Permit No.: EFSEC-KV-SW-1
Effective Date: October 23, 2008
Expiration Date: October 22, 2013

CONSTRUCTION STORMWATER GENERAL PERMIT

National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated With Construction Activity

State of Washington
Energy Facility Site Evaluation Council
Olympia, Washington 98504-3172

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.
and
State of Washington Energy Siting Law
Chapter 80.50 Revised Code of Washington

KITTITAS VALLEY WIND POWER PROJECT
Operated by SAGEBRUSH POWER PARTNERS, LLC

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

/s/

Allen J. Fiksdal
EFSEC Manager

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S5.A	High Turbidity/Transparency Phone Reporting	As Necessary	Within 24 hours
S5.B	Discharge Monitoring Report	Monthly	Within 15 days after the applicable monitoring period
S5.F	Noncompliance Notification	As necessary	Immediately
S5.F	Noncompliance Notification – Written Report	As necessary	Within 5 days of non-compliance
S9.F	Submittal of Construction Phase SWPPP	1/permit cycle	At least 60 days prior to commencement of construction phase
G2.	Notice of Change in Authorization	As necessary	
G6.	Permit Application for Substantive Changes to the Discharge	As necessary	
G8.	Application for Permit Renewal	1/permit cycle	No later than 180 days before expiration
G9.	Notice of Permit Transfer	As necessary	
G20.	Notice of Planned Changes	As necessary	
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SUMMARY OF REQUIRED ON SITE DOCUMENTATION

Permit Conditions	Document Title
Conditions S2, S5	Permit Coverage Letter
Conditions S2, S5	Construction Stormwater General Permit
Conditions S4, S5	Site Log Book
Conditions S9, S5	Stormwater Pollution Prevention Plan (SWPPP)

SPECIAL CONDITIONS

INTRODUCTION

The EFSEC stormwater pollution control program is based, in part, on the federal regulations of 40 CFR Parts, 122, 123, and 124 Subchapter D (Water Programs) issued on November 16, 1990, and the implementation of section 402(p) of the Federal Clean Water Act. The goals of these federal regulations are to reduce or eliminate stormwater pollution from construction activity by requiring the implementation quality standards violations caused by stormwater.

Under the authority of Chapter 90.48 RCW, EFSEC has expanded the scope of its stormwater program beyond the federal government's requirement. EFSEC's program requires compliance with ground water quality and sediment management standards for those operations that are required to obtain an NPDES permit for a stormwater discharge to surface waters or storm drains.

To comply with 40 CFR Parts 122, 123, and 124, and pursuant to the provisions of Chapters 90.48, 80.50 and 90.52 RCW and Chapter 173-226 WAC, all those who file a Notice of Intent and are covered under this general permit (see Special Condition S2) shall comply with the requirements of this permit.

S1. PERMIT COVERAGE

A. Permit Area

This general permit covers all areas of Washington State, except for federal and tribal lands specified in S1.D.3.

B. Operators Required to Seek Coverage Under this General Permit:

1. *Operators* of the following *construction activities* are required to seek coverage under this permit:

   a. Clearing, grading and/or excavation which results in the disturbance of one or more acres, and discharges *stormwater* to *surface waters of the state*; and clearing, grading and/or excavation on *sites* smaller than one acre which are part of a larger *common plan of development or sale*, if the common plan of development or sale will ultimately disturb one acre or more, and discharges stormwater to surface waters of the state.

      i. This includes forest practices that are part of a construction activity that will result in the disturbance of one or more acres, and discharges to surface waters of the state (i.e., forest practices which are preparing a site for construction activities); and

b. Any size construction activity discharging stormwater to waters of the state which the Department of Ecology (Ecology):

i. Determines to be a *significant contributor of pollutants* to waters of the state of Washington, or

ii. Reasonably expects to cause a violation of any water quality standard.

2. Operators of the following activities are not required to seek coverage under this permit, unless specifically required under Condition S1.B.1.b. (Significant Contributor):

a. Construction activities which discharge all stormwater and non-stormwater to *ground water*, and have no *point source* discharge to surface water or a *storm sewer system* that drains to surface waters of the state;

b. Construction activities covered under an Erosivity Waiver (Condition S2.C);

c. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

C. Authorized Discharges:

1. Stormwater Associated with Construction Activity. Subject to compliance with the terms and conditions of this permit, *Permittees* are authorized to discharge stormwater associated with construction activity to surface waters of the state or to a storm sewer system that drains to surface waters of the state.

2. Stormwater Associated with Construction Support Activity. This permit also authorizes stormwater discharges from support activities related to the permitted construction site (e.g., off-site equipment staging yards, material storage areas, borrow areas, etc.) provided:

a. The support activity is directly related to the permitted construction site that is required to have an NPDES permit; and

b. The support activity is not a commercial operation serving multiple unrelated construction projects, and does not operate beyond the completion of the construction activity; and

c. Appropriate controls and measures are identified in the *Stormwater Pollution Prevention Plan* (SWPPP)for the discharges from the support activity areas.

3. Non-Stormwater Discharges. The categories and sources of non-stormwater discharges identified below are conditionally authorized, provided the discharge is consistent with the terms and conditions of this permit:

a. Discharges from fire fighting activities;

b. Fire hydrant system flushing;

c. Potable water including uncontaminated water line flushing (de-chlorinated);

d. Pipeline hydrostatic test water;

e. Uncontaminated air conditioning or compressor condensate;

f. Uncontaminated ground water or spring water;

g. Uncontaminated excavation *de-watering* (in accordance with S9.D.10)

h. Uncontaminated discharges from foundation or footing drains;

i. Water used to control dust;

j. Routine external building wash down that does not use detergents; and

k. Landscape irrigation.

All authorized non-stormwater discharges, except for discharges from fire fighting activities, shall be adequately addressed in the SWPPP and comply with Special Condition S3.

D. Limitations on Coverage

The *Director or EFSEC* may require any *discharger* to apply for and obtain coverage under an individual permit or another more specific general permit. Such alternative coverage will be required when Ecology or EFSEC determines that this general permit does not provide adequate assurance that *water quality* will be protected; or there is a reasonable potential for the project to cause or contribute to a violation of water quality standards.

The following stormwater discharges are not covered by this permit:

1. Post-construction stormwater discharges that originate from the site after construction activities have been completed and the site has undergone *final stabilization*.

2. Nonpoint source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff as excluded in 40 CFR Subpart 122.27.

3. Stormwater from any federal project or project on federal land or land within an Indian Reservation except for the Puyallup Reservation. Within the Puyallup

Reservation, any project that discharges to surface water on land held in trust by the federal government may be covered by this permit.

4. Stormwater from any site covered under an existing NPDES individual permit in which stormwater management and/or treatment requirements are included for all stormwater discharges associated with construction activity.

5. Where an applicable Total Maximum Daily Load (TMDL) specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.

S2. APPLICATION REQUIREMENTS

A. Permit Application Forms

1. Notice of Intent Form/Timeline

a. Operators of new or previously unpermitted construction activities shall submit a complete and accurate permit application form [*Notice of Intent* (NOI)] to Ecology or EFSEC. *Applicants* are encouraged to use Ecology's internet-based electronic NOI to apply for permit coverage.

b. The NOI shall be submitted on or before the date of the first public notice (see Condition S2.B below) and at least 60 days prior to the discharge of stormwater from construction activities. The 30-day public comment period required by WAC 173-226-130(5) begins on the publication date of the second public notice. Unless EFSEC responds to the complete application in writing, based on public comments, or any other relevant factors, coverage under the general permit will automatically commence on the thirty-first day following receipt by EFSEC of a completed NOI, or the issuance date of this permit, whichever is later; unless a later date is specified by EFSEC in writing.

c. Applicants that discharge to a storm sewer system operated by Seattle, King County, Snohomish County, Tacoma, Pierce County, or Clark County shall also submit a copy of the NOI to the appropriate jurisdiction.

2. Transfer of Coverage Form
Current coverage under this permit may be transferred to one or more new operators, including operators of sites within a Common Plan of Development, by submitting a Transfer of Coverage Form in accordance with Condition G9. Transfers do not require public notice.

B. Public Notice

For new or previously unpermitted sites, the applicant shall publish a public notice at least one time each week for two consecutive weeks, with a 7-day time span between

dates, in a newspaper that has general circulation in the county in which the construction is to take place. The notice shall contain the following:

1. A statement that "The applicant is seeking coverage under EFSEC's Construction Stormwater NPDES and State Waste Discharge General Permit";

2. The name, address and location of the construction site;

3. The name and address of the applicant;

4. The type of construction activity that will result in a discharge, (e.g., residential construction, commercial construction, etc.) and the number of acres to be disturbed;

5. The name of the receiving water(s) (i.e., the surface water(s) that the site will discharge to), or if the discharge is through a storm sewer system, the name of the operator of the storm sewer; and

6. The statement: "Any person desiring to present their views to the EFSEC regarding this application, or interested in EFSEC's action on this application may notify the EFSEC in writing within 30 days of the last date of publication of this notice. Comments can be submitted to: EFSEC, P.O. Box 43172, Olympia, WA 98504-3172.

C. Erosivity Waiver

Operators may qualify for a waiver from the permit if the following conditions are met:

1. The site will result in the disturbance of less than 5 acres; and the site is not a portion of a common plan of development or sale that will disturb 5 acres or greater.

2. Calculation of Erosivity "R" Factor and Regional Timeframe:

   a. The project's rainfall erosivity factor ("R" Factor) must be less than 5 during the period of construction activity, as calculated using the Texas A&M University online rainfall erosivity calculator at: http://ei.tamu.edu/. The period of construction activity begins at initial earth disturbance and ends with *final stabilization*; and, in addition:

   b. The entire period of construction activity must fall within the following timeframes:

      i. For sites west of the Cascades Crest: June 15 – September 15; or

      ii. For sites east of the Cascades Crest, excluding the Central Basin: June 15 – October 15; or

      iii. For sites east of the Cascades Crest, within the Central Basin*: no additional timeframe restrictions apply.

*Note: The Central Basin is defined as the portions of Eastern Washington with mean annual precipitation of less than 12 inches.

3. Operators must submit a complete Erosivity Waiver Certification Form at least one week prior to commencing land disturbing activities. Certification must include:

   a. A statement that the operator will comply with applicable local stormwater requirements; and

   b. A statement that the operator will implement appropriate *erosion and sediment control BMPs* to prevent violations of water quality standards.

4. This waiver is not available for facilities declared a significant contributor of *pollutants* as defined in Condition S1.B.1.b.

5. This waiver does not apply to construction activity which includes non-stormwater discharges listed in S1.C.3.

6. If construction activity extends beyond the certified waiver period for any reason, the operator shall either:

   a. Recalculate the rainfall erosivity "R" factor using the original start date and a new projected ending date and, if the "R" factor is still under 5 and the entire project falls within the applicable regional timeframe in S2.C.2.b, complete and submit an amended waiver certification form before the original waiver expires; or

   b. Submit a complete permit application to EFSEC in accordance with Condition S2.A and B before the end of the certified waiver period.

S3. COMPLIANCE WITH STANDARDS

A. Discharges shall not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), *sediment* management standards (Chapter 173-204 WAC), and human health-based criteria in the National Toxics Rule (40 CFR Part 131.36). Discharges that are not in compliance with these standards are not authorized.

B. Prior to the discharge of stormwater and non-stormwater to *waters of the state*, the Permittee shall apply all known, available, and reasonable methods of prevention, control, and treatment (*AKART*). This includes the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate *best management practices* (BMPs) installed and maintained in accordance with the SWPPP and the terms and conditions of this permit.

C. Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to a violation of water quality standards, when the Permittee is:

1. In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and

2. Fully implementing stormwater BMPs contained in *stormwater management manuals* published or approved by Ecology, or BMPs that are *demonstrably equivalent* to BMPs contained in stormwater technical manuals published or approved by Ecology, including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs for on-site *pollution* control.

D. For sites that discharge to both surface water and ground water, all ground water discharges are also subject to the terms and conditions of this permit. Permittees who discharge to ground water through an *injection well* shall comply with any applicable requirements of the Underground Injection Control (UIC) regulations, Chapter 173-218 WAC.

S4. MONITORING REQUIREMENTS

The primary monitoring requirements are summarized in Table 3:

Table 3 – Summary of Monitoring Requirements[1]

Size of Soil Disturbance[2]	Weekly Site Inspections	Weekly Sampling w/Turbidity Meter	Weekly Sampling w/Transparency Tube	Weekly pH Sampling[3]
Sites with less than 1 acre disturbed	Required	Not Required	Not Required	Not Required
Sites with less than 1 acre disturbance, but less than 5 acres disturbance	Required	Sampling Required – Either Method[4]		Required
Sites with more than 5 acres disturbance	Required	Required	Not Required[5]	Required

[1] Additional monitoring requirements may apply for: 1) discharges to 303(d) listed waterbodies and waterbodies with applicable TMDLs for turbidity, fine sediment, high pH, or phosphorus - see Condition S8; and 2) sites required to perform additional monitoring by EFSEC order – see Condition G13.

[2] Soil disturbance is calculated by adding together all areas affected by construction activity. Construction Activity means clearing, grading, excavation, and any other activity which disturbs the surface of the land, including ingress/egress from the site.

[3] Beginning October 1, 2006, if construction activity involves significant concrete work or the use of engineered soils, and stormwater from the affected area drains to a stormwater collection system or other surface water, the Permittee shall conduct pH sampling in accordance with Condition S4.D.

[4] Beginning October 1, 2008, sites with one or more acres, but less than 5 acres of soil disturbance, shall conduct turbidity or transparency sampling in accordance with Condition S4.C.

[5] Beginning October 1, 2006, sites greater than or equal to 5 acres of soil disturbance shall conduct turbidity sampling using a turbidity meter in accordance with Condition S4.C.

A. Site Log Book

The Permittee shall maintain a site log book that contains a record of the implementation of the SWPPP and other permit requirements including the installation and maintenance of BMPs, site inspections, and stormwater monitoring.

B. Site Inspections

1. Site inspections shall include all areas disturbed by construction activities, all BMPs, and all stormwater discharge points. Stormwater shall be visually examined for the presence of suspended sediment, turbidity, discoloration, and oil sheen. Inspectors shall evaluate the effectiveness of BMPs and determine if it is necessary to install, maintain, or repair BMPs to improve the quality of stormwater discharges.

   Based on the results of the inspection, the Permittee shall correct the problems identified as follows:

   a. Review the SWPPP for compliance with Condition S9 and make appropriate revisions within 7 days of the inspection; and

   b. Fully implement and maintain appropriate *source control* and/or *treatment BMPs* as soon as possible, but no later than 10 days of the inspection; and

   c. Document BMP implementation and maintenance in the site log book.

2. The site inspections shall be conducted at least once every *calendar week* and within 24 hours of any discharge from the site. The inspection frequency for temporarily stabilized, inactive sites may be reduced to once every calendar month.
3. Site inspections shall be conducted by a person who is knowledgeable in the principles and practices of erosion and sediment control. The inspector shall have the skills to:

   a. Assess the site conditions and construction activities that could impact the quality of stormwater, and

   b. Assess the effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.

4. Beginning October 1, 2006, construction sites one acre or larger that discharge stormwater to surface waters of the state, shall have site inspections conducted by a *Certified Erosion and Sediment Control Lead* (CESCL). The CESCL shall be identified in the SWPPP and shall be present on-site or on-call at all times. Certification shall be obtained through an approved erosion and sediment control training program that meets the minimum training standards established by Ecology (see BMP C160 in the Manual).

5. The inspector shall summarize the results of each inspection in an inspection report or checklist and be entered into, or attached to, the site log book. At a minimum, each inspection report or checklist shall include:

   a. Inspection date and time.

   b. Weather information; general conditions during inspection and approximate amount of precipitation since the last inspection, and within the last 24 hours.

   c. A summary or list of all BMPs which have been implemented, including observations of all erosion/sediment control structures or practices.

   d. The following shall be noted:

      i. locations of BMPs inspected,

      ii. locations of BMPs that need maintenance,

      iii. the reason maintenance is needed,

      iv. locations of BMPs that failed to operate as designed or intended, and

      v. locations where additional or different BMPs are needed, and the reason(s) why.

   e. A description of stormwater discharged from the site. The inspector shall note the presence of suspended sediment, turbid water, discoloration, and/or oil sheen, as applicable.

   f. Any water quality monitoring performed during inspection.

   g. General comments and notes, including a brief description of any BMP repairs, maintenance or installations made as a result of the inspection.

   h. A statement that, in the judgment of the person conducting the site inspection, the site is either in compliance or out of compliance with the terms and conditions of the SWPPP and the permit. If the site inspection indicates that the site is out of compliance, the inspection report shall include a summary of the remedial actions required to bring the site back into compliance, as well as a schedule of implementation.

   i. Name, title, and signature of the person conducting site inspection; and the following statement: "I certify that this report is true, accurate, and complete, to the best of my knowledge and belief".

C. <u>Turbidity/Transparency Sampling Requirements</u>

1. Sampling Methods/Effective Dates

   a. Beginning October 1, 2006, if construction activity will involve the disturbance of 5 acres or more, the Permittee shall conduct *turbidity* sampling per Condition S4.C.

b. Beginning October 1, 2008, if construction activity will involve greater than or equal to 1 acre, but less than 5 acres of soil disturbance, the Permittee shall conduct *transparency* sampling **or** turbidity sampling per Condition S4.C.

2. Sampling Frequency

a. Sampling shall be conducted at least once every calendar week, when there is a discharge of stormwater (or authorized non-stormwater) from the site. Samples shall be *representative* of the flow and characteristics of the discharge.

b. When there is no discharge during a calendar week, sampling is not required.

c. Sampling is not required outside of normal working hours or during unsafe conditions. If a Permittee is unable to sample during a monitoring period, the Discharge Monitoring Report (DMR) shall include a brief explanation.

3. Sampling Locations

a. Sampling is required at all discharge points where stormwater (or authorized non-stormwater) is discharged off-site.

b. All sampling point(s) shall be identified on the SWPPP site map and be clearly marked in the field with a flag, tape, stake or other visible marker.

4. Sampling and Analysis Methods

a. Turbidity analysis shall be performed with a calibrated turbidity meter (turbidimeter), either on-site or at an accredited lab. The results shall be recorded in the site log book in Nephelometric Turbidity Units (NTU).

b. Transparency analysis shall be performed on-site with a 1 ¾ inch diameter, 60 centimeter (cm) long Transparency Tube. The results shall be recorded in the site log book in centimeters (cm). Transparency Tubes are available from: http://watermonitoringequip.com/pages/stream.html

Parameter	Units	Analytical Method	Sampling Frequency	Benchmark Value
Turbidity	NTU	SM2130 or EPA180.1	Weekly, if discharging	25 NTU
Transparency	cm	Manufacturer instructions, or Ecology Guidance	Weekly, if discharging	31 cm

5. Turbidity/Transparency Benchmark Values

The benchmark value for turbidity is 25 NTU (Nephelometric Turbidity Units); and the benchmark value for transparency is 31 cm.

a. Turbidity 26 – 249 NTU, or Transparency 30 – 7 cm:

If discharge turbidity is greater than 25 NTU, but less than 250 NTU; or if discharge transparency is less than 31 cm, but greater than 6 cm, the CESCL shall:

i. Review the SWPPP for compliance with Condition S9 and make appropriate revisions within 7 days of the discharge that exceeded the benchmark; and

ii. Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but within 10 days of the discharge that exceeded the benchmark; and

iii. Document BMP implementation and maintenance in the site log book.

b. Turbidity 250 NTU or greater, or Transparency 6 cm or less:

If discharge turbidity is greater than or equal to 250 NTU; or if discharge transparency is less than or equal to 6 cm, the CESCL shall:

i. Notify Ecology by phone in accordance with Condition S5.A.; and

ii. Review the SWPPP for compliance with Condition S9 and make appropriate revisions within 7 days of the discharge that exceeded the benchmark; and

iii. Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but within 10 days of the discharge that exceeded the benchmark;

iv. Document BMP implementation and maintenance in the site log book; and

v. Continue to sample discharges daily until:

1. turbidity is 25 NTU (or lower); or

2. transparency is 31 cm (or greater); or

3. the CESCL has demonstrated compliance with the water quality standard for turbidity:

a. no more than 5 NTU over background turbidity, if background is less than 50 NTU, or

b. no more than 10% over background turbidity, if background is 50 NTU or greater; or

4. the discharge stops or is eliminated.

D. pH Monitoring: Sites with Significant Concrete Work or Engineered Soils

Beginning October 1, 2006, if construction activity will result in the disturbance of 1 acre or more, **and** involves *significant concrete work* or the use of *engineered soils*, **and** stormwater from the affected area drains to surface waters of the state or to a storm

sewer system that drains to surface waters of the state, the Permittee shall conduct *pH* monitoring as set forth below:

1. For sites with significant concrete work, the *pH monitoring period* shall commence when the concrete is first exposed to precipitation and continue weekly until stormwater pH is 8.5 or less.

   a. "Significant concrete work" means greater than 1000 cubic yards poured concrete or recycled concrete.

2. For sites with engineered soils, the pH monitoring period shall commence when the soil amendments are first exposed to precipitation and shall continue until the area of engineered soils is *fully stabilized*.

   a. "Engineered soils" means soil amendments including, but not limited, to Portland cement treated base (CTB), cement kiln dust (CKD), or fly ash.

3. During the pH monitoring period, the Permittee shall obtain a representative sample of stormwater and conduct pH analysis at least once per week.

4. The Permittee shall monitor pH in the sediment trap/pond(s) or other locations that receive stormwater runoff from the area of significant concrete work or engineered soils prior to discharge to surface waters.

5. The benchmark value for pH is 8.5 standard units. Any time sampling indicates that pH is 8.5 or greater, the Permittee shall:

   a. Prevent the high pH water (8.5 or above) from entering storm sewer systems or surface waters; and

   b. If necessary, adjust or neutralize the high pH water using an appropriate treatment BMP such as CO_2 sparging or dry ice. The Permittee shall obtain written approval from Ecology prior to using any form of chemical treatment other than CO_2 sparging or dry ice.

6. The Permittee shall perform pH analysis on-site with a calibrated pH meter, pH test kit, or wide range pH indicator paper. The Permittee shall record pH monitoring results in the site log book.

S5. REPORTING AND RECORDKEEPING REQUIREMENTS

A. <u>High Turbidity Phone Reporting</u>

Any time sampling performed in accordance with Special Condition S4.C indicates turbidity is 250 NTU or greater (or transparency is 6 cm or less) the Permittee shall notify EFSEC and the appropriate Ecology regional office by phone within 24 hours of analysis.

B. <u>Discharge Monitoring Reports</u>

1. Permittees required to conduct water quality sampling in accordance with Special Conditions S.4.C (Turbidity/Transparency), S4.D (pH) and/or S8 [303(d)/TMDL

sampling] shall submit the results to EFSEC monthly on Discharge Monitoring Report (DMR) forms provided by EFSEC.

Permittees are authorized and encouraged to submit electronic DMRs using the "E-DMR Form" on Ecology's Construction Stormwater web site: http://www.ecy.wa.gov/programs/wq/stormwater/construction/. Electronic DMRs shall be submitted to EFSEC.

2. The Permittee shall submit DMR forms electronically or by mail to be received by EFSEC within 15 days following the end of each month. If there was no discharge during a given monitoring period, the Permittee shall submit the form as required with the words "no discharge" entered in place of the monitoring results. If the Permittee is unable to submit discharge monitoring reports electronically, the Permittee may mail reports to the address listed below:

   EFSEC
   P.O. Box 43172
   Olympia, Washington 98504-3172

C. Records Retention

The Permittee shall retain records of all monitoring information (site log book, sampling results, inspection reports/checklists, etc.), Stormwater Pollution Prevention Plan, and any other documentation of compliance with permit requirements during the life of the construction project and for a minimum of three years following the termination of permit coverage. Such information shall include all calibration and maintenance records, and records of all data used to complete the application for this permit. 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 EFSEC or Ecology.

D. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information:

1. Date, place, method, and time of sampling or measurement;
2. The individual who performed the sampling or measurement;
3. The dates the analyses were performed;
4. The individual who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all analyses.

E. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S4 of this permit, the results of this monitoring

shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

F. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit which may cause a threat to human health or the environment, the Permittee shall:

1. Immediately notify EFSEC of the failure to comply.

2. Immediately take action to prevent the discharge/pollution, or otherwise stop or correct the noncompliance, and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to EFSEC within five (5) days after becoming aware of the violation.

3. Submit a detailed written report to EFSEC within five (5) days, unless requested earlier by EFSEC. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

   Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

G. Access to Plans and Records

1. The Permittee shall retain the following permit documentation (plans and records) on-site, or within reasonable access to the site, for use by the operator; or on-site review by EFSEC, Ecology or the local *jurisdiction*:

   a. General Permit;

   b. Permit Coverage Letter;

   c. Stormwater Pollution Prevention Plan (SWPPP); and

   d. Site Log Book

2. The Permittee(s) shall address written requests for plans and records listed above (Condition S5.G.1) as follows:

   a. A copy of plans and records shall be provided to EFSEC or Ecology within 14 days of receipt of a written request from Ecology.

   b. A copy of plans and records shall be provided to the public when requested in writing. Upon receiving a written request from the public for the Permittee's plans and records, the Permittee shall either:

i. Provide a copy of the plans and records to the requestor within 14 days of a receipt of the written request; or

ii. Notify the requestor within 10 days of receipt of the written request of the location and times within normal business hours when the plans and records may be viewed, and provide access to the plans and records within 14 days of receipt of the written request; or

iii. Within 14 days of receipt of the written request, the Permittee may submit a copy of the plans and records to EFSEC or Ecology for viewing and/or copying by the requestor at an EFSEC or Ecology office, or a mutually agreed upon location. If plans and records are viewed and/or copied at a location other than at an EFSEC or Ecology office, the Permittee will provide reasonable access to copying services for which a reasonable fee may be charged. The Permittee shall notify the requestor within 10 days of receipt of the request where the plans and records may be viewed and/or copied.

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S6. PERMIT FEES

The Permittee shall pay permit fees assessed by EFSEC. Fees for stormwater discharges covered under this permit shall be established by Chapter 173-224 WAC. Permit fees will continue to be assessed until the permit is terminated in accordance with Special Condition S10 or revoked in accordance with General Condition G5.

S7. SOLID AND LIQUID WASTE DISPOSAL

Solid and liquid wastes generated by construction activity such as demolition debris, construction materials, contaminated materials, and waste materials from maintenance activities, including liquids and solids from cleaning catch basins and other stormwater facilities, shall be handled and disposed of in accordance with:

1. Special Condition S3, Compliance with Standards, and

2. WAC 173-216-110, and other applicable regulations.

S8. DISCHARGES TO 303(D) OR TMDL WATERBODIES

A. Sampling and Numeric Effluent Limitations For Discharges to 303(d)-listed Waterbodies

1. Permittees that discharge to water bodies listed as impaired by the State of Washington under Section 303(d) of the *Clean Water Act* for turbidity, fine sediment, high pH, or phosphorus, shall conduct water quality sampling according to the requirements of this section.

2. All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current listing by Ecology of impaired waters that exists on November 16, 2005, or the date when the operator's complete permit application is received by EFSEC, whichever is later.

B. Discharges to 303(d)-Listed Waterbodies (Turbidity, Fine Sediment, or Phosphorus)

1. Permittees which discharge to waterbodies on the 303(d) list for turbidity, fine sediment, or phosphorus shall conduct turbidity sampling at the following locations to evaluate compliance with the water quality standard for turbidity:

   a. Background turbidity shall be measured in the 303(d)-listed *receiving water* immediately upstream (upgradient) or outside the area of influence of the discharge; and

   b. Discharge turbidity shall be measured at the point of discharge into the 303(d) listed receiving waterbody, inside the area of influence of the discharge; **or**

   Alternatively, discharge turbidity may be measured at the point where the discharge leaves the construction site, rather than in the receiving waterbody.

2. Based on sampling, if the discharge turbidity exceeds the water quality standard for turbidity (more than 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or more than a 10% increase in turbidity when the background turbidity is more than 50 NTU), all future discharges shall comply with a numeric effluent limit which is equal to the water quality standard for turbidity.

3. If a future discharge exceeds the water quality standard for turbidity, the Permittee shall:

   a. Review the SWPPP for compliance with Condition S9 and make appropriate revisions within 7 days of the discharge that exceeded the standard;

   b. Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but within 10 days of the discharge that exceeded the standard;

   c. Document BMP implementation and maintenance in the site log book;

   d. Notify EFSEC and the appropriate Ecology Regional Office by phone within 24 hours of analysis;

   e. Continue to sample daily until discharge turbidity meets the water quality standard for turbidity.

C. Discharges to waterbodies on the 303(d) list for High pH

1. Permittees which discharge to waterbodies on the 303(d) list for high pH shall conduct sampling at one of the following locations to evaluate compliance with the water quality standard for pH (in the range of 6.5 – 8.5):

   a. pH shall be measured at the point of discharge into the 303(d) listed waterbody, inside the area of influence of the discharge; or

b. Alternatively, pH may be measured at the point where the discharge leaves the construction site, rather than in the receiving water.

2. Based on the sampling set forth above, if the pH exceeds the water quality standard for pH (in the range of 6.5 – 8.5), all future discharges shall comply with a numeric effluent limit which is equal to the water quality standard for pH.

3. If a future discharge exceeds the water quality standard for pH, the Permittee shall:

   a. Review the SWPPP for compliance with Condition S9 and make appropriate revisions within 7 days of the discharge that exceeded the water quality standard;

   b. Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but within 10 days of the discharge that exceeded the standards;

   c. Document BMP implementation and maintenance in the site log book;

   d. Notify EFSEC and the appropriate Ecology Regional Office by phone within 24 hours of analysis; and

   e. Continue to sample daily until discharge meets the water quality standard for pH (in the range of 6.5 – 8.5) or the discharge stops or is eliminated.

Parameter identified in 303(d) listing	**Parameter/Units**	**Analytical Method**	**Sampling Frequency**	**Water Quality Standard**
Turbidity Fine Sediment Phosphorus	Turbidity/NTU	SM2130 or EPA180.1	Weekly, if discharging	If background is 50 NTU or less: 5 NTU over background; or If background is more than 50 NTU: 10% over background
High pH	pH/Standard Units	pH meter	Weekly, if discharging	In the range of 6.5 – 8.5

D. Sampling and Limitations For Sites Discharging to Applicable TMDLs

1. Discharges to a waterbodies subject to an applicable Total Maximum Daily Load (TMDL) for turbidity, fine sediment, high pH, or phosphorus, shall be consistent with the assumptions and requirements of the TMDL.

a. Where an *applicable TMDL* sets specific *waste load allocations* or requirements for discharges covered by this permit, discharges shall be consistent with any specific waste load allocations or requirements established by the applicable TMDL.

ii. The Permittee shall sample discharges weekly, or as otherwise specified by the TMDL, to evaluate compliance with the specific waste load allocations or requirements.

iii. Analytical methods used to meet the monitoring requirements shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136. Turbidity and pH methods need not be accredited or registered unless conducted at a laboratory which must otherwise be accredited or registered.

b. Where an applicable TMDL has established a general waste load allocation for construction stormwater discharges, but no specific requirements have been identified, compliance with Conditions S4 (Monitoring) and S9 (SWPPPs) will be assumed to be consistent with the approved TMDL.

c. Where an applicable TMDL has not specified a waste load allocation for construction stormwater discharges, but has not excluded these discharges, compliance with Conditions S4 (Monitoring) and S9 (SWPPPs) will be assumed to be consistent with the approved TMDL.

d. Where an applicable TMDL specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.

2. Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus, which has been completed and approved by EPA prior to November 16, 2005, or prior to the date the operator's complete permit application is received by EFSEC, whichever is later. TMDLs completed after the operator's complete permit application is received by EFSEC become applicable to the Permittee only if they are imposed through an administrative order by EFSEC, or through a modification of permit coverage.

Note: See WAC 173-220-150(1)(g)

S9. STORMWATER POLLUTION PREVENTION PLAN

An adequate Stormwater Pollution Prevention Plan (SWPPP) for construction activity shall be prepared and implemented in accordance with the requirements of this permit beginning with initial soil disturbance and until *final stabilization*.

A. <u>The SWPPP shall meet the following objectives:</u>

1. To implement Best Management Practices (BMPs) to prevent erosion and *sedimentation*, and to identify, reduce, eliminate or prevent stormwater contamination and water pollution from construction activity.

2. To prevent violations of surface water quality, ground water quality, or sediment management standards.
3. To control peak volumetric flow rates and velocities of stormwater discharges.

B. General Requirements

1. The SWPPP shall include a narrative and drawings. All BMPs shall be clearly referenced in the narrative and marked on the drawings.

   The SWPPP narrative shall include documentation to explain and justify the pollution prevention decisions made for the project. Documentation shall include:

   a. Information about existing site conditions (topography, drainage, soils, vegetation, etc.);
   b. Potential erosion problem areas;
   c. The 12 elements of a SWPPP in S9.D.1-12, including BMPs used to address each element;
   d. Construction phasing/sequence and general BMP implementation schedule;
   e. The actions to be taken if BMP performance goals are not achieved; and
   f. Engineering calculations for ponds and any other designed structures.

2. The Permittee shall modify the SWPPP if, during inspections or investigations conducted by the owner/operator, or the applicable local or state regulatory authority, it is determined that the SWPPP is, or would be, ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the site. The Permittee shall take the following actions:

   a. Review the SWPPP for compliance with Condition S9 and make appropriate revisions within 7 days of the inspection or investigation;
   b. Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but no later than 10 days from the inspection or investigation; and
   c. Document BMP implementation and maintenance in the site log book.

3. The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance at the construction site that has, or could have, a significant effect on the discharge of pollutants to waters of the state.

C. Stormwater Best Management Practices (BMPs)

BMPs shall be consistent with:

1. Stormwater Management Manual for Western Washington (most recent edition), for sites west of the crest of the Cascade Mountains;

2. Stormwater Management Manual for Eastern Washington (most recent edition), for sites east of the crest of the Cascade Mountains; or
3. Other stormwater management guidance documents or manuals which provide an equivalent level of pollution prevention and are approved by Ecology; or
4. Documentation in the SWPPP that the BMPs selected provides an equivalent level of pollution prevention, compared to the applicable Stormwater Management Manuals, including:
    a. The technical basis for the selection of all stormwater BMPs (scientific, technical studies, and/or modeling) which support the performance claims for the BMPs being selected; and
    b. An assessment of how the selected BMP will satisfy AKART requirements and the applicable federal technology-based treatment requirements under 40 CFR part 125.3.

D. SWPPP – Narrative Contents and Requirements

The Permittee shall include each of the 12 elements below in S9.D.1-12 in the narrative of the SWPPP and ensure that they are implemented unless site conditions render the element unnecessary and the exemption from that element is clearly justified in the SWPPP.

1. Preserve Vegetation/Mark Clearing Limits
    a. Prior to beginning land disturbing activities, including clearing and grading, clearly mark all clearing limits, *sensitive areas* and their *buffers*, and trees that are to be preserved within the construction area.
    b. The duff layer, native top soil, and natural vegetation shall be retained in an undisturbed state to the maximum degree practicable.
2. Establish Construction Access
    a. Construction vehicle access and exit shall be limited to one route, if possible.
    b. Access points shall be stabilized with a pad of quarry spalls, crushed rock, or other *equivalent BMP*, to minimize the tracking of sediment onto public roads.
    c. Wheel wash or tire baths shall be located on site, if the stabilized construction entrance is not effective in preventing sediment from being tracked onto public roads.
    d. If sediment is tracked off site, public roads shall be cleaned thoroughly at the end of each day, or more frequently during wet weather. Sediment shall be removed from roads by shoveling or pickup sweeping and shall be transported to a controlled sediment disposal area.
    e. Street washing is allowed only after sediment is removed in accordance with S9.D.2.d. Street wash wastewater shall be controlled by pumping back on site or

otherwise be prevented from discharging into systems tributary to waters of the state.

3. Control Flow Rates

   a. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the velocity and peak volumetric flow rate of stormwater runoff from the project site, as required by local plan approval authority.

   b. Where necessary to comply with S9.D.3.a., stormwater retention or *detention* facilities shall be constructed as one of the first steps in grading. Detention facilities shall be functional prior to construction of site improvements (e.g., impervious surfaces).

   c. If permanent infiltration ponds are used for flow control during construction, these facilities shall be protected from siltation during the construction phase.

4. Install Sediment Controls

   a. Stormwater runoff from disturbed areas shall pass through a sediment pond or other appropriate sediment removal BMP, prior to leaving a construction site or prior to discharge to an infiltration facility. Runoff from fully stabilized areas may be discharged without a sediment removal BMP, but shall meet the flow control performance standard of S9.D.3.a.

   b. Sediment control BMPs (sediment ponds, traps, filters, etc.) shall be constructed as one of the first steps in grading. These BMPs shall be functional before other land disturbing activities take place.

   c. BMPs intended to trap sediment on site shall be located in a manner to avoid interference with the movement of juvenile salmonids attempting to enter off-channel areas or drainages.

5. Stabilize Soils

   a. Exposed and unworked soils shall be stabilized by application of effective BMPs that prevent erosion. Applicable BMPs include, but are not limited to: temporary and permanent seeding, sodding, mulching, plastic covering, erosion control fabrics and matting, soil application of polyacrylamide (PAM), the early application of gravel base on areas to be paved, and dust control.

   b. Depending on the geographic location of the project, no soils shall remain exposed and unworked for more than the time periods set forth below to prevent erosion:

      West of the Cascade Mountains Crest
      During the dry season (May 1 - Sept. 30): 7 days
      During the wet season (October 1 - April 30): 2 days

      East of the Cascade Mountains Crest, except for Central Basin*
      During the dry season (July 1 - September 30): 10 days
      During the wet season (October 1 - June 30): 5 days

The Central Basin*, East of the Cascade Mountains Crest
During the dry Season (July 1 - September 30): 30 days
During the wet season (October 1 - June 30): 15 days

*Note: The Central Basin is defined as the portions of Eastern Washington with mean annual precipitation of less than 12 inches.

The time period may be adjusted by a local jurisdiction, if the jurisdiction can show that local precipitation data justify a different standard.

c. Soils shall be stabilized at the end of the shift before a holiday or weekend if needed based on the weather forecast.

d. Soil stockpiles shall be stabilized from erosion, protected with sediment trapping measures, and where possible, be located away from *storm drain* inlets, waterways, and drainage channels.

6. Protect Slopes

a. Design and construct cut and fill slopes in a manner that will minimize erosion. Applicable practices include, but are not limited to, reducing continuous length of slope with terracing and diversions, reducing slope steepness, and roughening slope surfaces (e.g., track walking).

b. Off-site stormwater (run-on) or groundwater shall be diverted away from slopes and disturbed areas with interceptor dikes, pipes, and/or swales. Off-site stormwater should be managed separately from stormwater generated on the site.

c. At the top of slopes, collect drainage in pipe slope drains or protected channels to prevent erosion.

i. West of the Cascade Mountains Crest: Temporary pipe slope drains shall handle the peak 10-minute velocity of flow from a Type 1A, 10-year, 24-hour frequency storm for the developed condition. Alternatively, the 10-year, 1-hour flow rate predicted by an approved continuous runoff model, increased by a factor of 1.6, may be used. The hydrologic analysis shall use the existing land cover condition for predicting flow rates from tributary areas outside the project limits. For tributary areas on the project site, the analysis shall use the temporary or permanent project land cover condition, whichever will produce the highest flow rates. If using the WWHM to predict flows, bare soil areas should be modeled as "landscaped area."

ii. East of the Cascade Mountains Crest: Temporary pipe slope drains shall handle the expected peak flow velocity from a 6-month, 3-hour storm for the developed condition, referred to as the short duration storm.

d. Excavated material shall be placed on the uphill side of trenches, consistent with safety and space considerations.

e. Check dams shall be placed at regular intervals within constructed channels that are cut down a slope.

7. Protect Drain Inlets

    a. All storm drain inlets made operable during construction shall be protected so that stormwater runoff does not enter the conveyance system without first being filtered or treated to remove sediment.

    b. Inlet protection devices shall be cleaned or removed and replaced when sediment has filled one-third of the available storage (unless a different standard is specified by the product manufacturer).

8. Stabilize Channels and Outlets

    a. All temporary on-site conveyance channels shall be designed, constructed, and stabilized to prevent erosion from the following expected peak flows:

        i. West of the Cascade Mountains Crest: Channels shall handle the peak 10 minute velocity of flow from a Type 1A, 10-year, 24-hour frequency storm for the developed condition. Alternatively, the 10-year, 1-hour flow rate indicated by an approved continuous runoff model, increased by a factor of 1.6, may be used. The hydrologic analysis shall use the existing land cover condition for predicting flow rates from tributary areas outside the project limits. For tributary areas on the project site, the analysis shall use the temporary or permanent project land cover condition, whichever will produce the highest flow rates. If using the WWHM to predict flows, bare soil areas should be modeled as "landscaped area."

        ii. East of the Cascade Mountains Crest: Channels shall handle the expected peak flow velocity from a 6-month, 3-hour storm for the developed condition, referred to as the short duration storm.

    b. *Stabilization*, including armoring material, adequate to prevent erosion of outlets, adjacent stream banks, slopes, and downstream reaches shall be provided at the outlets of all conveyance systems.

9. Control Pollutants

    a. All pollutants, including waste materials and demolition debris, that occur onsite shall be handled and disposed of in a manner that does not cause contamination of stormwater.

    b. Cover, containment, and protection from vandalism shall be provided for all chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment. On-site fueling tanks shall include secondary containment.

    c. Maintenance, fueling, and repair of heavy equipment and vehicles shall be conducted using spill prevention and control measures. Contaminated surfaces shall be cleaned immediately following any spill incident.

    d. Wheel wash or tire bath wastewater shall be discharged to a separate on-site treatment system or to the *sanitary sewer* with local sewer district approval.

e. Application of fertilizers and pesticides, shall be conducted in a manner and at application rates that will not result in loss of chemical to stormwater runoff. Manufacturers' label requirements for application rates and procedures shall be followed.

f. BMPs shall be used to prevent or treat contamination of stormwater runoff by pH modifying sources. These sources include, but are not limited to: bulk cement, cement kiln dust, fly ash, new concrete washing and curing waters, waste streams generated from concrete grinding and sawing, exposed aggregate processes, dewatering concrete vaults, concrete pumping and mixer washout waters. Permittees shall adjust the pH of stormwater if necessary to prevent violations of water quality standards.

g. Permittees shall obtain written approval from EFSEC prior to using chemical treatment, other than CO_2 or dry ice to adjust pH.

10. Control De-Watering

a. Foundation, vault, and trench de-watering water, which have similar characteristics to stormwater runoff at the site, shall be discharged into a controlled conveyance system prior to discharge to a sediment trap or sediment pond.

b. Clean, non-turbid de-watering water, such as well-point ground water, can be discharged to systems tributary to, or directly into surface waters of the state, as specified in S9.D.8, provided the de-watering flow does not cause erosion or flooding of receiving waters. Clean de-watering water should not be routed through stormwater sediment ponds.

c. Other de-watering disposal options may include:

i. infiltration

ii. transport offsite in a vehicle, such as a vacuum flush truck, for legal disposal in a manner that does not pollute state waters,

iii. Ecology-approved on-site chemical treatment or other suitable treatment technologies,

iv. sanitary sewer discharge with local sewer district approval, if there is no other option, or

v. use of a sedimentation bag with *outfall* to a ditch or swale for small volumes of localized de-watering.

d. Highly turbid or contaminated dewatering water shall be handled separately from stormwater.

11. Maintain BMPs

a. All temporary and permanent erosion and sediment control BMPs shall be maintained and repaired as needed to assure continued performance of their intended function in accordance with BMP specifications.

b. All temporary erosion and sediment control BMPs shall be removed within 30 days after final site stabilization is achieved or after the temporary BMPs are no longer needed.

12. Manage the Project

a. Development projects shall be phased to the maximum degree practicable and shall take into account seasonal work limitations.

b. Inspection and Monitoring

All BMPs shall be inspected, maintained, and repaired as needed to assure continued performance of their intended function. Site inspections and monitoring shall be conducted in accordance with S4.

c. Maintaining an Updated Construction SWPPP

The SWPPP shall be maintained, updated, and implemented in accordance with Conditions S3, S4 and S9.

E. SWPPP – Map Contents and Requirements

The SWPPP shall also include a vicinity map or general location map (e.g. USGS Quadrangle map, a portion of a county or city map, or other appropriate map) with enough detail to identify the location of the construction site and receiving waters within one mile of the site.

The SWPPP shall also include a legible site map (or maps) showing the entire construction site. The following features shall be identified, unless not applicable due to site conditions:

1. The direction of north, property lines, and existing structures and roads;
2. Cut and fill slopes indicating the top and bottom of slope catch lines;
3. Approximate slopes, contours, and direction of stormwater flow before and after major grading activities;
4. Areas of soil disturbance and areas that will not be disturbed;
5. Locations of structural and nonstructural controls (BMPs) identified in the SWPPP
6. Locations of off-site material, stockpiles, waste storage, borrow areas, and vehicle/equipment storage areas;
7. Locations of all surface water bodies, including wetlands;
8. Locations where stormwater or non-stormwater discharges off-site and/or to a surface water body, including wetlands;
9. Location of water quality sampling station(s), if sampling is required by state or local permitting authority; and
10. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.

F. SWPPP – Construction Phase Update Required

The Permittee shall submit an update SWPPP to EFSEC for review and approval at least 60 days before commencement of turbine construction. The updated SWPPP shall propose BMPs and additional measures, as required by this permit, to prevent and control discharges of stormwater from the site.

S10. NOTICE OF TERMINATION

A. The site is eligible for termination when either of the following conditions have been met:

1. The site has undergone final stabilization, all temporary BMPs have been removed, and all stormwater discharges associated with construction activity have been eliminated; or

2. All portions of the site which have not undergone final stabilization per S10.A.1 have been sold and/or transferred (per Condition G9), and the Permittee no longer has operational control of the construction activity.

B. When the site is eligible for termination, the Permittee shall submit a complete and accurate *Notice of Termination* (NOT) form, signed in accordance with General Condition G2, to:

EFSEC
P.O. Box 43172
Olympia, Washington 98504-3172

C. The termination is effective on the date the NOT form was received by EFSEC, unless the Permittee is notified by EFSEC within 30 days that termination request is denied because the eligibility requirements in Condition S10.A have not been met.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

All discharges and activities authorized by this general permit shall be consistent with the terms and conditions of this general permit. Any discharge of any pollutant more frequent than or at a level in excess of that identified and authorized by the general permit shall constitute a violation of the terms and conditions of this permit.

G2. SIGNATORY REQUIREMENTS

A. All permit applications shall bear a certification of correctness to be signed:

1. In the case of corporations, by a responsible corporate officer of at least the level of vice president of a corporation;

2. In the case of a partnership, by a general partner of a partnership;

3. In the case of sole proprietorship, by the proprietor; or

4. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

B. All reports required by this permit and other information requested by EFSEC 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 EFSEC.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

C. Changes to authorization. If an authorization under paragraph G2.B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph G2.B.2 above shall be submitted to EFSEC prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this 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 knowing violations."

G3. RIGHT OF INSPECTION AND ENTRY

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

A. To enter upon the 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 times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G4. GENERAL PERMIT MODIFICATION AND REVOCATION

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

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

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

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

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

G5. REVOCATION OF COVERAGE UNDER THE PERMIT

Pursuant with Chapter 43.21B RCW and Chapter 173-226 WAC, EFSEC may terminate coverage for any discharger under this permit for cause. Cases where coverage may be terminated include, but are not limited to, the following:

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

B. Obtaining coverage under this 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. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;

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

F. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and Chapter 173-224 WAC;

G. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable.

EFSEC may require any discharger under this permit to apply for and obtain coverage under an individual permit or another more specific general permit. Permittees who have their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within ninety (90) days from the time of revocation and is submitted along with a complete individual permit application form.

G6. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, whenever a material change to the construction activity or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G7. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G8. DUTY TO REAPPLY

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

G9. TRANSFER OF GENERAL PERMIT COVERAGE

Coverage under this general permit is automatically transferred to a new discharger, including operators of lots/parcels within a common plan of development or sale, if:

A. A written, signed agreement (Transfer of Coverage Form) between the current discharger (Permittee) and new discharger containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to EFSEC; and

B. EFSEC does not notify the current discharger and new discharger of EFSEC's intent to revoke coverage under the general permit. If this notice is not given, the transfer is effective on the date specified in the written agreement.

When a current discharger (Permittee) transfers a portion of a permitted site, the current discharger shall also submit an updated application form (NOI) to EFSEC indicating the remaining permitted acreage after the transfer. When a current discharger (Permittee) transfers all portions of a permitted site to one or more new dischargers, the current discharger shall also submit a notice of termination (NOT) form to EFSEC.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of stormwater shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to EFSEC, within a reasonable time, all information which EFSEC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to EFSEC upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

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

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars ($10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten

thousand dollars ($10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G15. UPSET

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.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

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 being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S5.F; and 4) the Permittee complied with any remedial measures required under this permit.

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

G16. PROPERTY RIGHTS

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

G17. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G18. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than $20,000 per day of violation, or imprisonment of not more than four (4) years, or both.

G20. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, give notice to EFSEC of planned physical alterations, modifications or additions to the permitted construction activity, which will result in:

A. The permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b);

B. A significant change in the nature or an increase in quantity of pollutants discharged, including but not limited to: for sites 5 acres or larger, a 20% or greater increase in acreage disturbed by construction activity;

C. A change in or addition of surface water(s) receiving stormwater or non-stormwater from the construction activity; or

D. A change in the construction plans and/or activity that affects the Permittee's monitoring requirements in Special Condition S4.

Following such notice, permit coverage may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G21. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to Ecology, it shall promptly submit such facts or information.

G22. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to EFSEC by submission of a new application or supplement thereto at least forty-five (45) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate

unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by EFSEC.

G23. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER THE PERMIT

Any discharger authorized by this permit may request to be excluded from coverage under the general permit by applying for an individual permit. The discharger shall submit to EFSEC an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. These reasons shall fully document how an individual permit will apply to the applicant in a way that the general permit cannot. EFSEC may make specific requests for information to support the request. EFSEC shall either issue an individual permit or deny the request with a statement explaining the reason for the denial. When an individual permit is issued to a discharger otherwise subject to the construction stormwater general permit, the applicability of the construction stormwater general permit to that Permittee is automatically terminated on the effective date of the individual permit.

G24. APPEALS

A. The terms and conditions of this general permit, as they apply to the appropriate class of dischargers, are subject to appeal by any person within 30 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 30 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 EFSEC or Ecology for consideration of issuance of an individual permit or permits.

G25. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or 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.

G26. BYPASS PROHIBITED

A. Bypass Procedures
Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited for stormwater events below the design criteria for

stormwater management. EFSEC may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, 3 or 4) is applicable.

1. Bypass of stormwater is consistent with the design criteria and part of an approved management practice in the applicable stormwater management manual.

2. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

   Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health.

3. Bypass of stormwater is unavoidable, unanticipated, and results in noncompliance of this permit.

   This bypass is permitted only if:

   a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "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;

   b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility; and

   c. Ecology is properly notified of the bypass as required in Special Condition S5.F of this permit.

4. A planned action that would cause bypass of stormwater and has the potential to result in noncompliance of this permit during a storm event.

   The Permittee shall notify EFSEC at least thirty (30) days before the planned date of bypass. The notice shall contain:

   a. a description of the bypass and its cause;

   b. an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing;

   c. a cost-effectiveness analysis of alternatives including comparative resource damage assessment;

   d. the minimum and maximum duration of bypass under each alternative;

   e. a recommendation as to the preferred alternative for conducting the bypass;

f. the projected date of bypass initiation;

g. a statement of compliance with *SEPA*;

h. a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and

i. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

5. For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the Stormwater Pollution Prevention Plan (SWPPP) and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

   Ecology will consider the following prior to issuing an administrative order for this type bypass:

   a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.

   b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.

   c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

   After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, EFSEC will approve, conditionally approve, or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by EFSEC under RCW 90.48.120.

B. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

APPENDIX A – DEFINITIONS

AKART is an acronym for "all known, available, and reasonable methods of prevention, control, and treatment." AKART represents the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants and controlling pollution associated with a discharge.

Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus, which has been completed and approved by EPA prior to November 16, 2005, or prior to the date the operator's complete permit application is received by EFSEC, whichever is later.

Applicant means an *operator* seeking coverage under this permit.

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 of the state. BMPs include treatment systems, operating procedures, and practices to control: stormwater associated with construction activity, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Buffer means an area designated by a local jurisdiction that is contiguous to and intended to protect a sensitive area

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
Calendar Week (same as *Week*) means a period of seven consecutive days starting on Sunday.

Certified Erosion and Sediment Control Lead (CESCL) means a person who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by Ecology (see BMP C160 in the SWMM).

Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1251 et seq.

Combined Sewer means a sewer which has been designed to serve as a sanitary sewer and a storm sewer, and into which inflow is allowed by local ordinance.

Common plan of development or sale means a site where multiple separate and distinct construction activities may be taking place at different times on different schedules, but still under a single plan. Examples include: 1) phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g., a development where lots are sold to separate builders); 2) a development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and 3) projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility. If the project is part of a common plan of development or sale, the disturbed area of the entire plan shall be used in determining permit requirements.

Composite Sample A mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing discrete samples. May be "time-composite" (collected at constant time intervals) or "flow-proportional" (collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

Construction Activity means land disturbing operations including clearing, grading or excavation which disturbs the surface of the land. Such activities may include road construction, construction of residential houses, office buildings, or industrial buildings, and demolition activity.

Demonstrably Equivalent means that the technical basis for the selection of all stormwater BMPs is documented within a SWPPP, including:

1. The method and reasons for choosing the stormwater BMPs selected;
2. The pollutant removal performance expected from the BMPs selected;
3. The technical basis supporting the performance claims for the BMPs selected, including any available data concerning field performance of the BMPs selected;
4. An assessment of how the selected BMPs will comply with state water quality standards; and
5. An assessment of how the selected BMPs will satisfy both applicable federal technology-based treatment requirements and state requirements to use all known, available, and reasonable methods of prevention, control, and treatment (AKART).

Department means the Washington State Department of Ecology.

Detention means the temporary storage of stormwater to improve quality and/or to reduce the mass flow rate of discharge.

De-watering means the act of pumping ground water or stormwater away from an active construction site.

Director means the Director of the Washington Department of Ecology or his/her authorized representative.

Discharger means an owner or operator of any facility or activity subject to regulation under Chapter 90.48 RCW or the Federal Clean Water Act.

Domestic Wastewater means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such ground water infiltration or surface waters as may be present.

EFSEC means the Energy Facility Site Evaluation Council.

Engineered soils The use of soil amendments including, but not limited, to Portland cement treated base (CTB), cement kiln dust (CKD), or fly ash to achieve certain desirable soil characteristics.

Equivalent BMPs means operational, source control, treatment, or innovative BMPs which result in equal or better quality of stormwater discharge to surface water or to ground water than BMPs selected from the SWMM.

Erosion means the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.

Erosion and Sediment Control BMPs means BMPs that are intended to prevent erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, filter fences, sediment traps, and ponds. Erosion and sediment control BMPs are synonymous with stabilization and structural BMPs.

Final Stabilization (same as *fully stabilized* or *full stabilization*) means the establishment of a permanent vegetative cover, or equivalent permanent stabilization measures (such as riprap, gabions or geotextiles) which prevents erosion.

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

Injection well means a "well" that is used for the subsurface emplacement of fluids. (see *Well*)

Jurisdiction means a political unit such as a city, town or county; incorporated for local self-government.

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 and EFSEC.

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 Termination (NOT) means a request for termination of coverage under this general permit as specified by Special Condition S10 of this permit.

Operator means any party associated with a construction project that meets either of the following two criteria:
1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

Outfall means the location where stormwater leaves the site. It also includes the location where stormwater is discharged to a surface waterbody within a site, but does not include discharges to on-site stormwater treatment/infiltration devices or storm sewer systems.

Permittee means individual or entity that receives notice of coverage under this general permit.

pH means a liquid's acidity or alkalinity. A pH of 7 is defined as neutral. Large variations above or below this value are considered harmful to most aquatic life.

pH Monitoring Period means the time period in which the pH of stormwater runoff from a site shall be tested a minimum of once every seven days to determine if stormwater is above pH 8.5.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, and container from which pollutants are or may be discharged to surface waters of the state. This term does not include return flows from irrigated agriculture. (See Fact Sheet for further explanation.)

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, domestic sewage sludge (biosolids), munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste. This term does not include sewage from vessels within the meaning of section 312 of the CWA, nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the CWA.

Pollution means contamination or other alteration of the physical, chemical, or biological properties of waters of the state; including change in temperature, taste, color, turbidity, or odor of the waters; or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare; or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish or other aquatic life.

Receiving Water means the waterbody at the point of discharge. If the discharge is to a storm sewer system, either surface or subsurface, the receiving water is the waterbody that the storm sewer system discharges to. Systems designed primarily for other purposes such as for ground water drainage, redirecting stream natural flows, or for conveyance of irrigation water/return flows that coincidentally convey stormwater are considered the receiving water.

Representative means a stormwater or wastewater sample which represents the flow and characteristics of the discharge. Representative samples may be a grab sample, a time-proportionate *composite sample*, or a flow proportionate sample. Ecology's Construction Stormwater Monitoring Manual provides guidance on representative sampling.

Sanitary Sewer means a sewer which is designed to convey *domestic wastewater*.

Sediment means the fragmented material that originates from the weathering and erosion of rocks or unconsolidated deposits, and is transported by, suspended in, or deposited by water.

Sedimentation means the depositing or formation of sediment.

Sensitive area means a waterbody, wetland, stream, aquifer recharge area, or channel migration zone.

SEPA (State Environmental Policy Act) means the Washington State Law, RCW 43.21C.020, intended to prevent or eliminate damage to the environment.

Significant Amount means an amount of a pollutant in a discharge that is amenable to available and reasonable methods of prevention or treatment; or an amount of a pollutant that has a reasonable potential to cause a violation of surface or ground water quality or sediment management standards.

Significant Concrete Work means greater than 1000 cubic yards poured concrete or recycled concrete.

Significant Contributor of Pollutants means a facility determined by Ecology to be a contributor of a *significant amount*(s) of a pollutant(s) to waters of the state of Washington.

Site means the land or water area where any "facility or activity" is physically located or conducted.

Source Control BMPs means physical, structural or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. A few examples of source control BMPs are erosion control practices, maintenance of stormwater facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead end sump.

Stabilization means the application of appropriate BMPs to prevent the erosion of soils, such as, temporary and permanent seeding, vegetative covers, mulching and matting, plastic covering and sodding. See also the definition of Erosion and Sediment Control BMPs.

Storm Drain means any drain which drains directly into a *storm sewer system*, usually found along roadways or in parking lots.

Storm Sewer System means a means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains designed or used for collecting or conveying stormwater. This does not include systems which are part of a *combined sewer* or Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

Stormwater means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a defined surface water body, or a constructed infiltration facility.

Stormwater Management Manual (SWMM) or Manual means the technical manual published by Ecology for use by local governments that contain descriptions of and design criteria for BMPs to prevent, control, or treat pollutants in stormwater.

Stormwater Pollution Prevention Plan (SWPPP) means a documented plan to implement measures to identify, prevent, and control the contamination of point source discharges of stormwater.

Surface Waters of the State 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.

Total Maximum Daily Load (TMDL) means a calculation of the maximum amount of a *pollutant* that a waterbody can receive and still meet state water quality standards. Percentages of the total maximum daily load are allocated to the various pollutant sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The TMDL calculations shall include a "margin of safety" to ensure that the waterbody can be protected in case there are unforeseen events or unknown sources of the pollutant. The calculation shall also account for seasonable variation in water quality.

Treatment BMPs means BMPs that are intended to remove pollutants from stormwater. A few examples of treatment BMPs are detention ponds, oil/water separators, biofiltration, and constructed wetlands.

Transparency means a measurement of water clarity in centimeters (cm), using a 60 cm. transparency tube. The transparency tube is used to estimate the relative clarity or transparency of water by noting the depth at which a black and white Secchi disc becomes visible when water is released from a value in the bottom of the tube. A transparency tube is sometimes referred to as a “turbidity tube”.

Turbidity The clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

Waste Load Allocation (WLA) means the portion of a receiving water’s loading capacity that is allocated to one of its existing or future point sources of pollution. WLAs constitute a type of water quality based effluent limitation (40 CFR 130.2(h)).

Water Quality means the chemical, physical, and biological characteristics of water, usually with respect to its suitability for a particular purpose.

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 include 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.

Well means a bored, drilled or driven shaft, or dug hole whose depth is greater than the largest surface dimension. (see *Injection Well*)

APPENDIX B – ACRONYMS

AKART	All Known, Available, and Reasonable Methods of Prevention, Control, and Treatment
BMP	Best Management Practice
CESCL	Certified Erosion and Sediment Control Lead
CFR	Code of Federal Regulations
CKD	Cement Kiln Dust
cm	Centimeters
CTB	Cement Treated Base
CWA	Clean Water Act
DMR	Discharge Monitoring Report
EPA	Environmental Protection Agency
ESC	Erosion and Sediment Control
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NTU	Nephelometric Turbidity Unit
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act
SWMM	Stormwater Management Manual
SWPPP	Stormwater Pollution Prevention Plan
TMDL	Total Maximum Daily Load
UIC	Underground Injection Control
USC	United States Code
USEPA	United States Environmental Protection Agency
WAC	Washington Administrative Code
WQ	Water Quality
WWHM	Western Washington Hydrology Model