Pierce County

Department of Planning and Public Works

2401 South 35th Street
Tacoma, Washington 98409-7460

DENNIS HANBERG
Director

STAFF REPORT

DATE: July 28, 2020

TO: Pierce County Planning Commission

FROM: Mitch Brells, P.E., Development Engineering Manager

SUBJECT: The Planning Commission will review and consider proposed amendments to Pierce County Construction and Infrastructure Regulations: Title 17A, Site Development and Stormwater Drainage.

SUMMARY: This package includes revisions to the Pierce County Construction and Infrastructure Regulations section 17A.10.070.C.3 for Development or Redevelopment Activity Performed by Other Governmental Agencies and section 17A.10.080.D.3 revising the time limits for construction permits.

NOTICE: Notice of the Planning Commission public meeting was published in the official County newspaper, the News Tribune on July 15, 2020, the Puyallup Herald on July 15, 2020, and the Peninsula Gateway on July 16, 2020.

SEPA: SEPA will be conducted pursuant to the State Environmental Policy Act, Pierce County Code Title 18D, and provisions of the Growth Management Act.

ATTACHMENTS:

Attachment A Proposed Amendments to Title 17A, "Construction and Infrastructure Regulations – Site Development and Stormwater Drainage".
Attachment B Determination by the Department of Ecology dated April 21, 2020 per email.
Attachment C S5.C.5 from Pierce County's Phase 1 Municipal Stormwater Permit.
Attachment D Pierce County's Phase 1 Municipal Stormwater Permit.

STAFF RECOMMENDATION

Staff recommends approval of the amendments to the Pierce County Construction and Infrastructure Regulations: Title 17A, Site Development and Stormwater Drainage.

BACKGROUND

Pierce County is a Phase 1 National Pollutant Discharge Elimination System (NPDES) permittee operating a municipal storm sewer system under a permit (hereinafter referred to as the "Municipal Stormwater Permit") issued by the Washington State Department of Ecology (ECY) as directed by the Federal Clean Water Act and the State Water Pollution Control Law.

The effective term of Pierce County's current Municipal Stormwater Permit is August 1, 2019 through July 31, 2024.

Municipal stormwater permits regulate discharges from municipal stormwater systems with the primary purpose being protection of water quality.

A continuing requirement of the Municipal Stormwater Permit is that Pierce County implement a "controlling runoff" program as noted in section S5.C.5 of the permit that applies "…to private and public development, including transportation projects." Any development or redevelopment that triggers specified thresholds is subject to Pierce County's program to control runoff. The program that Pierce County has set up to control runoff is via the issuance of a site development permit. The site development permit process includes the review and inspection required by the Municipal Stormwater Permit and is contained with Title 17A "Construction and Infrastructure Regulations – Site Development and Stormwater Drainage".

Amendments are proposed to two sections of code within Title 17A.

The first amendment is to section 17A.10.070.C.3 "Development or Redevelopment Activity Performed by Other Governmental Agencies". The intent of this proposed amendment is to remove this code section such that schools and other governmental entities are required to obtain a site development permit from Pierce County when performing development or redevelopment work within unincorporated Pierce County. This proposed amendment is important because it will keep us in compliance with the terms of our Municipal Stormwater Permit.

The second amendment is to section 17A.10.080.D.3. This amendment will extend the previous (December 5, 2020) site development permit expiration date to July 1st, 2021. When the Department of Ecology issued our current Municipal Stormwater Permit they changed the date to July 1st, 2021. This amendment is important because it means developers have additional time to complete their projects and remain "vested" to the stormwater manual that was in place on the date they applied for their project's permits.

Discussion of Amendment to Section 17A.10.070.C3 "Development and Redevelopment activity performed by other governmental agencies"

Under code section 17A.10.070.C.3 the Planning and Public Works Department has not required site development permits for cities, counties or the state, but we have required site development permits for schools and utility type projects. This interpretation was challenged earlier this year which triggered a closer look at this code section as well as coordination/communication with ECY. Based on ECY's response an amendment to this code section is now necessary to remain in compliance with the terms of our Municipal Stormwater Permit. The existing section 17A.10.070.C.3 exempts projects proposed by cities, counties, the state or other governmental agencies from the requirement to obtain a site development permit. This exemption is conditional in that the jurisdiction or agency still is required to comply with the design standards and requirements of the Pierce County Stormwater Management and Site Development Manual (or another equivalent manual), however there is no County associated review or inspection required.

Research on the definition and use of the term "governmental agency" indicates that this term is very broad and would apply to school districts. This is not how staff have historically interpreted and applied this code section; however, we have confirmed with the County Prosecuting Attorney's office that schools and in some cases utilities are considered "governmental agencies".

Correspondence (attachment B) and communication with ECY indicates that the Municipal Stormwater Permit does not exempt school projects from County review and inspection.

Communication with ECY also indicates that the Municipal Stormwater Permit does not exempt cities, counties and the state from County review and inspection. For example, if the City of Tacoma proposed to build an office building in unincorporated Pierce County, ECY's interpretation of our Municipal Stormwater Permit would mean that Pierce County is responsible for reviewing their design, and inspecting construction to ensure conformance with Title 17A and the Pierce County Stormwater Management and Site Development Manual.

Staff believes that by deletion of section 17A.10.070.C.3, the County will have the authority it needs to require a site development permit for schools, cities and other governmental entities such that we can perform the review and inspection required by our Municipal Stormwater Permit. Ultimately this change will allow us to remain in compliance with our Municipal Stormwater Permit.

Discussion of Amendment to Section 17A.10.080.D3

This amendment is a cleanup item. This amendment will extend the previous (December 5, 2020) site development permit expiration date to July 1st, 2021. When the Department of Ecology issued our current Municipal Stormwater Permit (attachment D), they changed the expiration date to July 1st, 2021. The section of the permit that changed this date is S5.C5.a.ii (attachment C). This amendment is important because it means project proponents have additional time to complete their projects and remain "vested" to the stormwater manual that was in place on the date they applied for their project's permits.

ECY's Municipal Stormwater Permit process is on a five-year cycle for updates to stormwater standards and permit requirements. From a practical standpoint, ECY has been providing project proponents a five-year period to complete their project or show substantial completion before application of the most recent stormwater standards.

ECY made the revision to the Municipal Stormwater Permit to the July 1, 2021 date because they wanted all the jurisdictions to be on the same time frame to minimize confusion for jurisdictions, ECY as well as the public.

Only those portions of Title 17A that are proposed to be amended or necessary for context are shown. Remainder of text, maps, tables and/or figures is unchanged.

Chapter 17A.10
GENERAL PROVISIONS

Title 17A.10.070 Site Development Permits.

C. **Site Development Permit Not Required.** The following exemptions are allowed without obtaining a site development permit if other criteria as listed are met:

~~3. Development or Redevelopment Activity Performed by Other Governmental Agencies. City, County, State, and other governmental agencies performing development and redevelopment activities within unincorporated Pierce County are not required to obtain a site development permit when the following conditions are met:~~

~~a. The development or redevelopment activities are conducted in accordance with the latest version of the Washington State Department of Ecology's Stormwater Management Manual for Western Washington or a stormwater management manual that has been deemed equivalent by the Department of Ecology; and~~

~~b. The development or redevelopment activities are not located within existing or proposed County right-of-way, or within properties owned by Pierce County.~~

~~4.~~ 3. Public and Private Utility Line Work. Public and private utility line work (new construction, maintenance and repair) that is located within County right-of-way and is performed in accordance with the Manual on Accommodating Utilities in Pierce County Rights-of-Way does not require a site development permit.

~~5.~~ 4. Maintenance and Repair Activities for Public Roads and Public Storm Drainage Systems. Maintenance and repair activities performed by the Pierce County Planning and Public Works Department do not require a site development permit.

~~6.~~ 5. Maintenance or Repair Activities for Private Roads, Shared Accesses, Alleyways and Private Storm Drainage Systems. The maintenance activities listed below may be performed by a property owner or project proponent without first obtaining a site development permit when all of the criteria below are met. The burden of proving that the project falls within this permit exemption will be on the property owner and/or project proponent. The following criteria must be met:

a. In accordance with the Stormwater Management and Site Development Manual, Minimum Requirement #2, the property owner and/or project proponent must consider the 13 elements of pollution prevention for the maintenance or repair activity, and controls must be

developed and implemented for all the elements that pertain to the activity. Minimum Requirement #4 protecting natural drainage systems is met.

b. The repair of a storm drainage system cannot exceed 250 cubic yards of grading.

c. Road, shared access, or alleyway maintenance or repair activities cannot expand the roadway prism or cause an expansion of impervious or hard surface.

d. Maintenance or repair activities cannot change the original County approved design of a road, shared access, alleyway or storm drainage system.

e. Allowed Minor Maintenance or Repair Activities.

(1) Pavement maintenance and repair activities such as asphalt overlay, pothole repair, square cut patching, chip seal or other asphalt maintenance coating.

(2) Sidewalk or pedestrian pathway repair or replacement.

(3) Curb repair or replacement.

(4) Driveway approach repair and maintenance.

(5) Gravel road maintenance and repair.

(6) Gravel shoulder maintenance and repair.

(7) Storm drainage system repair.

(8) Storm drainage system maintenance.

(9) Vegetation maintenance within private road, shared access or alleyway or other vehicular access easement.

Title 17A.10.080 Construction.

D. **Permit (Construction) Time Limit:** In order to meet the intents and purposed of this Chapter and to minimize construction impacts, site development work must be completed as soon as reasonably possible. A site development permit is therefore valid for one year from the date of issuance.

3. All permits issued pursuant to the regulations contained in the 2012 or earlier version of the Stormwater Management and Site Development Manual shall expire on ~~December 5, 2020~~ July 1, 2021, except in the following circumstance:

a. Approved construction has begun on site before ~~December 5, 2020~~ July 1, 2021. Beginning 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 the installation of utilities. Simply clearing the project site does not constitute the beginning of construction.

Determination by the Department of Ecology dated April 21, 2020 per email

From: Vincent, Angela (ECY) <AVIN461@ECY.WA.GOV>
Sent: Tuesday, April 21, 2020 1:43 PM
To: Mitch Brells <mitch.brells@piercecountywa.gov>
Cc: Heye, Amanda (ECY) <ahey461@ECY.WA.GOV>; Trewhitt, Emma (ECY) <etre461@ECY.WA.GOV>; Maureen Meehan <maureen.meehan@piercecountywa.gov>; Dawn Anderson <dawn.anderson@piercecountywa.gov>; Chris Tebaldi <chris.tebaldi@piercecountywa.gov>; Nancy Morgan <nancy.morgan@piercecountywa.gov>; Stockwell, Abbey (ECY) <abst461@ECY.WA.GOV>; Killelea, Jeff (ECY) <jkil461@ECY.WA.GOV>; Marcoe, Sheila (ECY) <smar461@ECY.WA.GOV>; Pouya, Noosheen (ECY) <NPOU461@ECY.WA.GOV>
Subject: RE: Stormwater Site Plan Review and Inspection for Schools

Good afternoon, Mitch -

Please refer to the below highlighted text in response to your first question. I will respond to your second question later. Thank you for bringing these questions to our attention.

Sincerely,

Angela Vincent

Municipal Stormwater Permit Planner

SWRO WQ Watershed Resources Unit

WA State Dept. of Ecology

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teleworking due to Covid-19 until further notice

From: Mitch Brells [mailto:mitch.brells@piercecountywa.gov]
Sent: Wednesday, April 08, 2020 4:37 PM
To: Vincent, Angela (ECY) <AVIN461@ECY.WA.GOV>
Cc: Heye, Amanda (ECY) <ahey461@ECY.WA.GOV>; Trewhitt, Emma (ECY) <etre461@ECY.WA.GOV>; Maureen Meehan <maureen.meehan@piercecountywa.gov>; Dawn Anderson <dawn.anderson@piercecountywa.gov>; Chris Tebaldi <chris.tebaldi@piercecountywa.gov>; Nancy Morgan <nancy.morgan@piercecountywa.gov>
Subject: Stormwater Site Plan Review and Inspection for Schools

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Hello Angela,

Thanks for the informative meeting today regarding our manual update! it was very helpful.

One of the topics that we brought up was a recent concern for the County regarding one of our local school districts. Below is more detailed information on the situation, and a couple questions we would like a response from Ecology on.

Pierce County historically has required site development permits for school projects. This site development permit is what we use to perform stormwater site plan review and construction inspection to assure conformance with the County's equivalent manual. Earlier this year the County received a challenge to our ability to require a permit. This challenge came from Bethel School District.

Our ordinance (Title 17A.10.070.C.3) states that a site development permit is not required for:

> *"Development or Redevelopment Activity Performed by Other Governmental Agencies. City, County, State, and other governmental agencies performing development and redevelopment activities within unincorporated Pierce County are not required to obtain a site development permit when the following conditions are met:*
>
> *a. The development or redevelopment activities are conducted in accordance with the latest version of the Washington State Department of Ecology's Stormwater Management Manual*

for Western Washington or a stormwater management manual that has been deemed equivalent by the Department of Ecology; and

b. The development or redevelopment activities are not located within existing or proposed County right-of-way, or within properties owned by Pierce County."

Bethel School District maintains that they are a "governmental agency" and therefore do not need a site development permit for their projects.

We do not believe that it was envisioned that a school district would be exempt from submittal of a site development permit, but the broadness of the above language is hard to defend.

Our first question is whether it is acceptable (given the requirements of our Phase 1 permit) for Pierce County to not review stormwater site plans and not inspect construction of development or redevelopment by a school district. The short answer to this is "no". The 2019-24 Phase I permit requires Pierce County to implement a "controlling runoff" program (see S5.C.5) that applies "…to private and public development, including transportation projects." A school district redevelopment project that triggers redevelopment thresholds (see Appendix 1 of the Permit) is a "public development" subject to Pierce County's existing controlling runoff program. In other words, the Phase I permit requires that Pierce County review stormwater site plans of private and public development projects (i.e., those projects that trigger Appendix 1 thresholds), including new development or redevelopment school district projects within unincorporated Pierce County. The Phase I Permit also requires permitted development site inspection during construction and post-construction for all new development and redevelopment projects (with no exemption for school district site development projects). Pre-construction inspection of permitted development sites is required for those project sites that have a high potential for sediment transport as determined through plan review (see S5.C.5.b.vi.(b) and Appendix 7 of the Permit).

Our second question is whether (given the requirements of our Phase 1 permit) there is there any governmental agency constructing a project (large enough to trigger a permit) within unincorporated Pierce County, that it would be acceptable (such as a secondary permittee, Phase 2 city, or WSDOT) to not review and not inspect?

Thank you in advance for responding to these questions.

Mitchell Brells, P.E.

Development Engineering Manager

Pierce County Planning and Public Works Department

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ATTACHMENT C:
S5.C.5 from Pierce County's Phase 1 Municipal Stormwater Permit

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

4. Public Involvement and Participation

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

Minimum performance measures:

a. Permittees shall create opportunities for the public, including overburdened communities, to participate in the decision-making processes involving the development, implementation, and update of the Permittee's SWMP and SMAP (SMAP applies to counties).

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

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

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

Minimum performance measures:

a. Each Permittee shall continue to implement existing programs approved under the *2013 Phase I Municipal Stormwater Permit* until the program required in S5.C.5.b.iv applies. The program required in S5.C.5.b.iv applies to applications[2] submitted prior to July 1, 2021, which have not started construction[3] by July 1, 2026, and:

i. For Clark County, applications submitted prior to January 8, 2016, which have not started construction by July 1, 2021.

ii. For Pierce County, applications submitted prior to December 5, 2015, which have not started construction by July 1, 2021.

iii. For King County, applications submitted prior to April 24, 2016, which have not started construction by July 1, 2021.

iv. For Snohomish County, applications submitted prior to January 22, 2016, which have not started construction by July 1, 2021.

v. For the City of Seattle, applications submitted prior to January 1, 2016, which have not started construction by July 1, 2021.

[2] 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 completed application.

[3] In this context "started construction" means 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.

ATTACHMENT D:
Pierce County's Phase 1
Municipal Stormwater Permit

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

PHASE I MUNICIPAL STORMWATER PERMIT

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

State of Washington
Department of Ecology
Olympia, 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 covers discharges from large and medium Municipal Separate Storm Sewer Systems (MS4s), as established at Title 40 CFR 122.26, except for the Washington State Department of Transportation's MS4s.

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

B. The following cities and counties have submitted a Duty to Reapply-Notice of Intent (NOI) for coverage to Ecology prior to February 1, 2018, and have coverage as Permittees beginning on the effective date of the Permit:

1. The City of Tacoma and the City of Seattle

2. Clark, King, Pierce, and Snohomish Counties

C. The following entities have submitted a Duty to Reapply-Notice of Intent (NOI) for coverage to Ecology prior to February 1, 2018, and have coverage as Secondary Permittees, beginning on the effective date of the Permit:

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

2. Port of Tacoma

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

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

E. Coverage for New Secondary Permittees

1. Entities meeting the requirements in S1.E.1.a-b, below, are required to apply for and obtain coverage under this Permit. Upon application and coverage, the following entities will have coverage under this Permit as New Secondary Permittees:

a. Active drainage, diking, flood control, or diking and drainage districts located in the Cities or unincorporated portions of the Counties listed in S1.B above, which own or operate MS4s serving non-agricultural land uses; and were not covered by the Permit prior to August 1, 2019.

b. Other owners or operators of MS4s located in the Cities or unincorporated portions of the Counties listed in S1.B above; and were not covered by the Permit prior to August 1, 2019.

2. Application Requirements

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

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

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

S2. AUTHORIZED DISCHARGES

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

1. Discharges to 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 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 one or more of the following conditions:

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

2. The discharge is from emergency firefighting activities.

3. The discharge is from another illicit or non-stormwater discharge that is managed by the Permittee as provided in Special Condition S5.C.9., S6.D.3, or S6.E.3.

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

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

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

E. This Permit does not authorize discharges of stormwater to waters within Indian Country 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, Co-Permittee and Secondary Permittee is responsible for compliance with the terms of this Permit for the MS4s that they own or operate.

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

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

3. All Secondary Permittees, except for the Port of Tacoma and the Port of Seattle, are required to comply with all conditions of this Permit except for conditions S5 – *Stormwater Management Program*, S6.E – *Stormwater Management Program for the Port of Seattle and Port of Tacoma*, 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 or their permit obligations remain responsible for permit compliance if the other entity fails to implement the permit conditions. Where permit responsibilities are shared they shall be documented as follows:

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

2. Secondary Permittees shall submit an NOI that describes which requirements they will implement and identify the entities that will implement the other permit requirements in the area served by the Secondary Permittee's MS4. A statement confirming the shared responsibilities, signed by all participating entities, shall accompany the NOI.

Secondary Permittees may amend their NOI, during the term of the Permit, to establish, terminate, or amend shared responsibility arrangements, provided this does not alter implementation deadlines.

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

S4. COMPLIANCE WITH STANDARDS

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

B. This Permit does not authorize a discharge which would be a violation of Washington State Surface Water Quality Standards (Chapter 173-201A WAC), 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 (CWA), and comply with S4.A, S4.B, S4.C, and S4.D, each Permittee shall comply with all of the applicable requirements of this Permit as defined in S3 – *Responsibilities of Permittees*.

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

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

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

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

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

3. Adaptive Management Response

a. Within 60 days of receiving a notification under S4.F.2, or by an alternative date established by Ecology, the Permittee shall review its Stormwater Management Program (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 and notify the Permittee when it expects to complete its review of the report. Ecology will either approve the additional BMPs and implementation schedule or require the Permittee to modify the report as needed to meet AKART on a site-specific basis. If modifications are required, Ecology will specify a reasonable time frame in which the Permittee shall submit and Ecology will review the revised report.

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

d. The Permittee shall include with each subsequent Annual Report a summary of the status of implementation, and the results of any monitoring, assessment or evaluation efforts conducted during the reporting period. If, based on the information provided under this subsection, Ecology determines that modification of the BMPs or implementation schedule is necessary to meet AKART on a site-specific basis, the Permittee shall make such modifications as Ecology directs. In the event there are ongoing violations of water quality standards despite the implementation of the BMP approach of this Section, the Permittee may be subject to compliance schedules to eliminate the violation under WAC 173-201A-510(4) and

WAC 173-226-180 or other enforcement orders as Ecology deems appropriate during the term of this Permit.

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

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

g. The adaptive management process provided under Section 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;

2. Comply with the state AKART requirements; or

3. Control the discharge of toxicants to waters of the State of Washington.

S5. STORMWATER MANAGEMENT PROGRAM

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

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

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

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

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

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

3. Each Permittee shall track the number of inspections, follow-up actions as a result of inspections, official enforcement actions and types of public education activities as required by the respective program component. This information shall be included in the Annual Report.

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

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

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

1. Legal Authority

Minimum performance measures:

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

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

i. Control through ordinance, order, or similar means, the contribution of pollutants to MS4s owned or operated by the Permittee from stormwater discharges associated with industrial activity, and control the quality of stormwater discharged from sites of industrial activity;

ii. Prohibit through ordinance, order, or similar means, illicit discharges to the MS4 owned or operated by the Permittee;

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

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

v. Require compliance with conditions in ordinances, permits, contracts, or orders; and

vi. Within the limitations of state law, carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and non-compliance with permit conditions, including the prohibition on illicit discharges to the MS4 and compliance with local ordinances.

2. MS4 Mapping and Documentation

The SWMP shall include an ongoing program for mapping and documenting the MS4. ***Minimum performance measures:***

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

i. Known MS4 outfalls and known MS4 discharge points.

ii. Receiving waters, other than groundwater.

iii. Stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee, including all connections between these BMPs/facilities and tributary conveyances (mapped in accordance with this Section) and all associated emergency overflows.

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

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

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

(b) Associated drainage areas

(c) Land uses

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

vii. All connections to the MS4 authorized or allowed by the Permittee after February 16, 2007. [1]

viii. Existing, known connections greater than or equal to 8 inches in nominal diameter to tributary conveyances mapped in accordance with S5.C.2.a.v. For Counties, this requirement applies to the area of the county within urban/higher density rural sub-basins mapped under the previous Permit. For cities, this requirement applies throughout the city.

b. *New Mapping*. Each Permittee shall:

i. No later than January 1, 2020, begin to collect size and material for all known MS4 outfalls during normal course of business (e.g. during field screening, inspection, or maintenance) and update records.

ii. No later than August 1, 2023, complete mapping of all known connections from the MS4 to a privately-owned stormwater system.

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

iii. No later than December 31, 2023, counties shall complete mapping tributary conveyances, as described in S5.C.2.a.v, for 50% of the areas outside the previously mapped urban/higher density rural sub-basins.

c. The required format for mapping is electronic with fully described mapping standards.

d. To the extent consistent with national security laws and directives, each Permittee shall make available to Ecology, upon request, available maps depicting the information required in S5.C.2.a and b, above.

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

3. Coordination

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

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

Minimum performance measures:

a. Update, if needed, and implement an intra-governmental (internal) coordination agreement(s) or Executive Directive(s) to facilitate compliance with the terms of this Permit. Permittees shall include a written description of internal coordination mechanisms in the Annual Report, due no later than March 31, 2020.

b. The SWMP shall include, when needed, coordination mechanisms among entities covered under a municipal stormwater NPDES permit to encourage coordinated stormwater-related policies, programs and projects within adjoining or shared areas, 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.

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

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

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

4. Public Involvement and Participation

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

Minimum performance measures:

a. Permittees shall create opportunities for the public, including overburdened communities, to participate in the decision-making processes involving the development, implementation, and update of the Permittee's SWMP and SMAP (SMAP applies to counties).

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

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

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

Minimum performance measures:

a. Each Permittee shall continue to implement existing programs approved under the *2013 Phase I Municipal Stormwater Permit* until the program required in S5.C.5.b.iv applies. The program required in S5.C.5.b.iv applies to applications[2] submitted prior to July 1, 2021, which have not started construction[3] by July 1, 2026, and:

i. For Clark County, applications submitted prior to January 8, 2016, which have not started construction by July 1, 2021.

ii. For Pierce County, applications submitted prior to December 5, 2015, which have not started construction by July 1, 2021.

iii. For King County, applications submitted prior to April 24, 2016, which have not started construction by July 1, 2021.

iv. For Snohomish County, applications submitted prior to January 22, 2016, which have not started construction by July 1, 2021.

v. For the City of Seattle, applications submitted prior to January 1, 2016, which have not started construction by July 1, 2021.

[2] 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 completed application.

[3] In this context "started construction" means 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.

vi. For the City of Tacoma, applications submitted prior to November 24, 2015, which have not started construction by July 1, 2021.

b. Site and subdivision scale requirements

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

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

(a) Site planning requirements

(b) BMP selection criteria

(c) BMP design criteria

(d) BMP infeasibility criteria

(e) LID competing needs criteria

(f) BMP limitations

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

Permittees who choose to use the requirements, limitations, and criteria in the *Stormwater Management Manual for Western Washington* (SWMMWW), or an equivalent manual approved by Ecology, may cite this choice as their sole documentation to meet this requirement.

iii. Ecology review and approval of the local manuals and ordinances is required. The Permittee shall submit draft enforceable requirements, technical standards, and manuals that correspond to updates identified in Appendix 10, Part 2 to Ecology no later than July 1, 2020. Ecology will review and provide written response to the Permittee. If Ecology takes longer than 120 days to provide a written response, the required deadline for adoption and effective date will be automatically extended by the number of calendar days that Ecology exceeds a 120-day period for written response.

(a) The Permittee shall submit the required significant changes to the local programs as required in Appendix 10, Part 2, and in the format described in Table 3.

(b) Additional significant changes shall be submitted for equivalency review with the rationale, and any tests, or documentation to demonstrate that the proposal meets AKART and MEP. Incomplete submittals will not be reviewed. Permittees shall follow the submittal format in Appendix 10, Part 2, Table 4.

iv. No later than July 1, 2021, each Permittee shall adopt and make effective a local program that meets the requirements in S5.C.5.b.i through ii, above. Manuals and ordinances approved under this Section will be listed in Appendix 10, Part 3, following a permit modification.

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

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

vi. The program shall include a permitting process with site plan review, inspection, and enforcement capability to meet the following standards for both private and public projects, using qualified personnel:

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

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

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

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

(e) Inspect all permitted development sites that meet the thresholds in S5.C.5.b.i upon completion of construction and prior to final approval or

occupancy to ensure proper installation of permanent stormwater facilities. Verify that a maintenance plan is completed and responsibility for maintenance is assigned for stormwater treatment and flow control BMPs/facilities. Enforce as necessary based on the inspection.

(f) Compliance with the inspection requirements in (b)-(e) above shall be determined by the presence of an established inspection program designed to inspect all sites that meet the thresholds in S5.C.5.b.i and ii. Compliance during this Permit term shall be determined by achieving at least 80% of required inspections. The inspections may be combined with other inspections provided they are performed using qualified personnel.

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

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

vii. The program shall make available, as applicable, the link to the electronic *Construction Stormwater General Permit* Notice of Intent (NOI) form for construction activity and, as applicable, a link to the electronic *Industrial Stormwater General Permit* NOI form for industrial activity to representatives of proposed new development and redevelopment. Permittees shall continue to enforce local ordinances controlling runoff from sites that are also covered by stormwater permits issued by Ecology.

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

6. Stormwater Planning

Each Permittee shall implement a Stormwater Planning program to inform and assist in the development of policies and strategies as water quality management tools to protect receiving waters.

Minimum performance measures:

a. By August 1, 2020, each Permittee shall convene an inter-disciplinary team to inform and assist in the development, progress, and influence of this program.

b. Coordination with long-range plan updates.

i. Each Permittee shall describe how stormwater management needs and protection/improvement of receiving water health are (or are not) informing the planning update processes and influencing policies and implementation strategies in their jurisdiction. The reporting shall describe the water quality and watershed protection policies, strategies, codes, and other measures intended

to protect and improve local receiving water health through planning, or taking into account stormwater management needs or limitations.

(a) On or before March 31, 2021, the Permittee shall respond to the series of Stormwater Planning Annual Report questions that describe how anticipated stormwater impacts on water quality were addressed, if at all, during the 2013-2019 permit term in updates to the Comprehensive Plan (or equivalent) and in other locally initiated or state-mandated long-range land use plans that are used to accommodate growth or transportation.

(b) On or before March 31, 2022, the Permittee shall submit a report, responding to the same questions included in (a) above, describing how water quality is being addressed, if at all, during this permit term in updates to the Comprehensive Plan (or equivalent) and in other locally initiated or state-mandated, long-range land use plans that are used to accommodate growth or transportation.

c. Low impact development code-related requirements

i. Permittees shall continue to require LID Principles and LID BMPs when updating, revising, and developing new local development-related codes, rules, standards, or other enforceable documents, as needed.

The intent shall be to make LID the preferred and commonly-used approach to site development. The local development-related codes, rules, standards, or other enforceable documents shall be designed to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations, where feasible.

(a) Annually, each Permittee shall assess and document any newly identified administrative or regulatory barriers to implementation of LID Principles or LID BMPs since local codes were updated in accordance with the 2013 Permit, and the measures developed to address the barriers. If applicable, the report shall also describe mechanisms adopted to encourage or require implementation of LID Principles or LID BMPs.

d. Stormwater Management Action Planning

i. Each county Permittee shall describe in their SWMP how the watershed-scale stormwater plans developed during the 2013 Permit term are being used to inform their S5.C.7 project prioritization and selection.

ii. No later than December 31, 2022, each county Permittee shall develop a Stormwater Management Action Plan (SMAP) for a single sub-basin or catchment area located within the geographic areas for which watershed-scale stormwater plans were developed in the 2013 Permit. The required SMAP content is described in the *Stormwater Management Action Planning Guidance* (Ecology, 2019. Publication 19-10-010). The SMAP shall identify:

(a) Specific short-term actions (*i.e.*, actions or projects to be accomplished within six years).

(b) Specific long-term actions (*i.e.*, actions or projects to be accomplished within seven to 20 years).

(c) Land management/development strategies and/or actions needed for water quality management, if these were not articulated in the watershed-scale stormwater plans. Include these in (a) and (b).

(d) Targeted, enhanced, or customized implementation of stormwater management actions related to permit sections within S5, including:

- IDDE field screening,
- Prioritization of Source Control inspections,
- O&M inspections or enhanced maintenance, or
- Public Education and Outreach behavior change programs

Identified actions shall support other specifically identified stormwater management strategies and actions for the basin overall, or for the catchment area in particular.

(a) A revised and updated implementation schedule and budget sources.

(b) A county Permittee may choose to prepare a SMAP for a catchment area in an alternative watershed by conducting a similar process and considering the range of issues outlined in S5.C.6.d.iii-v and as described in the *Stormwater Management Action Planning Guidance* (Ecology, 2019. Publication 19-10-010).

iii. This Section applies only to a county Permittee that is selecting an alternative watershed pursuant to S5.C.6.d.ii.(f).

Receiving Water Assessment. The Permittee shall document and assess existing information related to their local receiving waters and contributing area conditions to identify which receiving waters are most likely to benefit from stormwater management planning.

By March 31, 2022, the Permittee shall submit a watershed inventory and include a brief description of the relative conditions of the receiving waters and the contributing areas. The watershed inventory shall be submitted as a table with each receiving water name, its total watershed area, the percent of the total watershed area that is in the Permittee's jurisdiction, and the findings of the stormwater influence assessment for each basin. Indicate which receiving waters will be included in the S5.C.6.d.iv prioritization process. Include a map of the delineated basins with references to the watershed inventory table.

(a) Identify which basins are expected to have a relatively low expected Stormwater Management Influence for SMAP. See the guidance document for definition and description of this assessment.

Basins having relatively low expected Stormwater Management Influence for SMAP do not need to be included in S5.C.6.d.iv-v.

iv. This Section applies only to a county Permittee that is selecting an alternative watershed pursuant to S5.C.6.d.ii.(f).

Receiving Water Prioritization. Informed by the assessment of receiving water conditions in (iii), above, and other local and regional information, the

Permittee shall develop and implement a prioritization method and process to determine which receiving waters will receive the most benefit from implementation of stormwater facility retrofits, tailored implementation of SWMP actions, and other land/development management actions (different than the existing new and redevelopment requirements). The retrofits and actions shall be designed to: 1) conserve, protect, or restore receiving waters through stormwater and land management strategies that act as water quality management tools, 2) reduce pollutant loading, and 3) address hydrologic impacts from existing development as well as planned and expected future buildout conditions.

No later than June 30, 2022, document the prioritized and ranked list of receiving waters.

(a) The Permittee shall document the priority ranking process used to identify high priority receiving waters. The Permittee may reference existing local watershed management plan(s) as source(s) of information or rationale for the prioritization.

(b) The ranking process shall include the identification of high priority catchment area(s) for focus of the Stormwater Management Action Plan (SMAP) in S5.C.6.d.v.

v. This Section applies only to a county Permittee that is selecting an alternative watershed pursuant to S5.C.6.d.ii.(f).

Stormwater Management Action Plan (SMAP). No later than December 31, 2022, the Permittee shall develop a SMAP for at least one high priority catchment area from S5.C.6.d.iv that identifies all of the following:

(a) A description of the stormwater facility retrofits needed for the area including the BMP types and preferred locations.

(b) Land management/development strategies and/or actions identified for water quality management.

(c) Targeted, enhanced, or customized implementation of stormwater management actions related to permit sections within S5, including:

- IDDE field screening,
- Prioritization of Source Control inspections,
- O&M inspections or enhanced maintenance, or
- Public Education and Outreach behavior change program.

Actions identified shall be used to support other specifically identified stormwater management strategies and actions for the basin overall, or for the catchment area in particular.

(d) Identification of needed changes to local long-range plans to address SMAP priorities, if applicable.

(e) A proposed implementation schedule and budget sources for:

- Short-term actions (*i.e.*, actions to be accomplished within six years), and
- Long-term actions (*i.e.*, actions to be accomplished within seven to 20 years).

(f) A process and schedule to provide future assessment and feedback to improve the planning process and implementation of procedures or projects.

vi. Permittees selecting an alternative watershed pursuant to S5.C.6.d.ii.(f) may rely on another jurisdiction to meet all or part of SMAP requirements at a watershed scale, provided a SMAP is completed for at least one priority catchment located within the Permittee's jurisdiction.

7. Structural Stormwater Controls

Each Permittee shall implement a Structural Stormwater Control Program to prevent or reduce impacts to waters of the State caused by discharges from the MS4. Impacts that shall be addressed include disturbances to watershed hydrology and stormwater pollutant discharges.

The program shall consider impacts caused by stormwater discharges from areas of existing development; including runoff from highways, streets and roads owned or operated by the Permittee; and areas of new development, where impacts are anticipated as development occurs.

Minimum performance measures:

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

i. The program shall consider the following projects:

(a) New flow control facilities.

(b) New treatment (or treatment and flow control) facilities.

(c) New LID BMPs.

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

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

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

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

(a) Restoration of riparian buffers

(b) Restoration of forest cover.

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

(d) Permanent removal of impervious surfaces.

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

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

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

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

i. The Structural Stormwater Control Program goals.

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

(a) The geographic scale of the planning process.

(b) Issues and regulations addressed.

(c) Steps in the planning process.

(d) Types of characterization information considered.

(e) Amount budgeted for implementation.

(f) The public involvement process.

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

c. With each Annual Report, each Permittee shall provide a list of planned, individual projects scheduled for implementation during this Permit term for the purpose of meeting S5.C.7.d. This list shall include at a minimum the information and formatting specified in Appendix 12.

d. No later than December 31, 2022, each Permittee shall achieve 300 SSC Program Points, calculated per Appendix 12, as follows:

i. 225 design-stage retrofit incentive points, and

ii. 75 complete or maintenance stage incentive points.

A minimum of 75 incentive points is required for complete or maintenance stage projects, additional incentive points for complete or maintenance stage projects may substitute for design-stage incentive points.

8. Source Control Program for Existing Development

a. The Permittee shall implement a program to reduce pollutants in runoff from areas that discharge to the MS4. The program shall include:

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

ii. Inspections of pollutant generating sources at publicly and privately owned institutional, commercial, and industrial sites to enforce implementation of required BMPs to control pollution discharging into the MS4.

iii. Application and enforcement of local ordinances at sites, identified pursuant to S5.C.8.b.ii, including sites with discharges authorized by a separate NPDES permit. Permittees that are in compliance with the terms of this Permit will not be held liable by Ecology for water quality standard violations or receiving water impacts caused by industries and other Permittees covered, or which should be covered under an NPDES permit issued by Ecology.

iv. Practices to reduce polluted runoff from the application of pesticides, herbicides, and fertilizers from the sites identified in the inventory.

b. ***Minimum performance measures***

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

Permittees shall update and make effective the ordinance(s), or other enforceable documents, as necessary to meet the requirements of this Section no later than August 1, 2021.

The requirements of this subsection are met by using the source control BMPs in Volume IV of the *Stormwater Management Manual for Western Washington*, or a functionally equivalent manual approved by Ecology. In cases where the manual(s) lack guidance for a specific source of pollutants, the Permittee shall work with the owner/operator to implement or adapt BMPs based on the best professional judgement of the Permittee.

Applicable operational source control BMPs shall be required for all pollutant generating sources. Structural source control BMPs , or treatment BMPs/facilities, or both, shall be required for pollutant generating sources if operational source control BMPs do not prevent illicit discharges or violations of surface water, groundwater, or sediment management standards because of inadequate stormwater controls. Implementation of source control requirements may be done through education and technical assistance programs, provided that formal enforcement authority is available to the Permittee and is used as determined necessary by the Permittee, in accordance with S5.C.8.b.iv, below.

ii. Permittees shall implement a program to identify publicly and privately owned institutional, commercial, and industrial sites which have the potential to generate pollutants to the MS4. The Permittee shall update the inventory at least once every 5 years. The program shall include a source control inventory which lists:

(a) Businesses and/or sites identified based on the presence of activities that are pollutant generating (refer to Appendix 8).

(b) Other pollutant generating sources, based on complaint response, such as home-based businesses and multifamily sites.

iii. Permittees shall implement an inspection program for sites identified pursuant to S5.C.8.b.ii, above.

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

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

(c) Each Permittee shall inspect 100% of sites identified through credible complaints.

(d) Permittees may count inspections conducted based on complaints, or when the property owner denies entry, to the 20% inspection rate.

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

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

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

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

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

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

9. Illicit Connections and Illicit Discharges Detection and Elimination

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

Minimum performance measures:

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

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

b. Permittees shall continue to implement an ordinance or other regulatory mechanism to effectively prohibit non-stormwater, illicit discharges, including spills, into the Permittee's MS4.

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

      (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

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

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

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

(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 de-chlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.

(b) Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities (see S5.C.11) 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.C.11) 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 shall be in compliance with the requirements of a pollution prevention plan reviewed by the Permittee which addresses control of such discharges.

iii. The Permittee shall further address any category of discharges in S5.C.9.b.i or ii, above, if the discharges are identified as significant sources of pollutants to waters of the State.

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

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

The Permittee shall implement a field screening methodology appropriate to the characteristics of the MS4 and water quality concerns. Screening for illicit connections may be conducted using the *Illicit Connection and Illicit Discharge*

Field Screening and Source Tracing Guidance Manual (Herrera Environmental Consultants, Inc., May 2013.); or another method of comparable or improved effectiveness. The Permittee shall document the field screening methodology in the Annual Report.

(a) Each Permittee shall implement an ongoing field screening program of, on average, 12% of the Permittee's known MS4 each year. Permittees shall annually track the total percentage of the MS4 screened beginning August 1, 2019.

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

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

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

i. Procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges found by or reported to the Permittee. Procedures shall address the evaluation of whether the discharge 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 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.C.9.d.iv, including-escalating enforcement and legal-actions if the discharge is not eliminated.

iv. Compliance with the provisions in S5.C.9.d.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 authority to act) within 7 days, on average, 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.

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

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

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

g. Recordkeeping: Each Permittee shall track and maintain records of the activities conducted to meet the requirements of this Section. In the Annual Report, each Permittee shall submit data for all of 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 14 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 14.

10. Operation and Maintenance Program

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

Minimum performance measures:

a. Maintenance Standards. Each Permittee shall implement maintenance standards that are as protective, or more protective, of facility function than those specified in the *Stormwater Management Manual for Western Washington* (SWMMWW) or a Phase I program approved by Ecology. For facilities which do not have maintenance standards, the Permittee shall develop a maintenance standard. No later than July 1, 2021[4] each Permittee shall update their maintenance standards as necessary to meet the requirements in this Section.

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

[4] If Ecology takes longer than 120 days to provide a written response as outlined in S.5.C.5.b.3, the required deadline for adoption and effective date will be automatically extended by the number of calendar days that Ecology exceeds a 120-day period for written response.

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

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

(b) Within 6 months for catch basins.

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

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

b. Maintenance of stormwater facilities regulated by the Permittee

i. Each Permittee shall evaluate and, if necessary, update existing ordinances or other enforceable documents requiring maintenance of all stormwater treatment and flow control BMPs/facilities regulated by the Permittee (including catch basins that are part of the facilities regulated by the Permittee), in accordance with maintenance standards established under S5.C.10.a, above.

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

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

iii. Compliance with the inspection requirements of S5.C.10.b.ii, above, shall be determined by the presence of an established inspection program designed to inspect all facilities, and achieving at least 80% of required inspections.

iv. The Permittee shall require cleaning of catch basins regulated by the Permittee if they are found to be out of compliance with established maintenance standards in the course of inspections conducted at facilities under the requirements of S5.C.8 – *Source Control Program for Existing Development*, and S5.C.9 – *Illicit Connections and Illicit Discharges Detection and Elimination*, or if the catch basins are part of the stormwater facilities inspected under the requirements of S5.C.10 – *Operation and Maintenance Program*.

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

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

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

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

iii. Compliance with the inspection requirements of S5.C.10.c.i, and ii, above, shall be determined by the presence of an established inspection program designed to inspect all sites and achieving at least 95% of required inspections.

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

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

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

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

(b) Annual inspections may be conducted on a “circuit basis” whereby 25% of catch basins and inlets within each circuit are inspected to identify maintenance needs. Include an inspection of the catch basin immediately upstream of any MS4 outfall, discharge point, or connections to public or private storm systems if applicable. Clean all catch basins within a given circuit for which the inspection indicates cleaning is needed to comply with maintenance standards established under S5.C.10.a, above.

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

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

iii. Compliance with the inspection requirements of S5.C.10.d.i, above, shall be determined by the presence of an established inspection program designed to inspect all catch basins and inlets, or implemented alternative, and achieving at least 95% of required inspections.

e. Each Permittee shall implement practices, policies, and procedures to reduce stormwater impacts associated with runoff from all lands owned or maintained by the Permittee, and road maintenance activities under the functional control of the Permittee. No later than December 31, 2022, document the practices, policies, and procedures. Lands owned or maintained by the Permittee include, but are not limited to: parking lots, streets, roads, highways, buildings, parks, open space, road right-of-way, maintenance yards, and stormwater treatment and flow control BMPs/facilities.

The following activities shall be addressed:

i. Pipe cleaning

ii. Cleaning of culverts that convey stormwater in ditch systems

iii. Ditch maintenance

iv. Street cleaning

v. Road repair and resurfacing, including pavement grinding

vi. Snow and ice control

vii. Utility installation

viii. Maintaining roadside areas, including vegetation management

ix. Dust control

x. Pavement striping maintenance

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

xii. Sediment and erosion control

xiii. Landscape maintenance and vegetation disposal

xiv. Trash and pet waste management

xv. Building exterior cleaning and maintenance

f. Implement an ongoing training program for employees of the Permittee who have primary construction, operations, or maintenance job functions that may impact stormwater quality. The training program shall address the importance of protecting water quality, operation and maintenance standards, inspection procedures, relevant SWPPPs, selecting appropriate BMPs, ways to perform their job activities to prevent or minimize impacts to water quality, and procedures for reporting water

quality concerns. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staffing. Permittees shall document and maintain records of the training provided. The staff training records to be kept include dates, activities or course descriptions, names and positions of staff in attendance.

g. Implement a Stormwater Pollution Prevention Plan (SWPPP) for all heavy equipment maintenance or storage yards, and material storage facilities owned or operated by the Permittee in areas subject to this Permit that are not required to have coverage under the General NPDES Permit for Stormwater Discharges Associated with Industrial Activities or another NPDES permit that authorizes stormwater discharges associated with the activity. As necessary, update SWPPPs no later than December 31, 2022, to include the following information. The SWPPP shall include periodic visual observation of discharges from the facility to evaluate the effectiveness of BMPs. At a minimum, the SWPPP shall include:

   i. A detailed description of the operational and structural BMPs in use at the facility and a schedule for implementation of additional BMPs when needed. BMPs selected shall be consistent with the *Stormwater Management Manual for Western Washington*, or Phase I program approved by Ecology. The SWPPP shall be updated as needed to maintain relevancy with the facility.

   ii. At the minimum, 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.

   iii. 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.

   iv. A site map showing the facility's stormwater drainage, discharge points, and areas of potential pollutant exposure.

   v. A plan for preventing and responding to spills at the facility which could result in an illicit discharge.

   vi. A training plan for all personnel responsible for implementing any components of the SWPPP.

h. Maintain records of the activities conducted to meet the requirements of this Section.

11. Education and Outreach Program

The SWMP shall include an education and outreach program designed to:

- Build general awareness about methods to address and reduce stormwater runoff.
- Effect behavior change to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts.
- Create stewardship opportunities that encourages community engagement in addressing the impacts from stormwater runoff.

Permittees may choose to meet these requirements individually or as a member of a regional group. Regional collaboration on general awareness or behavior change programs, or both, includes Permittees developing a consistent message, determining best methods for communicating the message, and when appropriate, creating strategies to effect behavior change. If a Permittee chooses to adopt one or more elements of a regional program, the Permittee should participate in the regional group and shall implement the adopted element(s) of the regional program in the local jurisdiction

Minimum performance measures:

a. Each Permittee shall implement an education and outreach program for the area served by the MS4. The program design shall be based on local water quality information and target audience characteristics to identify high priority target audiences, subject areas, and/or BMPs. Based on the target audience's demographic, the Permittee shall consider delivering its selected messages in language(s) other than English, as appropriate for the target audience.

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

      (a) *Target Audiences*: General Public (including school age children and overburdened communities), and businesses (including home-based and mobile business)

      Subject areas:

      - General impacts of stormwater on surface waters, including impacts from impervious surfaces and of the hazards associated with illicit discharges and improper disposal of waste.
      - LID principles and LID BMPs.

      (b) *Target audiences*: Engineers, contractors, developers, and land use planners.

      Subject areas: Technical standards for stormwater site and erosion control plans.

      - LID principles and LID BMPs.
      - Stormwater treatment and flow control BMPs/facilities.

      (c) Permittees shall provide subject area information to the target audience on an ongoing or strategic schedule.

   ii. ***Behavior change***: To effect behavior change, Permittees shall select, at a minimum, one target audience and one BMP:

      (a) *Target audiences*: Residents, landscapers, and property managers/owners, school-age children, and businesses (including home-based and mobile businesses).

      BMPs

      - Use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps, and other hazardous materials.

- Prevention of illicit discharges.
- Yard care techniques protective of water quality.
- Use and storage of pesticides and fertilizers and other household chemicals.
- Carpet cleaning.
- Repair and maintenance BMPs for vehicles, equipment, and/or home buildings.
- Pet waste management and disposal.
- LID principles and LID BMPs.
- Stormwater facility maintenance, including LID facilities
- Dumpster and trash compactor maintenance.
- Litter and debris prevention.
- (Audience specific) Source Control BMPs.
- (Audience specific) Locally important, stormwater-related subject area.

iii. No later than July 1, 2020, each Permittee shall conduct a new evaluation of the effectiveness of the ongoing behavior change program (required under S5.C.10.a.ii of the 2013 Permit). Permittees shall document lessons learned and recommendations for which option to select from S5.C.11.a.iv.

Permittees that select option S5.C.11.a.iv.c, below, may forgo this evaluation if it will not add value to the overall behavior change program.

iv. Based on the recommendation from S5.C.11.a.iii, by February 1, 2021, each Permittee shall follow social marketing practices and methods, similar to Community-Based Social Marketing, and develop a campaign that is tailored to the community, including the development of a program evaluation plan. Each Permittee shall:

(a) Develop a strategy and schedule to more effectively implement the existing campaign, or

(b) Develop a strategy and schedule to expand the existing campaign to a new target audience or BMPs, or

(c) Develop a strategy and schedule for a new target audience and BMP behavior change campaign.

v. No later than April 1, 2021, begin to implement the strategy developed in S5.C.11.a.iv.

vi. No later than March 31, 2024, evaluate and report on:

(a) The changes in understanding and adoption of targeted behaviors resulting from the implementation of the strategy; and

(b) Any changes to the campaign in order to be more effective; describe the strategies and process to achieve the results.

vii. Permittees shall use results of the evaluation to continue to direct effective methods for implementation of the ongoing behavior change program.

b. Each Permittee shall provide and advertise stewardship opportunities and/or partner with existing organizations (including non-permittees) to encourage

residents to participate in activities or events planned and organized within the community, such as: stream teams, storm drain marking, volunteer monitoring, riparian plantings and education activities.

S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES

A. Secondary Permittees and New Secondary Permittees Coverage

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

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

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

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

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

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

5. Each Secondary 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.

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

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

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

B. Coordination

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

C. Legal Authority

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

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

D. Stormwater Management Program for Secondary Permittees

The SWMP for Secondary Permittees shall include the following components.

1. Public Education and Outreach

Each Secondary Permittee shall implement the following stormwater education strategies:

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

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

b. Each year, beginning no later than three years from the initial date of Permit coverage, public ports, colleges, and universities shall distribute educational information to tenants and residents on the impact of stormwater discharges on receiving waters, and steps that can be taken to reduce pollutants in stormwater runoff. Distribution may be by hard copy or electronic means. Appropriate topics may include, but are not limited to:

i. How stormwater runoff affects local waterbodies.

ii. Proper use and application of pesticides and fertilizers.

iii. Benefits of using well-adapted vegetation.

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

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

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

vi. Hazards associated with illicit connections and illicit discharges.

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

2. Public Involvement and Participation

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

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

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

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

3. Illicit Discharge Detection and Elimination

Each Secondary Permittee shall:

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

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

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

(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

(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

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

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

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

(m) 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:

(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 de-chlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.

(b) 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.

(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 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.

(e) 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 S6.D.3.b.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.[8]

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

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

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

4. Construction Site Stormwater Runoff Control

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

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

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

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

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

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

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

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

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

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

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

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

6. Pollution Prevention and Good Housekeeping for Municipal Operations

Each Secondary Permittee shall:

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

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

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

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

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

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

iii. *Vehicle fleets*. The O&M Plan shall address, but is not limited to: storage, washing, and maintenance of Secondary Permittee vehicle fleets; and fueling facilities. Secondary Permittees shall conduct all vehicle and equipment washing

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

and maintenance in a self-contained covered building or in designated wash and/or maintenance areas.

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

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

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

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

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

i. The importance of protecting water quality.

ii. The requirements of this Permit.

iii. Operation and maintenance requirements.

iv. Inspection procedures.

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

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

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

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

components of their SWMP.

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

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

   Minimum performance measure:

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

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

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

   Minimum performance measures:

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

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

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

         (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

         (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

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:

(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 de-chlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.

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

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

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

iii. The Permittee shall address any category of discharges in S6.E.3.b.i or ii above if the discharges are identified as significant source of pollutants to waters of the State.

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

i. Known MS4 outfalls and discharge points, receiving waters (other than groundwater), and land uses for property owned by the Permittee, and all other properties served by MS4s known to and owned or operated by the Permittee.

ii. Tributary conveyances (including size, material, and type attributes where known), and the associated drainage areas of MS4 outfalls and discharge points with a 12 inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems.

iii. Known connections greater than or equal to 8 inches in nominal diameter to tributary conveyances mapped in accordance with S6.E.3.c.ii.

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

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

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

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

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

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

4. Construction Site Stormwater Runoff Control

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

Minimum performance measures:

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

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

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

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

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

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

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

Minimum performance measures:

a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Permittee is located that govern post-construction stormwater pollution prevention measures, including proper operation and maintenance of the MS4. To the extent allowed by local ordinances, rules, and regulations, comply with the applicable the minimum technical requirements for new development and redevelopment contained in Appendix 1.

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

6. Operation and Maintenance Program

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

Minimum performance measures:

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

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

   ii. The operation and maintenance manual shall establish facility-specific maintenance standards that are as protective, or more protective, than those specified in the *Stormwater Management Manual for Western Washington*. For

existing stormwater facilities which do not have maintenance standards, the Permittee shall develop a maintenance standard. Each Permittee shall update maintenance standards, as necessary, to meet the requirements of this Section.

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

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

i. The Permittee may change the inspection frequency to less than annually, provided the maintenance standards are still met. Reducing the annual inspection frequency shall be based on maintenance records of double the length of time of the proposed inspection frequency. In the absence of maintenance records, the Permittee may substitute written statements to document a specific less frequent inspection schedule. Written statements shall be based on actual inspection and maintenance experience and shall be certified in accordance with G19 – *Certification and Signature*.

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

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

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

(c) Within 6 months for catch basins.

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

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

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

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

7. Source Control in Existing Developed Areas

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

authorizes stormwater discharges.

Minimum performance measures:

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

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

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

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

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

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

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

8. Monitoring Program

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

S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS

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

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

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

C. For TMDLs that are approved by EPA after this Permit is issued, Ecology may establish TMDL-related permit requirements through future permit modification if Ecology

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

S8. MONITORING AND ASSESSMENT

A. Regional Status and Trends Monitoring

1. King and Snohomish Counties, the Cities of Seattle and Tacoma, and the Ports of Seattle and Tacoma chose S8.B *Status and Trends Monitoring*, Option #1 in the *Phase I Municipal Stormwater Permit,* August 1, 2013 – July 31, 2018 (extended to July 31, 2019). These Permittees shall make a one-time payment into the collective fund to implement regional small streams and marine nearshore areas status and trends monitoring in Puget Sound. This payment is due on or before December 1, 2019. Submit payment according to Section S8.D.

2. King, Pierce, and Snohomish Counties, the Cities of Seattle and Tacoma, and the Ports of Seattle and Tacoma shall notify Ecology in writing which of the following two options for regional status and trends monitoring (S8.A.2.a or S8.A.2.b) the Permittee chooses to carry out during this Permit term. The written notification with G19 signature is due to Ecology no later than December 1, 2019.

a. Make annual payments into a collective fund to implement regional receiving water status and trends monitoring of small streams and marine nearshore areas in Puget Sound. The annual payments into the collective fund are due on or before August 15 each year beginning in 2020. Submit payments according to Section S8.D.

Or

b. Conduct stormwater discharge monitoring per the requirements in S8.C.

Either option will fully satisfy the Permittee's obligations under this Section (S8.A.2). Each Permittee shall select a single option for this permit term.

3. Clark County shall:

a. Prepare to conduct regional urban streams status and trends monitoring in the Lower Columbia River Basin. No later than June 30, 2020, Clark County shall submit a completed version of the *Quality Assurance Project Plan for Status and Trends Monitoring of Urban Streams in Clark and Cowlitz Counties in the Lower Columbia River Region* – [Template for] Clark County, Lead Entity, June 30, 2019 (July 1, 2019 version 1.0, LC Urban Streams QAPP Template), to Ecology for review and approval.

i. Submit the "Site verification report and final Table 6 and Figure 2" listed in Table 2 of the LC Urban Streams QAPP Template on or before January 31, 2020, to Ecology for review and approval.

ii. Submit the "Extended monitoring report and final Tables 7 and 11" listed in Table 2 of the LC Urban Streams QAPP Template on or before March 31, 2020, to Ecology for review and approval.

b. Notify Ecology in writing which of the following two options for regional status and trends monitoring (S8.A.3.b.i or S8.A.3.b.ii) the County chooses to carry out during this permit term. The written notification with G19 signature is due to Ecology no later than December 1, 2019.

i. Make annual payments into a collective fund to implement regional urban streams status and trends monitoring in Clark and Cowlitz Counties in the Lower Columbia River Basin. The annual payments into the collective fund are due on or before August 15 each year beginning in 2020. Submit payments according to Section S8.D below.

Or

ii. Conduct stormwater discharge monitoring per the requirements in S8.C.

Either option will fully satisfy the County's obligations under this Section (S8.A.3.b). Clark County shall select a single option for the duration of this Permit.

B. Stormwater Management Program Effectiveness and Source Identification Studies

1. Clark, King, Pierce, and Snohomish Counties, the City of Seattle, and the Ports of Seattle and Tacoma chose S8.C *Effectiveness Studies,* Option #1 or Option #3 in the *Phase I Municipal Stormwater Permit* August 1, 2013 – July 31, 2018 (extended to July 31, 2019). These Permittees shall pay into the collective fund to implement effectiveness studies and source identification studies. The payment is due before on or before December 1, 2019. Submit payment according to Section S8.D.

2. Clark, King, Pierce, and Snohomish Counties, the Cities of Seattle and Tacoma, and the Ports of Seattle and Tacoma shall notify Ecology in writing which of the following three options (S8.B.2.a or S8.B.2.b or S8.B.2.c) for effectiveness and source identification studies the Permittee chooses to carry out during this permit term.

a. Make annual payments into a collective fund to implement effectiveness and source identification studies. The annual payments into the collective fund are due on or before August 15 each year beginning in 2020. Submit payments according to Section S8.D.

Or

b. Conduct stormwater discharge monitoring per the requirements in S8.C.

Or

c. **Both:** make annual payments into a collective fund to implement regional effectiveness and source identification studies ***and*** independently conduct a Stormwater Management Program (SWMP) effectiveness study approved by Ecology.

i. Permittees selecting this option shall make payments equal to one-half of the amounts listed in Appendix 11 for S8.B. The annual payments are due are due on or before August 15 each year beginning in 2020. Submit payments according to Section S8.D.

ii. The SWMP effectiveness study shall be conducted in accordance with the requirements below:

(a) Write a detailed proposal describing: the purpose, objectives, design, and methods of the independent effectiveness study; anticipated outcomes including the question that will be answered; expected modifications to the Permittee's SWMP; relevance to other Permittees; and plans for sharing the findings with other Permittees. The proposal shall be prepared in accordance with the *SWMP Effectiveness Study Proposal and QAPP Template* (July 1, 2019, version 1.0) and submitted no later than February 2, 2020, to Ecology for review and approval.

(b) Within 120 days of Ecology's approval of the detailed proposal, submit a draft QAPP to Ecology. The QAPP shall be prepared in accordance with the *SWMP Effectiveness Study Proposal and QAPP template* (July 1, 2019, version 1.0). Within 60 days of receiving Ecology's comments, submit a final QAPP to Ecology for review and approval.

(c) Implement the study in accordance with the schedule in the approved final QAPP. Data and analyses shall be reported annually in accordance with the Ecology-approved QAPP.

Any of these three options (S8.B.2.a or S8.B.2.b or S8.B.2.c) will fully satisfy the Permittee's obligations under this Section (S8.B.2). Each Permittee shall select a single option for this permit term.

3. All Permittees shall provide information as requested for effectiveness and source identification studies that are under contract with Ecology as active Stormwater Action Monitoring (SAM) projects. These requests will be limited to records of SWMP activities and associated data tracked and/or maintained in accordance with S5 – *Stormwater Management Program* and/or S9 – *Reporting Requirements*. A maximum of three requests during the permit term from the SAM Coordinator will be transmitted to the Permittee's permit coordinator via Ecology's regional permit manager. The Permittee shall have 90 days to provide the requested information.

C. Stormwater Discharge Monitoring

1. No later than June 30, 2020, Clark County and the City of Tacoma shall submit data and a final report for the stormwater discharge monitoring that was conducted pursuant to S8.B.2 (Clark County) and S8.C *Effectiveness Studies*, Option #2 (Tacoma) in the *Phase I Municipal Stormwater Permit,* August 1, 2013 – July 31, 2018 (extended to July 31, 2019).

2. This Section applies only to Permittees who choose to conduct stormwater discharge monitoring per S8.A.2.b, S8.A.3.b.ii, and/or S8.B.2.b in lieu of participation in the *Regional Status and Trends Monitoring* and/or Effectiveness and Source Identification Studies. These Permittees shall conduct monitoring in accordance with Appendix 9 and an Ecology-approved QAPP as follows:

a. Cities and counties who choose the option to conduct stormwater discharge monitoring for either S8.A regional status and trends monitoring or S8.B effectiveness and source identification studies shall monitor five independent discharge locations; ports shall monitor two independent discharge locations. Permittees are encouraged to continue monitoring at locations monitored under S8.C.2 of the *Phase I Municipal Stormwater Permit* August 1, 2013 – July 31, 2018

(extended to July 31, 2019) and/or S8.D of the *Phase I Municipal Stormwater Permit,* February 16, 2007 – February 15, 2012.

i. Cities and counties who choose the option to conduct stormwater discharge monitoring for ***both*** S8.A *Regional Status and Trends Monitoring* and S8.B *Effectiveness and Source Identification Studies,* shall conduct this monitoring at a total of ten locations; at least seven locations shall be independent (up to three locations may be nested in other basins).

ii. Ports who choose the option to conduct stormwater discharge monitoring for ***both*** S8.A and S8.B shall conduct this monitoring at four independent locations.

b. No later than February 1, 2020, each Permittee shall submit a draft Stormwater Discharge Monitoring QAPP to Ecology for review and approval. The QAPP shall be prepared in accordance with the requirements in Appendix 9. The final QAPP shall be submitted to Ecology for approval as soon as possible following finalization, and before August 15, 2020, or within 60 days of receiving Ecology's comments on the draft QAPP (whichever is later).

c. Flow monitoring at new discharge monitoring locations shall begin no later than October 1, 2020, or within 30 days of receiving Ecology's approval of the final QAPP (whichever is later). Stormwater discharge monitoring shall be fully implemented no later than October 1, 2020, at previous or existing discharge monitoring locations and no later than October 1, 2021, at new discharge monitoring locations.

d. Data and analyses shall be reported annually in accordance with the Ecology-approved QAPP. Each Permittee shall enter into the Department's Environmental Information Management (EIM) database, all water and solids concentration data collected pursuant to Appendix 9.

D. Payments into the Collective Funds

1. This Section applies to all Permittees who choose to make annual payments into the collective funds for S8.A *Regional Status and Trends Monitoring* and/or S8.B *Effectiveness and Source Identification Studies*.

2. Each Permittee's S8.A and S8.B payment amounts are listed in Appendix 11.

a. For the S8.B.1 payment due on December 1, 2019, Clark County and the City of Seattle shall pay half the amount indicated for S8.B in Appendix 11.

b. For annual payments for S8.B.2 due on August 15, 2020 and thereafter, Permittees that choose option S8.B.2.c shall pay half the amount indicated for S8.B in Appendix 11.

3. Mail payments according to the instructions in the invoice sent to the Permittee approximately three months in advance of each payment due date, or via United States Postal Service to:

Department of Ecology Cashiering Unit
P.O. Box 47611
Olympia, WA 98405-7611

S9. REPORTING REQUIREMENTS

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

Permittees shall submit Annual Reports electronically using Ecology's Water Quality Permitting Portal (WQWebPortal) 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.

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

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

1. A reasonable charge may be assessed by the Permittee for making photocopies of records.
2. The Permittee may require reasonable advance notice of intent to review records related to this Permit.

D. The Annual Report for Permittees listed in S1.B shall include the following:

1. A copy of the Permittee's current SWMP Plan as required by S5.A.1.
2. Submittal of the Annual Report form as provided by Ecology pursuant to S9.A, describing the status of implementation of the requirements of this Permit during the reporting period.
3. Attachments to the Annual Report form including summaries, descriptions, reports, and other information as required, or as applicable, to meet the requirements of this Permit during the reporting period, or as a required submittal. Refer to Appendix 3 for Annual Report questions.
4. If applicable, notice that the MS4 is relying on another governmental entity to satisfy any of the obligations under the Permit.
5. Certification and signature pursuant to G19.D, and notification of any changes to authorization pursuant to G19.C.
6. A notification of any annexations, incorporations, or jurisdictional boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period.

E. Annual Report for Secondary Permittees, including the Port of Seattle and the Port of Tacoma. Each Annual Report shall include the following:

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

2. Attachments to the Annual Report form including summaries, descriptions, reports, and other information as required, or as applicable, to meet the requirements of this Permit during the reporting period. Refer to Appendix 4 for Annual Report questions for Secondary Permittees, and Appendix 5 for Annual Report questions for the Ports of Seattle and Tacoma.
3. If applicable, notice that the MS4 is relying on another governmental entity to satisfy any of the obligations under this Permit.
4. Certification and signature pursuant to G19.D, and notification of any changes to authorization pursuant to G19.C.
5. A notification of any jurisdictional boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

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

G2. PROPER OPERATION AND MAINTENANCE

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

G3. NOTIFICATION OF DISCHARGE INCLUDING SPILLS

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

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

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

C. Immediately report spills or other discharges which might cause bacterial contamination of marine waters, such as discharges resulting from broken sewer lines and failing onsite septic systems, to the Ecology regional office and to the Department of Health, Shellfish Program.

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

G4. BYPASS PROHIBITED

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

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

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

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

G5. RIGHT OF ENTRY

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

A. To enter upon the Permittee's premises where a discharge is located or where any records 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; ***and***

E. To sample at reasonable times any discharge of pollutants.

G6. DUTY TO MITIGATE

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

G7. PROPERTY RIGHTS

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

G8. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G9. MONITORING

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

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

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

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

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

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

G. ***Additional Monitoring****:* Ecology may establish specific monitoring requirements in addition to those contained in this Permit by administrative order or permit modification.

G10. REMOVED SUBSTANCES

With the exception of decant from street waste vehicles, the Permittee shall not allow collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of stormwater to be resuspended or reintroduced to the 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 shall not be affected thereby.

G12. REVOCATION OF COVERAGE

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

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

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

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

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

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

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

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

G13. TRANSFER OF COVERAGE

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

G14. GENERAL PERMIT MODIFICATION AND REVOCATION

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

E. Changes made to State law reference this Permit.

G15. REPORTING A CAUSE FOR MODIFICATION OR REVOCATION

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

G16. APPEALS

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

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

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

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

G17. PENALTIES

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

G18. DUTY TO REAPPLY

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

G19. CERTIFICATION AND SIGNATURE

All formal submittals to Ecology shall be signed and certified.

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

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

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

C. Changes to authorization. If an authorization under General Condition G19.B.2 is no longer accurate because a different individual or position has responsibility for the overall development and implementation of the Stormwater Management Program, a new authorization satisfying the requirements of General Condition G19.B.2 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 a Permittee 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 to Ecology shall include all of the following:

1. A description of the non-compliance, including the reference(s).
2. Beginning and ending dates of the non-compliance, or if the Permittee has not corrected the non-compliance, the anticipated date of correction.
3. Steps taken or planned to reduce, eliminate, or prevent reoccurrence of the non-compliance.

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

G21. UPSETS

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

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

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

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

1. An upset occurred and that the Permittee can identify the cause(s) of the upset;

2. The permitted facility was at the time being properly operated; and
3. The Permittee submitted notice of the upset as required in 40 CFR 122.41(l)(6)(ii)(B) (24-hour notice of noncompliance).
4. The Permittee complied with any remedial measures required under 40 CFR 122.41(d) (Duty to Mitigate).

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

DEFINITIONS AND ACRONYMS

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

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

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

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

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

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

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

B-IBI means Benthic Index of Biotic Integrity.

BMP means Best Management Practice.

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

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

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

Community-based social marketing is a social marketing methodology and employs a systematic way to change the behavior of communities to reduce their impact on the environment. Realizing that providing information is usually not sufficient to initiate behavior change, community-based social marketing uses tools and findings from social psychology to discover the perceived barriers to behavior change and ways of overcoming these barriers.

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

Co-Permittee means an owner or operator of a MS4 which is in a cooperative agreement with at least one other applicant for coverage under this Permit. A Co-Permittee is an owner or operator of a regulated MS4 located within or in proximity to another regulated MS4. A Co-Permittee is only responsible for permit conditions relating to the discharges from the MS4 the Co-Permittee owns or operates. See also 40 CFR 122.26(b)(1).

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

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

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

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

EPA means the U.S. Environmental Protection Agency.

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.

Highway means a main public road connecting towns and cities.

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

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

Illicit Connection means any infrastructure connection to the MS4 that is not intended, permitted, or used for collecting and conveying stormwater or non-stormwater discharges allowed as specified in this Permit (S5.C.9, S6.D.3, and S6.E.3). Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4.

Illicit Discharge means any discharge to a MS4 that is not composed entirely of stormwater or of non-stormwater discharges allowed as specified in this Permit (S5.C.9, S6.D.3 and S6.E.3).

Impervious Surface means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include,

but are not limited to, roof tops, walkways, patios, driveways, parking lots or stormwater areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

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

LID means Low Impact Development.

LID BMP means Low Impact Development Best Management Practices.

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

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

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

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

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

MEP means Maximum Extent Practicable.

MS4 means Municipal Separate Storm Sewer System.

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

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

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

(iii) Which is not a combined sewer.

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

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

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

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

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

New Secondary Permittee means a Secondary Permittee that is covered under a Municipal Stormwater General Permit and was not covered by the Permit prior to July 1, 2019.

NOI means Notice of Intent.

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

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

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

NPDES means National Pollutant Discharge Elimination System.

O&M means operation and maintenance.

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

Overburdened Community means minority, low-income, tribal, or indigenous populations or geographic locations in 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 city, town, or county Permittee, port Permittee, Co-Permittee, Secondary Permittee, and New Secondary Permittee.

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

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

QAPP means Quality Assurance Project Plan.

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

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

RCW means the Revised Code of Washington State.

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

Redevelopment means, on a site that is already substantially developed (i.e., has 35% or more of existing hard surface coverage), the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities. Refer to Appendix 1 for a definition of hard surfaces.

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

SAM means Stormwater Action Monitoring

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

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

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

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

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

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

Stormwater Action Monitoring is the regional stormwater monitoring program for western Washington. This means, for all of western Washington, a stormwater-focused monitoring and assessment program consisting of: status and trends monitoring in small streams and marine nearshore areas, Stormwater Management Program effectiveness studies, and source identification projects. The priorities and scope for SAM are set by a formal stakeholder group that selects the studies and oversees the program's administration.

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

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

Stormwater facility retrofits means both: projects that retrofit existing treatment and/or flow control facilities; and new flow control or treatment facilities or BMPs that will address impacts from existing development.

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

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

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.

SWMMWW and ***Stormwater Management Manual for Western Washington*** means the technical manual (Publication No. 04-10-055) published by the Department of Ecology in 2019.

SWMP means Stormwater Management Program.

TMDL means Total Maximum Daily Load.

Total Maximum Daily Load means a water cleanup plan. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The calculation 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), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, Section 303, establishes the water quality standards and TMDL programs.

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

UGA means Urban Growth Area.

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

Urban/Higher Density Rural Sub-Basins means all areas within or proposed to be within the UGA, or any sub-basin outside the UGA with 50% or more area comprised of lots less than 5 acres.

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

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

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

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