Permit No._____

Coverage Date__ _____

Issuance Date: July 5, 1995
Effective Date: August 4, 1995
Expiration Date: July 5, 2000

National Pollutant Discharge Elimination System and
State Waste Discharge General Permit for discharges
from municipal separate storm sewers for the

South Puget Sound Water Quality Management Area

and
the portion of the Kitsap Water Quality Management Area
located in Pierce County

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

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington

and

The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

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

Michael T. Llewelyn
Water Quality Program Manager
Department of Ecology

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

SPECIAL CONDITIONS

S1. PERMIT COVERAGE AREA

This permit covers all areas within the South Puget Sound *water quality management area* and the part of the Kitsap water quality management area located in Pierce County, served by, or otherwise contributing to discharges from *municipal separate storm sewers* owned or operated by permittees listed in Special Condition S3. In regard to the Washington State Department of Transportation (WSDOT), this permit only covers municipal separate storm sewers owned or operated by WSDOT that are located in municipalities that are also listed as permittees in Special Condition S3.A.

S2. AUTHORIZED DISCHARGES

A. This permit authorizes the *discharge* of *stormwater* to *waters of the state* from the *municipal separate storm sewers* owned or operated by permittees identified in Special Condition S3 as follows:

1. New and existing discharges from existing conveyance.

2. Discharges from new stormwater conveyances constructed after the issuance date of this permit that have received all applicable state and local permits and use authorizations, including compliance with Ch. 43.21C RCW (the State Environmental Policy Act).

B. This permit authorizes discharges of *stormwater associated with industrial activity* and non-stormwater flows (e.g., industrial process wastewater or nonprocess wastewater) from municipal separate storm sewers owned or operated by the permittee to waters of the state only under the following conditions:

1. Non-stormwater discharges must be authorized by another NPDES permit or identified by and in compliance with Special Condition S7.B.8.g; or

2. Stormwater associated with industrial activity must be authorized by a separate individual or general NPDES permit.

C. This permit does not authorize illicit discharges except as allowed in Special Condition S7.B.8.g., nor does it relieve entities responsible for 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. This permit does not authorize discharges of stormwater to 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. The exclusion of such discharges does not waive any rights the State may have with respect to the regulation of the discharges.

S3. PERMITTEES

The following entities are covered under this permit:

A. The City of Tacoma
Pierce County
King County
Washington State Department of Transportation

B. Any other owners or operators of municipal separate storm sewers required by Ecology or U.S. EPA to obtain a permit and that are granted coverage under this permit in accordance with Special Condition S4.

C. Any other owners or operators of municipal separate storm sewers that apply for and are granted coverage in accordance with Special Condition S4.

S4. HOW TO OBTAIN COVERAGE

A. Each entity identified under Special Condition S3.A. shall obtain coverage by submitting an application in accordance with *40 CFR* 122.26, and by submitting a Notice of Intent (NOI) (Appendix 1) to Ecology within 60 days of the effective date of this permit. Ecology will notify applicants by mail of their status concerning coverage under this permit within 30 days of Ecology's receipt of the NOI. If the applicant does not receive notification from Ecology, coverage under this permit automatically commences on the thirty-first day following receipt of a completed NOI.

B. Each entity required to obtain coverage under this permit in accordance with Special Condition S3.B. shall obtain coverage by either applying for coverage as a permittee in accordance with Special Condition S4.B.1, below, or participating in an application as a co-permittee in accordance with Special Condition S4.B.2., below:

1. Permittees shall:

a. Submit an NOI and an application in accordance with 40 CFR 122.26 and applicable deadlines; or

b. Submit an NOI and an application in accordance with a form and deadline prescribed by Ecology.

2. Co-permittees shall:

a. Participate in a permit application as a co-permittee with a permittee listed in Special Condition S3.A. or with an entity applying for coverage in accordance with Special Condition S4.B.1.; or

b. Submit an NOI through the municipality they are located in and participate in a program modification request with the same municipality.

C. Each entity desiring coverage under this permit as allowed under Special Condition S3.C., shall submit a NOI. The NOI shall constitute the application for coverage. If the applicant is granted coverage, Ecology shall assign a schedule of compliance in the permit for development and approval of a stormwater management program as required under Special Condition S7.

D. For entities applying for coverage pursuant to Special Condition S4.B. or C. Ecology shall provide public notice of the application for coverage and proposed compliance schedules established pursuant to Special Condition S11.F. Ecology will notify applicants in writing of their status concerning coverage under this permit within 90 days of Ecology's receipt of the NOI and a complete application.

S5. RESPONSIBILITIES OF PERMITTEES

A. Each permittee is responsible for full compliance with the terms of this permit for the municipal separate storm sewers it owns or operates.

B. Full compliance with the terms of the permit for the municipal separate storm sewers owned or operated by co-permittees shall be achievable through the combined authorities of the co-permittee and the municipality it is located in. Each co-permittee, through an agreement with the municipality it is located in, shall have identified responsibilities for implementation of permit conditions relating to the discharge which it owns or operates.

S6. COMPLIANCE WITH STANDARDS

A. Compliance with the requirements of Special Condition S7, Stormwater Management Program, shall constitute reduction of the discharge of pollutants to the maximum extent practicable (MEP) during the term of this permit.

B. Ecology recognizes that a compliance schedule is necessary to meet ground water quality standards (Chapter 173-200 WAC), surface water quality standards (Chapter 173-201 WAC), and sediment management standards (Chapter 173-204 WAC) in cases where municipal stormwater discharges do not comply with those standards. For the purposes of this permit, development and implementation of approved stormwater management programs represent ongoing efforts towards meeting those standards on an approved compliance schedule as allowed in those standards.

C. This permit authorizes discharges of stormwater to surface waters and to ground waters of the state. Discharges to surface waters are regulated under both state law, Chapter 90.48 RCW, and federal NPDES permit authority as delegated to Ecology by U.S. EPA. Compliance with Ground Water Standards for discharges to ground waters are regulated only under state authorities, Chapter 90.48 RCW, the Water Pollution Control Act, and Chapter 173-226 WAC, the Waste Discharge General Permit Program.

S7. STORMWATER MANAGEMENT PROGRAM

A. Each permittee shall develop and implement a stormwater management program during the term of this permit. The stormwater management program shall be subject to Ecology approval, subsequent to an opportunity for public comment on the proposed program through a formal public hearing.

B. For the purpose of this permit a stormwater management program is a plan for the term of the permit to reduce the discharge of pollutants, reduce impacts to receiving waters, eliminate *illicit discharges* as described in Special Condition S7.B.8.g.i., and make progress toward compliance with surface water, ground water and sediment standards. The stormwater management program shall consist of the administration and evaluation *components* listed in Special Condition S7.B.1 through 7, below and the stormwater control components in Special Condition S7.B.8., below:

1. A description of a comprehensive planning process used to develop the stormwater management program including public participation, intergovernmental coordination, and the relationship to other planning processes.

2. An analysis of stormwater management needs, a system for prioritizing needs, a description of the basis for the priority system and an implementation plan and schedule for the term of the permit that reflect the priority needs. The stormwater management program must have an appropriate balance between prevention and correction based upon

available information about sources of pollution and discharges from municipal separate storm sewers owned or operated by the permittee. Priorities set by WSDOT may reflect statewide priorities established by WSDOT for stormwater quality management.

3. Adequate legal authority to control discharges to and from municipal separate storm sewers owned or operated by the permittee.

   a. This legal authority, which may be a combination of statute, ordinance, permit, contract, order, or inter-jurisdictional agreements with other permittees which have existing legal authority, shall include the ability to:

      i. Control the contribution of pollutants to municipal separate storm sewers 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 illicit discharges to the municipal separate storm sewer owned or operated by the permittee;

      iii. Control the discharge of spills and the dumping or disposal of materials other than stormwater into the municipal separate storm sewers owned or operated by the permittee;

      iv. Control through interagency agreements or inter-jurisdictional agreements among permittees, the contribution of pollutants from one municipal separate storm sewer to another;

      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 with local ordinances.

   b. WSDOT shall comply with this condition for all discharges originating within the state right-of-way. For discharges originating outside of the state right-of-way, WSDOT shall:

i. Investigate its legal authority over stormwater discharges originating outside of its right-of-way into its storm sewers;

ii. Propose solutions where its legal authority is lacking; and

iii. Incorporate the conclusions of the investigation and solutions into its stormwater management program.

4. A program to monitor the effectiveness of the stormwater management program in reducing pollutants discharged and reducing impacts to surface waters, ground waters, and sediments. The monitoring program, based upon the priorities identified in Special Condition S7.B.2., shall address field evaluation, sampling, and analysis to:

   a. Estimate concentrations and loads from representative areas or basins to be used in evaluating overall program effectiveness. From among all of its roads covered by municipal stormwater permits, WSDOT may select representative areas on the basis of average daily traffic volumes;

   b. Evaluate the effectiveness of selected *Best Management Practices (BMPs)*.

   c. Identify specific sources of pollution; and

   d. Identify the degree to which stormwater discharges are impacting selected receiving waters and sediments.

   The monitoring program shall include a quality assurance/quality control plan.

5. A fiscal analysis, covering the term of the permit, of the capital, and operation and maintenance expenditures necessary to implement the stormwater management program, and a description of staff, equipment, and support capabilities to implement the stormwater management program. The fiscal analysis shall include a description of the source of funds that are available or are proposed to meet the necessary expenditures.

6. A mechanism for gathering, maintaining and using adequate information to conduct planning, priority setting, and program evaluation activities. The information and its form of retention shall include but not be limited to:

   a. Mapping of known municipal separate storm sewer outfalls;

   b. Mapping of tributary conveyances, and the associated drainage areas of *major municipal separate storm sewer outfalls*. In lieu of 6a. and b. above, WSDOT may retain as-built drawings of storm drainage systems and areas;

   c. Map(s) depicting existing land use. In lieu of land use maps, WSDOT shall map existing highways, existing and predicted average daily traffic volumes for each of those highways, and future possible or planned highway expansions;

   d. A map depicting zoning;

   e. A data base, including at least the following information:
      - precipitation records;
      - stormwater quality and quantity records;
      - water quality and physical characteristics of receiving water that may be impacted by stormwater; and
      - a description and location of major structural BMPs and other structural controls for stormwater discharges.

7. Identification of watershed-wide coordination mechanisms and a schedule to complete the following during the term of the permit:

   a. Development of coordinated stormwater management programs for *shared waterbodies* among permittees;

   b. Coordination of data management and mapping activities for compatibility among permittees' efforts; and

   c. Coordination of monitoring and modeling activities to develop comparable data sets among permittees when estimating pollutant concentrations and loads, evaluating impacts, and assessing controls.

8. The stormwater control components listed below, with levels of effort established in accordance with the priorities established in Special Condition S7.B.2. In regard to WSDOT, compliance with this condition is required for pollution sources originating within the state right-of-way. Measures to control pollution sources originating outside of the state right-of-way are subject to the conclusions of the investigation and solutions referenced in Special Condition S7.B.3.

   a. A program to control *runoff* from new development, redevelopment and construction sites that discharge to the municipal separate storm sewers owned or operated by the permittee. The program must include: ordinances (except WSDOT's program), minimum requirements and best management practices (BMPs) equivalent to those found in Volumes I - IV of Ecology's *Stormwater Management Manual for the Puget Sound Basin* (1992 edition, and as amended by its replacement), permits, inspections, and enforcement capability. The program must also include a process to make available copies of the "*Notice of Intent for Construction Activity*" and/or copies of the "*Notice of Intent for Industrial Activity*" to representatives of proposed new development and redevelopment.

   b. Appropriate treatment and source control measures to reduce pollutants in runoff from existing commercial and residential areas that discharge to municipal separate storm sewers owned or operated by the permittee.

   c. Operation and maintenance programs for new and existing stormwater facilities owned or operated by the permittee, and an ordinance requiring and establishing responsibility for operation and maintenance of other stormwater facilities that discharge into municipal separate storm sewers owned or operated by the permittee. The programs shall include a strategy for addressing the disposal of street waste decant, and cooperative efforts with Ecology and other entities to develop decant solutions.

   d. Practices for operating and maintaining public streets, roads, and highways, including rest areas, to reduce stormwater runoff impacts.

e. A program to include water quality management considerations into flood management projects, including a schedule for retrofitting existing projects to the extent practicable.

f. A program to reduce pollutants associated with the application of pesticides, herbicides and fertilizer discharging into the municipal separate storm sewers owned or operated by the permittee.

g. An ongoing program to detect, remove and prevent illicit discharges and improper disposal, including spills, into the municipal separate storm sewers owned or operated by the permittee.

i. Each permittee shall effectively prohibit illicit discharges to the municipal separate storm sewers owned or operated by the permittee other than those authorized under a separate NPDES permit. Unless identified by either the permittee or Ecology as significant sources of pollution to waters of the state, the illicit discharges listed in 40 CFR §122.26(d)(2)(iv)(B)(1) need not be prohibited from entering the municipal separate storm sewers owned or operated by the permittee. As necessary, the permittee(s) shall incorporate appropriate control measures in the stormwater management program to ensure these discharges are not significant sources of pollutants to waters of the state.

ii. The program shall include ongoing field screening, using the methods required in 40 CFR §122.26 (d)(1)(iv), or alternative methods that have been approved by Ecology. The field screening program shall focus on urbanized areas.

iii. The program shall include best management practices and procedures to prevent, contain and respond to spills or improper disposal into the municipal separate storm sewers owned or operated by the permittee.

h. A program to reduce pollutants in stormwater discharges from industrial facilities that discharge into municipal separate storm sewer owned or operated by the permittee, and ensure compliance with local ordinances. The program shall include, but not be limited to:

i. Procedures to identify industrial facilities that discharge into the municipal separate storm sewers owned or operated by the permittee;

ii. A field inspection program to assess compliance with local ordinances adopted in accordance with Special Condition S7.B.3.; and

iii. A program to monitor and control pollutants in stormwater discharges to municipal separate storm sewers owned or operated by the permittee, from industrial facilities that the permittee determines are contributing a substantial pollutant loading to municipal separate storm sewers. For industrial facilities which require coverage under Ecology's "Baseline *General Permit* for Stormwater Discharges Associated with Industrial Activity," this program shall be developed jointly with Ecology.

i. An education program aimed at residents, businesses, industries, and employees of the permittee whose job functions may impact stormwater quality. An education program may be developed locally or regionally. The program shall include:

i. Education on proper use and disposal of pesticides, herbicides and fertilizers;

ii. Training of construction contractors and developers on developing stormwater site plans and BMPs for construction activities;

iii. Efforts to explain the definition and impacts, and promote removal of illicit discharges; and

iv. Activities to explain and promote proper management and disposal of used oil and toxic materials.

S8. TOTAL MAXIMUM DAILY LOAD ALLOCATIONS

A. Within four months of approval of a Total Maximum Daily Load (TMDL) for any waterbody located within a permittee's jurisdiction, the permittee shall modify its stormwater management program to implement the TMDL, if the TMDL includes requirements for control of stormwater discharges from municipal separate storm sewers owned or operated by the permittee. If the modifications meet one of the criteria of Special Condition S9.A., the permittee shall submit a program modification request within four months of approval of the TMDL. Otherwise, the permittee shall describe the modifications in its annual report submitted in compliance with Special Condition S10.

B. In the stormwater management program submitted to Ecology in accordance with Special Condition S11.B. permittees shall include current and planned measures to control pollutants from stormwater discharges where stormwater is an identified source in an existing TMDL.

S9. PROGRAM MODIFICATION

A. The following modifications to the approved stormwater management program require prior approval from Ecology. Ecology shall provide an opportunity for public comment prior to making a decision on the proposed modification. For WSDOT, the 20 percent threshold criteria of section 1. below shall apply only to the portion of the stormwater management budget not associated with highway construction. Delays or cancellations of stormwater facility construction resulting from delays or cancellations of highway construction projects do not require prior approval by Ecology.

1. A greater than 20 percent reallocation, increase, or reduction of resources in the annual overall stormwater management program budget.

2. An anticipated delay of one year or more in implementation of one program component, or an anticipated delay of more than one program component where the sum of the delays exceeds two years.

3. A complete change in a program component.

4. Elimination of a program component.

5. Addition of a co-permittee, or another entity for which the permittee is accepting permit responsibility.

B. Program Modification Review Process

1. Within 60 days of receiving the request for modification of the stormwater management program, Ecology shall decide to proceed with public comment or to request further information from the permittee.

2. Ecology shall approve or disapprove the modification request within 30 days after the close of the public comment period.

C. Notification of all other modifications shall be included in the annual report described in Special Condition S10.

D. Modification requests and/or notifications must be made in writing, signed in accordance with Special Condition S10.D. Modification requests shall include descriptions and supporting information for the proposed changes and how these changes will impact the stormwater management program.

E. Permittees with delays or changes less than those specified in Special Condition S9.A. and modifications approved in accordance with Special Condition S9.A., are in compliance with this permit.

S10. REPORTING REQUIREMENTS

A. Each permittee shall prepare an annual report to be submitted no later than 60 days after the permit issuance anniversary date during each year of the permit.

1. The reports submitted at the end of years one, two, three and five shall be brief status reports adequately addressing each of the sections required under Special Condition S10.B, below. The report submitted at the end of year four shall include a detailed evaluation of the effectiveness of the stormwater management program, the information requested under Special Condition S10.B., below, and a proposed stormwater management program for the term of the next permit. The report submitted at the end of year four together with a Notice of Intent as required under Special Condition S4., shall constitute permit reapplication.

2. A permittee named in more than one municipal stormwater NPDES permit need only submit one annual report. Any information in the report readily distinguished by water quality management area should be presented as such.

B. The annual report shall include the following sections:

1. Status of implementing the components of the stormwater management program, including the status of compliance with the approved implementation schedule, and a description and rationale of any program modifications made during the reporting year, other than those submitted for approval under Special Condition S9;

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

3. Differences between planned and actual expenditures for the reporting period, with a breakdown for the components of the stormwater management program, and the budget for the year following each annual report. For the first three years, Ecology will accept narrative descriptions of portions of the reported expenditures and budget which are not easily tracked or identified through existing fiscal processes. However, over the term of the permit, reports shall evolve to reflect numeric expenditures for the components of the stormwater management program;

4. Revisions, if necessary, to the remaining years of the fiscal analysis reported in the approved stormwater management program;

5. For the fourth-year report, a summary and analysis of the cumulative monitoring data collected throughout the term of the permit;

   a. If the permittee monitors any pollutant more frequently than required by the approved stormwater management program, then the results of this monitoring shall be included in the fourth-year report.

   b. If the permittee conducts any other stormwater monitoring in addition to that required in the approved stormwater management program, then it shall provide a description of the additional monitoring in the fourth-year report.

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

7. Identification of known water quality improvements or degradation; and

8. Status of watershed-wide coordination and activities which the permittee has undertaken individually or jointly as part of Special Condition S7.B.7. The fourth-year report shall include proposed management measures to enhance regional coordination and/or address regional stormwater problems that will be implemented by the group of permittees and/or individual permittees during the term of the next permit.

C. Certification and Signature of Report

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

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

2. All reports required by this permit and other information requested by Ecology 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:

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

   b. 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.)

3. Changes to authorization. If an authorization under Special Condition S10.D.2.b 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 Special Condition S10.D.2.b must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section 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."

S11. SCHEDULES FOR COMPLIANCE WITH PERMIT CONDITIONS

A. Each *large municipality* must have an approved stormwater management program no later than July 1, 1996, and each *medium municipality* by December 1, 1996, unless extensions are granted in accordance with Special Condition S11.D. Approval or disapproval of the stormwater management program will constitute a modification of the permit pursuant to RCW 43.21B.110(1)(c).

B. Ecology will notify each permittee of the adequacy of their proposed program submitted in the Part 2 municipal stormwater NPDES permit application. If necessary, within six months of receiving the notice, large municipalities shall submit a revised stormwater management program to correct identified deficiencies. If necessary, medium municipalities shall submit a revised stormwater management program within nine months of receiving the notice.

C. Program Approval Review Process

1. Within 60 days of receiving the revised stormwater management program, Ecology shall decide to proceed with a public hearing or to request further revisions to the stormwater management program.

2. Ecology shall approve, conditionally approve or disapprove the stormwater management program within 30 days after the close of the public comment period.

D. The deadline in Special Condition S11.A. shall be extended:

1. By the number of days by which Ecology exceeds the following deadlines:

   a. August 1, 1995, for notifying large municipalities of the adequacy of (ref. Special Condition S11.B.) the proposed stormwater management program submitted in the Part 2 municipal stormwater NPDES permit application.

   b. October 1, 1995, for notifying medium municipalities of the adequacy of (ref. Special Condition S11.B.) the proposed stormwater management program submitted in the Part 2 municipal stormwater NPDES permit application.

   c. Sixty days for Ecology's decision to proceed with a public hearing or to request further revisions (ref. Special Condition S11.C.1.).

   d. Thirty days after the close of the public comment period for Ecology's decision on the stormwater management program. (ref. Special Condition S11.C.2.)

2. In accordance with a schedule set by Ecology through an Administrative Order, if Ecology determines that there is need for reconsideration or revision due to public or other comment.

3. Except as allowed under 1. and 2. above, only when requests for extensions are submitted in writing in a timely fashion, and good cause exists for granting the extension. Extensions shall be granted for the length of time that Ecology determines is reasonable under the circumstances and shall not be effective until approved by Ecology in writing. The permittee shall promptly notify Ecology of any occurrence which may result in noncompliance with the requirements of the permit which is caused by circumstances beyond the permittee's control which could not be overcome by due diligence, or when Ecology, through its actions, and due to no fault of the permittee, causes delays that may impact the permittee meeting the schedules in this permit. Such notification shall state the nature of the anticipated noncompliance, the reason(s) therefore, the expected duration of the noncompliance and any mitigating actions.

E. The Washington State Department of Transportation shall follow the schedule described in Special Condition S11.A. and B. above for medium municipalities.

F. For entities applying for coverage under this permit pursuant to Special Condition S4.B. or C., coverage shall be granted by issuing this permit to the entity containing an entity-specific compliance schedule.

S12. THEA FOSS WATERWAY BASIN PROGRAM

A. This special condition shall apply only to the City of Tacoma.

B. By September 1, 1995, the City of Tacoma shall identify and submit to Ecology specific activities, levels of effort, and schedules for the areas draining to Thea Foss Waterway, for the following Special Conditions of this permit:

S7.B.8.b.
S7.B.8.c.
S7.B.8.d.
S7.B.8.g.
S7.B.8.h.
S7.B.8.i.

Ecology recognizes that the activities, levels of effort, and schedules for the Thea Foss Waterway basin program may be within the context of the City of Tacoma's city-wide stormwater management program. For those activities which apply city-wide, it is not necessary for the City of Tacoma to identify those activities separately from the city-wide program, except for identifying a schedule for when those activities will occur in the Thea Foss basin.

C. The activities, levels of effort and schedules specified in Special Condition S.12.B. shall be based on an analysis of the significant source areas and individual sources of pollutants in the Thea Foss basin. This analysis shall be performed and presented in accordance with Special Condition S7.B.2. of this permit. This analysis shall be submitted to Ecology by September 1, 1995, and shall include a description of the analysis process, including but not limited to:

1. Mapping of major sub-watersheds within each drainage system based on land use or other logical divisions within the basin.

2. Cataloging and mapping of businesses, including identification of those with historical or ongoing stormwater problems;

D. Compliance with Special Conditions S12.B. and C. of this permit does not exclude the Thea Foss Waterway basin areas from other permit conditions which are included in the permit but are not specifically identified in this special condition.

E. Review and Approval Process

1. Within 45 days of receiving the City of Tacoma's September 1 submittal (see Special Condition S12.B.), Ecology shall decide to approve the Thea Foss Waterway activities, levels of effort, and schedule, or to request further revisions.

2. Within 45 days of receiving Ecology's comments on the proposed Thea Foss Waterway basin program, the City of Tacoma shall submit a revised plan to Ecology addressing Ecology's comments.

3. The City of Tacoma must have an approved basin program with specific activities, levels of effort and schedule for the Thea Foss Waterway by January 31, 1996.

4. The deadline in Special Condition S12.D.3 shall be extended:

a. By the number of days by which Ecology exceeds the 45 day deadline for providing comments to Tacoma on the September 1, 1995 submittal.

b. In accordance with a schedule set by Ecology through an Administrative Order, if Ecology determines that there is need for reconsideration or revision due to public or other comment.

c. Except as allowed under a. and b. above, only when requests for extensions are submitted in writing in a timely fashion, and good cause exists for granting the extension. Extensions shall be granted for the length of time that Ecology determines is reasonable under the circumstances and shall not be effective until approved by Ecology in writing. The City of Tacoma shall promptly notify Ecology of any occurrence which may result in noncompliance with the requirements of the permit which is caused by circumstances beyond the City's control which could not be overcome by due diligence, or when Ecology, through its

actions, and due to no fault of the City, causes delays that may impact the City meeting the schedules in this permit. Such notification shall state the nature of the anticipated noncompliance, the reason(s) therefore, the expected duration of the noncompliance and any mitigating actions.

5. Any significant modifications to the approved Thea Foss Waterway basin program require prior approval from Ecology.

F. After the City of Tacoma has received Ecology approval for completion of a stormwater source control program in the Thea Foss Waterway Basin as a prerequisite to sediment remediation under the Comprehensive Environmental Response Compensation & Liability Act (CERCLA), Special Condition S12. is null and void.

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 SPILL

If a permittee has knowledge of a spill into a municipal storm sewer which could constitute a threat to human health, welfare, or the environment, the permittee shall 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.

G4. BYPASS PROHIBITED

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

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

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

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

G5. RIGHT OF ENTRY

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

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

B. To have access to, and copy at reasonable cost and at reasonable times, any records that must be kept under the terms of the permit;

C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;

D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and

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

G6. DUTY TO MITIGATE

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

G7. PROPERTY RIGHTS

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

G8. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G9. MONITORING

A. Representative Sampling:

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored discharge, including representative sampling of any unusual discharge or discharge

condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

B. Records Retention:

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

C. Recording of Results:

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

D. Test Procedures

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

E. Flow Measurement

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

F. Lab Accreditation

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

G. Additional Monitoring

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

G10. REMOVED SUBSTANCES

With the exception of decant from street waste vehicles, the permittee shall not allow collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of stormwater to be resuspended or reintroduced to the storm sewer system or to waters of the state. Decant from street waste vehicles resulting from cleaning stormwater facilities may be reintroduced only when other practical means are not available and only to catch basins remote from the discharge point to waters of the state.

G11. SEVERABILITY

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

G12. REVOCATION OF COVERAGE

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

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

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

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

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

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

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

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

G13. TRANSFER OF COVERAGE

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

G14. GENERAL PERMIT MODIFICATION AND REVOCATION

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

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

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

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

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

G15. REPORTING A CAUSE FOR MODIFICATION OR REVOCATION

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

G16. APPEALS

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

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

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

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

G17. PENALTIES

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

DEFINITIONS AND ACRONYMS

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters and sediments of the State.

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

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

"Component" or "Program Component" means the elements of the stormwater management program listed in Special Condition S7.B.1. through 7., and S7.B.8.a. through i.

"Co-permittee" means an operator of a discharge from a municipal separate storm sewer which has participated as a co-applicant with another permittee to meet the requirements of 40 CFR 122.26 and this permit, and which has coverage under this permit.

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

"Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from Municipal Separate Storm Sewers of the permittees.

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

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

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

"Large Municipality" means an incorporated place with a population of 250,000 or more, a County with unincorporated urbanized areas with a population of 250,000 or more according to the latest decennial census by the Bureau of Census.

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

"Medium Municipality" means an incorporated place with a population of more than 100,000 but less than 250,000, or a county with unincorporated urbanized areas of more than 100,000 but less than 250,000 according to the latest decennial census by the Bureau of Census.

"Municipal Separate Storm Sewer" means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

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

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

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

"Runoff" see Stormwater.

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

"Stormwater," for the purpose of this permit, means rainfall or snow melt runoff.

"Stormwater Associated with Industrial 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, and is required to have an NPDES permit in accordance with 40 CFR 122.26.

"Storm Water Management Manual for the Puget Sound Basin" means the technical manual prepared by Ecology for use by local governments that contains BMPs to prevent, control, or treat pollution in storm water.

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 Quality Management Area" means a geographic unit established by Ecology for the purposes of planning, scheduling and synchronizing water quality assessments and management activities. Water quality management areas are individual or groups of Water Resource Inventory Areas (WRIAs) adopted under the Water Resources Act of 1971 (Chapter 90.54 RCW) for water supply planning and Sewage Drainage Basins (SDBs) adopted under the Water Pollution Control Act (Chapter 90.48 RCW) for comprehensive water pollution control plans.

APPENDIX 1.

NOTICE OF INTENT

NOTICE OF INTENT

For General Permit Coverage to Discharge Stormwater from Municipal Separate Storm Sewers

(Please print in ink or type)

I. OWNER/OPERATOR

Name

Name of Contact Agency, Utility, or Division

Mailing Address

This application is for coverage as a (check one box):

- ☐ Permittee (complete Section II)
- ☐ Co-Permittee (complete Section III)

II. PERMITTEE APPLICATION INFORMATION

Have you submitted a Part 1 application in accordance with 40 CRF 122.26(d)(1)? ☐ Yes ☐ No

Have you submitted a Part 2 application in accordance with 40 CRF 122.26(d)(2)? ☐ Yes ☐ No

CITIES: Estimate of population residing in the incorporated area. *(As determined by the Bureau of Census)* _____

COUNTIES Estimate of population residing in an urbanized area, excluding the population within incorporated areas. *(As determined by the Bureau of Census)* _____

III. CO-PERMITTEE APPLICATION INFORMATION

Attach a description and a map of your geographic area of responsibilities.

Have you completed an agreement with an applicant or a permittee to this general permit which assigns responsibilities for implementing permit conditions? If yes, please attach unless previously forwarded to this office. ☐ Yes ☐ No

IV. CERTIFICATION OF CORRECTNESS

"I certify under penalty of law this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the 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 a fine and imprisonment for knowing violations.

Signature _____ Date _____