



Port
of Seattle

STORMWATER MANAGEMENT PROGRAM PLAN
FOR MARITIME PHASE I PROPERTIES
(PERMIT NO. WAR044701)



March 2024

Port of Seattle Stormwater Management Program Plan For Maritime Phase I Properties

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List of Acronyms and Abbreviations

BMP	Best Management Practice
CESCL	Certified Erosion and Sediment Control Lead
City	City of Seattle
Ecology	Washington State Department of Ecology
EPA	(U.S.) Environmental Protection Agency
IDDE	Illicit Discharge Detection and Elimination
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
NWSA	Northwest Seaport Alliance
O&M	Operations and Maintenance
Permit	Phase I Municipal Stormwater Permit
Port	Port of Seattle
SAM	Stormwater Action Monitoring
SWMMWW	Stormwater Management Manual for Western Washington
SWMP	Stormwater Management Program
SWPPP	Stormwater Pollution Prevention Plan
TMDL	Total Maximum Daily Load

Port of Seattle Stormwater Management Program Plan For Maritime Phase I Properties Updated March 2024

Introduction

The Port of Seattle (Port) Maritime and Economic Development divisions produced this Stormwater Management Program (SWMP) Plan to demonstrate compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Stormwater Permit (Permit) issued on July 1, 2019 and effective on August 1, 2019 by the Washington State Department of Ecology (Ecology). The Port's SWMP Plan provides an overview of the Port's activities related to stormwater management on Maritime and Economic Development division properties covered by the Permit (Phase I Properties), located within the City of Seattle (City) and unincorporated King County.

Port Overview

The Port has jurisdiction over approximately 1,500 acres. Eleven hundred (1,100) acres are properties along Seattle's waterfront including marine terminals, marinas, rail lines, parks, and shoreline public access areas (Figures 1, 2, and 3). These land areas are covered under the Permit, as well as other additional NPDES stormwater permits associated with industrial and maritime related operations. Approximately 1,000 acres of property are impervious, with 100 acres of pervious parks and open/undeveloped space. The remaining 400 acres consists of Department of Natural Resources lands, aquatic areas, and small shoreline areas where no development has occurred. The Port's water-dependent facilities and activities are a substantial base of economic activity and employment within the City, the Port district, and the State of Washington.

The Port is a publicly owned and operated municipal corporation authorized by state law to plan, construct, operate, and maintain harbor improvements within the Port district. Specifically, the Port provides marine services and cargo and passenger terminals for large vessels serving diverse marine transportation businesses. In 2015, the Northwest Seaport Alliance (NWSA) was formed to improve the efficiency of managing container cargo facilities on the Ports of Seattle and Tacoma properties. The NWSA functions as a property manager on Port properties along the Lower Duwamish Waterway, however, the Permit responsibilities still rest with the Port. The Port also provides facilities for many elements of the fishing industry, other water-dependent and water-related commercial and industrial uses, and recreational boats, including Fishermen's Terminal, the Maritime Industrial Center, Harbor Island Marina, Shilshole Bay Marina, Salmon Bay Marina, and Bell Harbor Marina.

Introduction

The Port implements significant environmental restoration, cleanup, and habitat enhancement as part of its capital improvement programs and ongoing operations and management of Port facilities. The Port created 17 public shoreline access points where residents and visitors can see firsthand the City's maritime environment and economy.

In 2014, the Port adopted a resolution establishing a Stormwater Utility (Utility) to fund, operate, and rehabilitate the Port's stormwater systems. In 2016, the Utility began collecting drainage fees from tenants, Port business units, and the NWSA that are used to provide services, facilities, systems, and programs for surface water and stormwater management and pollution control. Utility staff completed a full assessment of the stormwater infrastructure system in 2019 to obtain baseline data. This information is used to prioritize infrastructure improvements to meet changing needs and add resiliency in an aging system. The Utility installs green stormwater infrastructure and innovative treatment systems, such as downspout treatment oyster barrels and SplashBoxx treatment units, where feasible to reduce the impact of stormwater on water quality while adding habitat and beautifying spaces. In 2020, the Utility developed the 2021-2025 Strategic Plan to define guiding principles and prioritize work during this timeframe. The Strategic Plan is intended to move the Utility forward to better serve customers and ensure a resilient Utility while supporting the Maritime industry. To support our guiding principles, defined in mission and vision statements, the Strategic Plan includes six goals with 17 strategies, each with specific tasks that address operations, communication, regulations and financial responsibilities.

Permit Overview

The NPDES program is a requirement of the Federal Clean Water Act. The U.S. Environmental Protection Agency (EPA) has delegated NPDES administration authority in Washington State to Ecology. On July 1, 2019, Ecology reissued the Municipal NPDES Permit, which became effective on August 1, 2019. The Port (excluding Seattle-Tacoma International Airport) has been designated as a Secondary Permittee with coverage under the Permit.

The Permit authorizes the discharge of stormwater from the Port's municipal separate storm sewer system (MS4) to surface waters and ground waters of the state. As the permittee, the Port is responsible for compliance with the terms of this Permit. The Port must develop and implement a SWMP for Phase I Properties that is designed to protect water quality and reduce the discharge of pollutants from the Port's MS4 to the maximum extent practicable, as defined by the Permit.

The Permit requires the Port to submit written notifications in the event of an unauthorized discharge to the waters of the State of Washington and take appropriate corrective action, per Section S4 and Condition G3 of the Permit (included in Appendix A). Depending on the impact of the unauthorized discharge, Ecology may require an adaptive management response and other measures to protect water quality.

Introduction

The Permit requires the Port to prepare written documentation of the SWMP for Phase I Properties, called the SWMP Plan, which includes descriptions of planned SWMP activities for the upcoming calendar year. Each year, the Port shall make the latest updated version of the SWMP Plan available on the Port's website. In addition, the Permit requires the Port to submit annual reports electronically by March 31 of each year to document the progress toward implementing the SWMP components on Phase I Properties throughout the prior calendar year and provide a summary of planned activities for the current calendar year.

SWMP Plan Organization

The Port intends to maintain compliance with the Permit by continuing to implement a suite of Best Management Practices (BMPs) on Phase I Properties. A stormwater BMP is defined as any program, technology, process, siting criterion, operating method, measure, or device that controls, removes, or reduces pollution. The SWMP Plan is organized to demonstrate compliance with the Permit requirements, with current and planned BMPs grouped into the following program components:

- Section 1 – Education Program (S6.E.1)
- Section 2 – Public Involvement and Participation (S6.E.2)
- Section 3 – Illicit Discharge Detection and Elimination (S6.E.3)
- Section 4 – Construction Site Stormwater Runoff Control (S6.E.4)
- Section 5 – Post-Construction Stormwater Management for New Development and Redevelopment (S6.E.5)
- Section 6 – Operation and Maintenance Program (S6.E.6)
- Section 7 – Source Control in Existing Developed Areas (S6.E.7)
- Section 8 – Total Maximum Daily Load Requirements (S7)
- Section 9 – Monitoring and Assessment (S8)
- Section 10 – Reporting Requirements (S9)

Each section includes a table that summarizes the relevant Permit requirements and the corresponding planned and ongoing compliance activities for the upcoming calendar year.

Section I — Education Program (S6.E.1)

Education Program (S6.E.1)

Table 1 summarizes the requirements of Permit Special Condition S6.E.1 and outlines the corresponding activities at the Port related to the Education Program. See strategies #4 and #13 in the Strategic Plan for more information on the Port’s goals to increase awareness of stormwater BMPs across Maritime properties and expand Port staff awareness of environmental regulations.

Table 1. Education Program

Permit Requirements	Planned and Ongoing Activities
<p><i>Include an education program aimed at tenants and Port employees. Make educational materials available to tenants and Port employees whose job duties could impact stormwater.</i></p>	<ul style="list-style-type: none"> • Conduct training for Port employees covering stormwater management, best management practices, and illicit discharge, detection, and elimination (IDDE) to increase understanding of stormwater issues at the Port and reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts. Virtual online training is available to Port staff including those who are not required to be trained under Phase I Permit requirements. • Conduct outreach activities for tenants to increase understanding of stormwater issues at the Port and reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts. Example of such efforts are listed here: <ul style="list-style-type: none"> ○ Develop outreach materials including BMP summary sheets, BMP trifold, and trucker quadra-fold that are simplified versions of City of Seattle (City) Source Control BMPs. ○ Conduct SWPPP inspections pursuant to Phase I Permit S6.E.7 to evaluate tenant activities and provide technical assistance for tenant-specific activities. During these site visits, we provide education materials and other resources such as ECOSS spill kit information or King County small business hazardous waste program. ○ Conduct routine visits to Port facilities and follow up with tenants as needed with outreach materials identified above. ○ Respond to tenant inquiries and provide technical assistance on stormwater-related questions. • Maintain stormwater-related website specific to Maritime issues, including a resource page with educational materials for tenants and the public to learn more about stormwater. The Port added more tenant materials and educational information to the website in 2023 which will improve public and tenant access to information that supports protection/improvement of water quality in local receiving waters. • Post stormwater management information on the Port’s website. See links below this table. • Post signage listing stormwater BMPs at certain high use locations. The signage includes QR code for translations in multiple languages.

Section I— Education Program (S6.E.1)

The Port maintains the following stormwater-related websites:

- Port of Seattle – Maritime Stormwater Program Website:
<https://www.portseattle.org/programs/maritime-stormwater-program>
- Port of Seattle – Maritime Stormwater Tenant Information
<https://www.portseattle.org/page/maritime-stormwater-tenant-information>
- Port of Seattle – Marine Stormwater Utility Website:
<https://www.portseattle.org/page/marine-stormwater-utility>

Section 2—Public Involvement and Participation (S6.E.2)

Public Involvement and Participation (S6.E.2)

Table 2 summarizes the requirements of Permit Special Condition S6.E.2 and outlines the corresponding activities at the Port related to Public Involvement and Participation. See strategies #8 and #9 in the Strategic Plan for more information on the Port’s efforts to improve outward facing communication and improve public and tenant access to information.

Table 2. Public Involvement and Participation

Permit Requirements	Planned and Ongoing Activities
<i>Make the latest updated version of the SWMP Plan and Annual Report available to the public. The most recent SWMP Plan and Annual Report shall be posted on the Port’s website.</i>	<ul style="list-style-type: none">• Each year, the Port will post the latest version of the SWMP Plan and Annual Report on the Port’s website.

The Port maintains the following stormwater-related website:

- Port of Seattle – Maritime Stormwater Program Website:
<https://www.portseattle.org/programs/maritime-stormwater-program>:
- Port of Seattle – Marine Stormwater Utility Website:
<https://www.portseattle.org/page/marine-stormwater-utility>

Section 3—Illicit Discharge Detection and Elimination (S6.E.3)

Illicit Discharge Detection and Elimination (S6.E.3)

Table 3 summarizes the requirements of Permit Special Condition S6.E.3 and outlines the corresponding activities at the Port related to Illicit Discharge Detection and Elimination (IDDE). See Strategy #6 in the Strategic Plan for more information on Port initiatives to streamline the process to more rapidly respond to spills.

Table 3. Illicit Discharge Detection and Elimination

Permit Requirements	Planned and Ongoing Activities
<p><i>Include a program in the SWMP to identify, detect, remove, and prevent illicit connections and illicit discharges, including spills, into the MS4s owned or operated by the Port.</i></p>	<ul style="list-style-type: none"> • Maintain written documentation of the IDDE Program to document IDDE policies, enforcement mechanisms, field inspection procedures, and spill response plan. • Conduct training for Port employees covering IDDE to increase understanding of stormwater issues and proper spill notification and response protocols at the Port (Port’s Marine Stormwater Utility Standard Operating Procedures for Spills and Illicit Discharges). • Implement the activities and BMPs listed in this table in accordance with S6.E.3.a through S6.E.3.f of the Permit.
<p><i>Comply with all relevant ordinances, rules, and regulations of the local jurisdiction in which the Port’s MS4 is located that govern non-stormwater discharges.</i></p>	<ul style="list-style-type: none"> • Verify that Port activities on Phase I Properties comply with City ordinances, rules, and regulations that govern non-stormwater discharges.
<p><i>Implement appropriate policies prohibiting illicit discharges and an enforcement plan to ensure compliance with illicit discharge policies.</i></p>	<ul style="list-style-type: none"> • Continue to enforce the IDDE Policy adopted by the Port Commissioners that prohibits illicit discharges, non-stormwater discharges (including spills of hazardous materials), illicit connections, improper disposal of pet waste and litter, and illegal dumping. • Implement IDDE policies, enforcement mechanisms, and field inspection procedures described in the Port IDDE Guidance Manual. The manual identifies appropriate policies to prohibit illicit discharges and includes an enforcement plan to ensure compliance with the Port’s policies. • Update the Port’s IDDE Policy and IDDE Guidance Manual as necessary.

Section 3—Illicit Discharge Detection and Elimination (S6.E.3)

Continued

Permit Requirements	Planned and Ongoing Activities
<p><i>Implement an ongoing program to gather, maintain, and use adequate information to conduct planning, priority setting, and program evaluation activities for Port-owned properties, including mapping data for:</i></p> <ul style="list-style-type: none"> • <i>Known MS4 outfalls and discharge points, receiving waters, and land uses for Port-owned properties and all properties served by the Port's MS4.</i> • <i>Tributary conveyances and the associated drainage areas of MS4 outfalls and discharge points with a 12-inch nominal diameter or larger.</i> • <i>Known connections greater than or equal to 8 inches in nominal diameter to mapped tributary conveyances.</i> 	<ul style="list-style-type: none"> • Collect field and mapping data for the Port's MS4. • Maintain mapping for all known MS4 outfalls, receiving waters, and land uses for property owned by the Port as information becomes known. • Maintain mapping for tributary conveyances (including size, material, and type attributes where known), and the associated drainage areas of MS4 outfalls with a 12-inch nominal diameter or greater. • Maintain mapping for known connections greater than or equal to 8 inches in nominal diameter to tributary conveyances mapped in accordance with the Permit. • Maintain drainage basin boundaries for tributary systems. • Maintain appropriate maps and reports to meet Ecology formatting requirements. • Maintain land use maps of Phase I Properties.
<p><i>Implement a program to document Operation and Maintenance (O&M) records for stormwater treatment and flow control BMPs/facilities and catch basins.</i></p>	<ul style="list-style-type: none"> • Maintain Maximo database developed to track maintenance related activities. • Maintain stormwater facility inventory based on construction plans, staff knowledge, and field visits. • Maintain inventory data in O&M database and track O&M actions. • Create annual O&M reports. • Make reports available to Ecology upon request.
<p><i>To the extent consistent with national security laws and directives, make available to Ecology and/or the City or King County, upon request, mapping information and O&M records.</i></p>	<ul style="list-style-type: none"> • Maintain compliance with Port security policies related to infrastructure information sharing. • If allowable, make mapping data and/or O&M records available to Ecology, the City, or King County upon request.

Section 3—Illicit Discharge Detection and Elimination (S6.E.3)

Continued

Permit Requirements	Planned and Ongoing Activities
<p><i>Conduct field screening of at least 20% of the MS4 each year for the purpose of detecting illicit discharges and illicit connections.</i></p>	<ul style="list-style-type: none"> • Conduct dry weather illicit discharge field screenings at outfalls and other stormwater structures and complete CCTV inspections in accordance with the schedule and methodologies described in the Port’s IDDE Guidance Manual to meet the annual 20% field screening requirement. • Use inspection forms included in the Port’s IDDE Guidance Manual to document inspections and follow-up activities. • Refer problems encountered to appropriate Port staff for follow-up, as outlined in the Port’s IDDE Guidance Manual. • Maintain field screening records.
<p><i>Implement procedures to identify and remove any illicit discharges or connections. Keep records of inspections and follow-up activities.</i></p>	<ul style="list-style-type: none"> • Continue to implement field screening, inspection, and enforcement procedures described in the Port’s IDDE Guidance Manual to identify and remove illicit discharges and illicit connections. • Completed 100% CCTV screening of the entire Port stormwater system. Port CCTV operators are trained to identify indicators of illicit discharges such as odor, color, floatables, etc. • Investigate suspected illicit discharge problem areas to determine if outflows are from receding tidal water, groundwater, or a legitimate illicit discharge. • Maintain records of inspections and follow-up activities.
<p><i>Implement a spill response plan that includes coordination with a qualified spill responder.</i></p>	<ul style="list-style-type: none"> • Update spill response plan as necessary. • Maintain list of qualified spill responders. • Follow spill response procedures described in the Port’s Marine Stormwater Utility Standard Operating Procedures – Spills & Illicit Discharges and the Port’s IDDE Guidance Manual.
<p><i>Provide ongoing staff training or coordinate with existing training efforts to educate relevant staff on proper BMPs for preventing spills and illicit discharges, and responding as appropriate. Keep training records.</i></p>	<ul style="list-style-type: none"> • Coordinate with education efforts in Section 1 to train appropriate Port staff. • Maintain records of training provided and staff trained.

Section 4—Construction Site Stormwater Runoff Control (S6.E.4)

Construction Site Stormwater Runoff Control (S6.E.4)

Table 4 summarizes the requirements of Permit Special Condition S6.E.4 and outlines the corresponding activities at the Port related to Construction Site Stormwater Runoff Control.

Table 4. Construction Site Stormwater Runoff Control

Permit Requirements	Planned and Ongoing Activities
<p><i>Include a program in the SWMP to reduce pollutants in stormwater runoff from construction activities under functional control of the Port.</i></p>	<ul style="list-style-type: none"> • Implement the activities and BMPs listed in this table in accordance with S6.E.4.a through S6.E.4.e of the Permit. • As necessary, update Master Specifications (Section 01 57 13), which include temporary erosion and sediment control guidelines for construction projects.
<p><i>Comply with all relevant rules and regulations of the local jurisdiction that govern construction phase stormwater pollution prevention. To the extent allowed by local ordinances, comply with the applicable minimum technical requirements for new development and redevelopment.</i></p>	<ul style="list-style-type: none"> • Follow the City’s Stormwater Code and Manual for all new and redevelopment projects on Port property within Seattle. The Port does not have a separate Stormwater Code or Manual. • Due to Seattle Municipal Code 22.807.020C and an interlocal agreement between the Port and the City, the Port may review its own projects within its MS4 for stormwater and grading compliance. <ul style="list-style-type: none"> ○ Follow the Port’s Stormwater Review procedures for Port new development and redevelopment projects conducted on Phase I Properties that drain to the Port’s MS4. ○ Refer the Port’s new development and redevelopment projects that discharge to the City’s MS4 to the City for Drainage Control Review. • Implement the Maritime Environmental Compliance Project Intake process to screen Maritime projects for environmental permitting, including stormwater review. Internal review process is consistent with City stormwater, grading and drainage review requirements. • Continue to implement the City’s relevant ordinances, rules and regulations that govern construction site runoff.

Section 4—Construction Site Stormwater Runoff Control (S6.E.4)

Continued

Permit Requirements	Planned and Ongoing Activities
<p><i>Ensure that all construction projects under the functional control of the Port obtain coverage under the General NPDES Permit for Stormwater Discharges Associated with Construction Activities, if required.</i></p>	<ul style="list-style-type: none"> • If required, apply for Construction Stormwater Permit coverage for Port projects on Phase I Properties prior to construction activity. • Refer tenant projects to the City and Ecology for permit coverage, if required.
<p><i>Coordinate with local jurisdiction regarding projects owned or operated by other entities that discharge into the Port's MS4 to assist local jurisdiction with achieving compliance.</i></p>	<ul style="list-style-type: none"> • Coordinate with the City and King County as applicable.
<p><i>Provide staff training or coordinate with existing training efforts to educate Port staff responsible for implementing construction stormwater erosion and sediment control BMPs and requirements, or hire trained contractors to perform the work.</i></p>	<ul style="list-style-type: none"> • Maintain Certified Erosion and Sediment Control Lead (CESCL) certification (from an Ecology-approved resource) for Port staff or consultant staff representatives responsible for construction sites. • Port staff responsible for supporting stormwater management at construction sites receive construction stormwater training that covers Port specifications, construction stormwater BMPs, and local requirements. • Require construction contractors responsible for erosion control to have CESCL certification.
<p><i>As requested, provide Ecology or the local jurisdiction access for inspection of construction sites or land disturbances under the functional control of the Port during active land disturbing activities and/ or the construction period.</i></p>	<ul style="list-style-type: none"> • Review legal authority and potential mechanisms to allow inspections, as required. • Provide access as requested and legally allowable.

Section 5—Post-Construction Stormwater Management for New Development and Redevelopment (S6.E.5)

Post-Construction Stormwater Management for New Development and Redevelopment (S6.E.5)

Table 5 summarizes the requirements of Permit Special Condition S6.E.5 and outlines the corresponding activities at the Port related to Post-Construction Stormwater Management for New Development and Redevelopment. See strategy #7 in the Strategic Plan for more information on how the Port is evaluating opportunities to voluntarily implement green stormwater infrastructure.

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

Permit Requirements	Planned and Ongoing Activities
<i>Include a program in the SWMP to address post-construction stormwater runoff from new development and redevelopment projects.</i>	<ul style="list-style-type: none"> • Implement the activities and BMPs listed in this table in accordance with S6.E.5.a and S6.E.5.b of the Permit. • As necessary, update the Port’s Stormwater Review procedures for new development and redevelopment.
<i>Comply with all relevant ordinances, rules and regulations of the local jurisdiction that govern post-construction stormwater pollution prevention measures, including proper operation and maintenance of the MS4. To the extent allowed by local ordinances, comply with the applicable minimum technical requirements for new development and redevelopment.</i>	<ul style="list-style-type: none"> • Follow the Port’s Stormwater Review procedures for the Port’s new development and redevelopment projects conducted on Phase I Properties that drain to the Port’s MS4. • Refer the Port’s new development and redevelopment projects that discharge to the City’s MS4 to the City for Drainage Control Review. • Follow the Port’s O&M Manual, developed according to the requirements described in Permit Special Condition S6.E.6. • Continue to implement the City’s relevant ordinances, rules and regulations that govern post-construction stormwater management for new development and redevelopment.
<i>Coordinate with local jurisdiction regarding projects owned and operated by other entities that discharge into the Port’s MS4.</i>	<ul style="list-style-type: none"> • Coordinate with the City as applicable.

Section 6—Operation and Maintenance Program (S6.E.6)

Operation and Maintenance Program (S6.E.6)

Table 6 summarizes the requirements of Permit Special Condition S6.E.6 and outlines the corresponding activities at the Port related to the Operation and Maintenance (O&M) Program. See strategies #1, #2, and #3 in the Strategic Plan for more information on the Port’s goal to maintain and improve stormwater infrastructure.

Table 6. Operation and Maintenance Program

Permit Requirements	Planned and Ongoing Activities
<p><i>Include an O&M program in the SWMP for all stormwater treatment and flow control BMPs/ facilities and catch basins.</i></p>	<ul style="list-style-type: none"> • Implement the activities and BMPs listed in this table in accordance with S6.E.6.a through S6.E.6.d of the Permit. • Continue to conduct O&M activities including: <ul style="list-style-type: none"> ○ Parking lot and street sweeping. ○ Inspections and cleaning for catch basins and other stormwater structures. ○ Routine maintenance of stormwater treatment facilities and other structural BMPs. ○ Inspection of suspected problems at stormwater treatment facilities and other structural BMPs. ○ Tracking maintenance activities in the Port’s Maximo database.
<p><i>Implement an O&M manual for all stormwater treatment and flow control BMPs/ facilities and catch basins under the functional control of the Port that discharge to the Port’s MS4 or an interconnected MS4. Retain a copy of the manual in the appropriate Port department and update as necessary.</i></p>	<ul style="list-style-type: none"> • Document stormwater facilities on Phase I Properties under the Port’s functional control. • Follow the O&M procedures and activities described in the Port’s O&M Manual. • Retain copies of the O&M Manual at the Port Marine Maintenance facilities, Environmental Department and/or on the Port’s Environmental SharePoint.
<p><i>Establish facility-specific maintenance standards within the O&M manual that are at least as protective as those in the Ecology Stormwater Management Manual for Western Washington (SWMMWW) to determine if maintenance is required. Develop and update maintenance standards, as necessary.</i></p>	<ul style="list-style-type: none"> • Update O&M Manual to be consistent with the SWMMWW, City of Seattle Stormwater Manual, and the Phase I Permit. • Review maintenance standards in Chapter 4 of Volume V of the SWMMWW and City of Seattle Stormwater Manual, Volumes 2 and 4 and Appendix G.

Section 6—Operation and Maintenance Program (S6.E.6)

Continued

Permit Requirements	Planned and Ongoing Activities
<p><i>Manage maintenance activities to inspect all facilities listed in the O&M manual annually, and take appropriate maintenance action in accordance with the O&M manual.</i></p>	<ul style="list-style-type: none"> • Follow the facility inspection schedule established in the Port’s O&M Manual. • Use the Maintenance Standards and Inspection Checklists presented in the Port’s O&M Manual to document inspections. • Continue to complete visual inspections for 100% of catch basins under the Port’s functional control each year. These inspections are completed to evaluate catch basins/stormwater structure conditions and to identify if maintenance standards in the Port’s O&M Manual/City of Seattle Stormwater Manual have been triggered for catch basin/stormwater structure maintenance or cleaning. • Train staff on facility inspections. • Allocate staff resources to facility inspections. • Prepare inspection reports to document all inspection activities.
<p><i>Take appropriate maintenance action when the maintenance standard is exceeded. Maintenance shall be performed within the timeline identified in permit condition S6.E.6.b(ii).</i></p>	<ul style="list-style-type: none"> • Use Maintenance Standards and Inspection Checklist documents provided in the Port’s O&M Manual to determine when a maintenance standard has been exceeded. • Prepare maintenance requests and conduct maintenance activities as needed. • Maintain records.
<p><i>Provide appropriate training for Port maintenance staff.</i></p>	<ul style="list-style-type: none"> • Conduct appropriate training for Port maintenance staff. • Identify maintenance staff that require training. • Create and update resources for internal trainings – virtual online training, videos, webcasts, handouts, etc. Ensure maintenance staff are aware of these resources. • Provide safety information in the Marine Maintenance Job Hazard Analysis.
<p><i>Maintain records of inspections and maintenance activities.</i></p>	<ul style="list-style-type: none"> • Maintain maintenance records in the Maximo database and SharePoint, including inspection checklists, field notes, or work orders, for at least 5 years.

Section 7—Source Control in Existing Developed Areas (S6.E.7)

Source Control in Existing Developed Areas (S6.E.7)

Table 7 summarizes the requirements of Permit Special Condition S6.E.7 and outlines the corresponding activities at the Port related to Source Control in Existing Developed Areas. See strategy #7 in the Strategic Plan for more information on the Port’s efforts to pilot and advance new technology and creative solutions for existing developed areas.

Table 7. Source Control in Existing Developed Areas

Permit Requirements	Planned and Ongoing Activities
<i>Develop and implement one or more Stormwater Pollution Prevention Plans (SWPPPs) to identify and implement measures to prevent and control the contamination of discharges of stormwater to surface or groundwater.</i>	<ul style="list-style-type: none"> • Maintain a list of sites covered by the Permit, and all other NPDES Permits (general, individual, industrial, etc.). • Implement the activities and BMPs in accordance with S6.E.7.a through S6.E.7.g of the Permit.
<i>Prepare and implement SWPPPs as required under the Permit, and update as necessary to reflect changes at the facility.</i>	<ul style="list-style-type: none"> • Develop and/or maintain SWPPPs for Port-controlled Phase I Properties, updating as necessary. The Port Phase I SWPPP template was updated in 2021 to be consistent with the 2021 City of Seattle Stormwater Code and Manual Update. • Work with tenants to develop SWPPPs for tenant-controlled Phase I properties where not covered by a separate NPDES permit. The tenant Phase I SWPPP template was updated in 2021 to be consistent with the 2021 City of Seattle Stormwater Code and Manual Update.
<i>SWPPP(s) shall include a facility assessment with a site plan, identification of pollutant sources, and description of drainage system.</i>	<ul style="list-style-type: none"> • Maintain list of sites that must be covered by a SWPPP required under the Permit. • Conduct site inspections to collect data for the facility assessment. • Prepare a facility assessment for each site including site plan, identification of pollutant sources, and description of drainage system.
<i>Describe source control BMPs, selected from the SWMMWW, used or proposed for use. Implement non-structural BMPs immediately following SWPPP development. Where necessary, include schedule for implementing structural BMPs in the SWPPP.</i>	<ul style="list-style-type: none"> • Identify additional source control BMPs for new or updated SWPPPs. • Identify structural and non-structural BMPs already in place for new or updated SWPPPs. • Where necessary, develop an implementation schedule for structural BMPs for new or updated SWPPPs.

Section 7—Source Control in Existing Developed Areas (S6.E.7)

Continued

Permit Requirements	Planned and Ongoing Activities
<p><i>Maintain a list of sites covered by the SWPPP(s) required under the Permit. Inspect at least 20% of listed sites annually.</i></p>	<ul style="list-style-type: none"> • Maintain a list of sites covered by a SWPPP required under the Permit. • Develop an inspection schedule based on the list of sites with SWPPP coverage to ensure that at least 20% of the listed sites are inspected annually. • Conduct site inspections to the extent allowed by local ordinances, rules, and regulations.
<p><i>Include policies and procedures to reduce pollutants associated with pesticides, herbicides, and fertilizer.</i></p>	<ul style="list-style-type: none"> • As needed, update Port landscape maintenance policy prohibiting the use of pesticides and herbicides, and over-use of fertilizers.
<p><i>Include measures to prevent, identify, and respond to illicit discharges, illicit connections, spills, and improper disposal. Notify the City or King County and Ecology upon becoming aware of a spill.</i></p>	<ul style="list-style-type: none"> • Include reference to the Port’s IDDE Program in SWPPPs. • Implement Port’s IDDE Program on all Phase I Properties. • Follow the Port’s Marine Stormwater Utility Standard Operating Procedures for Spills and Illicit Discharges in the event of an illicit discharge, illicit connection, or spill. • Notify the City of Seattle, King County, Ecology, National Response Center, and/or United States Coast Guard of spills as required.
<p><i>Include a component related to inspection and maintenance of stormwater facilities and catch basins that is consistent with the Port’s O&M Program.</i></p>	<ul style="list-style-type: none"> • Include reference to the Port’s O&M Program in Port SWPPPs. • Implement Port O&M Program on Maritime Phase I Properties.

Section 8—Total Maximum Daily Load Requirements (S7)

Total Maximum Daily Load Requirements (S7)

The Total Maximum Daily Load (TMDL) requirements only apply if a stormwater TMDL has been established for waters of the state that receive stormwater discharges from the stormwater system on Phase I Properties owned or operated by the Port. The applicable TMDLs that require additional compliance activities are listed in Appendix 2 of the Permit. At the time of publication, none of the TMDLs listed in Appendix 2 affect the Port, which has coastal properties falling in Water Resource Inventory Areas (WRIA) 8 (Cedar/Samish) and 9 (Duwamish/Green). As such, no additional activities are required for compliance with TMDL conditions. The Port will continue to track the development of TMDLs for applicable regions and participate in their development and implementation, when appropriate.

Section 9—Monitoring and Assessment (S8)

Monitoring and Assessment (S8)

Table 8 summarizes the requirements of Permit Special Condition S8 and outlines the corresponding activities at the Port related to Monitoring and Assessment.

Table 8. Monitoring and Assessment

Permit Requirements	Planned and Ongoing Activities
<p><i>The Port shall make a one-time payment into the collective fund to implement regional small streams and marine nearshore areas status and trends monitoring in Puget Sound, and to implement effectiveness studies and source identification studies. This payment is due on or before December 1, 2019.</i></p>	<ul style="list-style-type: none"> The Port submitted the one-time payment required by the Permit on July 26, 2019.
<p><i>The Port shall notify Ecology in writing which of the following two options for regional status and trends monitoring (S8.A.2.a or S8.A.2.b) the Port chooses to carry out during this Permit term. The written notification with G19 signature is due to Ecology no later than December 1, 2019.</i></p>	<ul style="list-style-type: none"> The Port selected the Regional Status and Trends Monitoring option to make annual payments into a collective fund, presented in section S8.A.2.a of the Permit, and submitted this selection in writing to Ecology prior to December 1, 2019. This option requires the Port to pay into a collective fund to implement regional small streams and marine nearshore status and trends monitoring in Puget Sound. The Port continues to make annual payments which began on August 15, 2020, according to section S8.D.
<p><i>The Port shall notify Ecology in writing which of the following three options (S8.B.2.a or S8.B.2.b or S8.B.2.c) for effectiveness and source identification studies. The written notification with G19 signature is due to Ecology no later than December 1, 2019.</i></p>	<ul style="list-style-type: none"> The Port selected the Effectiveness and Source Identification Studies option to make annual payments into a collective fund, presented in section S8.B.2 of the Permit, and submitted this selection in writing to Ecology prior to December 1, 2019. This option requires the Port to pay into a collective fund to implement effectiveness and source identification studies. The Port continues to make annual payments which began on August 15, 2020, according to section S8.D.

Section 10—Reporting Requirements (S9)

Reporting Requirements (S9)

Table 9 summarizes the requirements of Permit Special Condition S9 and outlines the corresponding activities at the Port related to Reporting Requirements. See Strategy #12 in the Strategic Plan for more information on how the Port is working to streamline tracking and reporting processes for permit compliance.

Table 9. Reporting Requirements

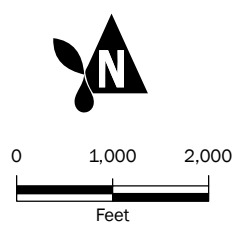
Permit Requirements	Planned and Ongoing Activities
<p><i>No later than March 31 of each year beginning in 2020, the Port shall prepare and submit an annual report to Ecology covering the previous calendar year. The annual report shall include the information outlined in Permit condition S9.E.</i></p> <p><i>The reports must be submitted electronically using Ecology’s Water Quality Permitting Portal (WQWebPortal) available on Ecology’s website. The annual report will describe the status of implementation of the requirements of this Permit during the reporting period.</i></p>	<ul style="list-style-type: none"> • Prepare and maintain the SWMP Plan document outlining planned activities to meet Permit requirements. • Prepare and submit an annual report by March 31 of each year. • Collect and maintain data and information, as necessary and identified within the Permit, to attach to the annual report to be submitted each year.
<p><i>Keep all records related to the Permit and the SWMP for at least five years.</i></p>	<ul style="list-style-type: none"> • Maintain database for collecting and consolidating SWMP records. • Review records annually as part of annual report development.
<p><i>Make records related to this permit and the Permittee’s SWMP available to the public at reasonable times during business hours. Provide a copy of the most recent annual report to any individual entity, upon request.</i></p>	<ul style="list-style-type: none"> • Maintain Permit and SWMP documents. • Post documents or information about document availability on the Port’s Stormwater website. • Provide copies of the most recent annual report as requested.

FIGURES

GIS Path: T:\projects_3\Port_of_Seattle_Maritime_Stormwater_Program\PortWideReference\figures\Seaport\Division_VicinityMap_NORTH.mxd | Coordinate System: NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet | Date Saved: 11/20/2023 | User: Parker,Wittman | Print Date: 11/20/2023

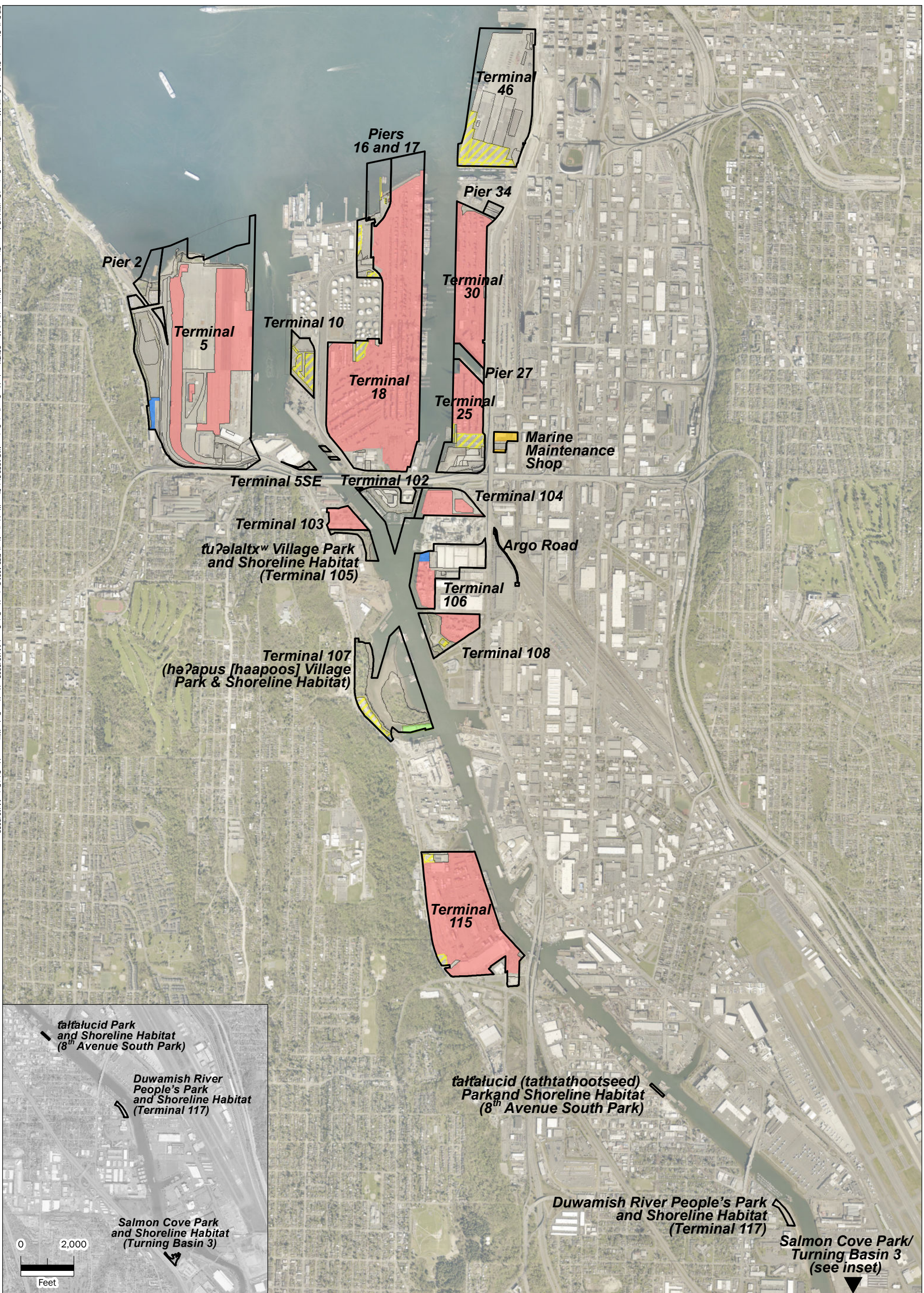


NPDES Permit Type	
	Boatyard
	Construction
	Individual
	Industrial
	Municipal - POS
	Seasonal Tenant SWPPP
	Municipal - Tenant
	N/A - Metro Connection
	No Discharge
	N/A and Over Water

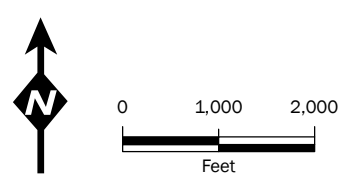


**Seaport Division Vicinity Map
(North Extent)**
2024 SWMP Plan
Port of Seattle
Seattle, Washington

	MAR-2024	BY: EAC	FIGURE NO. 1
	PROJECT NO. 180312	REV BY: PPW	



NPDES Permit Type	
	Boatyard
	Construction
	Individual
	Industrial
	Municipal - POS
	Seasonal Tenant SWPPP
	Municipal - Tenant
	N/A - Metro Connection
	No Discharge
	N/A and Over Water



Seaport Division Vicinity Map (South Extent)

2024 SWMP Plan
Port of Seattle
Seattle, Washington

	MAR-2024	BY: EAC	FIGURE NO. 2
	PROJECT NO. 180312	REV BY: PPW	

Habitat Restoration and Parks/ Public Shoreline Access Sites

Port of Seattle - 2024 SWMP Plan



BY:
EAC / PPW
MAR-2024

FIGURE NO.
3



From Port of Seattle-generated figure: Port of Seattle: Habitat Restoration and Parks-Public Shoreline Access Sites - 2020-11-24a

APPENDIX A
Phase I Municipal Stormwater Permit, selected sections

- C. This Permit does not relieve entities that cause illicit discharges, including spills of oil or hazardous substances, from responsibilities and liabilities under state and federal laws and regulations pertaining to those discharges.
- D. Discharges from MS4s constructed after the effective date of this Permit shall receive all applicable state and local permits and use authorizations, including compliance with Chapter 43.21C RCW (the State Environmental Policy Act).
- E. This Permit does not authorize discharges of stormwater to waters within Indian Country as defined in 18 U.S.C. §1151 or to waters subject to water quality standards of Indian Tribes, including portions of the Puyallup River and other waters on trust or restricted lands within the 1873 Survey Area of the Puyallup Tribe of Indians Reservation, except where authority has been specifically delegated to Ecology by the U.S. Environmental Protection Agency. The exclusion of such discharges from this Permit does not waive any rights the State may have with respect to the regulation of the discharges.

S3. RESPONSIBILITIES OF PERMITTEES

- A. Each Permittee, Co-Permittee and Secondary Permittee is responsible for compliance with the terms of this Permit for the MS4s that they own or operate.
 1. Each Permittee, as listed in S1.B, is required to comply with all conditions of this Permit, except for S6 – *Stormwater Management Program for Secondary Permittees*.
 2. The Port of Tacoma and Port of Seattle are required to comply with all conditions of this Permit except for S5 – *Stormwater Management Program* and S6.D – *Stormwater Management Program for Secondary Permittees*.
 3. All Secondary Permittees, except for the Port of Tacoma and the Port of Seattle, are required to comply with all conditions of this Permit except for conditions S5 – *Stormwater Management Program*, S6.E – *Stormwater Management Program for the Port of Seattle and Port of Tacoma*, and S8 – *Monitoring and Assessment*.
- B. Permittees may rely on another entity to satisfy one or more of the requirements of this Permit. Permittees that are relying on another entity to satisfy one or more of their permit obligations remain responsible for permit compliance if the other entity fails to implement the permit conditions. Where permit responsibilities are shared they shall be documented as follows:
 1. Permittees and Co-Permittees that are continuing coverage under this Permit shall submit a statement that describes the permit requirements that will be implemented by other entities. The statement shall be signed by all participating entities. There is no deadline for submitting such a statement, provided that this does not alter implementation deadlines. Permittees and Co-Permittees may amend their statement during the term of the Permit to establish, terminate, or amend their shared responsibilities statement, and submit the amended statements to Ecology.
 2. Secondary Permittees shall submit an NOI that describes which requirements they will implement and identify the entities that will implement the other permit requirements in the area served by the Secondary Permittee's MS4. A statement confirming the shared responsibilities, signed by all participating entities, shall accompany the NOI.

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

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

S4. COMPLIANCE WITH STANDARDS

- A. In accordance with RCW 90.48.520, the discharge of toxicants to waters of the State of Washington which would violate any water quality standard, including toxicant standards, sediment criteria, and dilution zone criteria is prohibited. The required response to such discharges is defined in Section S4.F, below.
- B. This Permit does not authorize a discharge which would be a violation of Washington State Surface Water Quality Standards (Chapter 173-201A WAC), Groundwater Quality Standards (Chapter 173-200 WAC), Sediment Management Standards (Chapter 173-204 WAC), or human health-based criteria in the National Toxics Rule (40 CFR 131.45). The required response to such discharges is defined in Section S4.F, below.
- C. The Permittee shall reduce the discharge of pollutants to the Maximum Extent Practicable (MEP).
- D. The Permittee shall use All Known, Available, and Reasonable methods of prevention, control and Treatment (AKART) to prevent and control pollution of waters of the State of Washington.
- E. In order to meet the goals of the Clean Water Act (CWA), and comply with S4.A, S4.B, S4.C, and S4.D, each Permittee shall comply with all of the applicable requirements of this Permit as defined in S3 – *Responsibilities of Permittees*.
- F. A Permittee remains in compliance with S4 despite any discharges prohibited by S4.A or S4.B, when the Permittee undertakes the following response toward long-term water quality improvement:
 - 1. A Permittee shall notify Ecology in writing within 30 days of becoming aware, based on credible site-specific information that a discharge from the MS4 owned or operated by the Permittee is causing or contributing to a known or likely violation of water quality standards in the receiving water. Written notification provided under this subsection shall, at a minimum, identify the source of the site-specific information, describe the nature and extent of the known or likely violation in the receiving water, and explain the reasons why the MS4 discharge is believed to be causing or contributing to the problem. For ongoing or continuing violations, a single written notification to Ecology will fulfill this requirement.
 - 2. In the event that Ecology determines, based on a notification provided under S4.F.1 or through any other means, that a discharge from a MS4 owned or operated by the Permittee is causing or contributing to a violation of water quality standards in a receiving water, Ecology will notify the Permittee in writing that an adaptive management response outlined in S4.F.3, below, is required unless:

- a. Ecology also determines that the violation of water quality standards is already being addressed by a Total Maximum Daily Load (TMDL) or other enforceable water quality cleanup plan; or
 - b. Ecology concludes the MS4 contribution to the violation will be eliminated through implementation of other permit requirements.
- 3. Adaptive Management Response**
- a. Within 60 days of receiving a notification under S4.F.2, or by an alternative date established by Ecology, the Permittee shall review its Stormwater Management Program (SWMP) and submit a report to Ecology. The report shall include:
 - i. A description of the operational and/or structural Best Management Practices (BMPs) that are currently being implemented to prevent or reduce any pollutants that are causing or contributing to the violation of water quality standards, including a qualitative assessment of the effectiveness of each BMP.
 - ii. A description of potential additional operational and/or structural BMPs that will or may be implemented in order to apply AKART on a site-specific basis to prevent or reduce any pollutants that are causing or contributing to the violation of water quality standards.
 - iii. A description of the potential monitoring or other assessment and evaluation efforts that will or may be implemented to monitor, assess, or evaluate the effectiveness of the additional BMPs.
 - iv. A schedule for implementing the additional BMPs including, as appropriate: funding, training, purchasing, construction, monitoring, and other assessment and evaluation components of implementation.
 - b. Ecology will, in writing, acknowledge receipt of the report within a reasonable time and notify the Permittee when it expects to complete its review of the report. Ecology will either approve the additional BMPs and implementation schedule or require the Permittee to modify the report as needed to meet AKART on a site-specific basis. If modifications are required, Ecology will specify a reasonable time frame in which the Permittee shall submit and Ecology will review the revised report.
 - c. The Permittee shall implement the additional BMPs, pursuant to the schedule approved by Ecology, beginning immediately upon receipt of written notification of approval; or, as specified in Appendix 13.
 - d. The Permittee shall include with each subsequent Annual Report a summary of the status of implementation, and the results of any monitoring, assessment or evaluation efforts conducted during the reporting period. If, based on the information provided under this subsection, Ecology determines that modification of the BMPs or implementation schedule is necessary to meet AKART on a site-specific basis, the Permittee shall make such modifications as Ecology directs. In the event there are ongoing violations of water quality standards despite the implementation of the BMP approach of this Section, the Permittee may be subject to compliance schedules to eliminate the violation under WAC 173-201A-510(4) and

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

- e. A TMDL or other enforceable water quality cleanup plan that has been approved and is being implemented to address the MS4's contribution to the water quality standards violation supersedes and terminates the S4.F.3 implementation plan.
 - f. Provided the Permittee is implementing the approved adaptive management response under this Section, the Permittee remains in compliance with Condition S4, despite any on-going violations of water quality standards identified under S4.A or B, above.
 - g. The adaptive management process provided under Section S4.F, is not intended to create a shield for the Permittee from any liability it may face under 42 U.S.C. 9601 *et seq.* or RCW 70.105D.
- G.** Ecology may modify or revoke and reissue this General Permit in accordance with G14 – *General Permit Modification and Revocation*, if Ecology becomes aware of additional control measures, management practices or other actions beyond what is required in this Permit, that are necessary to:
- 1. Reduce the discharge of pollutants to the MEP;
 - 2. Comply with the state AKART requirements; or
 - 3. Control the discharge of toxicants to waters of the State of Washington.

S5. STORMWATER MANAGEMENT PROGRAM

- A.** Each Permittee listed in S1.B shall implement a Stormwater Management Program (SWMP) during the term of this Permit. A SWMP is a set of actions and activities comprising the components listed in S5, and additional actions necessary, to meet the requirements of applicable TMDLs pursuant to *S7 – Compliance with TMDL Requirements* and *S8 – Monitoring and Assessment*.
- 1. Each Permittee shall prepare written documentation of their SWMP, called the SWMP Plan. The SWMP Plan shall be organized according to the program components in S5.C, or a format approved by Ecology, and shall be updated at least annually for submittal with the Permittee's Annual Report to Ecology (*S9 – Reporting Requirements*). The SWMP Plan shall be written to inform the public of the planned SWMP activities for the upcoming calendar year, and include a description of:
 - a. Planned activities for each of the program components included in S5.C.
 - b. Any additional planned actions to meet the requirements of applicable TMDLs pursuant to *S7 – Compliance with TMDL Requirements*.
 - c. Any additional planned actions to meet the requirements of *S8 – Monitoring and Assessment*.
 - 2. Each Permittee shall track the cost or estimated cost of development and implementation of each component of the SWMP. This information shall be provided to Ecology upon request.

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

S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES

A. Secondary Permittees and New Secondary Permittees Coverage

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

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

1. To the extent allowable under state, federal and local law, all components are mandatory for each Secondary Permittee covered under this Permit, whether covered as an individual Permittee or as a Co-Permittee.
2. Each Secondary Permittee shall develop and implement a Stormwater Management Program (SWMP). A SWMP is a set of actions and activities comprising the components listed in S6 and any additional actions necessary to meet the requirements of applicable TMDLs pursuant to S7 – *Compliance with TMDL Requirements*, and S8 – *Monitoring and Assessment*. The SWMP shall be designed to reduce the discharge of pollutants from MS4s to the Maximum Extent Practicable (MEP) and protect water quality.
3. Unless an alternate implementation schedule is established by Ecology as a condition of permit coverage, the SWMP shall be developed and implemented in accordance with the schedules contained in this Section and shall be fully developed and implemented no later than four and one-half years from initial permit coverage date. Secondary Permittees that are already implementing some or all of the required SWMP components shall continue implementation of those components.
4. Secondary Permittees may implement parts of their SWMP in accordance with the schedule for cities, towns and counties in S5, provided they have signed a memorandum of understanding or other agreement to jointly implement the activity or activities with one or more jurisdictions listed in S1.B, and submitted a copy of the agreement to Ecology.
5. Each Secondary Permittee shall prepare written documentation of the SWMP, called the SWMP Plan. The SWMP Plan shall include a description of program activities for the upcoming calendar year.
6. Conditions S6.A, S6.B, and S6.C are applicable to all Secondary Permittees covered under this Permit. In addition:
 - a. S6.D is applicable to all Secondary Permittees, except the Port of Seattle and the Port of Tacoma.
 - b. S6.E is applicable only to the Port of Seattle and the Port of Tacoma.

B. Coordination

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

C. Legal Authority

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

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

D. Stormwater Management Program for Secondary Permittees

The SWMP for Secondary Permittees shall include the following components.

1. Public Education and Outreach

Each Secondary Permittee shall implement the following stormwater education strategies:

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

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

- b. Each year, beginning no later than three years from the initial date of Permit coverage, public ports, colleges, and universities shall distribute educational information to tenants and residents on the impact of stormwater discharges on receiving waters, and steps that can be taken to reduce pollutants in stormwater runoff. Distribution may be by hard copy or electronic means. Appropriate topics may include, but are not limited to:
 - i. How stormwater runoff affects local waterbodies.
 - ii. Proper use and application of pesticides and fertilizers.
 - iii. Benefits of using well-adapted vegetation.
 - iv. Alternative equipment washing practices, including cars and trucks that minimize pollutants in stormwater.
 - v. Benefits of proper vehicle maintenance and alternative transportation choices; proper handling and disposal of vehicle wastes, including the location of hazardous waste collection facilities in the area.

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

components of their SWMP.

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

1. Education Program

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

Minimum performance measure:

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

2. Public Involvement and Participation

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

3. Illicit Discharge Detection and Elimination

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

Minimum performance measures:

- a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Permittee's MS4 is located that govern non-stormwater discharges.
- b. Implement appropriate policies prohibiting illicit discharges and an enforcement plan to ensure compliance with illicit discharge policies. These policies shall address, at a minimum: illicit connections; non-stormwater discharges, including spills of hazardous materials; and improper disposal of pet waste and litter.
 - i. ***Allowable Discharges:*** The policies do not need to prohibit the following categories of non-stormwater discharges:
 - (a) Diverted stream flows
 - (b) Rising groundwaters
 - (c) Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(b)(20))
 - (d) Uncontaminated pumped groundwater
 - (e) Foundation drains
 - (f) Air conditioning condensation
 - (g) Irrigation water from agricultural sources that is commingled with urban stormwater
 - (h) Springs
 - (i) Uncontaminated water from crawl space pumps
 - (j) Footing drains

- (k) Flows from riparian habitats and wetlands
 - (l) Discharges from emergency firefighting activities in accordance with S2 – *Authorized Discharges*
 - (m) Non-stormwater discharges authorized by another NPDES permit
- ii. **Conditionally Allowable Discharges:** The policies may allow the following categories of non-stormwater discharges only if the stated conditions are met and such discharges are allowed by local codes:
- (a) Discharges from potable water sources, including but not limited to, water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.
 - (b) Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities and water conservation efforts conducted by the Permittee and/or the local jurisdiction.
 - (c) Dechlorinated swimming pool, spa, and hot tub discharges. The discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
 - (d) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The Ports of Seattle and Tacoma shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts conducted by the Port and/or the local jurisdiction. To avoid washing pollutants into the MS4, the amount of street wash and dust control water used shall be minimized.
 - (e) Other non-stormwater discharges shall be in compliance with the requirements of a pollution prevention plan reviewed by the Permittee which addresses control of such discharges.
- iii. The Permittee shall address any category of discharges in S6.E.3.b.i or ii above if the discharges are identified as significant source of pollutants to waters of the State.
- c. The SWMP shall include an ongoing program for gathering, maintaining, and using adequate information to conduct planning, priority setting, and program evaluation activities for Permittee-owned properties. Permittees shall gather and maintain mapping data for the features listed below on an ongoing basis:

- i. Known MS4 outfalls and discharge points, receiving waters (other than groundwater), and land uses for property owned by the Permittee, and all other properties served by MS4s known to and owned or operated by the Permittee.
 - ii. Tributary conveyances (including size, material, and type attributes where known), and the associated drainage areas of MS4 outfalls and discharge points with a 12 inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems.
 - iii. Known connections greater than or equal to 8 inches in nominal diameter to tributary conveyances mapped in accordance with S6.E.3.c.ii.
 - iv. To the extent consistent with national security laws and directives, each Permittee shall make available to Ecology upon request, available maps depicting the information required in S6.E.3.c.i through iii, above. The required format for mapping is electronic with fully described mapping standards.
 - v. Implement a program to document operation and maintenance records for stormwater treatment and flow control BMPs/facilities and catch basins.
 - vi. Upon request, and to the extent consistent with national security laws and directives, mapping information and operation and maintenance records shall be provided to the city or county in which the Permittee is located.
- d. Conduct field screening of at least 20% of the MS4 each year for the purpose of detecting illicit discharges and illicit connections. Field screening methodology shall be appropriate to the characteristics of the MS4 and water quality concerns. Implement procedures to identify and remove any illicit discharges and illicit connections. Keep records of inspections and follow-up activities.
 - e. Implement a spill response plan that includes coordination with a qualified spill responder.
 - f. Provide ongoing staff training or coordinate with existing training efforts to educate staff on proper BMPs for preventing illicit discharges, including spills, and for identifying, reporting, and responding as appropriate. Train all Permittee staff who, as part of their normal job responsibilities, have a role in preventing such discharges. Keep records of training provided and staff trained.

4. Construction Site Stormwater Runoff Control

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

Minimum performance measures:

- a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Permittee is located that govern construction phase stormwater pollution prevention measures. To the extent allowed by local ordinances, rules, and regulations, comply with the applicable minimum technical requirements for new development and redevelopment contained in Appendix 1.
- b. Ensure all construction projects under the functional control of the Permittee which require a construction stormwater permit obtain coverage under the NPDES General Permit for Stormwater Discharges Associated with Construction Activities or an individual NPDES permit prior to discharging construction related stormwater.

- c. Coordinate with the local jurisdiction(s) regarding projects owned or operated by other entities which discharge into the Permittee's MS4, to assist the local jurisdiction(s) with achieving compliance with all relevant ordinances, rules, and regulations of the local jurisdiction(s).
- d. Provide staff training or coordinate with existing training efforts to educate Permittee staff responsible for implementing construction stormwater erosion and sediment control BMPs and requirements, or hire trained contractors to perform the work.
- e. Coordinate as requested with Ecology or the local jurisdiction to provide access for inspection of construction sites or other land disturbances that are under the functional control of the Permittee during active land disturbing activities and/or the construction period.

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

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

Minimum performance measures:

- a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Permittee is located that govern post-construction stormwater pollution prevention measures, including proper operation and maintenance of the MS4. To the extent allowed by local ordinances, rules, and regulations, comply with the applicable the minimum technical requirements for new development and redevelopment contained in Appendix 1.
- b. Coordinate with the local jurisdiction regarding projects owned and operated by other entities which discharge into the Permittee's MS4, to assist the local jurisdiction in achieving compliance with all relevant ordinances, rules, and regulations of the local jurisdiction(s).

6. Operation and Maintenance Program

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

Minimum performance measures:

- a. Each Permittee shall implement an Operation and Maintenance (O&M) manual for all stormwater treatment and flow control BMPs/facilities and catch basins that are under the functional control of the Permittee and which discharge stormwater to its MS4, or to an interconnected MS4.
 - i. Retain a copy of the O&M manual in the appropriate Permittee department and routinely update following discovery or construction of new stormwater facilities.
 - ii. The operation and maintenance manual shall establish facility-specific maintenance standards that are as protective, or more protective, than those specified in the *Stormwater Management Manual for Western Washington*. For

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

- iii. The purpose of the maintenance standard is to determine if maintenance is required. The maintenance standard is not a measure of the facility's required condition at all times between inspections. Exceeding the maintenance standards between inspections and/or maintenance is not a permit violation. Maintenance actions shall be performed within the time frames specified in S6.E.6.b.ii.
- b. The Permittee will manage maintenance activities to inspect all stormwater facilities listed in the O&M manual annually, and take appropriate maintenance action in accordance with the O&M manual.
 - i. The Permittee may change the inspection frequency to less than annually, provided the maintenance standards are still met. Reducing the annual inspection frequency shall be based on maintenance records of double the length of time of the proposed inspection frequency. In the absence of maintenance records, the Permittee may substitute written statements to document a specific less frequent inspection schedule. Written statements shall be based on actual inspection and maintenance experience and shall be certified in accordance with G19 – *Certification and Signature*.
 - ii. Unless there are circumstances beyond the Permittees control, when an inspection identifies an exceedance of the maintenance standard, maintenance shall be performed:
 - (a) Within 1 year for wet pool facilities and retention/detention ponds.
 - (b) Within 1 year for typical maintenance of facilities, except catch basins.
 - (c) Within 6 months for catch basins.
 - (d) Within 2 years for maintenance that requires capital construction of less than \$25,000.

Circumstances beyond the Permittee's control include denial or delay of access by property owners, denial or delay of necessary permit approvals, and unexpected reallocations of maintenance staff to perform emergency work. For each exceedance of the required timeframe, the Permittee shall document the circumstances and how they were beyond their control.
- c. The Permittee shall provide appropriate training for Permittee maintenance staff.
- d. The Permittee will maintain records of inspections and maintenance activities.

7. Source Control in Existing Developed Areas

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

authorizes stormwater discharges.

Minimum performance measures:

- a. SWPPP(s) shall be updated as necessary to reflect changes at the facility.
- b. The SWPPP(s) shall include a facility assessment including a site plan, identification of pollutant sources, and description of the drainage system.
- c. The SWPPP(s) shall include a description of the source control BMPs used or proposed for use by the Permittee. Source control BMPs shall be selected from the *Stormwater Management Manual for Western Washington* (or an equivalent manual approved by Ecology). Implementation of non-structural BMPs shall begin immediately after the pollution prevention plan is developed. Where necessary, a schedule for implementation of structural BMPs shall be included in the SWPPP(s).
- d. The Permittee shall maintain a list of sites covered by the SWPPP(s) required under this Permit. At least 20% of the listed sites shall be inspected annually.
- e. The SWPPP(s) shall include policies and procedures to reduce pollutants associated with the application of pesticides, herbicides and fertilizer.
- f. The SWPPP(s) shall include measures to prevent, identify and respond to illicit discharges, including illicit connections, spills and improper disposal. When the Permittee submits a notification pursuant to G3, the Permittee shall also notify the city or county it is located in.
- g. The SWPPP(s) shall include a component related to inspection and maintenance of stormwater facilities and catch basins that is consistent with the Permittee's O&M Program, as specified in S6.E.6 above.

8. Monitoring Program

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

S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS

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

- A.** For applicable TMDLs listed in Appendix 2, affected Permittees shall comply with the specific requirements identified in Appendix 2. Each Permittee shall keep records of all actions required by this Permit that are relevant to applicable TMDLs within their jurisdiction. The status of the TMDL implementation shall be included as part of the Annual Report submitted to Ecology. Each Annual Report shall include a summary of relevant SWMP and Appendix 2 activities conducted in the TMDL area to address the applicable TMDL parameter(s).
- B.** For applicable TMDLs not listed in Appendix 2, compliance with this Permit shall constitute compliance with those TMDLs.
- C.** For TMDLs that are approved by EPA after this Permit is issued, Ecology may establish TMDL-related permit requirements through future permit modification if Ecology

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

S8. MONITORING AND ASSESSMENT

A. Regional Status and Trends Monitoring

1. King and Snohomish Counties, the Cities of Seattle and Tacoma, and the Ports of Seattle and Tacoma chose S8.B *Status and Trends Monitoring*, Option #1 in the *Phase I Municipal Stormwater Permit*, August 1, 2013 – July 31, 2018 (extended to July 31, 2019). These Permittees shall make a one-time payment into the collective fund to implement regional small streams and marine nearshore areas status and trends monitoring in Puget Sound. This payment is due on or before December 1, 2019. Submit payment according to Section S8.D.
2. King, Pierce, and Snohomish Counties, the Cities of Seattle and Tacoma, and the Ports of Seattle and Tacoma shall notify Ecology in writing which of the following two options for regional status and trends monitoring (S8.A.2.a or S8.A.2.b) the Permittee chooses to carry out during this Permit term. The written notification with G19 signature is due to Ecology no later than December 1, 2019.
 - a. Make annual payments into a collective fund to implement regional receiving water status and trends monitoring of small streams and marine nearshore areas in Puget Sound. The annual payments into the collective fund are due on or before August 15 each year beginning in 2020. Submit payments according to Section S8.D.

Or

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

Either option will fully satisfy the Permittee’s obligations under this Section (S8.A.2). Each Permittee shall select a single option for this permit term.
3. Clark County shall:
 - a. Prepare to conduct regional urban streams status and trends monitoring in the Lower Columbia River Basin. No later than June 30, 2020, Clark County shall submit a completed version of the *Quality Assurance Project Plan for Status and Trends Monitoring of Urban Streams in Clark and Cowlitz Counties in the Lower Columbia River Region* – [Template for] Clark County, Lead Entity, June 30, 2019 (July 1, 2019 version 1.0, LC Urban Streams QAPP Template), to Ecology for review and approval.
 - i. Submit the “Site verification report and final Table 6 and Figure 2” listed in Table 2 of the LC Urban Streams QAPP Template on or before January 31, 2020, to Ecology for review and approval.
 - ii. Submit the “Extended monitoring report and final Tables 7 and 11” listed in Table 2 of the LC Urban Streams QAPP Template on or before March 31, 2020, to Ecology for review and approval.

- b. Notify Ecology in writing which of the following two options for regional status and trends monitoring (S8.A.3.b.i or S8.A.3.b.ii) the County chooses to carry out during this permit term. The written notification with G19 signature is due to Ecology no later than December 1, 2019.
 - i. Make annual payments into a collective fund to implement regional urban streams status and trends monitoring in Clark and Cowlitz Counties in the Lower Columbia River Basin. The annual payments into the collective fund are due on or before August 15 each year beginning in 2020. Submit payments according to Section S8.D below.

Or

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

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

B. Stormwater Management Program Effectiveness and Source Identification Studies

1. Clark, King, Pierce, and Snohomish Counties, the City of Seattle, and the Ports of Seattle and Tacoma chose S8.C *Effectiveness Studies*, Option #1 or Option #3 in the *Phase I Municipal Stormwater Permit* August 1, 2013 – July 31, 2018 (extended to July 31, 2019). These Permittees shall pay into the collective fund to implement effectiveness studies and source identification studies. The payment is due before on or before December 1, 2019. Submit payment according to Section S8.D.
2. Clark, King, Pierce, and Snohomish Counties, the Cities of Seattle and Tacoma, and the Ports of Seattle and Tacoma shall notify Ecology in writing which of the following three options (S8.B.2.a or S8.B.2.b or S8.B.2.c) for effectiveness and source identification studies the Permittee chooses to carry out during this permit term.
 - a. Make annual payments into a collective fund to implement effectiveness and source identification studies. The annual payments into the collective fund are due on or before August 15 each year beginning in 2020. Submit payments according to Section S8.D.

Or

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

Or

- c. **Both:** make annual payments into a collective fund to implement regional effectiveness and source identification studies **and** independently conduct a Stormwater Management Program (SWMP) effectiveness study approved by Ecology.
 - i. Permittees selecting this option shall make payments equal to one-half of the amounts listed in Appendix 11 for S8.B. The annual payments are due on or before August 15 each year beginning in 2020. Submit payments according to Section S8.D.
 - ii. The SWMP effectiveness study shall be conducted in accordance with the requirements below:

- (a) Write a detailed proposal describing: the purpose, objectives, design, and methods of the independent effectiveness study; anticipated outcomes including the question that will be answered; expected modifications to the Permittee's SWMP; relevance to other Permittees; and plans for sharing the findings with other Permittees. The proposal shall be prepared in accordance with the *SWMP Effectiveness Study Proposal and QAPP Template* (July 1, 2019, version 1.0) and submitted no later than February 2, 2020, to Ecology for review and approval.
- (b) Within 120 days of Ecology's approval of the detailed proposal, submit a draft QAPP to Ecology. The QAPP shall be prepared in accordance with the *SWMP Effectiveness Study Proposal and QAPP template* (July 1, 2019, version 1.0). Within 60 days of receiving Ecology's comments, submit a final QAPP to Ecology for review and approval.
- (c) Implement the study in accordance with the schedule in the approved final QAPP. Data and analyses shall be reported annually in accordance with the Ecology-approved QAPP.

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

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

C. Stormwater Discharge Monitoring

1. No later than June 30, 2020, Clark County and the City of Tacoma shall submit data and a final report for the stormwater discharge monitoring that was conducted pursuant to S8.B.2 (Clark County) and S8.C *Effectiveness Studies*, Option #2 (Tacoma) in the *Phase I Municipal Stormwater Permit*, August 1, 2013 – July 31, 2018 (extended to July 31, 2019).
2. This Section applies only to Permittees who choose to conduct stormwater discharge monitoring per S8.A.2.b, S8.A.3.b.ii, and/or S8.B.2.b in lieu of participation in the *Regional Status and Trends Monitoring* and/or *Effectiveness and Source Identification Studies*. These Permittees shall conduct monitoring in accordance with Appendix 9 and an Ecology-approved QAPP as follows:
 - a. Cities and counties who choose the option to conduct stormwater discharge monitoring for either S8.A regional status and trends monitoring or S8.B effectiveness and source identification studies shall monitor five independent discharge locations; ports shall monitor two independent discharge locations. Permittees are encouraged to continue monitoring at locations monitored under S8.C.2 of the *Phase I Municipal Stormwater Permit* August 1, 2013 – July 31, 2018

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

- i. Cities and counties who choose the option to conduct stormwater discharge monitoring for **both** S8.A *Regional Status and Trends Monitoring* and S8.B *Effectiveness and Source Identification Studies*, shall conduct this monitoring at a total of ten locations; at least seven locations shall be independent (up to three locations may be nested in other basins).
 - ii. Ports who choose the option to conduct stormwater discharge monitoring for **both** S8.A and S8.B shall conduct this monitoring at four independent locations.
- b. No later than February 1, 2020, each Permittee shall submit a draft Stormwater Discharge Monitoring QAPP to Ecology for review and approval. The QAPP shall be prepared in accordance with the requirements in Appendix 9. The final QAPP shall be submitted to Ecology for approval as soon as possible following finalization, and before August 15, 2020, or within 60 days of receiving Ecology's comments on the draft QAPP (whichever is later).
 - c. Flow monitoring at new discharge monitoring locations shall begin no later than October 1, 2020, or within 30 days of receiving Ecology's approval of the final QAPP (whichever is later). Stormwater discharge monitoring shall be fully implemented no later than October 1, 2020, at previous or existing discharge monitoring locations and no later than October 1, 2021, at new discharge monitoring locations.
 - d. Data and analyses shall be reported annually in accordance with the Ecology-approved QAPP. Each Permittee shall enter into the Department's Environmental Information Management (EIM) database, all water and solids concentration data collected pursuant to Appendix 9.

D. Payments into the Collective Funds

1. This Section applies to all Permittees who choose to make annual payments into the collective funds for S8.A *Regional Status and Trends Monitoring* and/or S8.B *Effectiveness and Source Identification Studies*.
2. Each Permittee's S8.A and S8.B payment amounts are listed in Appendix 11.
 - a. For the S8.B.1 payment due on December 1, 2019, Clark County and the City of Seattle shall pay half the amount indicated for S8.B in Appendix 11.
 - b. For annual payments for S8.B.2 due on August 15, 2020 and thereafter, Permittees that choose option S8.B.2.c shall pay half the amount indicated for S8.B in Appendix 11.
3. Mail payments according to the instructions in the invoice sent to the Permittee approximately three months in advance of each payment due date, or via United States Postal Service to:

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

S9. REPORTING REQUIREMENTS

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

Permittees shall submit Annual Reports electronically using Ecology's Water Quality Permitting Portal (WQWebPortal) available on Ecology's website unless otherwise directed by Ecology.

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

- B.** Each Permittee is required to keep all records related to this Permit and the SWMP for at least five years.
- C.** Each Permittee shall make all records related to this Permit and the Permittee's SWMP available to the public at reasonable times during business hours. The Permittee will provide a copy of the most recent Annual Report to any individual or entity, upon request.
- 1.** A reasonable charge may be assessed by the Permittee for making photocopies of records.
 - 2.** The Permittee may require reasonable advance notice of intent to review records related to this Permit.
- D.** The Annual Report for Permittees listed in S1.B shall include the following:
- 1.** A copy of the Permittee's current SWMP Plan as required by S5.A.1.
 - 2.** Submittal of the Annual Report form as provided by Ecology pursuant to S9.A, describing the status of implementation of the requirements of this Permit during the reporting period.
 - 3.** Attachments to the Annual Report form including summaries, descriptions, reports, and other information as required, or as applicable, to meet the requirements of this Permit during the reporting period, or as a required submittal. Refer to Appendix 3 for Annual Report questions.
 - 4.** If applicable, notice that the MS4 is relying on another governmental entity to satisfy any of the obligations under the Permit.
 - 5.** Certification and signature pursuant to G19.D, and notification of any changes to authorization pursuant to G19.C.
 - 6.** A notification of any annexations, incorporations, or jurisdictional boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period.
- E.** Annual Report for Secondary Permittees, including the Port of Seattle and the Port of Tacoma. Each Annual Report shall include the following:
- 1.** Submittal of the Annual Report as provided by Ecology pursuant to S9.A, describing the status of implementation of the requirements of this Permit during the reporting period.

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

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

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

G2. PROPER OPERATION AND MAINTENANCE

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

G3. NOTIFICATION OF DISCHARGE INCLUDING SPILLS

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

- A. Take appropriate action to correct or minimize the threat to human health, welfare and/or the environment.
- B. Notify the Ecology regional office and other appropriate spill response authorities immediately but in no case later than within 24 hours of obtaining that knowledge.
- C. Immediately report spills or other discharges which might cause bacterial contamination of marine waters, such as discharges resulting from broken sewer lines and failing onsite septic systems, to the Ecology regional office and to the Department of Health, Shellfish Program.
- D. Immediately report spills or discharges of oils or hazardous substances to the Ecology regional office and to the Washington Emergency Management Division, (800) 258-5990.

G4. BYPASS PROHIBITED

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

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

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

G5. RIGHT OF ENTRY

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

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

G6. DUTY TO MITIGATE

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

G7. PROPERTY RIGHTS

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

G8. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G9. MONITORING

- A. **Representative Sampling:** Samples and measurements taken to meet the requirements of this Permit shall be representative of the volume and nature of the monitored discharge, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.
- B. **Records Retention:** The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least five years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology. On request, monitoring data and analysis shall be provided to Ecology.
- C. **Recording of Results:** For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.
- D. **Test Procedures:** All sampling and analytical methods used to meet the monitoring requirements in this Permit shall conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136, unless otherwise specified in this Permit or approved in writing by Ecology.

- E. *Flow Measurement:*** Where flow measurements are required by other conditions of this Permit, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations or at a minimum frequency of at least one calibration per year. Calibration records should be maintained for a minimum of three years.
- F. *Lab Accreditation:*** All monitoring data, except for flow, temperature, conductivity, pH, total residual chlorine, and other exceptions approved by Ecology, shall be prepared by a laboratory registered or accredited under the provisions of, Accreditation of Environmental Laboratories, Chapter 173-50 WAC. Soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by Ecology. Quick methods of field detection of pollutants including nutrients, surfactants, salinity, and other parameters are exempted from this requirement when the purpose of the sampling is identification and removal of a suspected illicit discharge.
- G. *Additional Monitoring:*** Ecology may establish specific monitoring requirements in addition to those contained in this Permit by administrative order or permit modification.

G10. REMOVED SUBSTANCES

With the exception of decant from street waste vehicles, the Permittee shall not allow collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of stormwater to be resuspended or reintroduced to the MS4 or to waters of the State. Decant from street waste vehicles resulting from cleaning stormwater facilities may be reintroduced only when other practical means are not available and only in accordance with the *Street Waste Disposal Guidelines* in Appendix 6. Solids generated from maintenance of the MS4 may be reclaimed, recycled, or reused when allowed by local codes and ordinances. Soils that are identified as contaminated pursuant to Chapter 173-350 WAC shall be disposed at a qualified solid waste disposal facility (see Appendix 6).

G11. SEVERABILITY

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

G12. REVOCATION OF COVERAGE

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

- A.** Violation of any term or condition of this General Permit.
- B.** Obtaining coverage under this General Permit by misrepresentation or failure to disclose fully all relevant facts.

- C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- D. A determination that the permitted activity endangers human health or the environment, or contributes significantly to water quality standards violations.
- E. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- F. Nonpayment of permit fees assessed pursuant to RCW 90.48.465.

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

G13. TRANSFER OF COVERAGE

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

G14. GENERAL PERMIT MODIFICATION AND REVOCATION

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

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

G15. REPORTING A CAUSE FOR MODIFICATION OR REVOCATION

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

G16. APPEALS

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

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

G17. PENALTIES

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

G18. DUTY TO REAPPLY

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

G19. CERTIFICATION AND SIGNATURE

All formal submittals to Ecology shall be signed and certified.

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All formal submittals required by this Permit shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to Ecology, **and**
 - 2. The authorization specifies either an individual or a position having responsibility for the overall development and implementation of the Stormwater Management Program. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under General Condition G19.B.2 is no longer accurate because a different individual or position has responsibility for the overall development and implementation of the Stormwater Management Program, a new authorization satisfying the requirements of General Condition G19.B.2 shall be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

- D. Certification. Any person signing a formal submittal under this Permit shall make the following certification:

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

G20. NON-COMPLIANCE NOTIFICATION

In the event a Permittee is unable to comply with any of the terms and conditions of this Permit, the Permittee shall:

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

G21. UPSETS

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

- A. **Definition.** "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (C) of this condition are met. Any determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, will not constitute final administrative action subject to judicial review.
- C. **Conditions necessary for demonstration of upset.** A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and that the Permittee can identify the cause(s) of the upset;

2. The permitted facility was at the time being properly operated; and
 3. The Permittee submitted notice of the upset as required in 40 CFR 122.41(l)(6)(ii)(B) (24-hour notice of noncompliance).
 4. The Permittee complied with any remedial measures required under 40 CFR 122.41(d) (Duty to Mitigate).
- D. *Burden of proof.*** In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.