Issuance Date: July 1, 2019
Effective Date: August 1, 2019
Expiration Date: July 31, 2024

Eastern 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 Eastern Washington

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

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

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

Heather R. Bartlett
Water Quality Program Manager
Department of Ecology

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SPECIAL CONDITIONS

S1. PERMIT COVERAGE AND PERMITTEES

A. Geographic Area of Permit Coverage

This Permit is applicable to owners or operators of regulated small Municipal Separate Storm Sewer Systems (MS4s) located in eastern Washington State, which is bounded on the western side by the Cascade Mountains crest except in Yakima and Klickitat counties which are, in their entireties, included.

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 obtain coverage under this Permit, the geographic area of coverage is the urbanized areas and the unincorporated urban growth areas associated with permitted Cities within the urbanized areas that are under the jurisdictional control of the County. The geographic area of coverage also includes any urban growth areas that are contiguous to permitted urbanized areas that are under the jurisdictional control of the County.

For Walla Walla County, the geographic area of coverage also includes the unincorporated urban growth areas associated with the Cities of Walla Walla and College Place.

For Yakima County, the geographic area of coverage also includes the unincorporated urban growth area associated with the City of Sunnyside.

3. For Secondary Permittees required to obtain coverage under this Permit, the minimum geographic area of coverage includes all areas identified under S1.A.1 and S1.A.2, above. 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(i) and (ii) and located in another city or county area requiring coverage under either this Permit, or the *Western Washington Phase II Municipal Stormwater Permit* or the *Phase I Municipal Stormwater Permit,* are also covered under this Permit.

B. Regulated small municipal separate storm sewer systems (MS4s)

All operators of regulated small MS4s are required to apply for and obtain coverage under this Permit or be permitted under a separate individual or general permit, unless waived or exempted in accordance with Special 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. Census Bureau or is designated by Ecology pursuant to either 40 CFR 122.35(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 MS4s may include, but are not limited to: flood control, or diking and drainage districts; schools, including universities; and correctional facilities which own or operate a small MS4 serving non-agricultural land uses.

3. Any other operators of small MS4s may be required by Ecology to obtain coverage under this Permit or an alternative NPDES permit if Ecology determines the small MS4 is a significant source of pollution to surface waters of the State. Notification of Ecology'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 MS4s 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 entity that is the subject of the petition.

c. Ecology will make a final determination on a complete petition within 180 days after receipt of the petition and inform both the petitioner and the MS4 of the decision, in writing.

d. If Ecology's final determination is that the candidate MS4 will be regulated, Ecology will issue an order to the MS4 requiring them to obtain coverage under this Permit. The order will specify:

i. The geographic area of permit coverage for the MS4;

ii. Any modified dates or deadlines for developing and implementing this Permit, as appropriate to the MS4, and for submitting their first Annual Report; and

iii. A deadline for the MS4 to submit a complete Notice of Intent (NOI, see Ecology's website) to Ecology.

C. Owners and operators of an otherwise regulated small MS4 are ***not*** required to obtain coverage under this Permit if:

1. The small MS4 is operated by:

a. A federal entity, including any department, agency or instrumentality of the executive, legislative, and judicial branches of the Federal government of the United States; or

b. Federally recognized Indian Tribes located within Indian Country, including all trust or restricted lands within the 1873 Survey Area of the Puyallup Tribe of Indians; or

c. The Washington State Department of Transportation.

Or

2. The portions of the small MS4 located within the census-defined urbanized area(s) serve a total population of less than 1,000 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 has 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 to meet wasteload allocations established in the TMDL that address the pollutant(s) of concern.

   In determining the total population served by the small MS4, 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. Unless otherwise noted, the term "Permittee" includes a city, town or county Permittee, New Permittee, Co-Permittee, Secondary Permittee, and New Secondary Permittee, as defined below:

   a. A "Permittee" is a city, town, or county owning or operating a regulated small MS4 and receiving a permit as a single entity.

   b. A "New Permittee" is a city, town, or county that is subject to the *Eastern Washington Phase II Municipal Stormwater General Permit* and was not subject to the Permit prior to August 1, 2019.

   c. A "Co-Permittee" is any owner or operator of a regulated small MS4 that is applying in a cooperative agreement with at least one other applicant for coverage under this Permit. A Co-Permittee owns or operates a regulated small MS4 located within or in proximity to another regulated small MS4.

   d. A "Secondary Permittee" is an operator of a 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.

e. A "New Secondary Permittee" is a Secondary Permittee that is covered under a Municipal Stormwater General Permit and was not covered by the Permit prior to August 1, 2019.

2. Operators of regulated small MS4s have submitted or shall submit an application to Ecology by either the Notice of Intent (NOI) for Coverage under National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater General Permit; or the Duty to Reapply – NOI, provided on Ecology's website.

   a. The following Permittees and Secondary Permittees submitted a *Duty to Reapply – NOI* to Ecology prior to February 1, 2019:

      i. **Cities and Towns:** Asotin, Clarkston, East Wenatchee, Ellensburg, Kennewick, Moses Lake, Pasco, Pullman, Richland, Selah, Spokane, Spokane Valley, Sunnyside, Union Gap, Walla Walla, Wenatchee, West Richland, and Yakima

      ii. **Counties:** Asotin County, Chelan County, Douglas County, Spokane County, Walla Walla County, and Yakima County

      iii. **Secondary Permittees**: Central Washington University, Eastmont Metropolitan Park District, Port of Benton, Selah School District #119, Sunnyside Valley Irrigation District, Washington State University Pullman, Washington State University Spokane, Washington State University Tri-Cities, and Yakima Valley Community College

   b. Operators of regulated small MS4s have submitted or shall submit to Ecology a "Notice of Intent (NOI) for Coverage under National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater General Permit" provided on Ecology's website before the effective date of this Permit, with the following exceptions:

      i. Operators of regulated small MS4s located in the City of College Place 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.a do not need to submit a new application to be covered under this Permit.

   c. For operators of regulated small MS4s listed in S1.D.2.a, coverage under this Permit is automatic and begins on the effective date of this Permit, unless 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.

   d. Operators of regulated small MS4s which want to be covered under this Permit as Co-Permittees shall each submit a NOI to Ecology.

   e. Operators of regulated small MS4s which are relying on another entity to satisfy all of their permit obligations shall submit a NOI to Ecology.

   f. 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. For NOIs submitted after the issuance date of this Permit, the applicant shall include a certification that the public notification requirements of WAC 173-226-130(5) have been satisfied. Ecology will notify applicants in writing of their status concerning coverage under this Permit within 90 days of Ecology's receipt of a complete NOI.

   b. Each Permittee applying as a Co-Permittee shall submit a NOI provided on Ecology's website. The NOI will clearly identify the areas of the MS4 for which the Co-Permittee is responsible.

   c. Permittees which are relying on another entity or entities to satisfy one or more of their permit obligations shall include with the NOI 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.

   d. Secondary Permittees required to obtain coverage under this Permit, and the *Western Washington Phase II Municipal Stormwater Permit* or the *Phase I Municipal Stormwater Permit* may obtain coverage by submitting a single NOI.

S2. AUTHORIZED DISCHARGES

A. This Permit authorizes the discharge of stormwater to surface waters and to groundwaters of the State from MS4s 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 groundwaters of the State through facilities regulated under the Underground Injection Control (UIC) program, Chapter 173-218 WAC, are not authorized under this Permit.

2. Discharges to groundwaters not subject to regulation under the Federal Clean Water Act are authorized in this Permit only under state authorities, Chapter 90.48 RCW, the Water Pollution Control Act.

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

1. The discharge is authorized by a separate NPDES permit or State Waste Discharge Permit.

2. The discharge is from emergency firefighting activities.

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

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

E. This Permit does not authorize discharges of stormwater to waters within Indian Country as defined in 18 U.S.C. §1151, or to waters subject to water quality standards of Indian Tribes, including portions of the Puyallup River and other waters on trust or restricted lands within the 1873 Survey Area of the Puyallup Tribe of Indians Reservation, except where authority has been specifically delegated to Ecology by the U.S. Environmental Protection Agency. The exclusion of such discharges from this Permit does not waive any rights the State may have with respect to the regulation of the discharges.

S3. RESPONSIBILITIES OF PERMITTEES

A. Each Permittee covered under this Permit is responsible for compliance with the terms of this Permit for the regulated small MS4s which they operate. Compliance with (1) or (2) below is required as applicable to each Permittee, whether the Permittee has applied for coverage as a Permittee, a Co-Permittee, or a 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 Section 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 Sections S5 – *Stormwater Management Program for Cities, Towns, and Counties* and S8 – *Monitoring and Assessment*.

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 the permit conditions. Permittees may rely on another entity provided all of 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 in 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 (WAC 173-201A), Groundwater Quality Standards (Chapter 173-200 WAC), Sediment Management Standards (Chapter 173-204 WAC), or human health-based criteria in the national Toxics Rule (40 CFR 131.45). The required response to such discharges is defined in Section S4.F, below.

C. The Permittee shall reduce the discharge of pollutants to the Maximum Extent Practicable (MEP).

D. The Permittee shall use All Known, Available, and Reasonable methods of prevention, control, and Treatment (AKART) to prevent and control pollution of waters of the State of Washington.

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

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

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

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

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

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

3. Adaptive Management Response

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

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

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

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

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

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

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

f. Provided the Permittee is implementing the approved adaptive management response under this Section, the Permittee remains in compliance with Special Condition S4, despite any on-going violations of water quality standards identified under S4.A or B, above.

g. The adaptive management process provided under Section S4.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; or

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. All Permittees shall develop and implement a Stormwater Management Program (SWMP) during the term of this Permit. A SWMP is a set of actions and activities comprising the components listed in S5 and any additional actions necessary to meet the requirements of applicable TMDLs pursuant to S7 – *Compliance with TMDL Requirements,* and S8 – *Monitoring and Assessment*. This Section applies to all cities, towns, and counties covered under this Permit. Where the term "Permittee" is used in this Section, the requirements apply to any city, town, or county, whether permit coverage is obtained as a Permittee or as a Co-Permittee.

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

1. At a minimum, the SWMP shall be implemented, throughout the geographic area described for the Permittee in S1.A.[1]

2. The SWMP shall be designed to reduce the discharge of pollutants from the regulated small MS4 to the MEP, to satisfy the state requirement under Chapter 90.48 RCW to apply AKART prior to discharge, and to protect water quality.

3. Permittees shall continue implementation of existing Stormwater Management Programs until they begin implementation of the updated Stormwater Management Program in accordance with the terms of this Permit, including implementation schedules.

4. Each Permittee shall prepare written documentation of the SWMP, called the SWMP Plan. The SWMP Plan shall be organized according to the program components in S5.B below or a format approved by Ecology, and shall be updated at least annually for submittal with the Permittee's Annual Reports to Ecology (see S9 – *Reporting and Recordkeeping*). The SWMP Plan shall be written to inform the general public of planned SWMP activities for the upcoming calendar year, and shall include a description of:

   a. Planned activities for each of the program components included in S5.B.1 through S5.B.6.

   b. Any additional planned actions to meet the requirements of applicable TMDLs pursuant to S7 – *Compliance with Total Maximum Daily Load Requirements*.

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

[1] New Permittees shall fully develop and implement the SWMP in accordance with the schedules contained in this section no later than February 2, 2024.

5. Gathering, maintaining, and using information

   a. Each Permittee shall have an ongoing program for gathering, tracking, maintaining, and using information to evaluate SWMP development and implementation and permit compliance, and to set priorities.

      i. Each Permittee shall track the number of inspections performed, follow-up actions as a result of inspections, official enforcement actions taken, and types of public education activities implemented as required for each SWMP component. This information shall be included in the Annual Report.

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

6. Coordination among Permittees

   a. Coordination among entities covered under this Permit is encouraged. The SWMP shall include coordination mechanisms to encourage coordinated stormwater-related policies, programs, and projects within adjoining or shared areas, including:

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

      ii. Coordinating stormwater management activities for shared water bodies or watersheds among Permittees, to avoid conflicting plans, policies, and regulations.

   b. The SWMP shall also include coordination mechanisms among departments within each jurisdiction to eliminate barriers to compliance with the terms of this Permit. Permittees shall include a written description of internal coordination mechanisms in the Annual Report, due no later than March 31, 2021.

B. The SWMP shall include the components listed below. To the extent allowable under state and federal law, all components are mandatory for each city, town, or county covered under this Permit, whether covered as an individual Permittee or as a Co-Permittee.

1. **Public Education and Outreach**
   Permittees[3] shall implement a public education and outreach program designed to educate the target audiences about the impacts of stormwater discharges to water bodies and the steps to take to reduce pollutants in stormwater. Outreach and educational efforts should include a multimedia approach, and shall be targeted and presented to specific audiences for increased effectiveness. The education program may be developed and implemented locally or regionally.

   Based on the target audience's demographic, the Permittee shall consider delivering selected messages in language(s) other than English.

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[2] New Permittees shall begin implementing the requirements of S5.A.5.a.ii no later than August 1, 2021.

[3] New Permittees shall begin implementing the requirements of S5.B.1 no later than August 1, 2021.

The minimum performance measures are:

a. All Permittees shall continue to implement a public education and outreach program designed to reach target audiences identified in i-iii below, and achieve improvements in the target audiences' understanding of the problem and what they can do to solve it. The program shall, at a minimum address the following, based on the land uses and priority target audiences found within the community. Permittees shall provide subject area information to the target audience on an ongoing or strategic schedule.

   i. *Target audiences:* General public, including home owners, teachers, school-age children, or overburdened communities.

      Provide information about the following subject areas:

      (a) The importance of improving water quality and protecting beneficial uses of waters of the State.

      (b) The potential impacts from stormwater discharges.

      (c) Methods for avoiding, minimizing, reducing, and/or eliminating the adverse impacts of stormwater discharges.

      (d) Actions individuals can take to improve water quality, including encouraging participation in local environmental stewardship activities and programs.

   ii. *Target audiences:* Businesses

      Provide information, appropriate to the type of business, about:

      (a) Preventing illicit discharges, including what constitutes illicit discharges (e.g., Source Control BMPs to prevent illicit discharges).

      (b) The impacts of illicit discharges.

      (c) Promoting the proper management and disposal of waste.

      (d) Management of dumpsters and washwater.

      (e) The use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps, and other hazardous materials.

   iii. *Target audiences:* Engineers, construction contractors, developers, development review staff, and land use planners.

      Provide information about:

      (a) Technical standards, and the development of stormwater site plans and erosion control plans.

      (b) Infiltration and underground injection control criteria.

      (c) Low Impact Development (LID).

      (d) Stormwater Best Management Practices (BMPs) for reducing adverse impacts from stormwater runoff from development sites.

      (e) Municipal stormwater code requirements.

b. Each Permittee[4] shall measure the understanding and adoption of the targeted behaviors for at least one target audience in at least one subject area. No later than December 31, 2021, Permittees shall use the resulting measurements to direct ongoing education and outreach resources most effectively, as well as to evaluate changes in adoption of the targeted behaviors.

2. **Public Involvement and Participation**
Permittees shall provide ongoing opportunities for public involvement and participation such as advisory panels, public hearings, watershed committees, participation in developing rate-structures, or other similar activities. Permittees shall comply with applicable state and local public notice requirements when developing elements of the SWMP.

The minimum performance measures are:

a. Permittees shall implement a program or policy directive to create opportunities for the public, including overburdened communities, to provide input during the decision making processes involving the development, implementation and update of the SWMP, including development and adoption of all required ordinances and regulatory mechanisms.[5]

b. No later than May 31 each year, Permittees shall post on their website and make the latest version of the Annual Report and SWMP Plan available to the public. All other submittals should be available to the public upon request. Co-Permittees and other groups of Permittees that are developing the SWMP in a cooperative effort may post the updated SWMP Plan on a single entity's website. To comply with the posting requirement, a Permittee that does not maintain a website may submit the updated SWMP Plan in electronic format to Ecology for posting on its website.

3. **Illicit Discharge Detection and Elimination**
Each Permittee[6] shall implement and enforce a program designed to prevent, detect, characterize, trace, and eliminate illicit connections and illicit discharges into the MS4.

The minimum performance measures are:

a. Each Permittee shall continue to maintain and periodically update a map of the MS4. Update maps, if necessary, to meet the requirement of this Section no later than August 1, 2023.[7] At a minimum, the maps shall include the following information:

i. Known outfalls and known discharge points.

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[4] By no later than August 1, 2023, New Permittees shall begin using the results of measurements to direct education and outreach resources more effectively, as well as to evaluate changes in adopted behaviors.

[5] New Permittees shall develop and begin to implement S5.B.2.a. no later than August 1, 2020.

[6] New Permittees shall meet the requirements of S5.B.3 no later than August 1, 2021, unless otherwise noted in this section.

[7] New Permittees shall meet the requirements to map the MS4 according to S5.B.3.a no later than February 2, 2024, except where otherwise noted in this section.

(a) For all known MS4 outfalls, the following attributes shall be mapped: size and material, where known. Records shall be updated.

ii. Receiving waters, other than ground.

iii. Areas served by the MS4 that discharge to ground.

iv. Permanent stormwater facilities owned or operated by the Permittee.

v. All connections to the MS4 authorized or approved by the Permittee after August 1, 2019.[8]

vi. All known connections from the MS4 to a privately owned stormwater system.

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

viii. Permittees shall, upon request and to the extent consistent with national security laws and directives, provide maps and mapping information to Ecology, other entities covered under this Permit, other municipalities, and/or federally recognized Indian Tribes. This Permit does not preclude Permittees from recovering reasonable costs associated with fulfilling mapping information requests by other municipalities, federally recognized Indian Tribes, Co-Permittees, and Secondary Permittees.

ix. Beginning August 1, 2021, the required format for mapping is an electronic format (e.g., Geographic Information System, CAD drawings, or other software that can map and store points, lines, polygons, and associated attributes) with fully described mapping standards.

b. Each Permittee shall effectively prohibit, through ordinance or other regulatory mechanism, non-stormwater discharges into the MS4.

i. Each Permittee shall implement an ordinance or other regulatory mechanism that prohibits illicit discharges and authorizes enforcement actions, including on private property.

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

(a) Diverted stream flows

(b) Rising groundwaters

(c) Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(b)(20))

(d) Uncontaminated pumped groundwater

(e) Foundation drains

(f) Air conditioning condensation

[8] Permittees do not need to map the following residential connections: individual driveways, sump pumps, or roof downspouts

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

(h) Springs

(i) Uncontaminated water from crawl space pumps

(j) Footing drains

(k) Flows from riparian habitats and wetlands

(l) Discharges from emergency firefighting activities in accordance with S2 – *Authorized Discharges*

(m) Non-stormwater discharges authorized by another NPDES permit or state waste discharge permit

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

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

(b) Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities (see S5.B.1) and water conservation efforts.

(c) Dechlorinated swimming pool, spa, and hot tub discharges. The discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.

(d) Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. The Permittee shall reduce these discharges through, at a minimum, public education activities (see S5.B.1) and/or water conservation efforts. To avoid washing pollutants into the MS4, Permittees shall minimize the amount of street wash and dust control water used.

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

iv. The ordinance or other regulatory mechanism 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.

v. The ordinance or other regulatory mechanism shall include escalating enforcement procedures and actions.

vi. The Permittee shall implement a compliance strategy that includes informal compliance actions such as public education and technical assistance, as well as the enforcement provisions of the ordinance or other regulatory mechanism. To implement an effective compliance strategy, the Permittee's ordinance or other regulatory mechanism shall include the following tools:

(a) The application of operational or structural source control BMPs, or both, for pollutant-generating sources associated with existing land uses and activities, where necessary to prevent illicit discharges. The source control BMPs referenced in this subsection are in the *Stormwater Management Manual for Eastern Washington*.

(b) The maintenance of stormwater facilities which discharge into the Permittee's MS4 in accordance with maintenance standards established under S5.B.6, where necessary to prevent illicit discharges.

vii. The Permittee's ordinance or other regulatory mechanism in effect as of the effective date of this Permit shall be revised, if necessary, to meet the requirements of this Section no later than February 2, 2023.

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

i. Procedures for conducting investigations of the Permittee's MS4, including field screening to identify potential sources.

ii. 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 illicit discharges, including spills.

iii. Field assessment activities, including: outfalls, discharge points, or facilities serving priority areas identified in (ii) above, during dry weather and for the purposes of verifying outfall and discharge point locations and detecting illicit discharges.

iv. Compliance with this provision shall be achieved by: field assessing at least 12%, on average, of the MS4 within the Permittee's coverage area each year to verify outfall and discharge point locations and detect illicit discharges.[9] Permittees shall track total percentage of the MS4 assessed beginning August 1, 2019.

[9] For New Permittees, compliance with this provision shall be achieved by field assessing at least 12% of the MS4 within the Permittee's coverage area no later than December 31, 2023, and, on average, 12% each year thereafter to verify outfall and discharge point locations and detect illicit discharges. Track total percentage of the MS4 screened.

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

vi. Permittees shall provide adequate training 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, on the identification of an illicit discharge/connection, and on the proper procedures for reporting and responding, as appropriate, to the illicit discharge/connection. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staffing. Permittees shall document and maintain records of the trainings provided and the staff trained.

vii. Permittees[10] shall inform public employees, businesses, and the general public of hazards associated with illicit discharges and improper disposal of waste.

d. Permittees[11] shall implement an ongoing program designed to address illicit discharges, including spills, and illicit connections into the MS4. The program shall include:

i. Procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges found by or reported to the Permittee. Procedures shall address the evaluation of whether the discharge shall be immediately contained and steps to be taken for containment of the discharge.

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

iii. Procedures for eliminating the discharge, including notification of appropriate authorities (including appropriate owners or operators of interconnected MS4s); notification of the property owner; technical assistance; follow-up inspections; and use of the compliance strategy developed pursuant to S5.B.3.b.vi, including escalating enforcement and legal actions if the discharge is not eliminated.

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

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

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

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

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[10] New Permittees shall implement the requirements of S5.B.3.c.vii no later than August 1, 2022.

[11] New Permittees implement the requirements of S5.B.3.d no later than August 1, 2023.

(d) Upon confirmation of an illicit connection, use the compliance strategy outlined in S5.B.3.b.vi in a documented effort to eliminate the illicit connection within 6 months. All known illicit connections to the MS4 shall be eliminated.

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

f. Recordkeeping: Each Permittee shall track and maintain records of the activities conducted to meet the requirements of this Section. In the Annual Report, each Permittee shall submit data for the illicit discharges, spills, and illicit connections including those that were found by, reported to, or investigated by the Permittee during the previous calendar year. The data shall include the information specified in Appendix 7 and WQWebIDDE. Each Permittee may either use their own system or WQWebIDDE for recording this data. Final submittals shall follow the instructions, timelines, and format as described in Appendix 7.

4. Construction Site Stormwater Runoff Control

All Permittees shall implement and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that disturb one acre or more, and from construction projects of less than one acre that are part of a larger common plan of development or sale.

Public and private projects, including projects proposed by the Permittee's own departments and agencies, shall comply with these requirements. The Permittee shall implement an ongoing process for ensuring proper project review, inspection, and compliance by its own departments and agencies.

The minimum performance measures are:

a. Permittees shall implement an ordinance or other regulatory mechanism to require erosion and sediment controls, and other construction-phase stormwater pollution controls at new development and redevelopment projects. The ordinance or other regulatory mechanism shall include sanctions to ensure compliance. The ordinance or other regulatory mechanism shall include provisions to review site plans and inspect sites with high potential for sediment transport prior to clearing or grading. The ordinance or other enforceable mechanism to implement (i) through (v), below, shall be adopted and effective no later than December 31, 2022.

i. The ordinance or other regulatory mechanism shall apply, at a minimum, to construction sites disturbing one acre or more and to construction projects of less than one acre that are part of a larger common plan of development or sale.

ii. The ordinance or other regulatory mechanism shall require construction operators to adhere, at a minimum, to the requirements of Appendix 1, Core Element #2, including preparation of Construction Stormwater Pollution Prevention Plans (Construction SWPPPs) and application of BMPs, as necessary to protect water

quality, reduce the discharge of pollutants to the MEP, and satisfy state AKART requirements.

(a) The ordinance or other regulatory mechanism shall include requirements for construction site operators to implement appropriate erosion and sediment control BMPs. The ordinance or other regulatory mechanism shall include requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

(b) Permittees shall document how the requirements of the ordinance or other regulatory mechanism protect water quality, reduce the discharge of pollutants to the MEP, and satisfy state AKART requirements. Documentation shall include:

(1) How stormwater BMPs were selected.

(2) The pollutant removal expected from the selected BMPs.

(3) The technical basis which supports the performance claims for the selected BMPs.

(4) How the selected BMPs will comply with applicable state water quality standards and satisfy the state requirement to apply AKART prior to discharge.

Permittees who choose to use the BMP selection, design, installation, operation and maintenance standards in the *Stormwater Management Manual for Eastern Washington*, or another technical stormwater manual approved by Ecology, may cite this reference as the sole documentation that the ordinance or regulatory mechanism is protecting water quality, reducing the discharge of pollutants to the MEP, and satisfying state AKART requirements.

iii. The ordinance or other regulatory mechanism shall include appropriate, escalating enforcement procedures and actions.

iv. The Permittee shall implement an enforcement strategy and the enforcement provisions of the ordinance or other regulatory mechanism.

v. The ordinance shall include a provision for access by qualified personnel to inspect construction-phase stormwater BMPs on private properties that discharge to the MS4.

b. Permittees shall implement procedures for site plan review which incorporates consideration of potential water quality impacts.

i. Prior to clearing and construction, Permittees shall review Construction SWPPPs for, at a minimum, all construction sites that disturb one acre or more, or are less than one acre and are part of a larger common plan of development or sale, to ensure that the plans are complete pursuant to the requirements of Appendix 1, Core Element #2. The Construction SWPPP review shall be performed by qualified personnel and shall be performed in coordination with S5.B.5.c, review of stormwater site plans.

(a) If the Permittee chooses to allow construction sites to apply the "Erosivity Waiver" in Appendix 1, Core Element #2, the Permittee is not required to review Construction SWPPPs for individual sites applying the waiver.

(b) The Permittee shall investigate complaints about sites that apply the Erosivity Waiver in the same manner as it will investigate complaints about sites that have submitted Construction SWPPPs for review pursuant to this Section.

c. Permittees shall implement procedures for site inspection and enforcement of construction stormwater pollution control measures.

i. All new construction sites that disturb one acre or more, or are part of a larger common plan of development or sale, shall be inspected by qualified personnel:

(a) Prior to clearing and grading for construction if a high potential for sediment transport is determined.

(b) During construction to verify proper installation and maintenance of required erosion and sediment controls. Follow-up, as necessary, based on the inspection.

(c) Compliance with this inspection requirement will be determined by the Permittee having and maintaining records of an inspection program that is designed to inspect all sites. Compliance during this Permit term will be determined by the Permittee achieving an inspection rate of at least 80% of the sites.

d. Each Permittee shall ensure that all staff whose primary job duties are implementing the program to control stormwater runoff from new development, redevelopment, and construction sites, including permitting, plan review, construction site inspections, and enforcement, are trained to conduct these activities. 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.

e. Permittees shall provide information to construction site operators about training available on how to install and maintain effective erosion and sediment controls and how to comply with the requirements of Appendix 1 and apply the BMPs described in the *Stormwater Management Manual for Eastern Washington*, or another technical stormwater manual approved by Ecology.

f. To comply with these provisions, Permittees shall keep records of all projects disturbing one acre or more, and all projects of any size that are part of a common plan of development or sale that is one acre or more.

i. Permittees shall keep records of the site plan review, inspections, and any enforcement actions, including inspection reports, warning letters, notices of violations, and other enforcement records for these projects for five years or until construction is completed, whichever is longer.

ii. The staff training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance.

iii. Permittees shall keep copies of information provided to construction site operators, and if information is distributed to a large number of design professionals at once, the dates of the mailings and lists of recipients.

iv. If the Permittee chooses to allow construction sites to apply the "Erosivity Waiver" in Appendix 1, Core Element #2, the Permittee shall keep a record of all construction sites that provide notice to the Permittee of their intention to apply the waiver.

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

All Permittees shall implement and enforce a program to address post-construction stormwater runoff to the MS4 from new development and redevelopment projects that disturb one acre or more, and from projects of less than one acre that are part of a larger common plan of development or sale. The program shall ensure that controls to prevent or minimize water quality impacts are in place.

Public and private projects, including projects proposed by the Permittee's own departments and agencies, shall comply with these requirements. The Permittee shall implement an ongoing process for ensuring proper project review, inspection, and compliance by its own departments and agencies.

The minimum performance measures are:

a. No later than December 31, 2022, Permittees shall implement an ordinance or other regulatory mechanism that requires post-construction stormwater controls at new development and redevelopment projects. The ordinance or other regulatory mechanism shall include mechanisms to ensure compliance. The local program shall be adopted no later than December 31, 2022 to meet the requirements of S5.B.5.b.i-v below, shall apply to all applications[12] submitted:

   i. On or after January 1, 2023.

   ii. Prior to January 1, 2018, which have not started construction[13] by December 31, 2023.[14]

   iii. Prior to January 1, 2023, that have not started construction by December 31, 2027.

b. The ordinance or other enforceable mechanism shall include, at a minimum:

   i. The ordinance or other regulatory mechanism shall apply, at a minimum, to new development and redevelopment sites that discharge to the MS4 and that disturb

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

[13] In this context, "started construction" means at a minimum the site work associated with, and directly related to the approved project has begun. *For example:* Grading the project site to final grade or utility installation. Simply clearing the project site does not constitute the start of construction. Permittees may establish additional requirements related to the start of construction.

[14] New permittees shall meet the requirements of S5.B.5 no later than December 31, 2022, unless otherwise noted. The local program shall apply to all applications submitted on or after January 1, 2023, and shall apply to applications submitted prior to January 1, 2023, which have not started construction by December 31, 2027.

one acre or more or are less than one acre and are part of a larger common plan of development or sale.

ii. The ordinance or other regulatory mechanism shall require project proponents and property owners to adhere to the minimum technical requirements in Appendix 1 and shall include BMP selection, design, installation, operation, and maintenance standards necessary to protect water quality, reduce the discharge of pollutants to the MEP, and satisfy state AKART requirements.

(a) All Permittees shall implement a policy of encouraging project proponents to maintain natural drainages to the MEP, including minimizing the disturbance of native soils and vegetation and reducing the total amount of impervious surfaces created by the project.

Permittees shall allow non-structural preventive actions and source reduction approaches such as Low Impact Development (LID) techniques, 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 and long term maintenance.

(b) The ordinance or other regulatory mechanism shall include requirements for project proponents and property owners to implement appropriate runoff treatment, flow control, and source control BMPs considering the proposed land use at the site to minimize adverse impacts to water quality.

(1) Each Permittee shall implement a specific hydrologic method or methods for calculating runoff volumes and flow rates to ensure consistent sizing of structural BMPs in their jurisdiction and to facilitate plan review. Permittees may allow proponents of unique or complex projects to use other methodologies.

(2) Permittees shall require projects approved under S5.B.5 to retain runoff generated on-site for, at a minimum, the 10-year, 24-hour rainfall event or a local equivalent. Permittees may meet this requirement using on-site or regional stormwater facilities.

(3) New Permittees that are not already meeting S5.B.5.b.ii.(b)(2) requirement in existing ordinances shall develop and implement criteria to determine when it is infeasible for a project to meet this requirement including, but not limited to:

- Site/Engineering-based conditions, such as soils that do not allow for infiltration of the required volume of stormwater runoff; proximity to a known hazardous waste site or landfill; proximity to a drinking water well or spring; proximity to an onsite sewage system or underground storage tank; setbacks from structures; landslide hazard areas or slopes; seasonal high groundwater; incompatibility with the surrounding drainage system from elevation or location; or areas prone to erosion.

- Incompatibility with uses related to concerns such as public safety, protection from spills, contaminated sites, or frequently flooded areas.
- Incompatibility with state or federal laws.
- New Permittees shall submit to Ecology with the Annual Report due no later than March 31, 2023 a summary of the criteria defining infeasibility, or a citation for the criteria adopted pursuant to a regional LID manual.

(4) To meet the requirements of Appendix 1, Core Element #5 (Runoff Treatment) and Core Element #6 (Flow Control), Permittees shall apply the definitions, requirements, and methods in the *Stormwater Management Manual for Eastern Washington*, or another technical stormwater manual approved by Ecology.

(c) The ordinance or other regulatory mechanism shall include requirements to ensure adequate ongoing long-term operation and maintenance of the BMPs approved by the Permittee.

(d) Permittees shall document how the requirements of the ordinance or other regulatory mechanism protect water quality, reduce the discharge of pollutants to the MEP, and satisfy state AKART requirements. Documentation shall include:

(1) How stormwater BMPs were selected;

(2) The pollutant removal expected from the selected BMPs;

(3) The technical basis which supports the performance claims for the selected BMPs; and

(4) How the selected BMPs will comply with applicable state water quality standards and satisfy the state requirement to apply AKART prior to discharge.

(5) Permittees who choose to use the BMP selection, design, installation, operation and maintenance standards in the *Stormwater Management Manual for Eastern Washington*, or another technical stormwater manual approved by Ecology, may cite this reference as the sole documentation that the ordinance or regulatory mechanism is protecting water quality, reducing the discharge of pollutants to the MEP and satisfying state AKART requirements.

iii. The ordinance or other regulatory mechanism shall include provisions for both construction-phase and post-construction access for Permittees to inspect stormwater BMPs on private properties that discharge to the MS4. If deemed necessary for post-construction access, the ordinance or other regulatory mechanism may, in lieu of requiring that continued access be granted to the Permittee's staff or qualified personnel, instead require private property owners to provide annual certification by a qualified third party that adequate

maintenance has been performed and the facilities are operating as designed to protect water quality.

iv. The ordinance or other regulatory mechanism shall include appropriate, escalating enforcement procedures and actions.

v. The Permittee shall implement an enforcement strategy and the enforcement provisions of the ordinance or other regulatory mechanism.

c. Permittees shall implement procedures for site plan review which incorporate consideration of potential water quality impacts.

i. Prior to clearing or construction, Permittees shall review stormwater site plans for, at a minimum, all new development and redevelopment sites that meet the thresholds in S5.B.5.b.i to ensure that the plans include stormwater pollution prevention measures that meet the requirements in S5.B.5.b.ii.

ii. The site plan review shall be performed by qualified personnel, and shall include review of Construction Stormwater Pollution Prevention Plans where required, pursuant to S5.B.4.b.i.

d. Permittees shall implement procedures for site inspection and enforcement of post-construction stormwater control measures.

i. Structural BMPs shall be inspected at least once during installation and upon final installation or upon completion of the project by qualified personnel.

ii. Structural BMPs shall be inspected at least once every five years after final installation, or more frequently, as determined by the Permittee to be necessary to prevent adverse water quality impacts, to ensure that adequate maintenance is being performed. The inspection shall be performed by qualified personnel.

iii. Recommended operation and maintenance standards for structural BMPs in the *Stormwater Management Manual for Eastern Washington*, or another technical stormwater manual approved by Ecology, shall be met.

iv. If a site is inspected and problems are identified, the Permittee is not in violation of this provision, provided the Permittee requires and confirms that necessary operation, maintenance, and/or repair to correct the problem is performed as soon as practicable.

e. Permittees shall provide adequate training for all staff involved in permitting, planning, review, inspection, and enforcement to carry out the provisions of this SWMP component.

f. Permittees shall provide information to design professionals about training available on how to comply with the requirements of Appendix 1 and apply the BMPs described in the *Stormwater Management Manual for Eastern Washington*, or another technical stormwater manual approved by Ecology.

g. To comply with these provisions, Permittees shall keep records of all projects disturbing one acre or more, and all projects of any size that are part of a common plan of development or sale that is one acre or more.

i. Permittees shall keep project records for five years or until construction is completed, whichever is longer, with the following exceptions: approved site plans

and O&M Plans shall be kept, as needed, to comply with the ongoing inspection requirements of this Permit.

ii. The training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance.

iii. Permittees shall keep copies of information that is provided to design professionals (for (e) above); and, if information is distributed to a large number of design professionals at once, the dates of the mailings and lists of recipients.

6. Municipal Operations and Maintenance

Permittees[15] shall implement an operation and maintenance 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. Permittees shall implement a schedule of municipal Operation and Maintenance activities (an O&M Plan). Permittees shall review and, if needed, update the O&M Plan no later than December 31, 2022. The schedule shall include BMPs that, when applied to the municipal activity or facility, will protect water quality, reduce the discharge of pollutants to the MEP, and satisfy state AKART requirements. The *Stormwater Management Manual for Eastern Washington* provides a selection of appropriate BMPs that meet these requirements for various types of facilities. Operation and maintenance standards in the O&M Plan shall be at least as protective as those included in the *Stormwater Management Manual for Eastern Washington*, or another technical stormwater manual approved by Ecology. Recordkeeping shall be done pursuant to the requirements in S9 – *Reporting and Recordkeeping*.

i. The O&M Plan shall include appropriate pollution prevention and good housekeeping procedures for all of the following types of facilities and/or activities listed below.

(a) *Stormwater collection and conveyance systems*, 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:

- Regular inspections
- Cleaning

[15] New Permittees shall develop and implement the requirements of S5.B.6 no later than December 31, 2023, except where otherwise noted in this section.

- Proper disposal of waste removed from the system in accordance with Appendix 6 – *Street Waste Disposal*
- Recordkeeping

Permittees shall implement catch basin cleaning, stormwater system maintenance, scheduled structural BMP inspections and maintenance, and pollution prevention/good housekeeping practices. Decant water shall be disposed of in accordance with Appendix 6 – *Street Waste Disposal.*

(b) *Roads, highways, and parking lots*. The O&M Plan shall address, at a minimum:

- Street cleaning
- Deicing
- Anti-icing, and snow removal practices
- Snow disposal areas and runoff from snow storage 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

Permittees shall implement all pollution prevention/good housekeeping practices established in the O&M Plan for all roads, highways, and parking lots with more than 5,000 square feet of pollutant generating impervious surface that are owned, operated, or maintained by the Permittee.

(c) *Vehicle fleets*. The O&M Plan shall address, at a minimum:

- Storage
- Washing
- Maintenance
- Repair
- Fueling of municipal vehicle fleets

Permittees shall conduct all vehicle and equipment washing and maintenance in a self-contained covered building or in designated wash and/or maintenance areas operated to separate wash water from stormwater.

(d) *Municipal buildings*. The O&M Plan shall address, at a minimum:

- Cleaning
- Washing
- Painting
- Other maintenance activities

Permittees shall implement all pollution prevention/good housekeeping practices established in the O&M Plan for buildings owned, operated, or maintained by the Permittee.

(e) *Parks and open space*. The O&M Plan shall address, at a minimum:

- Proper application of fertilizer
- Pesticides, and herbicides
- Pet waste BMPs
- Sediment and erosion control
- BMPs for landscape maintenance and vegetation disposal
- Trash and dumpster management
- BMPs for building exterior cleaning and maintenance

Permittees shall implement park and open space maintenance pollution prevention/good housekeeping practices at all park areas and other open spaces owned or operated by the Permittee.

(f) *Construction projects*. Public construction projects shall comply with the requirements applied to private projects. All construction projects owned or operated by the Permittee that are required to have an NPDES permit shall be covered under either the *Construction Stormwater General Permit* or another NPDES permit that authorizes stormwater discharges associated with the activity. All public projects shall include construction and post-construction controls selected and implemented pursuant to the requirements in Appendix 1.

(g) *Industrial activities*. All facilities owned or operated by the Permittee that are required to have NPDES permit coverage shall be covered under the *Industrial Stormwater General Permit* or another NPDES permit that authorizes stormwater discharges associated with the activity.

(h) *Material storage areas, heavy equipment storage areas, and maintenance areas*. Permittees shall implement a Stormwater Pollution Prevention Plan (SWPPP) to protect water quality at each of these facilities owned or operated by the Permittee and not required to have coverage under the *Industrial Stormwater General Permit* or another NPDES permit that authorizes stormwater discharges associated with the activity. At a minimum the SWPPP shall include:

- A site map showing the facility's stormwater drainage, discharge points, and areas of potential pollutant exposure.
- An inventory of the materials and equipment stored on-site, and the activities conducted at the facility which may be exposed to precipitation or runoff and could result in stormwater pollution.
- A plan for preventing and responding to spills at the facility which could result in an illicit discharge.
- A detailed description of the operational and structural BMPs in use at the facility and a schedule for implementation of additional BMPs. BMPs selected shall be consistent with the *Stormwater Management Manual for Eastern Washington*, or other Ecology-approved technical manual. The SWPPP shall be updated as needed to maintain relevancy with the facility.

- Annual inspections of the facility, including visual observations of discharges, to evaluate the effectiveness of the BMPs, identify maintenance needs, and determine if additional or different BMPs are needed. The results of these inspections shall be documented in an inspection report or check list.

(i) *Flood management projects*. Permittees shall assess water quality impacts in the design of all new flood management projects that are associated with the MS4 or that discharge to the MS4, including considering use of controls that minimize impacts to site hydrology and still meet project objectives.

(j) *Other facilities that would reasonably be expected to discharge contaminated runoff*. Permittees shall implement BMPs to protect water quality from discharges from these sites in the O&M Plan.

ii. The O&M Plan shall include a schedule of inspections and requirements for recordkeeping pursuant to S9 – *Reporting and Recordkeeping.*

(a) A minimum of 95% of all known stormwater treatment and flow control facilities (except catch basins) owned, operated, or maintained by the Permittee shall be inspected at least once every two years, with problem facilities identified during inspections to be inspected more frequently.

(b) All catch basins and inlets owned or operated by the Permittee shall be inspected every two years.[16] Clean catch basins if the inspection indicates cleaning is needed to comply with the maintenance standards adopted pursuant to S5.B.6.a.

The following alternatives to the standard approach of inspecting catch basins every two years may be applied to all or portions of the system:

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

(2) Inspections every two years may be conducted on a "circuit basis," whereby 25% of catch basins and inlets within each circuit are inspected to identify maintenance needs. Include in the inspection the catch basin immediately upstream of any system outfall, discharge point, or connections to public or private storm systems, if applicable. Clean all catch basins within a given circuit for which

[16] New Permittees shall inspect all catch basins and inlets owned or operated by the Permittee at least once by December 31, 2023, and every two years thereafter.

the inspection indicates cleaning is needed to comply with maintenance standards established under S5.B.6.a, above.

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

(c) Spot checks for potentially damaged stormwater treatment and flow control facilities shall be conducted after major storm events. (24-hour storm event with a 10-year or greater recurrence interval) Any needed repair or maintenance shall be performed as soon as practicable pursuant to the findings of regular inspection or spot check.

iii. The O&M Plan shall identify the department (and where appropriate, the specific staff) responsible for performing each activity.

b. Permittees shall provide training for all employees who have primary construction, operations, or maintenance job functions that are likely to impact stormwater quality. Training shall address the importance of protecting water quality, operation and maintenance requirements, relevant SWPPPs, inspection procedures, and ways to perform their job activities to prevent or minimize impacts to water quality. Follow-up training shall be provided, as needed, to address changes in procedures, methods or staffing.

S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES

A. Secondary Permittee Coverage

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

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

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

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

3. Unless an alternate implementation schedule is established by Ecology as a condition of permit coverage, the SWMP shall be developed and implemented in accordance with the schedules contained in this Section and shall be fully developed and implemented no later

than four and one-half (4 ½) years from initial permit coverage date. Secondary Permittees that are already implementing some or all of the required SWMP components shall continue implementation of those components.

4. Secondary Permittees may implement parts of their SWMP in accordance with the schedule for cities, towns, and counties in S5, provided they have signed a memorandum of understanding or other agreement to jointly implement the activity or activities with one or more jurisdictions listed in S1.D.2.a and submitted a copy of the agreement to Ecology.

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

B. Coordination

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

C. Legal Authority

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

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

D. Stormwater Management Program for Secondary Permittees

Permittees that are already implementing some or all of the SWMP components in this Section shall continue implementation of those components of their SWMP.

The SWMP for Secondary Permittees shall include the following components:

1. **Public Education and Outreach**
   Each Secondary Permittee shall implement the following stormwater education strategies:

   a. Storm drain inlets owned or operated by the Secondary Permittee that are located in maintenance yards, in parking lots, along sidewalks, and at pedestrian access points shall be clearly labeled with a message similar to "Dump no waste – Drains to waterbody".[17]

      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

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

Secondary Permittee, any inlet having a label that is no longer clearly visible and/or easily readable shall be re-labeled within 90 days.

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

   i. How stormwater runoff affects local waterbodies.

   ii. Proper use and application of pesticides and fertilizers.

   iii. Benefits of using well-adapted vegetation.

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

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

   vi. Hazards associated with illicit connections and illicit discharges.

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

2. **Public Involvement and Participation**
   Each year, no later than May 31, each Secondary Permittee shall:

   a. Make the Annual Report available on the Secondary Permittee's website.

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

   c. To comply with the posting requirement, a Secondary Permittee that does not maintain a website may submit the updated SWMP Plan in electronic format to Ecology for posting on Ecology's website.

3. **Illicit Discharge Detection and Elimination**
   Each Secondary Permittee shall:

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

   b. Implement appropriate policies prohibiting illicit discharges[18] and an enforcement plan to ensure compliance with illicit discharge policies.[19] These policies shall address, at a minimum: illicit connections; non-stormwater discharges, including spills, of hazardous materials; and improper disposal of pet waste and litter.

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[18] New Secondary Permittees shall develop and implement appropriate policies prohibiting illicit discharges, and identify possible enforcement mechanisms, as described in S6.D.3.b, no later than one year from the initial date of Permit coverage.

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

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

- Diverted stream flows
- Rising groundwaters
- Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20))
- Uncontaminated pumped groundwater
- Foundation drains
- Air conditioning condensation
- Irrigation water from agricultural sources that is commingled with urban stormwater
- Springs
- Uncontaminated water from crawl space pumps
- Footing drains
- Flows from riparian habitats and wetlands
- Discharges from emergency firefighting activities in accordance with S2 – *Authorized Discharges*
- Non-stormwater discharges authorized by another NPDES or state waste discharge permit

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

- Discharges from potable water sources, including but not limited to water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity-controlled to prevent resuspension of sediments in the MS4.
- Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities and water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction.
- Dechlorinated swimming pool, spa, and hot tub discharges. The discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted and reoxygenated, if necessary, and volumetrically and velocity-controlled to prevent resuspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
- 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.

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

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

c. Maintain a storm sewer system map showing the locations of all known storm drain outfalls and discharge points, labeling the receiving waters, other than groundwater, and delineating the areas contributing runoff to each outfall and discharge point. Make the map (or completed portions of the map) available on request to Ecology and, to the extent appropriate, to other Permittees. The preferred format for mapping is an electronic format with fully described mapping standards. [20]

d. Conduct field inspections and visually inspect for illicit discharges at all known MS4 outfalls and discharge points. Visually inspect at least one third (on average) of all known outfalls and discharge points each year beginning no later than two years from the initial date of permit coverage. Implement procedures to identify and remove any illicit discharges. Keep records of inspections and follow-up activities.[21]

e. Implement a spill response plan that includes coordination with a qualified spill responder.[22]

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

4. **Construction Site Stormwater Runoff Control**
From the initial date of permit coverage, each Secondary Permittee shall:

a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern construction phase stormwater pollution prevention measures.

b. Ensure that all construction projects under the functional control of the Secondary Permittee which require a construction stormwater permit obtain coverage under the

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

[21] New Secondary Permittees shall develop and implement procedures described in S6.D.3.d no later than two years from the initial date of Permit coverage.

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

Construction Stormwater General Permit, or an individual NPDES permit, prior to discharging construction related stormwater.

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

d. Provide training or coordinate with existing training efforts to educate relevant staff in erosion and sediment control BMPs and requirements, or hire trained contractors to perform the work.

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

5. **Post-Construction Stormwater Management for New Development and Redevelopment**
From the initial date of permit coverage, each Secondary Permittee shall:

a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern post-construction stormwater pollution prevention measures.

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

6. **Pollution Prevention and Good Housekeeping for Municipal Operations**
Each Secondary Permittee shall:

a. Implement a municipal Operation and Maintenance Plan (O&M Plan) to minimize stormwater pollution from activities conducted by the Secondary Permittee. The O&M Plan shall include appropriate pollution prevention and good housekeeping procedures for all of the following operations, activities, and/or types of facilities that are present within the Secondary Permittee's boundaries and under the functional control of the Secondary Permittee.[23]

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

Secondary Permittees shall establish maintenance standards that are as protective

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

or more protective of facility function than those specified in the the *Stormwater Management Manual for Eastern Washington*.

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

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

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

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

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

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

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

b. From the initial date of Permit coverage, Secondary Permittees shall also have permit coverage for all facilities operated by the Secondary Permittee that are required to be covered under the *Industrial Stormwater General Permit* or another NPDES permit that authorizes surface water discharges associated with the activity.

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

d. No later than three years from the initial date of permit coverage, Secondary Permittees shall implement a program designed to train all employees whose

construction, operations, or maintenance job functions may impact stormwater quality. The training shall address:

i. The importance of protecting water quality.

ii. The requirements of this Permit.

iii. Operation and maintenance requirements.

iv. Inspection procedures.

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

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

S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS

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

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

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

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

S8. MONITORING AND ASSESSMENT

A. Stormwater Management Program Effectiveness Studies

Each city and county Permittee listed in S1.D.2.a.i and S1.D.2.a.ii shall:

1. Continue to participate in implementation of the eight Ecology-approved studies that were selected pursuant to Section S8.B in the *Eastern Washington Phase II Municipal Stormwater Permit (2014-2019).*

   a. Each Lead Entity shall implement the study according to the Ecology-approved Quality Assurance Project Plan (QAPP).

2. Coordinate with other Permittees in your Urban Area to plan and begin an additional Stormwater Management Program effectiveness study. Two or more Urban Areas may collaborate on a single study. The ten Urban Areas associated with this Permit are: Clarkston, Ellensburg, Moses Lake, Pullman, Spokane, Sunnyside, Tri-Cities (Quad Cities), Walla Walla, Wenatchee, and Yakima.

   a. Every Permittee shall participate by one or more of the following options:

      i. Serve as the Lead Entity.

      ii. Contribute staff time or other in-kind services.

      iii. Provide funding.

   b. Submit to Ecology a brief description of the study, with a list of project participants and each participant's associated role(s) in the study, on or before June 30, 2021.

   c. Submit a detailed study design proposal to Ecology on or before September 30, 2022.

      i. Follow the format and instructions in the *Eastern Washington Stormwater Effectiveness Studies, Detailed Study Design Proposal & QAPP template* (July, 1, 2019, v.1) appropriate for the study type (i.e. operational, structural, or education and outreach).

   d. Submit a completed QAPP on or before July 31, 2023.

      i. Follow the format and instructions in the QAPP template appropriate for the study type (e.g. operational, structural, or education and outreach).

   e. Begin to conduct the study on or before December 1, 2023, or within three months of receiving Ecology's approval of the QAPP (whichever is later).

   f. Include effectiveness study activities (e.g. assigned duties; participation in meetings, proposal development, project reviews; and study implementation) in the Permittee's updated SWMP.

B. Reporting

1. Every Lead Entity shall follow the reporting requirements and timelines in the approved QAPP for the study, including:

   a. Enter all applicable data collected as part of conducting the study into Ecology's Environmental Information Management (EIM) database. Project data that are not appropriate for EIM shall be submitted in the Annual Report.

   b. Within 60 days of completing the study, publish a final report with the results of the study and recommended future actions based on the findings.

c. Within 90 days of completing the study, produce a fact sheet summarizing the findings and recommendations and share it with other Permittees. The target audience for the fact sheet is stormwater managers and local government elected officials.

2. Every city and county Permittee listed in S1.D.2.a.i and S1.D.2.a.ii shall track assigned duties and record participation in effectiveness study meetings, proposal development, project reviews, and study implementation, and include a summary in the Permittee's Annual Report.

S9. REPORTING REQUIREMENTS

No later than March 31 of each year beginning in 2020, each Permittee shall submit an Annual Report. The reporting period for the first Annual Report will be January 1, 2019 through December 31, 2019. The reporting period for all subsequent Annual Reports will be the previous calendar year, unless otherwise specified.

Permittees shall submit Annual Reports electronically using Ecology's WQWebPortal program available on Ecology's website, unless otherwise directed by Ecology.

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

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

B. 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.

C. 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 Plan (SWMP Plan), as required by S5.A.4.

2. Submittal of the Annual Report form as provided by Ecology pursuant to S9., describing the status of implementation of the requirements of this Permit during the reporting period.

3. Attachments to the Annual Report form including summaries, descriptions, reports, and other information, as required or as applicable, to meet the conditions of this Permit during the reporting period, or as a required submittl. Refer to Appendix 3 for Annual Report questions.[24]

[24] New Permittees refer to Appendix 5 for Annual Report questions.

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

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

6. 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.

D. Annual Report for Secondary Permittees

Each Annual Report shall include the following:

1. Submittal of the Annual Report form, as provided by Ecology pursuant to S9., describing the status of implementation of the requirements of this Permit during the reporting period.

2. Attachments to the Annual Report form including summaries, descriptions, reports, and other information, as required or as applicable, to meet the conditions of this Permit during the reporting period. Refer to Appendix 4 for Annual Report questions.

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

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

5. Secondary Permittees shall include with the Annual Report, notification of any jurisdictional boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

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

G2. PROPER OPERATION AND MAINTENANCE

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

G3. NOTIFICATION OF DISCHARGE INCLUDING SPILLS

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

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

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

C. Immediately report spills or discharges of oils or hazardous substances 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 shall 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 shall 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.

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 this Permit will be construed as excusing the Permittee from compliance with any other applicable federal, state, or local statutes, ordinances, or regulations.

G9. MONITORING

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

B. ***Records Retention:*** The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least five years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology. On request, monitoring data and analysis 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 specified 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 is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be

in conformance with manufacturer's recommendations or at a minimum frequency of at least one calibration per year. Calibration records should be maintained for a minimum of three years.

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

G. ***Additional Monitoring:*** Ecology may establish specific monitoring requirements in addition to those contained in this Permit by 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 re-suspended or reintroduced to the MS4 or to waters of the State. Decant from street waste vehicles resulting from cleaning stormwater facilities may be reintroduced only when other practical means are not available, and only in accordance with the *Street Waste Disposal Guidelines* in Appendix 6. Solids generated from maintenance of the MS4 may be reclaimed, recycled, or reused when allowed by local codes and ordinances. Soils that are identified as contaminated pursuant to Chapter 173-350 WAC shall be disposed at a qualified solid waste disposal facility (see Appendix 6).

G11. SEVERABILITY

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

G12. REVOCATION OF COVERAGE

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

A. Violation of any term or condition of this General Permit.

B. Obtaining coverage under this General Permit by misrepresentation or failure to disclose fully all relevant facts.

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

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

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

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

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

G13. TRANSFER OF COVERAGE

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

G14. GENERAL PERMIT MODIFICATION AND REVOCATION

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

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

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

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

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

E. Changes made to State law reference this General 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 re-issuance under General Condition G12 or G14, or 40 CFR 122.62 shall report such plans, or such information, to Ecology so that a decision can be made on whether action to modify, or revoke and reissue this Permit will be required. Ecology may then require submission of a new or amended application. Submission of such application does not relieve the Permittee of the duty to comply with this Permit until it is modified or reissued.

G16. APPEALS

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

B. The terms and conditions of this General Permit, as they apply to an individual discharger, can be appealed in accordance with Chapter 43.21B RCW within thirty days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or non-applicability 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 will be remanded to Ecology for consideration of issuance of an individual permit or permits.

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

G17. PENALTIES

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

G18. DUTY TO REAPPLY

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

G19. CERTIFICATION AND SIGNATURE

All formal submittals to Ecology shall be signed and certified.

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

B. All formal submittals required by this Permit shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to Ecology, ***and***
2. The authorization specifies either an individual or a position having responsibility for the overall development and implementation of the Stormwater Management Program. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

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

D. Certification. Any person signing a formal submittal under this Permit 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 shall:

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 shall include all of the following:

1. A description of the non-compliance, including dates.
2. Beginning and ending dates of the non-compliance and, if the non-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 shall meet the conditions of 40 CFR 122.41(n) regarding "Upsets." The conditions are as follows:

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

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

C. ***Conditions necessary for demonstration of upset.*** A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs or other relevant evidence, that:

1. An upset occurred and that the Permittee can identify the cause(s) of the upset;
2. The permitted facility was at the time being properly operated;
3. The Permittee submitted notice of the upset as required in 40 CFR 122.41(l)(6)(ii)(B) (24-hour notice of noncompliance); ***and***
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

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.

ADT means Average Daily Traffic.

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

All Known, Available, and Reasonable Methods of Prevention, Control, and Treatment refers to the state Water Pollution Control Act, RCW 90.48.010 and 90.48.520.

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

Average Daily Traffic means the expected number of vehicles using a roadway. Projected average daily traffic volumes are considered in designing a roadway or roadway improvement. ADT volumes shall be estimated using "Trip Generation" published by the *Institute of Transportation Engineers* or from a traffic study prepared by a professional engineer or transportation specialist with expertise in traffic volume estimation. ADT volumes shall be estimated for the design year or expected life of the project (the intent is for treatment facilities to be added in the soonest period of disruptive construction). For project sites with seasonal or varied use, evaluate the highest period of expected traffic impacts.

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

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

BMP means Best Management Practice.

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

Census Urban Area means Urbanized Area.

Certified Erosion and Sediment Control Lead means an individual who is knowledgeable in the principles and practices of erosion and sediment control. The CESCL shall have the skills to assess: the 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. The CESCL shall have current certification through an approved erosion and sediment control training program that meets the minimum training standards established by Ecology (see BMP C160 in the *Stormwater Management Manual for Eastern Washington* (2019)).

CESCL means Certified Erosion and Sediment Control Lead.

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

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 and/or by different contractors, but still under a single plan. Examples include: 1) 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); 2) a development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and 3) 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,* S7 –*Compliance with Total Maximum Daily Load Requirements,* or S8 – *Monitoring and Assessment* of this Permit.

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

Co-Permittee means any owner or operator of a regulated small MS4 that is in a cooperative agreement with at least one other applicant for coverage under this Permit. A Co-Permittee owns or operates a regulated small MS4 located within or in proximity 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 the federal Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended in Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117, 33 U.S.C. 1251 *et. seq.*

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

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

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

EPA means the U.S. Environmental Protection Agency

Existing Conditions are the impervious surfaces, drainage systems, land cover, native vegetation and soils that exist at a site prior to any changes associated with achieving the proposed development conditions. Approved permits and engineering plans may be required. If sites have impervious areas and drainage systems that were built without approved permits, then the existing condition is defined as those that existed prior to the issue date of this Permit. Existing conditions may be verified by using aerial photography or other records. Existing conditions are used for hydrologic analysis at the site unless a City or County imposes other requirements.

Fully Stabilized means the establishment of a permanent vegetative cover, or equivalent permanent stabilization measures (such as riprap, gabions, or geotextiles) which prevents erosion.

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.

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

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

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

High ADT Roadways and Parking Areas means any roads with ADT greater than 30,000 vehicles per day; and parking areas with more than 100 trip ends per 1,000 SF of gross building area or greater than 300 total trip ends are considered to be high-use traffic areas. Examples include commercial buildings with a frequent turnover of customers and other visitors.

High Potential for Sediment Transport means any project that does not qualify for the Erosivity Waiver as described in Appendix 1.

High-Use Sites generate high concentrations of oil due to high traffic turnover or the frequent transfer of oil and/or other petroleum products. High-use sites are land uses where sufficient quantities of free oil are likely to be present such that they can be effectively removed with special treatment. A high-use site is any one of the following:

- A road intersection with expected ADT 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; or
- A commercial or industrial site with an expected trip end count equal to or greater than 100 vehicles per 1,000 SF of gross building area (best professional judgment should be used in comparing this criterion with the following criterion); or
- A customer or visitor parking lot with an expected trip end count equal to or greater than 300 vehicles (best professional judgment should be used in comparing this criterion with the preceding criterion); or
- Commercial on-street parking areas on streets with an expected total ADT count equal to or greater than 7,500; or
- Fueling stations and facilities; or
- A commercial or industrial site subject to petroleum storage and transfer in excess of 1,500 gallons per year (not including locations where heating fuel is routinely delivered to end users and the annual amount of heating oil used at the site is the sole basis for the site meeting this definition; heating fuel handling and storage facilities **are** subject to this definition); or
- A commercial or industrial site subject to use, storage, or maintenance of a fleet of 25 or more diesel vehicles that are over 10 tons gross weight (trucks, buses, trains, heavy equipment, etc.); or
- Maintenance and repair facilities for vehicles, aircraft, construction equipment, railroad equipment, or industrial machinery and equipment; or

- Outdoor areas where hydraulic equipment is stored; or
- Log storage and sorting yards and other sites subject to frequent use of forklifts and/or other hydraulic equipment; or
- Railroad yards.

Hydrologic Modification of a Wetland means, for the purpose of stormwater management, that the wetland will receive a greater total volume of surface runoff following the proposed development than it receives in the current condition.

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

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

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

LID means Low Impact Development.

Land-Disturbing Activity means any activity that results in movement of earth or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction 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.

Low ADT Roadways and Parking Areas are urban roads with ADT fewer than 7,500 vehicles per day; rural roads and freeways with ADT less than 15,000 vehicles per day; and parking areas with less than 40 trip ends per 1,000 SF of gross building area or fewer than 100 total trip ends per day are considered to be low-use traffic areas. Examples include most residential parking, and employee-only parking areas for small office parks or other commercial buildings. Urban roads are located within designated Urban Growth Management Areas; rural roads are located outside designated Urban Growth Management Areas. Freeways, defined as fully controlled and partially controlled limited access highways, may be located either inside or outside of Urban Growth Management Areas.

Low Density Residential Land Use means, for the purpose of permit Section S8 – *Monitoring and Assessment*, one dwelling unit per 1 to 5 acres.

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

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

Maximum Extent Practicable refers to paragraph 402(p)(3)(B)(iii) of the federal Clean Water Act, which reads as follows: "Permits for discharges from municipal storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control

techniques, and system, design, and engineering methods, and other such provisions as the Administrator or the State determines appropriate for the control of such pollutants."

MEP means Maximum Extent Practicable.

Moderate ADT Roadways and Parking Areas are urban roads with ADT between 7,500 and 30,000 vehicles per day; rural roads and freeways with ADT between 15,000 and 30,000 vehicles per day; and parking areas with between 40 and 100 trip ends per 1,000 SF of gross building area or between 100 and 300 total trip ends per day are considered to be moderate-use traffic areas. Examples include visitor parking for small to medium commercial buildings with a limited number of daily customers. Urban roads are located within designated Urban Growth Management Areas; rural roads are located outside designated Urban Growth Management Areas. Freeways, defined as fully controlled and partially controlled limited access highways, may be located either inside or outside of Urban Growth Management Areas.

Moderate-Use Sites include moderate ADT roadways and parking areas (see definition above); primary access points for high-density residential apartments; most intersections controlled by traffic signals; and transit center bus stops. These sites are expected to generate sufficient concentrations of metals that additional runoff treatment is needed to protect water quality in non-exempt surface waters.

MS4 means Municipal Separate Storm Sewer System.

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

(i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of Washington State;

(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.

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

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

New Development means land disturbing activities, including Class IV general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of 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.

New Permittee means a city, town, or county that is subject to the *Eastern Washington Phase II Municipal Stormwater General Permit* and was not subject to the Permit prior to August 1, 2019.

New Secondary Permittee means a Secondary Permittee that is covered under a municipal stormwater general permit and was not covered by the Permit prior to August 1, 2019.

NOI means Notice of Intent.

Non-Pollutant Generating Impervious Surfaces are considered to be insignificant sources of pollutants in stormwater runoff. Roofs that are subject only to atmospheric deposition or normal heating, ventilation, and air conditioning vents are considered NPGIS, unless the roofing material is uncoated metal. The following may also be considered NPGIS: paved bicycle pathways and pedestrian sidewalks that are separated from and not subject to drainage from roads for motor vehicles, fenced fire lanes, infrequently used maintenance access roads, and "in-slope" areas of roads. Sidewalks that are regularly treated with sand, salt or other de-icing/anti-icing agents are **not** considered NPGIS.

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

NPDES means National Pollutant Discharge Elimination System.

NPGIS means Non-Pollutant Generating Impervious Surfaces.

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

Overburdened Community - Minority, low-income, tribal, or indigenous populations or geographic locations in the Washington State that potentially experience disproportionate environmental harms and risks. This disproportionality can be as a result of greater vulnerability to environmental hazards, lack of opportunity for public participation, or other factors. Increased vulnerability may be attributable to an accumulation of negative or lack of positive environmental, health, economic, or social conditions within these populations or places. The term describes situations where multiple factors, including both environmental and socio-economic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities.

Permittee unless otherwise noted, includes Co-Permittee, Secondary Permittee, and New Secondary Permittee.

PGIS means Pollutant Generating Impervious Surfaces.

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

Pollutant-Generating Impervious Surfaces are surfaces that are 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, will 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.

Proposed Development Conditions are the impervious surfaces, drainage systems, land cover, native vegetation, and soils that are proposed to exist at the site at the completion of the project (complete build-out). Also called "post-developed conditions."

QAPP means Quality Assurance Project Plan.

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

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

RCW means the Revised Code of Washington State.

Redevelopment means on a site that is already substantially developed, the replacement or improvement of impervious surfaces, including buildings and other structures, and replacement or improvement of impervious parking and road surfaces that is not part of a routine maintenance activity. (Any new impervious surfaces created by a redevelopment project are subject to the requirements for new development).

Receiving Waterbody or **Receiving Waters** means naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and marine waters, or groundwater, to which a MS4 discharges.

Regulatory Threshold refers to the one-acre size, including the exception noted below, of new development and redevelopment projects that shall be regulated under this Permit. The threshold includes construction site activities and new development and redevelopment projects that result in a land disturbance of equal to or greater than one acre and construction activities and projects less than one acre that are part of a larger common plan of development or sale. This threshold is a minimum requirement that may be exceeded by a local jurisdiction.

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, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. See also "***Stormwater***."

Rural Roads are roads located outside designated Urban Growth Management Areas.

Secondary Permittee is an operator of a MS4 that is not a city, town, or county. Secondary Permittees include special purpose districts and other public entities that meet the criteria in S1.B.

Shared Water Bodies means water bodies, including downstream segments, lakes, and estuaries that receive discharges from more than one Permittee.

Short Duration Storm means the 3-hour duration design storm distribution, described in Chapter 4.2.1 of the *Stormwater Management Manual for Eastern Washington* (2004), which represents the short durations, high intensities, and smaller volumes that characterize summer thunderstorms in eastern Washington.

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

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 not defined as a "large" or "medium" MS4, pursuant to 40 CFR 122.26(b)(4) & (7) or designated under 40 CFR 122.26 (a)(1)(v).

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

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

Stormwater Management Manual for Eastern Washington means the technical manual (Publication No. 18-10-044) published by the Department of Ecology in 2019.

Stormwater Management Program means a set of actions and activities designed to reduce the discharge of pollutants from the MS4 to the MEP and to protect water quality, and comprising the components listed in S5 or S6 of this Permit and any additional actions necessary to meet the requirements of applicable TMDLs pursuant to S7 – *Compliance with TMDL Requirements* and S8 *Monitoring and Assessment*.

Surface Waters includes lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the jurisdiction of the State of Washington.

SWMMEW means the *Stormwater Management Manual for Eastern Washington* (2019).

SWMP means Stormwater Management Program.

SWMP Plan means Stormwater Management Program Plan.

TMDL means Total Maximum Daily Load.

TMDL Waste Load Allocation means the allowable load of a single pollutant from a single contributing point source.

Total Maximum Daily Load means a water cleanup plan. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an

allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The calculation shall include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation shall also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), 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.

Trip Ends means the expected number of vehicles using a parking area. Projected trip end counts for a parking area are associated with the proposed land use. Trip end counts shall be estimated using "Trip Generation" published by the Institute of Transportation Engineers or from a traffic study prepared by a professional engineer or transportation specialist with expertise in traffic volume estimation. Trip end counts shall be made for the design year or expected life of the project (the intent is for treatment facilities to be added in the soonest period of disruptive construction). For project sites with seasonal or varied use, evaluate the highest period of expected traffic impacts.

UA means Urbanized Area.

Urban Growth Area means the designated area within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature, as defined at Chapter 36.70A.110 RCW (Growth Management Act).

Urbanized Area is a federally designated 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. Urbanized Areas are designated by the U.S. Census Bureau based on the most recent decennial census.

Urban Roads are roads located within designated Urban Growth Areas. Partially controlled limited access highways located inside of Urban Growth Management Areas are considered urban roads. Freeways, as defined above, are not considered urban roads for the purpose of applying the Core Elements in Appendix 1.

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

Waters of the United States is as defined in 40 CFR 122.2.

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