursuant to 40 CFR 122.26(f), any person or organization may petition Ecology to require that additional municipal separate storm sewers obtain coverage under this permit. The process for petitioning Ecology is:
 - a. The person or organization shall submit a complete petition in writing to Ecology. A complete petition shall address each of the relevant factors for petitions outlined on Ecology's website.
 - b. In making its determination on the petition, Ecology may request additional information from either the petitioner or the jurisdiction.
 - c. Ecology will make a final determination on a complete petition within 180 days of receipt of the petition and inform both the petitioner and the municipal separate storm sewer of the decision, in writing.
 - d. If Ecology's final determination is that the candidate municipal separate storm sewer will be regulated, Ecology will issue an order to the municipal separate storm sewer requiring them to obtain coverage under this Permit. The order will specify:
 - i. The geographic area of permit coverage for the municipal separate storm sewer system;
 - ii. Any modified dates or deadlines for developing and implementing the Stormwater Management Program in S5. or S6., as appropriate to the municipal separate storm sewer system, and for submitting their first annual report; and
 - iii. A deadline for the operator of the municipal separate storm sewer system to submit a complete Notice of Intent (see Appendix 5) to Ecology.
- C. Owners and operators of an otherwise regulated small MS4 are not required to obtain coverage under this Permit if:

Western Washington Phase II Municipal Stormwater Permit

1. The small MS4 is operated by:
 - a. The federal government on military bases or other federal lands; or by the United States Military, the Bureau of Land Management, the United States Park Service or other federal agencies;
 - b. Federally recognized Indian Tribes located within Indian Country Lands; or
 - c. The Washington State Department of Transportation.or:
 2. The portions of the small MS4 located within the census defined urban area(s) serve a total population of less than 1000 people and a, b, and c, below all apply:
 - a. The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES stormwater program.
 - b. The discharge of pollutants from the small MS4 have not been identified as a cause of impairment of any water body to which the MS4 discharges.
 - c. In areas where an EPA approved TMDL has been completed, stormwater controls on the MS4 have not been identified as being necessary.

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

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

D. Obtaining coverage under this Permit

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

1. Permittees: unless otherwise noted, the term “Permittee” shall include Permittee, Co-Permittee, and Secondary Permittee, as defined below:
 - a. “Permittee” is a city, town, or county owning or operating a regulated small MS4 applying and receiving a permit as a single entity.
 - b. “Co-Permittee” is any operator of a regulated small MS4 that is applying jointly with another applicant for coverage under this Permit. Co-Permittees own or operate a regulated small MS4 located within or adjacent to another regulated small MS4.

Western Washington Phase II Municipal Stormwater Permit

- c. A “Secondary Permittee” is an operator of regulated small MS4 that is not a city, town or county. Secondary Permittees include special purpose districts and other MS4s that meet the criteria for a regulated small MS4 in S1.B. above.
2. Operators of **regulated small MS4s** shall submit either an individual application to the Department or a Notice of Intent (NOI). Applications submitted after January 17, 2007 must be made using the NOI provided in Appendix 5. The NOI is also available on Ecology’s website.
 - a. All cities, towns and counties listed in i and ii below and operating regulated small MS4s shall apply as either a Permittee or Co-Permittee.
 - i. Cities of: Aberdeen, Algona, Anacortes, Arlington, Auburn, Bainbridge Island, Battle Ground, Bellevue, Bellingham, Black Diamond, Bonney Lake, Bothell, Bremerton, Brier, Buckley, Burien, Burlington, Camas, Centralia, Clyde Hill, Covington, Des Moines, DuPont, Duvall, Edgewood, Edmonds, Enumclaw, Everett, Federal Way, Ferndale, Fife, Fircrest, Gig Harbor, Granite Falls, Issaquah, Kelso, Kenmore, Kent, Kirkland, Lacey, Lake Forest Park, Lake Stevens, Lakewood, Longview, Lynnwood, Maple Valley, Marysville, Medina, Mercer Island, Mill Creek, Milton, Monroe, Mountlake Terrace, Mount Vernon, Mukilteo, Newcastle, Normandy Park, Oak Harbor, Olympia, Orting, Pacific, Port Orchard, Port Angeles, Poulsbo, Puyallup, Redmond, Renton, Sammamish, SeaTac, Sedro-Woolley, Shoreline, Snohomish, Steilacoom, Sumner, Tukwila, Tumwater, University Place, Vancouver, Washougal, Woodinville, and Yarrow Point.
 - ii. Counties: Cowlitz, Kitsap, Thurston, Skagit, and Whatcom.
 - b. All other **regulated small MS4s** shall apply as a Secondary Permittee or as a Co-Permittee.
 - c. The following cities, towns and counties submitted either an application or a NOI for coverage to Ecology prior to January 17, 2007:
 - i. Cities and towns: Aberdeen, Algona, Arlington, Auburn, Bainbridge Island, Battle Ground, Bellevue, Bellingham, Black Diamond, Bonney Lake, Bothell, Bremerton, Brier, Buckley, Burien, Burlington, Camas, Centralia, Clyde Hill, Covington, Des Moines, DuPont, Duvall, Edgewood, Edmonds, Enumclaw, Everett, Federal Way, Ferndale Fife, Fircrest, Gig Harbor, Granite Falls, Issaquah, Kelso, Kenmore, Kent, Kirkland, Lacey, Lake Forest Park, Lake Stevens, Lakewood, Longview, Lynnwood, Maple Valley, Marysville, Medina, Mercer Island, Mill Creek, Milton, Monroe, Mountlake Terrace, Mount Vernon, Mukilteo, Newcastle, Normandy Park, Oak Harbor, Olympia, Orting, Pacific, Port Orchard, Poulsbo, Puyallup, Redmond, Renton, Sammamish, SeaTac, Sedro-Woolley, Shoreline, Snohomish, Steilacoom, Sumner, Tukwila, Tumwater, University Place, Vancouver, Washougal, Woodinville, and Yarrow Point
 - ii. Counties: Cowlitz, Kitsap, Thurston, Skagit, and Whatcom.

- d. All operators of regulated small MS4s located in jurisdictions listed in S1.D.2.a. shall submit to Ecology a NOI or individual permit application before the effective date of this permit, with the following exceptions:
 - i. Operators of regulated small MS4s located in the Cities of Aberdeen, Anacortes, Centralia, Oak Harbor, and Port Angeles shall submit a NOI or application to Ecology no later than 30 days after the effective date of this permit.
 - ii. Operators of regulated small MS4s listed in S1.D.2.c. do not need to submit a new application to be covered under this permit.
 - e. For operators of regulated small MS4s listed in S1.D.2.c., coverage under this permit is automatic and begins on the effective date of this permit, unless:
 - i. The operator chooses to reapply before the effective date of this permit; or
 - ii. The operator will be relying on another entity to satisfy one or more of their permit obligations in accordance with S1.D.2.g. and S1.D.3.d. below; or
 - iii. The operator chooses to be a Co-Permittee in accordance with S1.D.2.f. and S1.D.3.c. below; or
 - iv. The operator chooses to opt out of this General Permit. Any operator of a regulated small MS4 that is opting out of this permit shall submit an application for an individual MS4 permit in accordance with 40 CFR 122.33(b)(2)(ii) no later than the effective date of this permit.
 - f. Operators of regulated small MS4s which want to be covered under this permit as Co-Permittees shall submit to Ecology a joint NOI.
 - g. Operators of regulated small MS4s which are relying on another entity to satisfy one or more of their permit obligations shall submit a NOI to Ecology.
 - h. Operators of small MS4s designated by Ecology pursuant to S1.B.3. of this permit shall submit a NOI to Ecology within 120 days of receiving notification from Ecology that permit coverage is required.
3. Application Requirements
- a. NOIs shall be submitted to:
 - Department of Ecology
 - Water Quality Program
 - Municipal Stormwater Permits
 - P.O. Box 47696
 - Olympia, WA 98504-7696
 - b. For NOIs submitted after January 17, 2007, the permit applicant shall provide public notice of the application in accordance with WAC 173-226-130(5). The applicant or co-applicant shall include a certification that the public notification requirements of WAC 173-226-130(5) have been satisfied. Unless Ecology responds in writing, coverage under this Permit will be effective 60 days after

receipt of a complete NOI. A complete NOI shall include the certification of public notice.

- c. Permittees applying as co-applicants shall submit a joint NOI. The joint NOI shall clearly identify the areas of the MS4 for which each of the co-applicants are responsible.
- d. Permittees relying on another entity or entities to satisfy one or more of their permit obligations shall notify Ecology in writing. The notification shall include a summary of the permit obligations that will be carried out by another entity. The summary shall identify the other entity or entities and shall be signed by the other entity or entities. During the term of the permit, permittees may terminate or amend shared responsibility arrangements by notifying Ecology, provided this does not alter implementation deadlines.
- e. Secondary permittees required to have coverage under this Permit, and the NPDES and State Waste Discharge Permit for Discharges from Small Municipal Separate Storm Sewers in Eastern Washington or the NPDES and State Waste Discharge Permit for Discharges from Large and Medium Municipal *Separate Storm Sewers*, may obtain coverage by submitting a single NOI.

S2. AUTHORIZED DISCHARGES

- A. This Permit authorizes the discharge of stormwater to surface waters and to ground waters of the state from municipal separate storm sewer systems owned or operated by each Permittee covered under this permit, in the geographic area covered pursuant to S1.A. These discharges are subject to the following limitations:
 1. Discharges to ground waters of the state through facilities regulated under the Underground Injection Control (UIC) program, Chapter 173-218 WAC, are not covered under this Permit.
 2. Discharges to ground waters not subject to regulation under the federal Clean Water Act are covered in this permit only under state authorities, Chapter 90.48 RCW, the Water Pollution Control Act.
- B. This Permit authorizes discharges of non-stormwater flows to surface waters and to ground waters of the state from municipal separate storm sewer systems owned or operated by each Permittee covered under this permit, in the geographic area covered pursuant to S1.A, only under the following conditions:
 1. The discharge is authorized by a separate National Pollutant Discharge Elimination System (NPDES) or State Waste Discharge permit.
 2. The discharge is from emergency fire fighting activities.
 3. The discharge is from another illicit or non-stormwater discharge that is managed by the Permittee as provided in Special Condition S5.C.3.b. or S6.C.3.b.

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

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

S3. RESPONSIBILITIES OF PERMITTEES

- A. Each Permittee covered under this Permit is responsible for compliance with the terms of this Permit for the regulated small MS4s that they own or operate. Compliance with (1) or (2) below is required as applicable to each permittee, whether the permittee has applied for coverage as a permittee, co-permittee, or secondary permittee.
 - 1. All city, town and county permittees are required to comply with all conditions of this Permit, including any appendices referenced therein, except for Special Condition S6 *Stormwater Management Program for Secondary Permittees*.
 - 2. All secondary permittees are required to comply with all conditions of this Permit, including any appendices referenced therein, except for Special Conditions S8.C. *Monitoring* and S5 *Stormwater Management Program for Cities, Towns and Counties*.
- B. Permittees may rely on another entity to satisfy one or more of the requirements of this Permit. Permittees that are relying on another entity to satisfy one or more of their permit obligations remain responsible for permit compliance if the other entity fails to implement permit conditions. Permittees may rely on another entity provided all the requirements of 40 CFR 122.35(a) are satisfied, including but not limited to:
 - 1. The other entity, in fact, implements the Permit requirements.
 - 2. The other entity agrees to take on responsibility for implementation of the Permit requirement(s) as indicated on the NOI.

S4. COMPLIANCE WITH STANDARDS

- A. In accordance with RCW 90.48.520, the discharge of toxicants to waters of the state of Washington which would violate any water quality standard, including toxicant standards, sediment criteria, and dilution zone criteria is prohibited. The required response to such discharges is defined in section S4.F., below.
- B. This Permit does not authorize a discharge which would be a violation of Washington State Surface Water Quality Standards (Chapter 173-201A WAC), Ground Water Quality Standards (Chapter 173-200 WAC), Sediment Management Standards (Chapter 173-204 WAC), or human health-based criteria in the national Toxics Rule (Federal Register, Vol.

57, NO. 246, Dec. 22, 1992, pages 60848-60923). The required response to such discharges is defined in section S4.F., below.

- C. The Permittee shall reduce the discharge of pollutants to the maximum extent practicable (MEP).
- D. The Permittee shall use all known, available, and reasonable methods of prevention, control and treatment (AKART) to prevent and control pollution of waters of the state of Washington.
- E. In order to meet the goals of the Clean Water Act, and comply with S4.A., S4.B., S4.C., and S4.D. each Permittee shall comply with all of the applicable requirements of this Permit as identified in S3 Responsibilities of Permittees.
- F. A Permittee remains in compliance with S4. despite any discharges prohibited by S4.A. or S4.B., when the Permittee undertakes the following response toward long-term water quality improvement:
 - 1. A Permittee shall notify Ecology in writing within 30 days of becoming aware, based on credible site-specific information, that a discharge from the municipal separate storm sewer owned or operated by the Permittee is causing or contributing to a known or likely violation of Water Quality Standards in the receiving water. Written notification provided under this subsection shall, at a minimum, identify the source of the site-specific information, describe the nature and extent of the known or likely violation in the receiving water, and explain the reasons why the MS4 discharge is believed to be causing or contributing to the problem. For ongoing or continuing violations, a single written notification to Ecology will fulfill this requirement.
 - 2. In the event that Ecology determines, based on a notification provided under S4.F.1. or through any other means, that a discharge from a municipal separate storm sewer owned or operated by the Permittee is causing or contributing to a violation of Water Quality Standards in a receiving water, Ecology will notify the Permittee in writing that an adaptive management response outlined in S4.F.3. below is required, unless Ecology also determines that (a) the violation of Water Quality Standards is already being addressed by a Total Maximum Daily Load or other enforceable water quality cleanup plan; or (b) Ecology concludes the violation will be eliminated through implementation of other permit requirements.
 - 3. Adaptive Management Response
 - a. Within 60 days of receiving a notification under S4.F.2., or by an alternative date established by Ecology, the Permittee shall review its Stormwater Management Program and submit a report to Ecology. The report shall include:
 - i. A description of the operational and/or structural BMPs that are currently being implemented to prevent or reduce any pollutants that are causing or contributing to the violation of Water Quality Standards, including a qualitative assessment of the effectiveness of each BMP.

- ii. A description of potential additional operational and/or structural BMPs that will or may be implemented in order to apply AKART on a site-specific basis to prevent or reduce any pollutants that are causing or contributing to the violation of Water Quality Standards.
 - iii. A description of the potential monitoring or other assessment and evaluation efforts that will or may be implemented to monitor, assess, or evaluate the effectiveness of the additional BMPs.
 - iv. A schedule for implementing the additional BMPs including, as appropriate: funding, training, purchasing, construction, monitoring, and other assessment and evaluation components of implementation.
- b. Ecology will, in writing, acknowledge receipt of the report within a reasonable time and notify the Permittee when it expects to complete its review of the report. Ecology will either approve the additional BMPs and implementation schedule or require the Permittee to modify the report as needed to meet AKART on a site-specific basis. If modifications are required, Ecology will specify a reasonable time frame in which the Permittee shall submit and Ecology will review the revised report.
 - c. The Permittee shall implement the additional BMPs, pursuant to the schedule approved by Ecology, beginning immediately upon receipt of written notification of approval.
 - d. The Permittee shall include with each subsequent annual report a summary of the status of implementation and the results of any monitoring, assessment or evaluation efforts conducted during the reporting period. If, based on the information provided under this subsection, Ecology determines that modification of the BMPs or implementation schedule is necessary to meet AKART on a site-specific basis, the Permittee shall make such modifications as Ecology directs. In the event there are ongoing violations of water quality standards despite the implementation of the BMP approach of this section, the Permittee may be subject to compliance schedules to eliminate the violation under WAC 173-201A-510(4) and WAC 173-226-180 or other enforcement orders as Ecology deems appropriate during the term of this permit.
 - e. Provided the Permittee is implementing the approved adaptive management response under this section, the Permittee remains in compliance with Condition S4., despite any on-going violations of Water Quality Standards identified under S4.F.A or B above.
 - f. The adaptive management process provided under Section S.4.F is not intended to create a shield for the Permittee from any liability it may face under 42 U.S.C. 9601 *et seq.* or RCW 70.105D.
- G. Ecology may modify or revoke and reissue this General Permit in accordance with G14 *General Permit Modification and Revocation*, if Ecology becomes aware of additional control measures, management practices or other actions beyond what is required in this Permit that are necessary to:

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

S5. STORMWATER MANAGEMENT PROGRAM FOR CITIES, TOWNS AND COUNTIES

- A. Each Permittee shall develop and implement a Stormwater Management Program (SWMP). A SWMP is a set of actions and activities comprising the components listed in S5.B. and S5.C.1. through S5.C.5., and any additional actions necessary to meet the requirements of applicable TMDLs (see S7). The SWMP shall be designed to reduce the discharge of pollutants from the regulated small MS4 to the maximum extent practicable and to protect water quality. This section applies to all cities, towns and counties covered under this Permit, including cities, towns and counties that are co-permittees. Where the term "Permittee" is used in this section the requirements apply to all cities, towns and counties covered under this Permit.
1. The SWMP shall be developed and implemented in accordance with the schedules contained in this section and shall be fully developed and implemented no later than 180 days prior to the expiration date of this Permit. At a minimum the Permittee's SWMP shall be implemented throughout the geographic area subject to this Permit as described in S1.A.
 2. Each Permittee shall prepare written documentation of the SWMP. The SWMP documentation shall be organized according to the program components in S5.C. and shall be updated at least annually for submittal with the Permittee's annual reports to Ecology (see *S9 Reporting and Record Keeping*). The SWMP documentation shall include:
 - a. A description of each of the program components included in S5.C., and
 - b. Any additional actions implemented by the Permittee pursuant to S5.C., and
 - c. Any additional actions necessary to meet the requirements of applicable TMDLs pursuant to *S7 Compliance with Total Maximum Daily Load Requirements*.
 3. The SWMP shall include an ongoing program for gathering, tracking, maintaining, and using information to evaluate SWMP development, implementation and permit compliance and to set priorities.
 - a. Beginning no later than January 1, 2009, each Permittee shall track the cost or estimated cost of development and implementation of each component of the SWMP. This information shall be provided to Ecology upon request.
 - b. Each Permittee shall track the number of inspections, official enforcement actions and types of public education activities as stipulated by the respective program component. This information shall be included in the annual report.

4. The SWMP described herein supersedes SWMP descriptions provided by permit applicants in individual applications submitted to the Department prior to the effective date of this permit.

Notwithstanding the schedules for implementation of SWMP components contained in this permit, Permittees that are already implementing some or all of the SWMP components in this section shall continue implementation of those components of their SWMP. Permittees shall not repeal existing local requirements to control stormwater that go beyond the requirements of this permit for new development and redevelopment sites.

5. Coordination among permittees

- a. Coordination among entities covered under municipal stormwater NPDES permits may be necessary to comply with certain conditions of the SWMP. The SWMP should include, when needed, coordination mechanisms among entities covered under a municipal stormwater NPDES permit to encourage coordinated stormwater-related policies, programs and projects within adjoining or shared areas.
 - i. Coordination mechanisms shall clarify roles and responsibilities for the control of pollutants between physically interconnected MS4s permittees covered by a municipal stormwater permit.
 - ii. Coordination mechanisms shall coordinate stormwater management activities for shared water bodies among permittees to avoid conflicting plans, policies and regulations.
 - b. The SWMP should include coordination mechanisms among departments within each jurisdiction to eliminate barriers to compliance with the terms of this permit.
- B. The SWMP shall be designed to reduce the discharge of pollutants from regulated small MS4s to the maximum extent practicable (MEP), meet state AKART requirements, and protect water quality. Notwithstanding the schedules for implementation of SWMP components contained in this Permit, permittees who are implementing some or all of the SWMP components in this section shall continue implementation of those components of their SWMP.
- C. The SWMP shall include the components listed below. To the extent allowable under state or federal law, all components are mandatory for city, town or county permittees covered under this Permit. In accordance with 40 CFR 122.35(a) and Special Condition S3, a city, town or county may rely on another entity to implement one or more of the components in this section.
1. Public Education and Outreach

The SWMP shall include an education program aimed at residents, businesses, industries, elected officials, policy makers, planning staff and other employees of the Permittee. The goal of the education program is to reduce or eliminate behaviors and

practices that cause or contribute to adverse stormwater impacts. An education program may be developed locally or regionally.

The minimum measures are:

- a. No later than two years after the effective date of this Permit, the Permittee shall provide an education and outreach program for the area served by the MS4. The outreach program shall be designed to achieve measurable improvements in the target audience's understanding of the problem and what they can do to solve it.

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

- i. General public
 - General impacts of stormwater flows into surface waters.
 - Impacts from impervious surfaces.
 - Source control BMPs and environmental stewardship actions and opportunities in the areas of pet waste, vehicle maintenance, landscaping and buffers.
- ii. General public, businesses, including home-based and mobile businesses
 - BMPs for use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps and other hazardous materials.
 - Impacts of illicit discharges and how to report them.
- iii. Homeowners, landscapers and property managers
 - Yard care techniques protective of water quality.
 - BMPs for use and storage of pesticides and fertilizers.
 - BMPs for carpet cleaning and auto repair and maintenance.
 - Low Impact Development techniques, including site design, pervious paving, retention of forests and mature trees.
 - Stormwater pond maintenance.
- iv. Engineers, contractors, developers, review staff and land use planners
 - Technical standards for stormwater site and erosion control plans.
 - Low Impact Development techniques, including site design, pervious paving, retention of forests and mature trees.
 - Stormwater treatment and flow control BMPs.
- b. Each Permittee shall measure the understanding and adoption of the targeted behaviors for at least one targeted audience in at least one subject area. The resulting measurements shall be used to direct education and outreach resources most effectively, as well as to evaluate changes in adoption of the targeted behaviors.
- c. Each Permittee shall track and maintain records of public education and outreach activities.

2. Public Involvement and Participation

The SWMP shall include ongoing opportunities for public involvement through advisory councils, watershed committees, participation in developing rate-structures, stewardship programs, environmental activities or other similar activities. Each Permittee shall comply with applicable State and local public notice requirements when developing their SWMP.

The minimum performance measures are:

- a. No later than one year from the effective date of this Permit, all permittees shall create opportunities for the public to participate in the decision-making processes involving the development, implementation and update of the Permittee's entire SWMP. Each Permittee shall develop and implement a process for consideration of public comments on their SWMP.
- b. Each Permittee shall make their SWMP, the annual report required under S9.A and all other submittals required by this Permit, available to the public. The annual report, and SWMP that was submitted with the latest annual report, shall be posted on the permittee's website. To comply with the posting requirement, a permittee that does not maintain a website may submit the updated SWMP in electronic format to the Department for posting on the Department's website.

3. Illicit Discharge Detection and Elimination

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

The minimum performance measures are:

- a. A municipal storm sewer system map shall be developed no later than four years from the effective date of this permit. Municipal storm sewer system maps shall be periodically updated and shall include the following information:
 - i. The location of all known municipal separate storm sewer outfalls and receiving waters and structural stormwater BMPs owned, operated, or maintained by the Permittee. Each Permittee shall map the attributes listed below for all storm sewer outfalls with a 24 inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems:
 - Tributary conveyances (indicate type, material, and size where known).
 - Associated drainage areas.
 - Land use.
 - ii. Each Permittee shall initiate a program to develop and maintain a map of all connections to the municipal separate storm sewer authorized or allowed by the Permittee after the effective date of this Permit.

- iii. Geographic areas served by the Permittee's MS4 that do not discharge stormwater to surface waters.
 - iv. Each Permittee shall make available to Ecology, upon request, municipal storm sewer system map(s) depicting the information required in S5.C.3.a.i. through iii above. The preferred format of submission will be an electronic format with fully described mapping standards. An example description is provided on Ecology WebPages under Core Services, GIS Data.
 - v. Upon request, and to the extent appropriate, permittees shall provide mapping information to co-permittees and secondary permittees.
- b. Each Permittee shall develop and implement an ordinance or other regulatory mechanism to effectively prohibit non-stormwater, illicit discharges into the Permittee's municipal separate storm sewer system to the maximum extent allowable under State and Federal law. The ordinance or other regulatory mechanism shall be adopted no later than 30 months from the effective date of this Permit.
- i. The regulatory mechanism does not need to prohibit the following categories of non-stormwater discharges:
 - Diverted stream flows.
 - Rising ground waters.
 - Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)).
 - Uncontaminated pumped ground water.
 - Foundation drains.
 - Air conditioning condensation.
 - Irrigation water from agricultural sources that is commingled with urban stormwater.
 - Springs.
 - Water from crawl space pumps.
 - Footing drains.
 - Flows from riparian habitats and wetlands.
 - Non-stormwater discharges covered by another NPDES permit.
 - Discharges from emergency fire fighting activities in accordance with *S2 Authorized Discharges*.
 - ii. The regulatory mechanism shall prohibit the following categories of non-stormwater discharges unless the stated conditions are met:
 - Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4.

- Discharges from lawn watering and other irrigation runoff. These shall be minimized through, at a minimum, public education activities (see section S5.C.1) and water conservation efforts.
 - Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
 - Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The Permittee shall reduce these discharges through, at a minimum, public education activities (see section S5.C.1.) and/or water conservation efforts. To avoid washing pollutants into the MS4, Permittees must minimize the amount of street wash and dust control water used. At active construction sites, street sweeping must be performed prior to washing the street.
 - Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the Permittee, which addresses control of such discharges.
- iii. The Permittee's SWMP shall, at a minimum, address each category in ii above in accordance with the conditions stated therein.
- iv. The SWMP shall further address any category of discharges in i or ii above if the discharges are identified as significant sources of pollutants to waters of the State.
- v. The ordinance or other regulatory mechanism shall include escalating enforcement procedures and actions.
- vi. The Permittee shall develop an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism.
- c. Each Permittee shall develop and implement an ongoing program to detect and address non-stormwater discharges, including spills, and illicit connections into the Permittee's municipal separate storm sewer system. The program shall be fully implemented no later than 180 days prior to the expiration date of this Permit and shall include:
- i. Procedures for locating priority areas likely to have illicit discharges, including at a minimum: evaluating land uses and associated business/industrial activities present; areas where complaints have been registered in the past; and areas with storage of large quantities of materials that could result in spills.

- ii. Field assessment activities, including visual inspection of priority outfalls identified in i, above, during dry weather and for the purposes of verifying outfall locations, identifying previously unknown outfalls, and detecting illicit discharges.
 - Receiving waters shall be prioritized for visual inspection no later than three years from the effective date of this Permit, with field assessments of three high priority water bodies made no later than four years from the effective date of this Permit. Field assessments on at least one high priority water body shall be made each year thereafter.
 - Screening for illicit connections shall be conducted using: Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments, Center for Watershed Protection, October 2004, or another methodology of comparable effectiveness.

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

Compliance with this provision shall be achieved by investigating (or referring to the appropriate agency) within 7 days, on average, any complaints, reports or monitoring information that indicates a potential illicit discharge, including spills; and immediately investigating (or referring) problems and violations determined to be emergencies or otherwise judged to be urgent or severe.

- iv. Procedures for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures.
- v. Procedures for removing the source of the discharge; including notification of appropriate authorities; notification of the property owner; technical assistance for eliminating the discharge; follow-up inspections; and escalating enforcement and legal actions if the discharge is not eliminated.

Compliance with this provision shall be achieved by initiating an investigation within 21 days of a report or discovery of a suspected illicit connection to determine the source of the connection, the nature and volume of discharge through the connection, and the party responsible for the connection. Upon confirmation of the illicit nature of a storm drain connection, Permittees shall use their enforcement authority in a documented effort to eliminate the illicit connection within 6 months.

- d. Permittees shall inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

- i. No later than 180 days prior to the expiration date of this Permit, distribute appropriate information to target audiences identified pursuant to S5.C.1.
 - ii. No later than two years from the effective date of this Permit, publicly list and publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges. Keep a record of calls received and follow-up actions taken in accordance with S5.C.3.c.ii. through v. above; include a summary in the annual report (see section S9 Reporting and Record Keeping Requirements).
- e. Permittees shall adopt and implement procedures for program evaluation and assessment, including tracking the number and type of illicit discharges, including spills, identified; inspections made; and any feedback received from public education efforts. A summary of this information shall be included in the Permittee's annual report (see section S9 Reporting and Recordkeeping Requirements).
- f. Each Permittee will provide appropriate training for municipal field staff on the identification and reporting of illicit discharges into MS4s.
 - i. No later than thirty months after the effective date of this Permit, each Permittee shall ensure that all municipal field staff who are responsible for identification, investigation, termination, cleanup, and reporting illicit discharges, including spills, and illicit connections are trained to conduct these activities. Follow-up training shall be provided as needed to address changes in procedures, techniques or requirements. Permittees shall document and maintain records of the training provided and the staff trained.
 - ii. No later than three years after the effective date of this Permit, an ongoing training program shall be developed and implemented for all municipal field staff, which, as part of their normal job responsibilities, might come into contact with or otherwise observe an illicit discharge or illicit connection to the storm sewer system shall be trained on the identification of an illicit discharge/connection, and on the proper procedures for reporting and responding to the illicit discharge/connection. Follow-up training shall be provided as needed to address changes in procedures, techniques or requirements. Permittees shall document and maintain records of the training provided and the staff trained.

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

Each Permittee shall develop, implement, and enforce a program to reduce pollutants in stormwater runoff to a regulated small MS4 from new development, redevelopment and construction site activities. This program shall be applied to all sites that disturb a land area 1 acre or greater, including projects less than one acre that are part of a larger common plan of the development or sale. The program shall apply to private and public development, including roads. The "Technical Thresholds" in Appendix 1 shall be applied to all sites 1 acre or greater, including

projects less than one acre that are part of a larger common plan of the development or sale.

The minimum performance measures are:

- a. The program shall include an ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment, and construction site projects. Pursuant to S5.A.4., in adopting this ordinance or other regulatory mechanism, existing local requirements to apply stormwater controls at smaller sites, or at lower thresholds than required pursuant to S5.C.4., shall be retained. The ordinance or other enforceable mechanism shall be adopted and effective no later than February 16, 2010. The ordinance or other enforceable mechanism shall include, at a minimum:
 - i. The Minimum Requirements, technical thresholds, and definitions in Appendix 1 or an equivalent approved by Ecology under the NPDES Phase I Municipal Stormwater Permit, for new development, redevelopment, and construction sites. Adjustment and variance criteria equivalent to those in Appendix 1 shall be included. More stringent requirements may be used, and/or certain requirements may be tailored to local circumstances through the use of basin plans or other similar water quality and quantity planning efforts. Such local requirements shall provide equal protection of receiving waters and equal levels of pollutant control to those provided in Appendix 1.
 - ii. A site planning process and BMP selection and design criteria that, when used to implement the minimum requirements in Appendix 1 (or equivalent approved by Ecology under the Phase I Permit) 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 shall document how the criteria and requirements will protect water quality, reduce the discharge of pollutants to the maximum extent practicable, and satisfy State AKART requirements.

Permittees who choose to use the site planning process and BMP selection and design criteria in the 2005 *Stormwater Management Manual for Western Washington*, or an equivalent manual approved by the Department under the Phase I Permit, may cite this choice as their sole documentation to meet this requirement.
 - iii. The legal authority, through the approval process for new development, to inspect private stormwater facilities that discharge to the Permittee's MS4.
 - iv. Provisions to allow non-structural preventive actions and source reduction approaches such as Low Impact Development Techniques (LID), measures to minimize the creation of impervious surfaces and measures to minimize the disturbance of native soils and vegetation. Provisions for LID should take into account site conditions, access and long term maintenance.

- v. If the Permittee chooses to allow construction sites to apply the “Erosivity Waiver” in Appendix 1, Minimum Requirement #2, the ordinance or regulatory mechanism shall include appropriate, escalating enforcement sanctions for construction sites that provide notice to the Permittee of their intention to apply the waiver but do not meet the requirements (including timeframe restrictions, limits on activities that result in non-stormwater discharges, and implementation of appropriate BMPs to prevent violations of water quality standards) to qualify for the waiver.
- b. The program shall include a permitting process with plan review, inspection and enforcement capability to meet the standards listed in (i) through (iv) below, for both private and public projects, using qualified personnel (as defined in *Definitions and Acronyms*). At a minimum, this program shall be applied to all sites that disturb a land area 1 acre or greater, including projects less than one acre that are part of a larger common plan of the development or sale. The process shall be in place no later than February 16, 2010.
 - i. Except as provided in S5.C.4.b.vii. below, review of all stormwater site plans for proposed development activities.
 - ii. Except as provided in S5.C.4.b.vii. below, inspect, prior to clearing and construction, all known development sites that have a high potential for sediment transport as determined through plan review based on definitions and requirements in Appendix 7 Determining Construction Site Sediment Damage Potential.
 - iii. Except as provided in S5.C.4.b.vii. below, inspect all known permitted development sites during construction to verify proper installation and maintenance of required erosion and sediment controls. Enforce as necessary based on the inspection.
 - iv. Inspect all permitted development sites upon completion of construction and prior to final approval or occupancy to ensure proper installation of permanent stormwater controls such as stormwater facilities and structural BMPs. Also, verify a maintenance plan is completed and responsibility for maintenance is assigned. Enforce as necessary based on the inspection.
 - v. Compliance with the inspection requirements in (ii), (iii) and (iv) above shall be determined by the presence and records of an established inspection program designed to inspect all sites. Compliance during this permit term shall be determined by achieving at least 80% of scheduled inspections.
 - vi. An enforcement strategy shall be developed and implemented to respond to issues of non-compliance.
 - vii. If the Permittee chooses to allow construction sites to apply the “Erosivity Waiver” in Appendix 1, Minimum Requirement #2, the Permittee is not required to review the construction stormwater pollution prevention plans as part of the site plan review in (i) above, and is not required to perform

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

- c. The program shall include provisions to verify adequate long-term operation and maintenance (O&M) of post-construction stormwater facilities and BMPs that are permitted and constructed pursuant to (b) above. These provisions shall be in place no later than February 16, 2010 and shall include:

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

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

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

(2) Unless there are circumstances beyond the Permittee's control, when an inspection identifies an exceedence of the maintenance standard, maintenance shall be performed:

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

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

iii. Annual inspections of all stormwater treatment and flow control facilities (other than catch basins) permitted by the Permittee according to S5.C.4.b. unless there are maintenance records to justify a different frequency. The Permittee shall take appropriate maintenance actions in accordance with the adopted maintenance standards.

Reducing the inspection frequency shall be based on maintenance records of double the length of time of the proposed inspection frequency. In the absence of maintenance records, the Permittee may substitute written

statements to document a specific less frequent inspection schedule. Written statements shall be based on actual inspection and maintenance experience and shall be certified in accordance with *G19 Certification and Signature*.

- iv. Inspections of all new flow control and water quality treatment facilities, including catch basins, for new residential developments that are a part of a larger common plan of development or sale, every 6 months during the period of heaviest house construction (i.e., 1 to 2 years following subdivision approval) to identify maintenance needs and enforce compliance with maintenance standards as needed.
 - d. The program shall include a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records. Records of maintenance inspections and maintenance activities shall be maintained. Permittees shall keep records of all projects disturbing more than one acre, and all projects of any size that are part of a common plan of development or sale that is greater than one acre that are approved after the effective date of this Permit.
 - e. The program shall make available copies of the "Notice of Intent for Construction Activity" and copies of the "Notice of Intent for Industrial Activity" to representatives of proposed new development and redevelopment. Permittees will continue to enforce local ordinances controlling runoff from sites that are also covered by stormwater permits issued by Ecology.
 - f. No later than February 16, 2010, each Permittee shall verify that all staff responsible for implementing the program to control stormwater runoff from new development, redevelopment, and construction sites, including permitting, plan review, construction site inspections, and enforcement, are trained to conduct these activities. Follow-up training shall be provided as needed to address changes in procedures, techniques or staffing. Permittees shall document and maintain records of the training provided and the staff trained.
5. Pollution Prevention and Operation and Maintenance for Municipal Operations

Within three years of the effective date of this Permit, each Permittee shall develop and implement an operations and maintenance (O&M) program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

The minimum performance measures are:

- a. Each Permittee shall establish maintenance standards that are as protective, or more protective, of facility function than those specified in Chapter 4 of Volume V of the 2005 *Stormwater Management Manual for Western Washington*. For facilities which do not have maintenance standards, the Permittee shall develop a maintenance standard.
 - i. The purpose of the maintenance standard is to determine if maintenance is required. The maintenance standard is not a measure of the facilities

required condition at all times between inspections. Exceeding the maintenance standard between inspections and/or maintenance is not a permit violation.

- ii. Unless there are circumstances beyond the Permittees control, when an inspection identifies an exceedence of the maintenance standard, maintenance shall be performed:
 - Within 1 year for typical maintenance of facilities, except catch basins.
 - Within 6 months for catch basins.
 - Within 2 years for maintenance that requires capital construction of less than \$25,000.

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

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

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

- c. Spot checks of potentially damaged permanent treatment and flow control facilities (other than catch basins) after major (greater than 24-hour-10-year recurrence interval rainfall) storm events. If spot checks indicate widespread damage/maintenance needs, inspect all stormwater treatment and flow control facilities that may be affected. Conduct repairs or take appropriate maintenance action in accordance with maintenance standards established above, based on the results of the inspections.
- d. Inspection of all catch basins and inlets owned or operated by the Permittee at least once before the end of the permit term. Clean catch basins if the inspection indicates cleaning is needed to comply with maintenance standards established in the *2005 Stormwater Management Manual for Western Washington*. Decant water shall be disposed of in accordance with Appendix 6 *Street Waste Disposal*.

Inspections may be conducted on a "circuit basis" whereby a sampling of catch basins and inlets within each circuit is inspected to identify maintenance needs. Include in the sampling an inspection of the catch basin immediately upstream of any system outfall. Clean all catch basins within a given circuit for which the

inspection indicates cleaning is needed to comply with maintenance standards established under S5.C.4.c., above.

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

- e. Compliance with the inspection requirements in b, c and d above shall be determined by the presence of an established inspection program designed to inspect all sites. Compliance during this permit term shall be determined by achieving an annual rate of at least 95% of inspections no later than 180 days prior to the expiration date of this permit.
- f. Establishment and implementation of practices to reduce stormwater impacts associated with runoff from streets, parking lots, roads or highways owned or maintained by the Permittee, and road maintenance activities conducted by the Permittee. The following activities shall be addressed:
 - Pipe cleaning
 - Cleaning of culverts that convey stormwater in ditch systems
 - Ditch maintenance
 - Street cleaning
 - Road repair and resurfacing, including pavement grinding
 - Snow and ice control
 - Utility installation
 - Pavement striping maintenance
 - Maintaining roadside areas, including vegetation management
 - Dust control
- g. Establishment and implementation of policies and procedures to reduce pollutants in discharges from all lands owned or maintained by the Permittee and subject to this Permit, including but not limited to: parks, open space, road right-of-way, maintenance yards, and stormwater treatment and flow control facilities. These policies and procedures shall address, but are not limited to:
 - Application of fertilizer, pesticides, and herbicides including the development of nutrient management and integrated pest management plans.
 - Sediment and erosion control.
 - Landscape maintenance and vegetation disposal.
 - Trash management.
 - Building exterior cleaning and maintenance.
- h. Develop and implement an on-going training program for employees of the Permittee whose construction, operations or maintenance job functions may impact stormwater quality. The training program shall address the importance of protecting water quality, the requirements of this Permit, operation and maintenance standards, inspection procedures, selecting appropriate BMPs, ways to perform their job activities to prevent or minimize impacts to water quality, and procedures for reporting water quality concerns, including potential illicit

discharges. Follow-up training shall be provided as needed to address changes in procedures, techniques or requirements. Permittees shall document and maintain records of training provided.

- i. Development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for all heavy equipment maintenance or storage yards, and material storage facilities owned or operated by the Permittee in areas subject to this Permit that are not required to have coverage under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities* or another NPDES permit that covers stormwater discharges associated with the activity. Implementation of non-structural BMPs shall begin immediately after the pollution prevention plan is developed. A schedule for implementation of structural BMPs shall be included in the SWPPP. Generic SWPPPs that can be applied at multiple sites may be used to comply with this requirement. The SWPPP shall include periodic visual observation of discharges from the facility to evaluate the effectiveness of the BMP.
- j. Records of inspections and maintenance or repair activities conducted by the Permittee shall be maintained in accordance with *S9 Reporting Requirements*.

S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES

- A. This section applies to all secondary permittees, whether coverage under this Permit is obtained individually or as a co-permittee with a city, town or county or another secondary permittee.
 1. To the extent allowable under state, federal or local law, all components are mandatory for each Secondary Permittee covered under this Permit, whether covered as an individual permittee or as a co-permittee.
 2. Each Secondary Permittee shall develop and implement a stormwater management program (SWMP). The SWMP shall be designed to reduce the discharge of pollutants from regulated small MS4s to the maximum extent practicable and protect water quality.
 3. Unless an alternate implementation schedule is established by Ecology as a condition of permit coverage, the SWMP shall be developed and implemented in accordance with the schedules contained in this section and shall be fully developed and implemented no later than 180 days before the expiration date of this Permit. Notwithstanding the schedules in this Permit, secondary permittees that are already implementing some or all of the required SWMP components shall continue implementation of those components.
 4. Secondary permittees may implement parts of their SWMP in accordance with the schedule for cities, towns and counties in S5, provided they have signed a memorandum of understanding or other agreement to jointly implement the activity or activities with one or more jurisdictions listed in S1.D.2.a., and submitted a copy of the agreement to Ecology.

5. Each Secondary Permittee shall prepare written documentation of the SWMP. The SWMP documentation shall be organized according to the program components in S6.D below and shall be updated at least annually for submittal with the Permittee's annual reports to Ecology (see *S9 Reporting Requirements*). The SWMP documentation shall include:
 - a. A description of each of the program components included in S6.D.1. through S6.D.6., and
 - b. Any additional actions necessary to meet the requirements of applicable TMDLs pursuant to *S7 Compliance with Total Maximum Daily Load Requirements*.

B. Coordination

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

C. Legal Authority

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

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

D. Stormwater Management Program for Secondary Permittees

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

SWMP components

1. Public Education and Outreach

Each Secondary Permittee shall implement the following stormwater education strategies:

- a. Storm drain inlets owned and operated by the Secondary Permittee that are located in maintenance yards, in parking lots, along sidewalks, and at pedestrian access points shall be clearly and permanently labeled with the message "Dump no waste" and indicating the point of discharge as a river, lake, bay, or groundwater.
 - i. No later than three years from the date of permit coverage, at least 50 percent of these inlets shall be labeled.

Western Washington Phase II Municipal Stormwater Permit

- ii. No later than 180 days prior expiration date of this Permit, or as established as a condition of coverage by Ecology, all of these inlets shall be labeled.
 - iii. As identified during visual inspection and regular maintenance of storm drain inlets per the requirements of S6.D.3.d. and S6.D.6.a.i. below, or as otherwise reported to the Secondary Permittee, any inlet having a label that is no longer clearly visible and/or easily readable shall be re-labeled within 90 days.
- b. Each year beginning no later than three years from the date of permit coverage, public ports, colleges and universities shall distribute educational information to tenants and residents on the impact of stormwater discharges on receiving waters, and steps that can be taken to reduce pollutants in stormwater runoff. Different combinations of topics shall be addressed each year, and, before the expiration date of this Permit, where relevant, tenants and residents shall receive educational information about the following topics:
- i. How stormwater runoff affects local waterbodies
 - ii. Proper use and application of pesticides and fertilizers
 - iii. Benefits of using well-adapted vegetation
 - iv. Alternative equipment washing practices including cars and trucks that minimize pollutants in stormwater
 - v. Benefits of proper vehicle maintenance and alternative transportation choices; proper handling and disposal of vehicle wastes, including the location of hazardous waste collection facilities in the area
 - vi. Hazards associated with illicit connections
 - vii. Benefits of litter control and proper disposal of pet waste

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

2. Public Involvement and Participation

No later than 180 days before the expiration date of this Permit, or as established as a condition of coverage by the Ecology, each Secondary Permittee shall:

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

3. Illicit Discharge Detection and Elimination

Each Secondary Permittee shall:

- a. From the date of permit coverage, comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern non-stormwater discharges.
- b. No later than one year from the date of permit coverage, develop and adopt appropriate policies prohibiting illicit discharges, and identify possible enforcement mechanisms for those policies. No later than eighteen months from the date of permit coverage, develop and implement an enforcement plan using these mechanisms to ensure compliance with illicit discharge policies. These policies shall address, at a minimum: illicit connections and non-stormwater discharges, including spills of hazardous materials and improper disposal of pet waste and litter.
 - i. Non-stormwater discharges covered by another NPDES permit and discharges from emergency fire fighting activities are allowed in the MS4 in accordance with S2 *Authorized Discharges*.
 - ii. The policies do not need to prohibit the following categories of non-stormwater discharges:
 - Diverted stream flows
 - Rising ground waters
 - Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))
 - Uncontaminated pumped ground water
 - Foundation drains
 - Air conditioning condensation
 - Irrigation water from agricultural sources that is commingled with urban stormwater
 - Springs
 - Water from crawl space pumps
 - Footing drains
 - Flows from riparian habitats and wetlands
 - iii. The policies shall prohibit the following categories of non-stormwater discharges unless the stated conditions are met:
 - Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.
 - Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities and water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction.

- Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
 - Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The Secondary Permittee shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction. To avoid washing pollutants into the MS4, the Secondary Permittee shall minimize the amount of street wash and dust control water used. At active construction sites, street sweeping shall be performed prior to washing the street.
 - Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the Permittee which addresses control of such discharges.
- iv. The Secondary Permittee's SWMP shall, at a minimum, address each category in iii above in accordance with the conditions stated therein.
- v. The SWMP shall further address any category of discharges in ii or iii above if the discharge is identified as a significant source of pollutants to waters of the State.
- c. No later than 180 days before the expiration date of this Permit, or as established as a condition of coverage by Ecology, develop a storm sewer system map showing the locations of all known storm drain outfalls, labeled receiving waters and delineated areas contributing runoff to each outfall. Make the map (or completed portions of the map) available on request to the Department and/or to other Permittees or Secondary Permittees. The preferred, but not required, format of submission will be an electronic format with fully described mapping standards. An example description is provided on Ecology WebPages.
- d. Conduct field inspections and visually inspect for illicit discharges at all known outfalls that discharge to surface waters. Visually inspect at least one third (on average) of all known outfalls each year beginning no later than two years from the date of permit coverage. Develop and implement procedures to identify and remove any illicit discharges. Keep records of inspections and follow-up activities.
- e. No later than 180 days before the expiration date of this Permit, or as established as a condition of coverage by the Ecology, develop and implement a spill response plan that includes coordination with a qualified spill responder.
- f. No later than two years from permit coverage date, provide staff training or coordinate with existing training efforts to educate relevant staff on proper best

management practices for preventing illicit discharges, including spills. All relevant staff shall be trained.

4. Construction Site Stormwater Runoff Control

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

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

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

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

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

6. Pollution Prevention and Good Housekeeping for Municipal Operations

Each Secondary Permittee shall:

- a. No later than three years from the date of permit coverage, develop and implement a municipal operation and maintenance (O&M) plan to minimize stormwater pollution from activities conducted by the Secondary Permittee. The O&M Plan shall include appropriate pollution prevention and good

housekeeping procedures for all of the following operations, activities, and/or types of facilities that are present within the Secondary Permittee's boundaries.

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

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

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

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

- ii. Roads, highways, and parking lots. The O&M Plan shall address, but is not limited to: deicing, anti-icing, and snow removal practices; snow disposal areas; material (e.g. salt, sand, or other chemical) storage areas; all-season BMPs to reduce road and parking lot debris and other pollutants from entering the MS4.
- iii. Vehicle fleets. The O&M Plan shall address, but is not limited to: storage, washing, and maintenance of Secondary Permittee vehicle fleets; and fueling facilities. Secondary Permittees shall conduct all vehicle and equipment washing and maintenance in a self-contained covered building or in designated wash and/or maintenance areas.
- iv. External building maintenance. The O&M Plan shall address, building exterior cleaning and maintenance including cleaning, washing, painting and other maintenance activities.
- v. Parks and open space. The O&M Plan shall address, but is not limited to: proper application of fertilizer, pesticides, and herbicides; sediment and erosion control; BMPs for landscape maintenance and vegetation disposal; and trash management.
- vi. Material storage areas, heavy equipment storage areas, and maintenance areas. Secondary Permittees shall develop and implement a Stormwater Pollution Prevention Plan to protect water quality at each of these facilities

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

- vii. Other facilities that would reasonably be expected to discharge contaminated runoff. The O&M Plan shall address proper stormwater pollution prevention practices for each facility.
- b. From the date of coverage under this Permit, Secondary Permittees shall also have permit coverage for all facilities operated by the Secondary Permittee that are required to be covered under the General NPDES Permit for Stormwater Discharges Associated with Industrial Activities.
- c. The O&M Plan shall include sufficient documentation and records as necessary to demonstrate compliance with the O&M Plan requirements in S6.D.6.a.i through vii above.
- d. Train all employees whose construction, operations, or maintenance job functions may impact stormwater quality. The training shall address:
 - i. The importance of protecting water quality,
 - ii. The requirements of this Permit,
 - iii. Operation and maintenance requirements,
 - iv. Inspection procedures,
 - v. Ways to perform their job activities to prevent or minimize impacts to water quality, and
 - vi. Procedures for reporting water quality concerns, including potential illicit discharges.

S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS

The following requirements apply if an applicable Total Maximum Daily Load (TMDL) is approved for stormwater discharges from MS4s owned or operated by the Permittee. Applicable TMDLs are TMDLs which have been approved by EPA on or before the date permit coverage is granted.

- A. For applicable TMDLs listed in Appendix 2, affected permittees shall comply with the specific requirements identified in Appendix 2. Each Permittee shall keep records of all actions required by this Permit that are relevant to applicable TMDLs within their jurisdiction. The status of the TMDL implementation shall be included as part of the annual report submitted to Ecology.

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

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

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

S8. MONITORING

- A. Permittees are not required to conduct water sampling or other testing during the effective term of this Permit, with the following exceptions:
 - 1. Any water quality monitoring required for compliance with TMDLs, pursuant to section S7 *Compliance with Total Maximum Daily Load Requirements* and Appendix 2 of this Permit, and
 - 2. Any sampling or testing required for characterizing illicit discharges pursuant to section S5.C.3. or S6.D.3. of this Permit.
- B. The Permittee shall provide the following information in each annual report:
 - 1. A description of any stormwater monitoring or studies conducted by the Permittee during the reporting period. If stormwater monitoring was conducted on behalf of the Permittee, or if studies or investigations conducted by other entities were reported to the Permittee, a brief description of the type of information gathered or received shall be included in the annual report(s) covering the time period(s) the information was received.
 - 2. An assessment of the appropriateness of the BMPs identified by the Permittee for each component of the SWMP; and any changes made, or anticipated to be made, to the BMPs that were previously selected to implement the SWMP, and why.
 - 3. Information required pursuant to S8.C.2. below.
- C. Preparation for future, long-term monitoring

This section does not apply to secondary permittees. However, secondary permittees are required to provide information, maps and access for sampling efforts, as necessary. Secondary permittees are encouraged to participate in the monitoring program.

- 1. All cities, towns and counties shall prepare to participate in the implementation of a comprehensive long-term monitoring program. The monitoring program will include two components: stormwater monitoring and targeted Stormwater Management Program (SWMP) effectiveness monitoring. Stormwater monitoring is intended to characterize stormwater runoff quantity and quality at a limited number of locations in a manner that allows analysis of loadings and changes in conditions over time and generalization across the permittees' jurisdictions. Stormwater program effectiveness monitoring is intended to improve stormwater management efforts by evaluating issues that significantly affect the success of, or confidence in, stormwater controls. The monitoring program can include long-term monitoring

and short-term studies. The results of the monitoring program will be used to support the adaptive management process and lead to refinements of the SWMP.

a. Stormwater monitoring

Cities having a population greater than 10,000 and counties having a population greater than 25,000 shall identify sites for long-term stormwater monitoring. Adequate sites will be those completely mapped as required in S5.C.3.a. and be suitable for permanent installation and operation of flow-weighted composite sampling equipment. No later than December 31, 2010:

- i. Each county having a population greater than 100,000 shall identify three outfalls or conveyances where stormwater sampling could be conducted. One outfall or conveyance shall represent commercial land use, the second shall represent low-density residential land use and the third will represent medium-to-high density residential land use.
- ii. Each city having a population greater than 75,000 shall identify three outfalls or conveyances where stormwater sampling could be conducted. One outfall or conveyance shall represent commercial land use, the second shall represent high-density residential land use and the third will represent industrial land use.
- iii. Each county having a population between 25,000 and 100,000 shall identify two outfalls or conveyances where stormwater sampling could be conducted. One outfall shall represent commercial land use and the second one will represent low-density residential land use.
- iv. Each city having a population between 10,000 and 75,000 shall identify two outfalls or conveyances where stormwater sampling could be conducted. One outfall shall represent commercial land use and the second will represent high-density residential land use.
- v. Permittees shall select outfalls or conveyances based on known water quality problems and/or targeted areas of interest for future monitoring. The Permittee shall document:
 - Why sites were selected;
 - Possible site constraints for installation of and access to monitoring equipment;
 - A brief description of the contributing drainage basin including size in acreage, dominant land use, and other contributing land uses;
 - Any water quality concerns in the receiving water of each selected outfall or conveyance.

b. SWMP effectiveness monitoring

- i. Each city, town and county shall prepare to conduct monitoring to determine the effectiveness of the Permittee's SWMP at controlling stormwater-related problems that are directly addressed by actions in the SWMP. This

component of the monitoring program shall be designed to answer the following types of questions:

- How effective is a targeted action or narrow suite of actions?
 - Is the SWMP achieving a targeted environmental outcome?
- ii. No later than December 31, 2010, each city, town and county shall identify at least two suitable questions and select sites where monitoring will be conducted. This monitoring shall include, at a minimum, plans for stormwater, sediment or receiving water monitoring of physical, chemical and/or biological characteristics. This monitoring may also include data collection and analysis of other measures of program effectiveness, problem identification and characterizing discharges for planning purposes.
- iii. For each question, the Permittee shall develop a monitoring plan containing the following elements:
- A statement of the question, an explanation of how and why the issue is significant to the Permittee, and a discussion of whether and how the results of the monitoring may be significant to other MS4s.
 - A specific hypothesis about the issue or management actions that will be tested.
 - Specific parameters or attributes to be measured.
 - Expected modifications to management actions depending on the outcome of hypothesis testing.
2. Monitoring program reporting requirements
- a. The fourth annual report shall:
- i. Describe the status of identification of sites for stormwater monitoring, if required for the Permittee.
 - ii. Include a summary of proposed questions for the SWMP effectiveness monitoring and describe the status of developing the monitoring plan, including the proposed purpose, design, and methods.
- b. To comply with the requirements of all or part(s) of this section, permittees in a single Urbanized Area or WRIA may choose to submit a collaborative report or reports in lieu of separate reports.

S9. REPORTING REQUIREMENTS

- A. No later than March 31 of each year beginning in 2008, each Permittee shall submit an annual report. The reporting period for the first annual report will be from the effective date of this permit through December 31, 2007. The reporting period for all subsequent annual reports will be the previous calendar year.
- B. Two printed copies and an electronic (PDF) copy of each document shall be submitted to Ecology. All submittals shall be delivered to:

Western Washington Phase II Municipal Stormwater Permit

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

- C. Each Permittee is required to keep all records related to this permit and the SWMP for at least five years. Except for the requirements of the annual reports described in this permit, records shall be submitted to Ecology only upon request,
- D. Each Permittee shall make all records related to this permit and the Permittee's SWMP available to the public at reasonable times during business hours. The Permittee will provide a copy of the most recent annual report to any individual or entity, upon request.
 - 1. A reasonable charge may be assessed by the Permittee for making photocopies of records.
 - 2. The Permittee may require reasonable advance notice of intent to review records related to this Permit.
- E. The annual report for cities, towns, and counties

Each annual report shall include the following:

- 1. A copy of the Permittee's current Stormwater Management Program as required by S5.A.2.
- 2. Submittal of Appendix 3 – *Annual Report Form for Cities, Towns, and Counties*, which is intended to summarize the Permittees compliance with the conditions of this permit, including:
 - a. Status of implementation of each component of the SWMP in section S5 *Stormwater Management Program for Cities, Towns and Counties*.
 - b. An assessment of the Permittee's progress in meeting the minimum performance standards established for each of the minimum control measures of the SWMP.
 - c. A description of activities being implemented to comply with each component of the SWMP, including the number and type of inspections, enforcement actions, public education and involvement activities, and illicit discharges detected and eliminated.
 - d. The Permittee's SWMP implementation schedule and plans for meeting permit deadlines, and the status of SWMP implementation to date. If permit deadlines are not met, or may not be met in the future, include: reasons why, corrective steps taken and proposed, and expected dates that the deadlines will be met.
 - e. A summary of the Permittee's evaluation of their SWMP, according to sections S5.A.4. and S8.B.2.
 - f. If applicable, notice that the MS4 is relying on another governmental entity to satisfy any of the obligations under this permit.

- g. Updated information from the prior annual report plus any new information received during the reporting period, pursuant to S8.B.2. above.
 - h. Certification and signature pursuant to G19.D, and notification of any changes to authorization pursuant to G19.C.
3. Permittees shall include with the annual report, notification of any annexations, incorporations or jurisdictional boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period, and implications for the SWMP.
4. Permittees shall include with the annual report submitted no later than March 31, 2011 information that at a minimum includes:
- a. A summary of identified barriers to the use of low impact development (LID) within the area covered by the permit and measures to address the barriers. Each individual Permittee must complete this summary.
 - b. A report completed by an individual Permittee or in cooperation with multiple Permittees describing, at a minimum:
 - i. LID practices that are currently available and that can reasonably be implemented within this permit term.
 - ii. Potential or planned non-structural actions and LID techniques to prevent stormwater impacts.
 - iii. Goals and metrics to identify, promote, and measure LID use.
 - iv. Potential or planned schedules for the Permittee(s) to require and implement the non-structural and LID techniques on a broader scale in the future.
- F. Annual report for Secondary Permittees

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

1. The *Annual Report Form for Secondary Permittees* is intended to summarize the Permittees compliance with the conditions of this permit, including:
- a. Status of implementation of each component of the SWMP in section S6 *Stormwater Management Program for Secondary Permittees* of this permit.
 - b. An assessment of the Permittee's progress in meeting the minimum performance standards established for each of the minimum control measures of the SWMP.
 - c. A summary of the Permittee's evaluation of their SWMP, according to section S8.B.2.
 - d. If applicable, notice that the MS4 is relying on another governmental entity to satisfy any of the obligations under this permit.

Western Washington Phase II Municipal Stormwater Permit

- e. Updated information from the prior annual report plus any new information received during the reporting period pursuant to S8.B.1 and S8.B.2.
 - f. Certification and signature pursuant to G19.D, and notification of any changes to authorization pursuant to G19.C.
2. Secondary Permittees shall include with the annual report a notification of any jurisdictional boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period, and implications for the SWMP.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

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

G2. PROPER OPERATION AND MAINTENANCE

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

G3. NOTIFICATION OF DISCHARGE, INCLUDING SPILLS

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

- A. Take appropriate action to correct or minimize the threat to human health, welfare and/or the environment, and,
- B. Notify the Ecology regional office and other appropriate spill response authorities immediately but in no case later than within 24 hours of obtaining that knowledge. The Ecology Northwest Regional Office 24-hour number is 425-649-7000 and for the Southwest Regional Office the number is 360-407-6300.
- C. Immediately report discharges, including spills, which might cause bacterial contamination of shellfish, such as might result from broken sewer lines and failing onsite septic systems, to the Ecology regional office and to the Department of Health, Shellfish Program. The Department of Health's shellfish 24-hour number is 360-236-3330.
- D. Immediately report spills or discharges of oils or hazardous materials to the Ecology regional office and to the Washington Emergency Management Division at 1-800-258-5990.

G4. BYPASS PROHIBITED

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

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

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

G5. RIGHT OF ENTRY

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

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

G6. DUTY TO MITIGATE

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

G7. PROPERTY RIGHTS

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

G8. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G9. MONITORING

A. Representative Sampling:

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

B. Records Retention:

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring

instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this permit, for a period of at least five years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Ecology. On request, monitoring data and analysis shall be provided to Ecology.

C. Recording of Results:

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

D. Test Procedures:

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

E. Flow Measurement:

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

F. Lab Accreditation:

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

G. Additional Monitoring:

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

G10. REMOVED SUBSTANCES

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

from cleaning stormwater facilities may be reintroduced only when other practical means are not available and only in accordance with the Street Waste Disposal Guidelines in Appendix 4.

G11. SEVERABILITY

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

G12. REVOCATION OF COVERAGE

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

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

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

G13. TRANSFER OF COVERAGE

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

G14. GENERAL PERMIT MODIFICATION AND REVOCATION

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

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

- B. Effluent limitation guidelines or standards are promulgated pursuant to the CWA or Chapter 90.48 RCW, for the category of dischargers covered under this General Permit;
- C. A water quality management plan containing requirements applicable to the category of dischargers covered under this General Permit is approved; or
- D. Information is obtained which indicates that cumulative effects on the environment from dischargers covered under this General Permit are unacceptable.
- E. Changes in state law that reference this permit.

G15. REPORTING A CAUSE FOR MODIFICATION OR REVOCATION

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

G16. APPEALS

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

G17. PENALTIES

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

G18. DUTY TO REAPPLY

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

G19. CERTIFICATION AND SIGNATURE

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

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this Permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department, and
 - 2. The authorization specifies either an individual or a position having responsibility for the overall development and implementation of the stormwater management program. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under condition G19.B.2 is no longer accurate because a different individual or position has responsibility for the overall development and implementation of the stormwater management program, a new authorization satisfying the requirements of condition G19.B.2 must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this Permit shall make the following certification:

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

G20. NON-COMPLIANCE NOTIFICATION

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

- A. Notify Ecology of the failure to comply with the permit terms and conditions in writing within 30 days of becoming aware that the non-compliance has occurred. The written notification must include all of the following:
 - 1. A description of the non-compliance, including dates.
 - 2. Beginning and end dates of the non-compliance, and if the compliance has not been corrected, the anticipated date of correction.
 - 3. Steps taken or planned to reduce, eliminate, or prevent reoccurrence of the non-compliance.
- B. Take appropriate action to stop or correct the condition of non-compliance.

G21. UPSETS

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

- A. Definition. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (C) of this condition are met. Any determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, will not constitute final administrative action subject to judicial review.
- C. Conditions necessary for demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and that the Permittee can identify the cause(s) of the upset;
 - 2. The permitted facility was at the time being properly operated; and
 - 3. The Permittee submitted notice of the upset as required in 40 CFR 122.41(l)(6)(ii)(B) (24-hour notice of noncompliance).
 - 4. The Permittee complied with any remedial measures required under 40 CFR 122.41(d) (Duty to Mitigate).
- D. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

DEFINITIONS AND ACRONYMS

AKART means all known, available, and reasonable methods of prevention, control and treatment.

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

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

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

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

BMP means Best Management Practice.

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

Common plan of development or sale means a site where multiple separate and distinct construction activities may be taking place at different times on different schedules, but still under a single plan. Examples include: phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g. a development where lots are sold to separate builders); a development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility. If the project is part of a common plan of development or sale, the disturbed area of the entire plan shall be used in determining permit requirements.

Component or Program Component means an element of the Stormwater Management Program listed in S5 Stormwater Management Program for Cities, Towns, and Counties or S6 Stormwater Management Program for Secondary Permittees of this permit.

Co-permittee means an operator of a regulated small MS4 which is applying jointly with another applicant for coverage under this permit. A co-permittee is an owner or operator of a regulated small MS4 located within or adjacent to another regulated MS4. A co-permittee is only responsible for complying with the conditions of this permit relating to discharges from the MS4 the co-permittee owns or operates. See also 40 CFR 122.26(b)(1)

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

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

DIP means Detailed Implementation Plan.

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

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

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

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

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

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

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

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

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

Illicit connection means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

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

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

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

Low Impact Development (LID) means a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

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

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

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

Medium Municipal Separate Storm Sewer System means municipal separate storm sewer systems located in an incorporated place with a population of more than 100,000 but less than 250,000, or a county with unincorporated urbanized areas of more than 100,000 but less than 250,000 according to the 1990 decennial census by the Bureau of Census.

MEP means Maximum Extent Practicable.

MTRs means Minimum Technical Requirements.

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

- (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States.
- (ii) designed or used for collecting or conveying stormwater.
- (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

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

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

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

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

Permittee unless otherwise noted, the term “Permittee” includes Permittee, Co-Permittee, and Secondary Permittee, as defined below:

- (i) A “Permittee” is a city, town, or county owning or operating a regulated small MS4 applying and receiving a permit as a single entity.
- (ii) A “Co-Permittee” is any operator of a regulated small MS4 that is applying jointly with another applicant for coverage under this Permit. Co-Permittees own or operate a regulated small MS4 located within or adjacent to another regulated small MS4.
- (iii) A “Secondary Permittee” is an operator of regulated small MS4 that is not a city, town or county.

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

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

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

Qualified Personnel or Consultant means someone who has had professional training in the aspects of stormwater management for which they are responsible and are under the functional control of the Permittee.

RCW means the Revised Code of Washington State.

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

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

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

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

Secondary Permittee is an operator of regulated small municipal separate storm sewer system which is not a city, town or county. Secondary Permittees include special purpose districts and other MS4s that meet the criteria for a regulated small MS4 in S1.B.

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

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

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

- a. Owned or operated by a city, town, county, district, association or other public body created pursuant to State law having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer districts, flood control districts or drainage districts, or similar entity.
- b. Designed or used for collecting or conveying stormwater.
- c. Not a combined sewer system,
- d. Not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

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

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

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

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

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

Stormwater Management Manual for Western Washington means the 5-volume technical manual (Publication Nos. 99-11 through 15 for the 2001 version and Publication Nos. 05-10-029-033 for the 2005 version (The 2005 version replaces the 2001 version) prepared by Ecology for use by local governments that contains BMPs to prevent, control, or treat pollution in storm water.

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

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

Urbanized Area (UA) is a land area comprising one or more places and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile. For the year 2000 Census, the U.S. Census Bureau classified "urban" as all territory, population, and housing units located within an Urbanized Area (UA) or an Urban Cluster (UC). It delineated UA and UC boundaries to encompass densely settled territory, which consists of: core census

block groups or blocks that have a population density of at least 1,000 people per square mile and surrounding census blocks that have an overall density of at least 500 people per square mile. In addition, under certain conditions, less densely settled territory may be part of each UA or UC. The U.S. Census Bureau announced the "Census 2000 Urbanized Areas" on May 1, 2002. More information can be found at the U.S. Census Bureau website.

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

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

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

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

APPENDIX 1 – Minimum Technical Requirements for New Development and Redevelopment

Section 1. Exemptions

Forest practices:

Forest practices regulated under Title 222 WAC, except for Class IV General forest practices that are conversions from timber land to other uses, are exempt from the provisions of the minimum requirements.

Commercial agriculture:

Commercial agriculture practices involving working the land for production are generally exempt. However, the conversion from timberland to agriculture, and the construction of impervious surfaces are not exempt.

Oil and Gas Field Activities or Operations:

Construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations are exempt. Operators are encouraged to implement and maintain Best Management Practices to minimize erosion and control sediment during and after construction activities to help ensure protection of surface water quality during storm events.

Road Maintenance:

The following road maintenance practices are exempt: pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, and vegetation maintenance.

The following road maintenance practices are considered redevelopment, and therefore are not categorically exempt. The extent to which this Appendix applies is explained for each circumstance.

- Removing and replacing a paved surface to base course or lower, or repairing the roadway base: If impervious surfaces are not expanded, Minimum Requirements #1 - #5 apply. However, in most cases, only Minimum Requirement #2, Construction Stormwater Pollution Prevention, will be germane. Where appropriate, project proponents are encouraged to look for opportunities to use permeable and porous pavements.
- Extending the pavement edge without increasing the size of the road prism, or paving graveled shoulders: These are considered new impervious surfaces and are subject to the

minimum requirements that are triggered when the thresholds identified for redevelopment projects are met.

- Resurfacing by upgrading from dirt to gravel, asphalt, or concrete; upgrading from gravel to asphalt, or concrete; or upgrading from a bituminous surface treatment (“chip seal”) to asphalt or concrete: These are considered new impervious surfaces and are subject to the minimum requirements that are triggered when the thresholds identified for redevelopment projects are met.

Underground utility projects:

Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to Minimum Requirement #2, Construction Stormwater Pollution Prevention.

All other new development is subject to one or more of the Minimum Requirements (see Section 3 of this Appendix).

Section 2. Definitions Related to Minimum Requirements

Arterial - A road or street primarily for through traffic. A major arterial connects an Interstate Highway to cities and counties. A minor arterial connects major arterials to collectors. A collector connects an arterial to a neighborhood. A collector is not an arterial. A local access road connects individual homes to a collector.

Certified Erosion and Sediment Control Lead (CESCL) - means an individual who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Department (see BMP C160 in the *Stormwater Management Manual for Western Washington* (2005)). A CESCL is knowledgeable in the principles and practices of erosion and sediment control. The CESCL must have the skills to assess site conditions and construction activities that could impact the quality of stormwater and, the effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges. Certification is obtained through an Ecology approved erosion and sediment control course. Course listing are provided online at Ecology’s web site.

Effective Impervious surface - Those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces on residential development sites are considered ineffective if the runoff is dispersed through at least one hundred feet of native vegetation in accordance with BMP T5.30 – “Full Dispersion,” as described in Chapter 5 of Volume V of the *Stormwater Management Manual for Western Washington* (2005).

Highway – A main public road connecting towns and cities

Impervious surface - A hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage

areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

Land disturbing activity - Any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land-disturbing activity.

Maintenance - Repair and maintenance includes activities conducted on currently serviceable structures, facilities, and equipment that involves no expansion or use beyond that previously existing and results in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse, or cessation in the use of structures and systems. Those usual activities may include replacement of dysfunctional facilities, including cases where environmental permits require replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed. One example is the replacement of a collapsed, fish blocking, round culvert with a new box culvert under the same span, or width, of roadway. See also Road Maintenance exemptions in Section 1 of this Appendix.

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

New development - Land disturbing activities, including Class IV -general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

Pollution-generating impervious surface (PGIS) - Those impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those which are subject to: vehicular use; industrial activities (as further defined in the glossary); or storage of erodible or leachable materials, wastes, or chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall. Erodible or leachable materials, wastes, or chemicals are those substances which, when exposed to rainfall, measurably alter the physical or chemical characteristics of the rainfall runoff. Examples include erodible soils that are stockpiled, uncovered process wastes, manure, fertilizers, oily substances, ashes, kiln dust, and garbage dumpster leakage. Metal roofs are also considered to be PGIS unless they are coated with an inert, non-leachable material (e.g., baked-on enamel coating).

A surface, whether paved or not, shall be considered subject to vehicular use if it is regularly used by motor vehicles. The following are considered regularly-used surfaces: roads, unvegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unfenced fire lanes, vehicular equipment storage yards, and airport runways.

The following are not considered regularly-used surfaces: paved bicycle pathways separated from and not subject to drainage from roads for motor vehicles, fenced fire lanes, and infrequently used maintenance access roads.

Pollution-generating pervious surfaces (PGPS) - Any non-impervious surface subject to use of pesticides and fertilizers or loss of soil. Typical PGPS include lawns, landscaped areas, golf courses, parks, cemeteries, and sports fields.

Pre-developed condition – The native vegetation and soils that existed at a site prior to the influence of Euro-American settlement. The pre-developed condition shall be assumed to be a forested land cover unless reasonable, historic information is provided that indicates the site was prairie prior to settlement.

Project site - That portion of a property, properties, or right of way subject to land disturbing activities, new impervious surfaces, or replaced impervious surfaces.

Receiving waters - Bodies of water or surface water systems to which surface runoff is discharged via a point source of stormwater or via sheet flow.

Redevelopment - On a site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure;; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

Replaced impervious surface - For structures, the removal and replacement of any exterior impervious surfaces or foundation. For other impervious surfaces, the removal down to bare soil or base course and replacement.

Site – The area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development or redevelopment. For road projects, the length of the project site and the right-of-way boundaries define the site.

Source control BMP - A structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. This manual separates source control BMPs into two types. *Structural Source Control BMPs* are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. *Operational BMPs* are non-structural practices that prevent or reduce pollutants from entering stormwater. See Volume IV of the *Stormwater Management Manual for Western Washington* (2005) for details.

Threshold Discharge Area - An onsite area draining to a single natural discharge location or multiple natural discharge locations that combine within one-quarter mile downstream (as determined by the shortest flowpath). The examples in Figure 2.1 below illustrate this definition. The purpose of this definition is to clarify how the thresholds of this manual are applied to project sites with multiple discharge points.

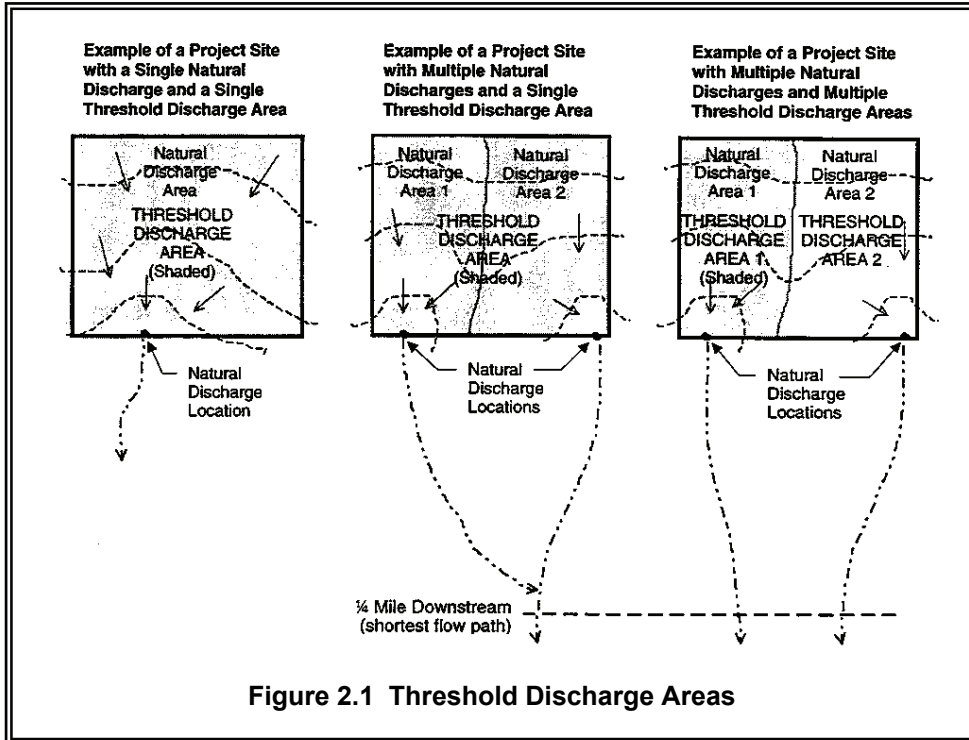


Figure 2.1 Threshold Discharge Areas

Wetland - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

Section 3. Applicability of the Minimum Requirements

3.1 Thresholds

Not all of the Minimum Requirements apply to every development or redevelopment project. The applicability varies depending on the type and size of the project. This section identifies thresholds that determine the applicability of the Minimum Requirements to different projects. The flow charts in Figures 3.1, 3.2 and 3.3 must be used to determine which of the Minimum Requirements apply. The Minimum Requirements themselves are presented in Section 4 of this Appendix.

The thresholds below apply to new development, redevelopment, and construction site activities that result in land disturbance of equal or greater than one acre, including projects less than one acre that are part of a larger common plan of development or sale. This threshold is defined as the “regulatory threshold”. If as described above, the project exceeds the one acre regulatory threshold, the technical thresholds contained in this section (Section 3) shall be applied by the Permittee to determine which of the minimum requirements must be applied to the project.

Permittees whose ordinances at the time of permit issuance, regulate new development and redevelopment at sites below the regulatory threshold must continue to regulate stormwater from these project sites. For these project sites below the regulatory threshold, the permittee must continue to apply the local stormwater requirements in effect at the time of permit issuance or apply the minimum requirements for new development and re-development contained in this Appendix.

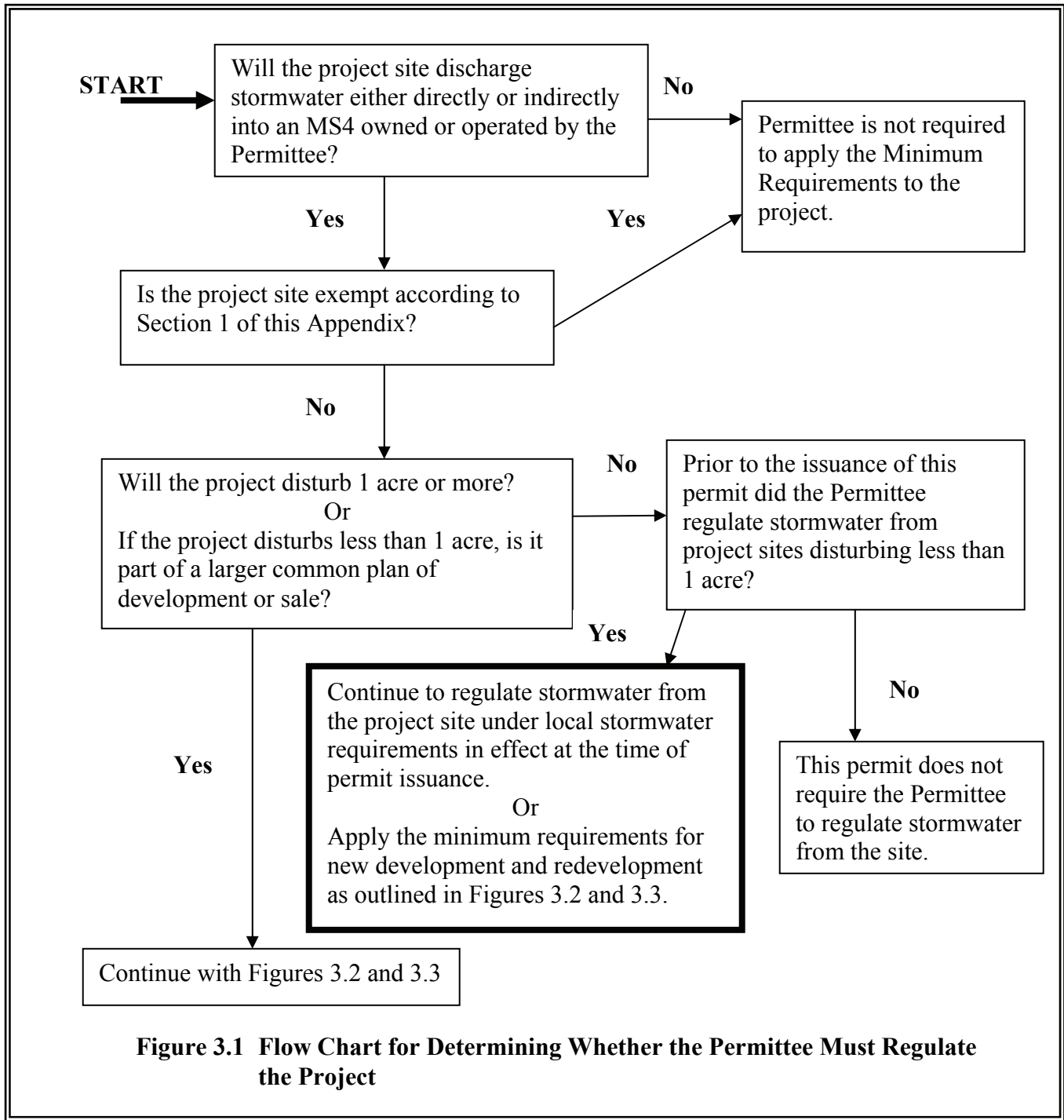


Figure 3.1 Flow Chart for Determining Whether the Permittee Must Regulate the Project

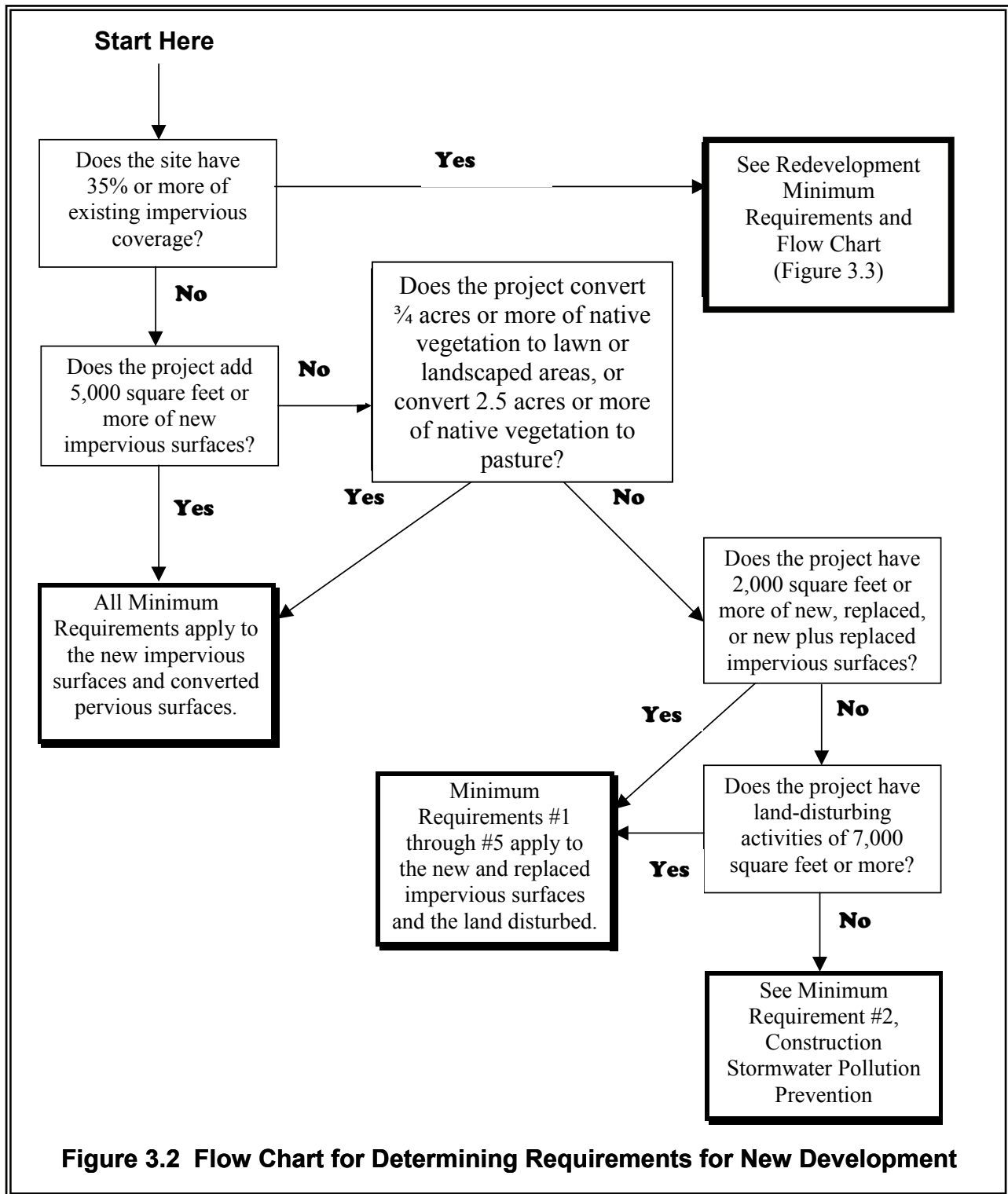


Figure 3.2 Flow Chart for Determining Requirements for New Development

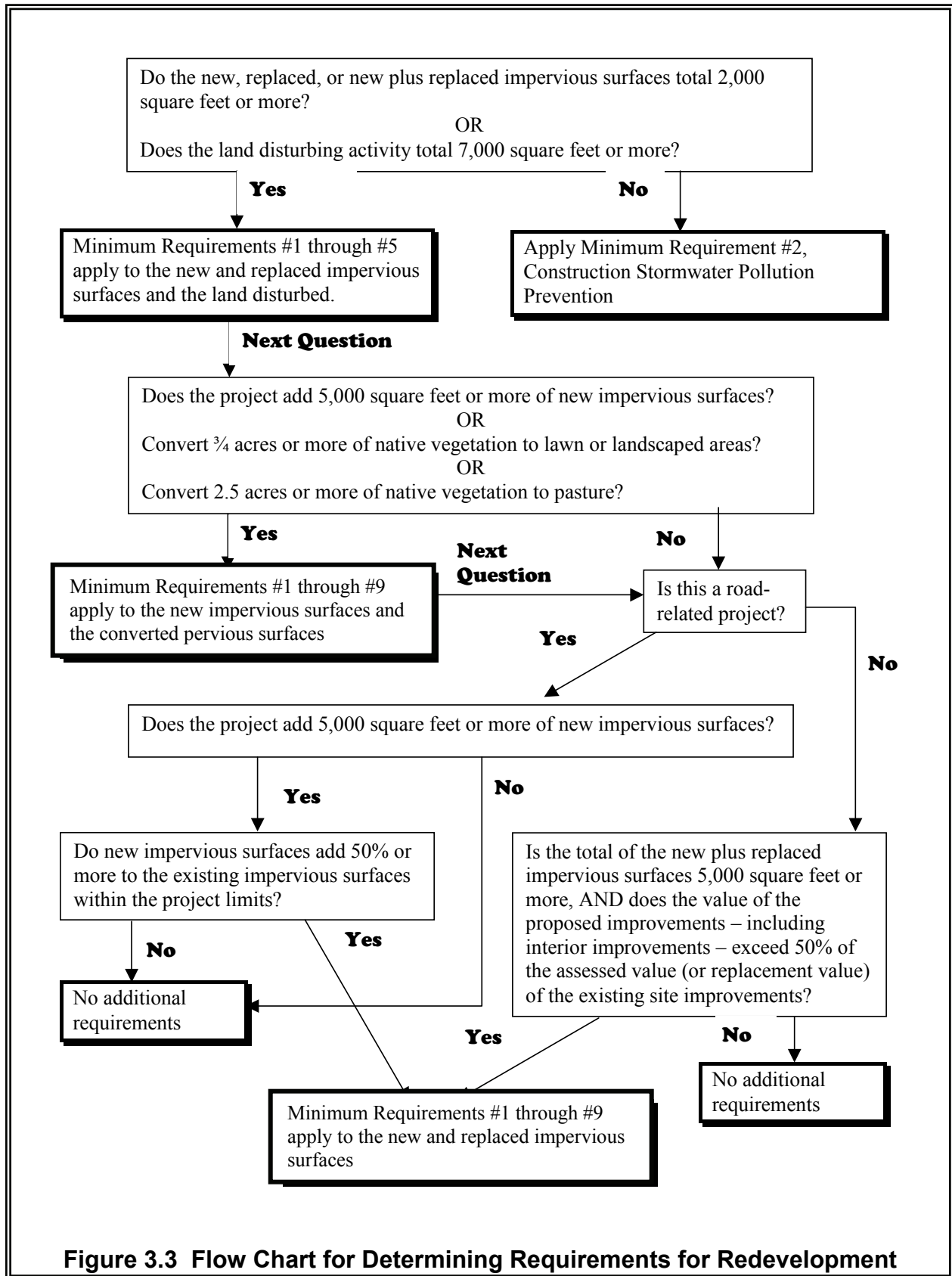


Figure 3.3 Flow Chart for Determining Requirements for Redevelopment

3.2 New Development

All new development shall be required to comply with Minimum Requirement #2.

The following new development shall comply with Minimum Requirements #1 through #5 for the new and replaced impervious surfaces and the land disturbed:

- Creates or adds 2,000 square feet, or greater, of new, replaced, or new plus replaced impervious surface area, or
- Has land disturbing activity of 7,000 square feet or greater,

The following new development shall comply with Minimum Requirements #1 through #10 for the new impervious surfaces and the converted pervious surfaces:

- Creates or adds 5,000 square feet, or more, of new impervious surface area, or
- Converts $\frac{3}{4}$ acres, or more, of native vegetation to lawn or landscaped areas, or
- Converts 2.5 acres, or more, of native vegetation to pasture.

3.3 Redevelopment

All redevelopment shall be required to comply with Minimum Requirement #2. In addition, all redevelopment that exceeds certain thresholds shall be required to comply with additional Minimum Requirements as follows.

The following redevelopment shall comply with Minimum Requirements #1 through #5 for the new and replaced impervious surfaces and the land disturbed:

- The new, replaced, or total of *new plus replaced* impervious surfaces is 2,000 square feet or more, or
- 7,000 square feet or more of land disturbing activities.

The following redevelopment shall comply with Minimum Requirements #1 through #10 for the new impervious surfaces and converted pervious areas:

- Adds 5,000 square feet or more of *new* impervious surfaces or,
- Converts $\frac{3}{4}$ acres, or more, of native vegetation to lawn or landscaped areas, or
- Converts 2.5 acres, or more, of native vegetation to pasture.

If the runoff from the new impervious surfaces and converted pervious surfaces is not separated from runoff from other surfaces on the project site, the stormwater treatment facilities must be sized for the entire flow that is directed to them.

The local government may allow the Minimum Requirements to be met for an equivalent (flow and pollution characteristics) area within the same site. For public roads' projects, the equivalent area does not have to be within the project limits, but must drain to the same receiving water.

3.4 Additional Requirements for Re-development Project Sites

For road-related projects, runoff from the replaced and new impervious surfaces (including pavement, shoulders, curbs, and sidewalks) shall meet all the Minimum Requirements if the new impervious surfaces total 5,000 square feet or more and total 50% or more of the existing impervious surfaces within the project limits. The project limits shall be defined by the length of the project and the width of the right-of-way.

Other types of redevelopment projects shall comply with all the Minimum Requirements for the new and replaced impervious surfaces if the total of new plus replaced impervious surfaces is 5,000 square feet or more, and the valuation of proposed improvements – including interior improvements – exceeds 50% of the assessed value of the existing site improvements.

The Permittee may exempt or institute a stop-loss provision for redevelopment projects from compliance with Minimum Requirements for treatment, flow control, and wetlands protection as applied to the replaced impervious surfaces if the Permittee has adopted a plan and a schedule that fulfills those requirements in regional facilities. See also Sections 5, 6 and 7 of this Appendix.

The Permittee may grant a variance/exception to the application of the flow control requirements to replaced impervious surfaces if such application imposes a severe economic hardship. See Section 6 of this Appendix.

3.5 Modification of the Minimum Requirements

Basin Planning is encouraged and may be used to tailor Minimum Requirement #6 Runoff Treatment, Minimum Requirement #7 Flow Control, and/or Minimum Requirement #8 Wetlands Protection. Basin planning may be used to support alternative treatment, flow control, and/or wetland protection requirements to those contained in Section 4 of this Appendix. Basin planning may also be used to demonstrate an equivalent level of treatment, flow control, and/or wetland protection through the construction and use of regional stormwater facilities. See Section 7 of this Appendix for details on Basin Planning and how basin planning may be used to modify the Minimum Requirements is Section 4.

Section 4. Minimum Requirements

This Section describes the Minimum Requirements for stormwater management at development and redevelopment sites. Section 3 of this Appendix should be consulted to determine which of the minimum requirements below apply to any given project. Figures 3.2 and 3.3 should be consulted to determine whether the minimum requirements apply to new surfaces, replaced surfaces or new and replaced surfaces.

4.1 Minimum Requirement #1: Preparation of Stormwater Site Plans

The permittee shall require a Stormwater Site Plan from all projects meeting the thresholds in Section 3.1 of this Appendix. Stormwater Site Plans shall be prepared in accordance with Chapter 3 of Volume 1 of the *Stormwater Management Manual for Western Washington* (2005).

4.2 Minimum Requirement #2: Construction Stormwater Pollution Prevention Plan (SWPPP)

Permittees may choose to allow compliance with this Minimum Requirement to be achieved for an individual site if the site is covered under Ecology's *General NPDES Permit for Stormwater Discharges Associated with Construction Activities* and fully implementing the requirements of that permit.

Permittees may choose to allow site operators to apply an "Erosivity Waiver" to projects disturbing less than five acres that meet the requirements at the end of this section; such projects would be waived from the requirement that the Permittee review site plans for construction phase stormwater pollution prevention.

The Permittee may develop an abbreviated SWPPP format to meet the SWPPP requirement under this permit for sites that are less than 1 acre.

General Requirements

All new development and redevelopment projects are responsible for preventing erosion and discharge of sediment and other pollutants into receiving waters. Permittees must require a Construction Stormwater Pollution Prevention Plan (SWPPP) as part of the Stormwater Site Plan (see Minimum Requirement #1 above) for all projects which meet the thresholds in Section 3 of this Appendix. The SWPPP shall be implemented beginning with initial soil disturbance and until final stabilization.

Sediment and Erosion control BMPs shall be consistent with the BMPs contained in chapters 3 and 4 of Volume II of the *Stormwater Management Manual for Western Washington* (2005), and/or other equivalent BMPs contained in technical stormwater manuals approved by the Department.

The SWPPP shall include a narrative and drawings. All BMPs shall be clearly referenced in the narrative and marked on the drawings. The SWPPP narrative shall include documentation to explain and justify the pollution prevention decisions made for the project. Clearing and grading activities for developments shall be permitted only if

conducted pursuant to an approved site development plan (e.g., subdivision approval) that establishes permitted areas of clearing, grading, cutting, and filling. When establishing these permitted clearing and grading areas, consideration should be given to minimizing removal of existing trees and minimizing disturbance/compaction of native soils except as needed for building purposes. These permitted clearing and grading areas and any other areas required to preserve critical or sensitive areas, buffers, native growth protection easements, or tree retention areas as may be required by local jurisdictions, shall be delineated on the site plans and the development site.

Seasonal Work Limitations - From October 1 through April 30, clearing, grading, and other soil disturbing activities may only be authorized by the Permittee if silt-laden runoff will be prevented from leaving the site through a combination of the following:

1. Site conditions including existing vegetative coverage, slope, soil type and proximity to receiving waters; and
2. Limitations on activities and the extent of disturbed areas; and
3. Proposed erosion and sediment control measures.

Based on the information provided and/or local weather conditions, the Permittee may expand or restrict the seasonal limitation on site disturbance. The following activities are exempt from the seasonal clearing and grading limitations:

1. Routine maintenance and necessary repair of erosion and sediment control BMPs,
2. Routine maintenance of public facilities or existing utility structures that do not expose the soil or result in the removal of the vegetative cover to soil, and
3. Activities where there is one hundred percent infiltration of surface water runoff within the site in approved and installed erosion and sediment control facilities.

Construction Stormwater Pollution Prevention Plan (SWPPP) Elements

The construction site operator shall include each of the twelve elements below in the SWPPP and ensure that they are implemented unless site conditions render the element unnecessary and the exemption from that element is clearly justified in the SWPPP. The SWPPP shall include both narrative and drawings. All BMPs shall be clearly referenced in the narrative and marked on the drawings. The SWPPP narrative shall include documentation to explain and justify the pollution prevention decisions made for the project.

1. Preserve Vegetation/Mark Clearing Limits:
 - a. Prior to beginning land disturbing activities, including clearing and grading, clearly mark all clearing limits, sensitive areas and their buffers, and trees that are to be preserved within the construction area.
 - b. The duff layer, native top soil, and natural vegetation shall be retained in an undisturbed state to the maximum degree practicable.

2. Establish Construction Access:

- a. Construction vehicle access and exit shall be limited to one route, if possible.
- b. Access points shall be stabilized with quarry spalls, crushed rock or other equivalent BMP to minimize the tracking of sediment onto public roads.
- c. Wheel wash or tire baths shall be located on site, if the stabilized constructions entrance is not effective in preventing sediment from being tracked onto public roads.
- d. If sediment is tracked off site, roads shall be cleaned thoroughly at the end of each day, or more frequently during wet weather. Sediment shall be removed from roads by shoveling or pickup sweeping and shall be transported to a controlled sediment disposal area.
- e. Street washing is allowed only after sediment is removed in accordance with 2.d, above. Street wash wastewater shall be controlled by pumping back on site or otherwise be prevented from discharging into systems tributary to waters of the state.

3. Control Flow Rates:

- a. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the velocity and peak volumetric flow rate of stormwater runoff from the project site.
- b. Where necessary to comply with 3.a, above, stormwater retention or detention facilities shall be constructed as one of the first steps in grading. Detention facilities shall be functional prior to construction of site improvements (e.g., impervious surfaces).
- c. If permanent infiltration ponds are used for flow control during construction, these facilities should be protected from siltation during the construction phase.

4. Install Sediment Controls:

- a. Stormwater runoff from disturbed areas shall pass through a sediment pond, or other appropriate sediment removal BMP, prior to leaving a construction site or prior to discharge to an infiltration facility. Runoff from fully stabilized areas may be discharged without a sediment removal BMP, but shall meet the flow control performance standard of 3.a, above.
- b. Sediment control BMPs (sediment ponds, traps, filters, etc.) shall be constructed as one of the first steps in grading. These BMPs shall be functional before other land disturbing activities take place.

- c. BMPs intended to trap sediment on site shall be located in a manner to avoid interference with the movement of juvenile salmonids attempting to enter off-channel areas or drainages.
5. Stabilize Soils:
 - a. Exposed and unworked soils shall be stabilized by application of effective BMPs that prevent erosion.
 - b. No soils should remain exposed and unworked for more than the time periods set forth below to prevent erosion:
 - During the dry season (May 1 – September 30): 7 days
 - During the wet season (October 1 – April 30): 2 days
 - c. The time period may be adjusted by the Permittee, if the Permittee can show that local precipitation data justify a different standard.
 - d. Soils shall be stabilized at the end of the shift before a holiday or weekend if needed based on the weather forecast.
 - e. Soil stockpiles must be stabilized from erosion, protected with sediment trapping measures, and where possible, be located away from storm drain inlets, waterways and drainage channels.
 6. Protect Slopes:
 - a. Design and construct cut and fill slopes in a manner that will minimize erosion.
 - b. Off-site stormwater (run-on) or groundwater shall be diverted away from slopes and undisturbed areas with interceptor dikes, pipes and/or swales. Off-site stormwater should be managed separately from stormwater generated on the site.
 - c. At the top of slopes, collect drainage in pipe slope drains or protected channels to prevent erosion. Temporary pipe slope drains shall handle the expected peak 10-minute flow velocity from a Type 1A, 10-year, 24-hour frequency storm for the developed condition. Alternatively, the 10-year, 1-hour flow rate predicted by an approved continuous runoff model, increased by a factor of 1.6, may be used. The hydrologic analysis shall use the existing land cover condition for predicting flow rates from tributary areas outside the project limits. For tributary areas on the project site, the analysis shall use the temporary or permanent project land cover condition, whichever will produce the highest flow rates. If using the Western Washington Hydrology Model to predict flows, bare soil areas should be modeled as “landscaped area.”
 - d. Excavated material shall be placed on the uphill side of trenches, consistent with safety and space considerations.
 - e. Check dams shall be placed at regular intervals within constructed channels that are cut down a slope.

7. Protect Drain Inlets:

- a. Storm drain inlets made operable during construction shall be protected so that stormwater runoff does not enter the conveyance system without first being filtered or treated to remove sediment.
- b. Inlet protection devices shall be cleaned or removed and replaced when sediment has filled one-third of the available storage (unless a different standard is specified by the product manufacturer).

8. Stabilize Channels and Outlets:

- a. All temporary on-site conveyance channels shall be designed, constructed, and stabilized to prevent erosion from the following expected peak flows. Channels shall handle the expected peak 10-minute flow velocity from a Type 1A, 10-year, 24-hour frequency storm for the developed condition. Alternatively, the 10-year, 1-hour flow rate predicted by an approved continuous runoff model, increased by a factor of 1.6, may be used. The hydrologic analysis shall use the existing land cover condition for predicting flow rates from tributary areas outside the project limits. For tributary areas on the project site, the analysis shall use the temporary or permanent project land cover condition, whichever will produce the highest flow rates. If using the Western Washington Hydrology Model to predict flows, bare soil areas should be modeled as “landscaped area.”
- b. Stabilization, including armoring material, adequate to prevent erosion of outlets, adjacent stream banks, slopes, and downstream reaches shall be provided at the outlets of all conveyance systems.

9. Control Pollutants:

- a. All pollutants, including waste materials and demolition debris, that occur onsite shall be handled and disposed of in a manner that does not cause contamination of stormwater.
- b. Cover, containment, and protection from vandalism shall be provided for all chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment. On-site fueling tanks shall include secondary containment.
- c. Maintenance, fueling and repair of heavy equipment and vehicles shall be conducted using spill prevention and control measures. Contaminated surfaces shall be cleaned immediately following any spill incident.
- d. Wheel wash or tire bath wastewater shall be discharged to a separate on-site treatment system or to the sanitary sewer with local sewer district approval.
- e. Application of fertilizers and pesticides shall be conducted in a manner and at application rates that will not result in loss of chemical to stormwater runoff. Manufacturers’ label requirements for application rates and procedures shall be followed.
- f. BMPs shall be used to prevent or treat contamination of stormwater runoff by pH modifying sources. These sources include, but are not limited to: bulk cement, cement kiln dust, fly ash, new concrete washing and curing waters, waste streams

generated from concrete grinding and sawing, exposed aggregate processes, dewatering concrete vaults, concrete pumping and mixer washout waters. Permittees shall require construction site operators to adjust the pH of stormwater if necessary to prevent violations of water quality standards.

- g. Permittees shall require construction site operators obtain written approval from the Department prior to using chemical treatment other than CO₂ or dry ice to adjust pH.

10. Control De-Watering:

- a. Foundation, vault, and trench de-watering water, which have similar characteristics to stormwater runoff at the site, shall be discharged into a controlled conveyance system prior to discharge to a sediment trap or sediment pond.
- b. Clean, non-turbid de-watering water, such as well-point ground water, can be discharged to systems tributary to, or directly into surface waters of the state, as specified in 8, above, provided the de-watering flow does not cause erosion or flooding of receiving waters. Clean de-watering water should not be routed through stormwater sediment ponds.
- c. Other de-watering disposal options may include: (i) infiltration; (ii) transport offsite in vehicle, such as a vacuum flush truck, for legal disposal in a manner that does not pollute state waters; (iii) on-site chemical treatment or other suitable treatment technologies approved by the Permittee; (iv) sanitary sewer discharge with local sewer district approval, if there is no other option; or (v) use of a sedimentation bag with outfall to a ditch or swale for small volumes of localized de-watering.
- d. Highly turbid or contaminated dewatering water shall be handled separately from stormwater.

11. Maintain BMPs:

- a. All temporary and permanent erosion and sediment control BMPs shall be inspected, maintained and repaired as needed to assure continued performance of their intended function in accordance with BMP specifications.
- b. All temporary erosion and sediment control BMPs shall be removed within 30 days after final site stabilization is achieved or after the temporary BMPs are no longer needed.

12. Manage the Project:

- a. Development projects shall be phased to the maximum degree practicable and shall take into account seasonal work limitations.
- b. The Permittee must require construction site operators to maintain, and repair as needed, all sediment and erosion control BMPs to assure continued performance of their intended function.
- c. The Permittee must require construction site operators to periodically inspect their sites. For projects that disturb one or more acres, site inspections shall be

conducted by a Certified Erosion and Sediment Control Lead who shall be identified in the SWPPP and shall be present on-site or on-call at all times.

- d. Permittee must require construction site operators to maintain, update and implement their SWPPP. Permittees shall require construction site operators to modify their SWPPP whenever there is a change in design, construction, operation, or maintenance at the construction site that has, or could have, a significant effect on the discharge of pollutants to waters of the state.

Erosivity Waiver

Permittees may allow construction site operators to qualify for a waiver from the requirement to submit a SWPPP for review by the Permittee provided the following conditions are met:

1. The site will result in the disturbance of less than 5 acres; and the site is not a portion of a common plan of development or sale that will disturb 5 acres or greater; and
2. The project's rainfall erosivity factor ("R" Factor) is less than 5 during the period of construction activity, as calculated using the Texas A&M University online rainfall erosivity calculator at: <http://ei.tamu.edu/>. The period of construction activity begins at initial earth disturbance and ends with final stabilization; and
3. The entire period of construction activity falls between June 15 and September 15; and
4. The site or facility has not been declared a significant contributor of pollutants; and
5. There are no planned construction activities at the site that will result in non-stormwater discharges; and
6. A waiver is allowed by the Permittee; and
7. The construction site operators notify the Permittee of the intention to apply this waiver at least one week prior to commencing land disturbing activities. The notification must include a summary of the project information used in calculating the project's rainfall erosivity factor (see #2 above) and a certified statement that:
 - The operator will comply with applicable local stormwater requirements; and
 - The operator will implement appropriate erosion and sediment control BMPs to prevent violations of water quality standards.

4.3 Minimum Requirement #3: Source Control of Pollution

All known, available and reasonable source control BMPs must be required for all projects approved by the Permittee. Source control BMPs must be selected, designed, and maintained in accordance with Volume IV of the *Stormwater Management Manual for Western Washington* (2005) or an approved equivalent manual approved by the Department.

4.4 Minimum Requirement #4: Preservation of Natural Drainage Systems and Outfalls

Natural drainage patterns shall be maintained, and discharges from the project site shall occur at the natural location, to the maximum extent practicable. The manner by which runoff is discharged from the project site must not cause a significant adverse impact to downstream receiving waters and down gradient properties. All outfalls require energy dissipation.

4.5 Minimum Requirement #5: On-site Stormwater Management

The Permittee must require On-site Stormwater Management BMPs to infiltrate, disperse, and retain stormwater runoff onsite to the maximum extent feasible without causing flooding or erosion impacts. Roof Downspout Control BMPs, functionally equivalent to those described in Chapter 3 of Volume III of the *Stormwater Management Manual for Western Washington* (2005), and Dispersion and Soil Quality BMPs, functionally equivalent to those in Chapter 5 of Volume V, of the *Stormwater Management Manual for Western Washington* (2005) shall be required to reduce the hydrologic disruption of developed sites.

4.6 Minimum Requirement #6: Runoff Treatment

Project Thresholds

The following require construction of stormwater treatment facilities (see Table 4.1 below):

- Projects in which the total of effective, pollution-generating impervious surface (PGIS) is 5,000 square feet or more in a threshold discharge area of the project, or
- Projects in which the total of pollution-generating pervious surfaces (PGPS) is three-quarters (3/4) of an acre or more in a threshold discharge area, and from which there is a surface discharge in a natural or man-made conveyance system from the site.

	< ¾ acres of PGPS	≥ ¾ acres PGPS	< 5,000 sf PGIS	≥ 5,000 sf PGIS
Treatment Facilities		✓		✓
Onsite Stormwater BMPs	✓	✓	✓	✓

PGPS = pollution-generating pervious surfaces
 PGIS = pollution-generating impervious surfaces
 sf = square feet

Treatment-Type Thresholds

1. Oil Control:

Treatment to achieve Oil Control applies to projects that have “high-use sites.” High-use sites are those that typically generate high concentrations of oil due to high traffic turnover or the frequent transfer of oil. High-use sites include:

- a. An area of a commercial or industrial site subject to an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area;
- b. An area of a commercial or industrial site subject to petroleum storage and transfer in excess of 1,500 gallons per year, not including routinely delivered heating oil;
- c. An area of a commercial or industrial site subject to parking, storage or maintenance of 25 or more vehicles that are over 10 tons gross weight (trucks, buses, trains, heavy equipment, etc.);
- d. A road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 15,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements.

2. Phosphorus Treatment:

The requirement to provide phosphorous control is determined by the local government with jurisdiction (e.g., through a lake management plan), or the Department of Ecology (e.g., through a waste load allocation). The local government may have developed a management plan and implementing ordinances or regulations for control of phosphorus from new/redevelopment for the receiving water(s) of the stormwater drainage. The local government can use the following sources of information for pursuing plans and implementing ordinances and/or regulations:

- a. Those waterbodies reported under section 305(b) of the Clean Water Act, and designated as not supporting beneficial uses due to phosphorous;
- b. Those listed in Washington State's Nonpoint Source Assessment required under section 319(a) of the Clean Water Act due to nutrients.

3. Enhanced Treatment:

Enhanced treatment for reduction in dissolved metals is required for the following project sites that discharge to fish-bearing streams, lakes, or to waters or conveyance systems tributary to fish-bearing streams or lakes:

Industrial project sites,
Commercial project sites,
Multi-family project sites, and
High AADT roads as follows:

Within Urban Growth Management Areas:

- Fully controlled and partially controlled limited access highways with Annual Average Daily Traffic (AADT) counts of 15,000 or more
- All other roads with an AADT of 7,500 or greater

Outside of Urban Growth Management Areas:

- Roads with an AADT of 15,000 or greater unless discharging to a 4th Strahler order stream or larger;
- Roads with an AADT of 30,000 or greater if discharging to a 4th Strahler order stream or larger (as determined using 1:24,000 scale maps to delineate stream order).

However, such sites listed above that discharge directly (or, indirectly through a municipal storm sewer system) to Basic Treatment Receiving Waters (Appendix I-C of the *Stormwater Management Manual for Western Washington* (2005)), and areas of the above-listed project sites that are identified as subject to Basic Treatment requirements, are also not subject to Enhanced Treatment requirements. For developments with a mix of land use types, the Enhanced Treatment requirement shall apply when the runoff from the areas subject to the Enhanced Treatment requirement comprise 50% or more of the total runoff within a threshold discharge area.

4. Basic Treatment:

Basic Treatment generally applies to:

- Project sites that discharge to the ground, UNLESS:
 - 1) The soil suitability criteria for infiltration treatment are met; (see Chapter 3 of Volume III of the *Stormwater Management Manual for Western Washington* (2005) for soil suitability criteria) or
 - 2) The project uses infiltration strictly for flow control – not treatment - and the discharge is within ¼-mile of a phosphorus sensitive lake (use a Phosphorus Treatment facility), or within ¼ mile of a fish-bearing stream, or a lake (use an Enhanced Treatment facility).
- Residential projects not otherwise needing phosphorus control as designated by USEPA, the Department of Ecology, or by the Permittee; and
- Project sites discharging directly to salt waters, river segments, and lakes listed in Appendix I-C of the *Stormwater Management Manual for Western Washington* (2005); and
- Project sites that drain to streams that are not fish-bearing, or to waters not tributary to fish-bearing streams;
- Landscaped areas of industrial, commercial, and multi-family project sites, and parking lots of industrial and commercial project sites that do not involve pollution-generating sources (e.g., industrial activities, customer parking, storage of erodible or leachable material, wastes or chemicals) other than parking of employees' private vehicles. For developments with a mix of land use types, the Basic Treatment requirement shall apply when the runoff from the areas subject to the Basic Treatment requirement comprise 50% or more of the total runoff within a threshold discharge area.

Treatment Facility Sizing

Water Quality Design Storm Volume: The volume of runoff predicted from a 24-hour storm with a 6-month return frequency (a.k.a., 6-month, 24-hour storm). Wetpool facilities are sized based upon the volume of runoff predicted through use of the Natural Resource Conservation Service curve number equations in Chapter 2 of Volume III of the *Stormwater Management Manual for Western Washington* (2005), for the 6-month, 24-hour storm. Alternatively, the 91st percentile, 24-hour runoff volume indicated by an approved continuous runoff model may be used.

Water Quality Design Flow Rate

1. Preceding Detention Facilities or when Detention Facilities are not required:

The flow rate at or below which 91% of the runoff volume, as estimated by an approved continuous runoff model, will be treated. Design criteria for treatment facilities are assigned to achieve the applicable performance goal at the water quality design flow rate (e.g., 80% TSS removal).

2. Downstream of Detention Facilities:

The water quality design flow rate must be the full 2-year release rate from the detention facility.

Alternative methods may be used if they identify volumes and flow rates that are at least equivalent.

That portion of any development project in which the above PGIS or PGPS thresholds are not exceeded in a threshold discharge area shall apply On-site Stormwater Management BMPs in accordance with Minimum Requirement #5.

Treatment Facility Selection, Design, and Maintenance

Stormwater treatment facilities shall be:

- Selected in accordance with the process identified in Chapter 4 of Volume I of the *Stormwater Management Manual for Western Washington* (2005),
- Designed in accordance with the design criteria in Volume V of the *Stormwater Management Manual for Western Washington* (2005), and
- Maintained in accordance with the maintenance schedule in Volume V of the *Stormwater Management Manual for Western Washington* (2005).

Additional Requirements

The discharge of untreated stormwater from pollution-generating impervious surfaces to ground water must not be authorized by the Permittee, except for the discharge achieved by infiltration or dispersion of runoff from residential sites through use of On-site Stormwater Management BMPs.

4.7 Minimum Requirement #7: Flow Control

Applicability

Except as provided below, the Permittee must require all projects provide flow control to reduce the impacts of stormwater runoff from impervious surfaces and land cover conversions. The requirement below applies to projects that discharge stormwater directly, or indirectly through a conveyance system, into a fresh water.

Flow control is not required for projects that discharge directly to, or indirectly through an MS4 to a water listed in Appendix I-E of the *Stormwater Management Manual for Western Washington* (2005) subject to the following restrictions:

- Direct discharge to the exempt receiving water does not result in the diversion of drainage from any perennial stream classified as Types 1, 2, 3, or 4 in the State of Washington Interim Water Typing System, or Types “S”, “F”, or “Np” in the Permanent Water Typing System, or from any category I, II, or III wetland; and
- Flow splitting devices or drainage BMP’s are applied to route natural runoff volumes from the project site to any downstream Type 5 stream or category IV wetland:
 - Design of flow splitting devices or drainage BMP’s will be based on continuous hydrologic modeling analysis. The design will assure that flows delivered to Type 5 stream reaches will approximate, but in no case exceed, durations ranging from 50% of the 2-year to the 50-year peak flow.
 - Flow splitting devices or drainage BMP’s that deliver flow to category IV wetlands will also be designed using continuous hydrologic modeling to preserve pre-project wetland hydrologic conditions unless specifically waived or exempted by regulatory agencies with permitting jurisdiction; and
- The project site must be drained by a conveyance system that is comprised entirely of manmade conveyance elements (e.g., pipes, ditches, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and
- The conveyance system between the project site and the exempt receiving water shall have sufficient hydraulic capacity to convey discharges from future build-out conditions (under current zoning) of the site, and the existing condition from non-project areas from which runoff is or will be collected; and
- Any erodible elements of the manmade conveyance system must be adequately stabilized to prevent erosion under the conditions noted above.

If the discharge is to a stream that leads to a wetland, or to a wetland that has an outflow to a stream, both this minimum requirement (Minimum Requirement #7) and Minimum Requirement #8 apply.

Permittees may petition Ecology to exempt projects in additional areas. A petition must justify the proposed exemption based upon a hydrologic analysis that demonstrates that the potential stormwater runoff from the exempted area will not significantly increase the erosion forces on the stream channel nor have near-field impacts (see Section 7 of this Appendix).

Thresholds

The following require construction of flow control facilities and/or land use management BMPs that will achieve the standard flow control requirement for western Washington (see Table 4.2):

- Projects in which the total of effective impervious surfaces is 10,000 square feet or more in a threshold discharge area, or
- Projects that convert ¾ acres or more of native vegetation to lawn or landscape, or convert 2.5 acres or more of native vegetation to pasture in a threshold discharge area, and from which there is a surface discharge in a natural or man-made conveyance system from the site, or
- Projects that through a combination of effective impervious surfaces and converted pervious surfaces cause a 0.1 cubic feet per second increase in the 100-year flow frequency from a threshold discharge area as estimated using the Western Washington Hydrology Model or other approved model.

That portion of any development project in which the above thresholds are not exceeded in a threshold discharge area shall apply Onsite Stormwater Management BMPs in accordance with Minimum Requirement #5.

Table 4.2 Flow Control Requirements by Threshold Discharge Area		
	Flow Control Facilities	On-site Stormwater Management BMPs
< ¾ acres conversion to lawn/landscape, or < 2.5 acres to pasture		✓
≥ ¾ acres conversion to lawn/landscape, or ≥ 2.5 acres to pasture	✓	✓
< 10,000 square feet of effective impervious area		✓
≥ 10,000 square feet of effective impervious area	✓	✓
≥ 0.1 cubic feet per second increase in the 100-year flood frequency	✓	✓

Standard Flow Control Requirement

Stormwater discharges shall match developed discharge durations to pre-developed durations for the range of pre-developed discharge rates from 50% of the 2-year peak flow up to the full 50-year peak flow. The pre-developed condition to be matched shall be a forested land cover unless:

- Reasonable, historic information is available that indicates the site was prairie prior to settlement (modeled as “pasture” in the Western Washington Hydrology Model); or
- The drainage area of the immediate stream and all subsequent downstream basins have had at least 40% total impervious area since 1985. In this case, the pre-developed condition to be matched shall be the existing land cover condition. Where

basin-specific studies determine a stream channel to be unstable, even though the above criterion is met, the pre-developed condition assumption shall be the “historic” land cover condition, or a land cover condition commensurate with achieving a target flow regime identified by an approved basin study.

This standard requirement is waived for sites that will reliably infiltrate all the runoff from impervious surfaces and converted pervious surfaces.

Western Washington Alternative Requirement

An alternative requirement may be established through application of watershed-scale hydrological modeling and supporting field observations. Possible reasons for an alternative flow control requirement include:

- Establishment of a stream-specific threshold of significant bedload movement other than the assumed 50% of the 2-year peak flow;
- Zoning and Land Clearing Ordinance restrictions that, in combination with an alternative flow control standard, maintain or reduce the naturally occurring erosive forces on the stream channel; or
- A duration control standard is not necessary for protection, maintenance, or restoration of designated beneficial uses or Clean Water Act compliance.

See Section 7 Basin/Watershed Planning of this Appendix for details on how alternative flow control requirements may be established.

Additional Requirement

Flow Control BMPs shall be selected, designed, and maintained in accordance with Volume III of the *Stormwater Management Manual for Western Washington* (2005) or an approved equivalent.

4.8 Minimum Requirement #8: Wetlands Protection

Applicability

The requirements below apply only to projects whose stormwater discharges into a wetland, either directly or indirectly through a conveyance system. These requirements must be met in addition to meeting Minimum Requirement #6, Runoff Treatment.

Thresholds

The thresholds identified in Minimum Requirement #6 – Runoff Treatment, and Minimum Requirement #7 – Flow Control shall also be applied for discharges to wetlands.

Standard Requirement

Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated uses. The hydrologic analysis shall use the existing land cover condition to determine the existing

hydrologic conditions unless directed otherwise by a regulatory agency with jurisdiction. A wetland can be considered for hydrologic modification and/or stormwater treatment in accordance with Guide Sheet 1B in Appendix I-D on the *Stormwater Management Manual for Western Washington* (2005).

Additional Requirements

Stormwater treatment and flow control facilities shall not be built within a natural vegetated buffer, except for:

- necessary conveyance systems as approved by the Permittee; or
- as allowed in wetlands approved for hydrologic modification and/or treatment in accordance with Guidesheet 1B in Appendix I-D of the *Stormwater Management Manual for Western Washington* (2005).

An adopted and implemented basin plan prepared in accordance with the provisions of Section 7 of this Appendix may be used to develop requirements for wetlands that are tailored to a specific basin.

4.9 Minimum Requirement #9: Operation and Maintenance

Permittees must require an operation and maintenance manual that is consistent with the provisions in Volume V of the *Stormwater Management Manual for Western Washington* (2005) for all proposed stormwater facilities and BMPs. The party (or parties) responsible for maintenance and operation shall be identified in the operation and maintenance manual. For private facilities approved by the Permittee, a copy of the manual shall be retained onsite or within reasonable access to the site, and shall be transferred with the property to the new owner. For public facilities, a copy of the manual shall be retained in the appropriate department. A log of maintenance activity that indicates what actions were taken shall be kept and be available for inspection by the local government.

Section 5. Adjustments

Adjustments to the Minimum Requirements may be granted by the Permittee provided that a written finding of fact is prepared, that addresses the following:

- The adjustment provides substantially equivalent environmental protection.
- Based on sound Engineering practices, the objectives of safety, function, environmental protection and facility maintenance, are met.

Section 6. Exceptions/Variances

Exceptions/variances (exceptions) to the Minimum Requirements may be granted by the Permittee following legal public notice of an application for an exception or variance, legal public notice of the Permittee's decision on the application, and written findings of fact that documents the Permittees determination to grant an exception. Permittees shall keep records, including the written findings of fact, of all local exceptions to the Minimum Requirements.

Project-specific design exceptions based on site-specific conditions do not require prior approval of the Department. The Permittee must seek prior approval by the Department for any jurisdiction-wide exception.

The Permittee may grant an exception to the minimum requirements if such application imposes a severe and unexpected economic hardship. To determine whether the application imposes a severe and unexpected economic hardship on the project applicant, the Permittee must consider and document with written findings of fact the following:

- The current (pre-project) use of the site, and
- How the application of the minimum requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the minimum requirements; and
- The possible remaining uses of the site if the exception were not granted; and
- The uses of the site that would have been allowed prior to the adoption of the minimum requirements; and
- A comparison of the estimated amount and percentage of value loss as a result of the minimum requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the minimum requirements; and
- The feasibility for the owner to alter the project to apply the minimum requirements.

In addition any exception must meet the following criteria:

- The exception will not increase risk to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
- The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements.

Section 7. Basin/Watershed Planning

Basin/Watershed planning may be used by the Permittee to tailor Minimum Requirement #6 Runoff Treatment, Minimum Requirement #7 Flow Control, and/or Minimum Requirement #8 Wetlands Protection. Basin planning may be used to support alternative treatment, flow control, and/or wetland protection requirements to those contained in Section 4 of this Appendix. Basin planning may also be used to demonstrate an equivalent level of treatment, flow control, and/or wetland protection through the construction and use of regional stormwater facilities.

Basin planning provides a mechanism by which the minimum requirements and implementing BMP's can be evaluated and refined based on an analysis of a basin or watershed. Basin plans are may be used to develop control strategies to address impacts from future development and to correct specific problems whose sources are known or suspected. Basin plans can be effective at addressing both long-term cumulative impacts of pollutant loads and short-term acute impacts of pollutant concentrations, as well as hydrologic impacts to streams, wetlands, and ground water resources.

Basin planning will require the use of computer models and field work to verify and support the models. The USGS has developed software called "GenScn" (Generation and Analysis of Model Simulation Scenarios) that can facilitate basin planning. The program is a Windows-based application of HSPF that predicts water quality and quantity changes for multiple scenarios of land use and water management within a basin. Permittees who are considering the use of basin/watershed plans to modify or tailor one or more of the minimum requirements are encouraged to contact Ecology early in the planning stage.

Some examples of how Basin Planning can alter the minimum requirements are given in Appendix I-A from the *Stormwater Management Manual for Western Washington* (2005).

In order for a basin plan to serve as a means of modifying the minimum requirements the following conditions must be met:

- The plan must be formally adopted by all jurisdictions with responsibilities under the plan; and
- All ordinances or regulations called for by the plan must be in effect; and
- The basin plan must be reviewed and approved by Ecology.