



Shelton City Council
Meeting Agenda – Virtual Platform
December 7, 2021 at 6:00 p.m.

A. Call to Order

- Pledge of Allegiance
- Roll Call
- Late Changes to the Agenda

B. Council Reports

C. Consent Agenda (Action)

1. Voucher numbered 106388 in the amount of \$14,245.48
2. Vouchers numbered 106411 through 106485 in the total amount of \$295,394.28
3. Forest Festival LTAC Report – Written by Vice President Amy Cooper
4. Bluegrass from the Forest LTAC Report – Written by Duane Wilson
5. Minutes from:
 - Study Session of September 28, 2021
 - Business Meeting of October 5, 2021
 - Study Session of October 12, 2021

D. Presentations

1. Swearing-in New Councilmember

E. General Public Comment (3-minute time limit)

F. Business Agenda (Study/No Action/Public Comment Taken)

1. Memorandum of Understanding-William G. Reed Library Renovation – Presented by Community Development Director Mark Ziegler
2. Public Hearing Ordinance No. 1980-1021 Amending SMC Illicit Stormwater Discharge – Presented by City Engineer Ken Gill
3. Resolution No. 1219-1121 Approving Mason Conservation District's Proposal for NPDES Education & Outreach Activities – Presented by City Engineer Ken Gill
4. Resolution No. 1220-1121 Contract with Aspect Consulting for C Street Landfill Environmental Cleanup Construction Planning – Presented by Public Works Director Jay Harris
5. Resolution No. 1214-1021 Park Street Overlay Project Final Acceptance – Presented by City Engineer Ken Gill

G. Action Agenda (Action/Public Comment Taken)

1. Resolution No. 1213-1021 Water Meter Boxes and Lids Purchase – Presented by Public Works Director Jay Harris
2. Ordinance No. 1981-1021 2021 Budget Supplemental 2 – Presented by Interim Finance Director Teri Schnitzer
3. Resolution No. 1221-1121 EM&R Vehicle Purchase – Presented by Public Works Director Jay Harris

H. Administration Reports

1. City Manager Report

I. New Items for Discussion

J. Announcement of Next Meeting – December 21, 2021 at 6:00 p.m.

K. Adjourn

Special Note for Public Participation

The meeting can be viewed at: masonwebtv.com

The public can provide comments by:

Email: jeff.niten@sheltonwa.gov Telephone: (360) 432-5105

Joining the Zoom meeting by clicking on the link posted on the City Council's webpage

Your comments will be relayed directly to the Council.



2021-2022 Looking Ahead

(Items and dates are subject to change)

Tues. 12/14 6:00 p.m.	Study Session	Study Agenda <ul style="list-style-type: none"> • Logo Discussion 	Packet Items Due: Fri. 12/10 @ noon
Tues. 12/21 5:45 p.m.	SMPD Meeting	Consent Agenda <ul style="list-style-type: none"> • Vouchers/Meeting Minutes Business Agenda <ul style="list-style-type: none"> • Action Agenda <ul style="list-style-type: none"> • Administration Report <ul style="list-style-type: none"> • 	Packet Items Due: 12/10 – 5:00 p.m.
Tues. 12/21 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> • Vouchers/Payroll Warrants/Meeting Minutes Business Agenda <ul style="list-style-type: none"> • Action Agenda <ul style="list-style-type: none"> • Administration Report <ul style="list-style-type: none"> • 	Packet Items Due: 12/10 – 5:00 p.m.
Tues. 1/4 6:00 p.m.	Regular Meeting	Misc. Items <ul style="list-style-type: none"> • Swear-in new Councilmembers • Select Mayor & Deputy Mayor Consent Agenda <ul style="list-style-type: none"> • Vouchers/Payroll Warrants/Meeting Minutes • October Financial Status Report Business Agenda <ul style="list-style-type: none"> • Local Road Safety Plan • Safe Routes to School and Brockdale Road Design Scope and Fee Action Agenda <ul style="list-style-type: none"> • Resolution No. 1219-1121 Approving Mason Conservation District's Proposal for NPDES Education & Outreach Activities • Ordinance No. 1980-1021 Amending SMC Illicit Stormwater Discharge • Resolution No. 1220-1121 Contract with Aspect Consulting for C Street Landfill Environmental Cleanup Construction Planning • Resolution No. 1214-1021 Park Street Overlay Project Final Acceptance • Council Committee Assignments • Memorandum of Understanding for William G. Reed Library Renovation 	Packet Items Due: 12/24 – 5:00 p.m.

		Administration Report •	
Tues. 1/11 6:00 p.m.	Study Session	Study Agenda • Neighborhood Residential Zones	Packet Items Due: 1/7 @ noon
Tues. 1/18 6:00 p.m.	Regular Meeting	Consent Agenda • Vouchers/Payroll Warrants/Meeting Minutes • November Financial Status Report Business Agenda • Resolution No. 1186-1220 Surplus Computer Equipment Action Agenda • Local Road Safety Plan • Safe Routes to School and Brockdale Road Design Scope and Fee Administration Report •	Packet Items Due: 1/7 – 5:00 p.m.
Tues. 1/25 6:00 p.m.	Study Session	Study Agenda • Downtown Street Trees	Packet Items Due: 1/21 @ noon
Tues. 2/1 6:00 p.m.	Regular Meeting	Consent Agenda • Vouchers/Payroll Warrants/Meeting Minutes Business Agenda • Public Hearing Ordinance No. 1968-0321 Water Comp Plan Adoption Action Agenda • Resolution No. 1186-1220 Surplus Computer Equipment Administration Report •	Packet Items Due: 1/21 – 5:00 p.m.
Tues. 2/8 6:00 p.m.	Study Session	Study Agenda	Packet Items Due: 2/4 @ noon
Tues. 2/15 6:00 p.m.	Regular Meeting	Consent Agenda • Vouchers/Payroll Warrants/Meeting Minutes • December Financial Status Report Business Agenda • Action Agenda • Ordinance No. 1968-0321 Water Comp Plan Adoption Administration Report •	Packet Items Due: 2/4 – 5:00 p.m.
Tues. 2/15 (to follow regular meeting)	Special Meeting	Executive Session • Performance of a Public Employee	N/A

Other – TBD

- UGA/Annexation Policy (Water/Sewer Extensions)
- More Standing Committees by the Council
- December 7, 2021 – C Street Update
- Resolution No. 1215-1021 2021 Chip Seal Final Acceptance
- Animal Ordinance

Updated 11/29/2021

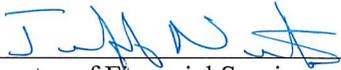
- Noise Ordinance

DRAFT

VOUCHER APPROVAL

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein vouchers numbered 106388 in the amount of \$14,245.48 that the claims are just, due and unpaid obligations against the City of Shelton, and that I am authorized to authenticate and certify said claims.

Signed this 10th of November, 2021.



Director of Financial Services
City Manager

We, the undersigned members of the City Council of Shelton, Washington, do hereby certify that the vouchers contained herein are approved for payment.

Signed this _____ of _____, 2021.

Mayor Kevin Dorcy

Deputy Mayor Deidre Peterson

Councilmember James Boad

Councilmember Megan Fiess

Councilmember Kathy McDowell

Councilmember Eric Onisko

Councilmember Joe Schmit

VOUCHER APPROVAL

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein vouchers number 106411 through number 106485 in the total amount of \$295,394.28 that the claims are just, due and unpaid obligations against the City of Shelton, and that I am authorized to authenticate and certify said claims.

Signed this 18th of November, 2021.



Interim Director of Financial Services

We, the undersigned members of the City Council of Shelton, Washington, do hereby certify that the vouchers contained herein are approved for payment.

Signed this _____ of _____, 2021.

Mayor Kevin Dorcy

Deputy Mayor Deidre Peterson

Councilmember James Boad

Councilmember Megan Fiess

Councilmember Kathy McDowell

Councilmember Eric Onisko

Councilmember Joe Schmit



RE: Follow Up Report of Mason County Forest Festival's 2021 Events

Dear City of Shelton LTAC Committee,

Thank you once again for your support. Forest Festival could not happen without LTAC funding. This year, we pivoted hard to try to provide safe, family-friendly, events for our community and beyond. We offered a TIMBER DAYS series that consisted of three weekends this summer (June, July and August), each of those weekends, on Friday and Saturday evening, we offered music, vendors, vintage cars, kids activities and crafts, plus a beer garden. These events were very well attended and they were a great alternative to our very large one weekend Forest Festival.

Additionally, we added the Royalty Tea, a lovely event at the Colonial House geared towards Moms, Daughters and Grandmothers, to have tea with our Royalty Court. This was hugely successful and we look forward to continuing to hold this event each year from now on.

Run the Ridge (formally Goldborough Creek Run) happened June 5, and had a pretty good turn out with 99 entrants, 23 of which came from out of town.

We also added an evening at the Drive-In on July 29th. We welcomed 100 cars to watch Bunyan and Babe, as well as a 20 minute promo video for Forest Festival, created this year by local film student, Annika Davison.

Our Family and Pet Parade was tied into the July Timber Days, and also during Timber Days, we had a cornhole tournament run by Shelton Parks and Rec. Kristmas Town Kiwanis provided their kiddie train, wagon (for music stage) and kids activities, and Explore Hood Canal supported Forest Festival with help planning and facilitating these events. This truly was a community effort! Another new addition to the Forest Festival lineup was the Paul Bunyan Beard Contest. It was great fun, and we look forward to continuing this event.

At the beginning of 2021, we decided to push our main events out to September in hopes that the COVID-19 pandemic would ease up and it would be a safer time to hold a large festival. This didn't end up being the case, and unfortunately we did end up cancelling our Paul Bunyan Grand Parade and Fireworks show on Sept. 18th. We were so thankful to have had three great weekend events prior to this, and feel that Forest Festival was still brought to the community. Other standard events, the Logging Show, Rocking and Forest and the Carnival weren't able to happen this year due to third party COVID decisions, etc. We look forward to a more "normal" Forest Festival in 2022 as well as the possibility of continuing the new events we brought to the table this year.

Thank You,
Amy Cooper
MCFFA Vice President

11-29-2021

Mayor Kevin Dorey and City of Shelton Council

Re: Bluegrass from the Forest 2021

Kristmas Town Kiwanis hosted our 16th successful Bluegrass from the Forest bluegrass festival September 10th-13th at South Mason Youth Soccer Park. Kristmas Town Kiwanis moved the festival from the Shelton High School Campus due to Covid closures and construction issues.

This year approximately 1,500 people attended four concerts featuring seven fantastic bluegrass bands. 108 attendees stayed in local Motels and Air B&B's. An additional 41 guests stayed locally with friends and family and approximately 180 campers stayed on site at the South Mason Youth Soccer Park. 332 bluegrass fans traveled 45 miles or more and 89 journeyed from outside the state. These folks ate at local restaurants, bought groceries and fuel and shopped at other local businesses. Because of the location of the high school and soccer park attendees must travel through our beautiful area. Kristmas Town Kiwanis members are frequently asked about recreational and cultural opportunities for festival attendees to supplement their visit.

Kristmas Town Kiwanis would like to thank the City of Shelton for their ongoing support of Bluegrass from the Forest. Every penny of the funds awarded was used to invite people to Shelton/Mason County. We have already started planning for next year's festival and hope that the City of Shelton will continue to support our endeavors.

Sincerely,

Duane Wilson
Bluegrass from the Forest
Kristmas Town Kiwanis



CITY OF SHELTON, WASHINGTON - CITY COUNCIL

Study Session Meeting Minutes
September 28, 2021 – 6:00 p.m.
Virtual Platform

COUNCILMEMBERS AND PERSONNEL

Councilmembers:

Mayor Kevin Dorcy
Deputy Mayor Deidre Peterson
James Boad
Megan Fiess
Kathy McDowell
Eric Onisko
Joe Schmit

Personnel:

City Manager Jeff Niten
City Clerk Pro Tem Kary Holloway
Police Chief Carole Beason
Interim Finance Director Teri Schnitzer
Budget Coordinator Don Kuismi
City Attorney Kathleen Haggard

CALL TO ORDER

Call to Order – 6:00 p.m.
Roll Call: City Clerk Pro Tem Holloway – All present

STUDY AGENDA

1. 2022 Budget – Presented by Interim Finance Director Teri Schnitzer & Budget Coordinator Don Kuismi

An update of the 2022 Budget was provided. Discussion followed.

2. Homeless Encampment Ordinance – Presented by City Manager Jeff Niten & Shelton Police Chief Carole Beason

An overview of a Homeless Encampment Ordinance was provided. Discussion followed.

NEW ITEMS FOR DISCUSSION

None.

ADJOURN

Mayor Dorcy adjourned the meeting at 7:03 p.m.

Mayor Kevin Dorcy

City Clerk Donna Nault



CITY OF SHELTON, WASHINGTON - CITY COUNCIL

City Council Meeting Minutes

October 5, 2021 – 6:00 p.m.

Virtual Platform

COUNCILMEMBERS AND PERSONNEL

Councilmembers

Mayor Kevin Dorcy
Deputy Mayor Deidre Peterson
James Boad
Kathy McDowell
Eric Onisko
Joe Schmit

Personnel

City Manager Jeff Niten
City Clerk Donna Nault
Interim Finance Director Teri Schnitzer
Budget Coordinator Don Kuismi
Public Works Director Jay Harris
City Engineer Ken Gill
Community Development Director Mark Ziegler
Judge Stephen Greer
Court Administrator Dyan Smolinsky

CALL TO ORDER

Call to Order – 6:00 p.m.

Pledge of Allegiance – Councilmember Schmit

Roll Call: City Clerk Nault – Absent: Councilmember Fiess

A motion was made by Deputy Mayor Peterson and seconded by Councilmember Onisko to excuse the absence of Councilmember Fiess. Passed.

LATE CHANGES TO THE AGENDA

None.

Mayor Dorcy – The public is able to make comments during the Public Comment period, as well as on any item listed on the business agenda or the action agenda. When making a public comment you will need to state your full name and whether you reside within City limits, within Mason County or reside elsewhere. There are three options for the public to participate in the meeting: (1) join the Zoom meeting by clicking the link on the city's website, (2) email jeff.niten@sheltonwa.gov, or (3) by calling City Manager Jeff Niten at (360) 432-5105.

CITY COUNCIL REPORTS

None

CONSENT AGENDA

1. Vouchers numbered 105904 through 105955 in the total amount of \$203,412.93 and Vouchers numbered 105986 through 106032 in the total amount of \$133,841.78.
2. Shelton Veterans Village Status Update – September 16, 2021 and September 23, 2021.

A motion was made by Councilmember Onisko and seconded by Councilmember McDowell to approve the consent agenda as published. Passed.

PRESENTATIONS

1. Proposed 2022 Budget – Presented by Interim Finance Director Teri Schnitzer and Budget Coordinator Don Kuismi

City Manager Niten provided an introductory statement to the 2022 Budget process. Interim Finance Director Teri Schnitzer and Budget Coordinator Don Kuismi reviewed the proposed 2022 Budget. Discussion followed.

GENERAL PUBLIC COMMENT

None

BUSINESS AGENDA

1. Resolution No. 1208-0921 Western Gateway Design Contract Amendment No. 3 – Presented by City Engineer Ken Gill

City Engineer Gill discussed the project history, scope of work and the contract amendment. Discussion followed. No public comment.

A motion was made by Councilmember Schmit and seconded by Deputy Mayor Peterson to forward Resolution No. 1208-0921 and the Gateway Design Contract Amendment No. 3 to the October 19, 2021 City Council meeting action agenda for further consideration. Passed.

2. Resolution No. 1209-1021 Utility Property Surplus – Presented by Public Works Director Jay Harris

Public Works Director Harris provided an overview of the surplus property process and Resolution No. 1209-1021. Discussion followed. No public comment.

A motion was made by Councilmember Schmit and seconded by Deputy Mayor Peterson to forward Resolution No. 1209-1021 to the October 19, 2021 City Council meeting action agenda for further consideration. Passed.

3. Resolution No. 1210-1021 SPD Body Worn Cameras – Presented by Police Chief Carole Beason

Police Chief Beason provided an overview of body worn cameras and in-car dash cameras. Discussion followed. No public comment.

A motion was made by Councilmember McDowell and seconded by Councilmember Schmit to move Resolution No. 1210-1021 to the City Council meeting action agenda on October 19, 2021. Passed.

4. Resolution No. 1211-1021 JAVAS A/V System Replacement in Courtroom/Council Chambers – Presented by City Manager Jeff Niten

City Manager Niten provided an overview of the existing audio/visual system and the JAVAS A/V replacement system. Discussion followed. No public comment.

A motion was made by Councilmember Schmit and seconded by Councilmember Onisko to forward Resolution No. 1211-1021 to the October 19, 2021 City Council meeting for further consideration. Passed.

5. Lodging Tax Advisory Committee (LTAC) Grant Recommendations – City Manager Jeff Niten

Deputy Mayor Peterson recused herself from the discussion due to a potential conflict of interest.

City Manager Niten reviewed the Lodging Tax Advisory Committee's grant tourism fund recommendations. Discussion followed. No public comment.

A motion was made by Councilmember Schmit and seconded by Councilmember Onisko to forward this item to the action agenda on October 19, 2021 for further consideration. Passed.

6. FCS Contract – ER&R – Interim Finance Director Teri Schnitzer

Interim Finance Director Schnitzer provided an overview of the Equipment, Replacement and Repair Fund (ER&R). Discussion followed. No public comment.

A motion was made by Councilmember Schmit and seconded by Mayor Dorcy to forward the FCS Group contract to the October 19, 2021 City Council meeting for further consideration. Passed.

ACTION AGENDA

1. Ordinance No. 1974-0821 2021 Budget Supplemental 1 – Presented by Budget Coordinator Don Kuismi

Budget Coordinator Kuismi provided an overview of the 2021 Budget Supplemental. Discussion followed. No public comment. City Clerk Nault provided the second reading of Ordinance No. 1974-0821.

A motion was made by Councilmember Schmit and seconded by Deputy Mayor Peterson to approve Ordinance No. 1974-0821 as presented. Passed.

2. Ordinance No. 1975-0821 Debt Management Policy – Presented by Interim Finance Director Teri Schnitzer

Interim Finance Director Schnitzer reviewed a city debt management policy. Discussion followed. No public comment. City Clerk Nault provided the second reading of Ordinance No. 1975-0821.

A motion was made by Councilmember Onisko and seconded by Councilmember McDowell to approve Ordinance No. 1975-0821 as presented. Passed.

3. Ordinance No. 1976-0821 Investment Policy – Presented by Interim Finance Director Schnitzer

Interim Finance Director Schnitzer provided an overview of an investment policy. Discussion followed. No public comment. City Clerk Nault provide the second reading of Ordinance No. 1976-0821.

A motion was made by Councilmember Onisko and seconded by Deputy Mayor Peterson to approve Ordinance No. 1976-0821 as presented. Passed.

4. Surplus of City Assets Policy – Presented by City Manager Jeff Niten

City Manager Niten provided an overview of a surplus of city assets policy. Discussion followed. No public comment.

A motion was made by Councilmember Onisko and seconded by Deputy Mayor Peterson to approve the Surplus of City Assets Policy as presented. Passed.

5. HOPE Community Garden at Callanan Park – Presented by Community Development Director Mark Ziegler

Community Development Director Ziegler reviewed an agreement between the City and Hands on Personal Empowerment (HOPE) for a community garden at Callanan Park. Discussion followed. No public comment.

A motion was made by Deputy Mayor Peterson and seconded by Councilmember Schmit to approve the HOPE Community Garden Agreement as presented. Passed.

6. SMC Steering Committee Appointments – Presented by Community Development Director Mark Ziegler

Community Development Director Ziegler discussed the development code rewrite and requested appointment of Hillary Browning to the steering committee. Discussion followed. No public comment.

A motion was made by Councilmember Schmit and seconded by Councilmember Boad to appoint Hillary Browning to the City of Shelton’s Development Code Steering Committee. Passed.

ADMINISTRATION REPORT – City Manager Jeff Niten

- Study Session - pavement preservation program
- Information Technology – new upgrades
- 14th Street residents thank you letter
- Cascade Natural Gas - restoration project
- Quixote Village – new executive director
- Review “Looking Ahead”

NEW ITEMS FOR DISCUSSION

None

ANNOUNCEMENT OF NEXT MEETING

Tuesday, October 19, 2021 at 6:00 p.m.

MEETING ADJOURN

Mayor Dorcy adjourned the meeting at 7:39 p.m.

Mayor Kevin Dorcy

City Clerk Donna Nault



CITY OF SHELTON, WASHINGTON - CITY COUNCIL

Study Session Meeting Minutes

October 12, 2021 – 6:00 p.m.

Virtual Platform

COUNCILMEMBERS AND PERSONNEL

Councilmembers:

Mayor Kevin Dorcy
Deputy Mayor Deidre Peterson
James Boad
Megan Fiess
Kathy McDowell
Eric Onisko
Joe Schmit

Personnel:

City Manager Jeff Niten
City Clerk Donna Nault
Administrative Services Director Michelle Sutherland
Public Works Director Jay Harris
Information Technology Manager Tim Audorff

CALL TO ORDER

Call to Order – 6:00 p.m.

Roll Call: City Clerk Nault – All present

STUDY AGENDA

1. Pavement Condition Rating – Presented by Public Works Director Jay Harris

Public Works Director Harris provided information on the City's pavement preservation program and funding sources. Discussion followed.

2. Information Technology Update – Presented by Administrative Services Director Michelle Sutherland and IT Manager Tim Audorff

Administrative Services Director Sutherland and IT Manager Audorff provided an update on information technology projects and recently implemented software programs. Discussion followed.

NEW ITEMS FOR DISCUSSION

None

ADJOURN

Mayor Dorcy adjourned the meeting at 7:41 p.m.

Mayor Kevin Dorcy

City Clerk Donna Nault



**CITY OF SHELTON
COUNCIL BRIEFING REQUEST
(Agenda Item F1)**

Touch Date: 11/16/2021
Brief Date: 12/07/2021
Action Date: 01/04/2022

Department: **Community Development**
Presented By: **Mark Ziegler, Director**

APPROVED FOR COUNCIL PACKET:

Action Requested:

ROUTE TO:

REVIEWED:

PROGRAM/PROJECT TITLE:

**Memorandum of Understanding
(MOU) with Timberland Regional
Library District**

Ordinance

Resolution

Motion

Other

Dept. Head

Finance Director

Attorney

City Clerk

City Manager

**ATTACHMENTS:
MOU**

DESCRIPTION OF THE PROGRAM/PROJECT AND BACKGROUND INFORMATION:

Timberland Regional Library District (TRL) is proposing to remodel the interior of the William G. Reed Library. The work entails painting of walls, installation of new flooring in select areas, removal and reconfiguration of the circulation desk and employee areas, storage and workspace and lighting upgrades. Such a project is not outlined under the current contract between the City and TRL so the memorandum of understanding more clearly outlines the rights and responsibilities of each party.

ANALYSIS/OPTIONS/ALTERNATIVES:

N/A

BUDGET/FISCAL INFORMATION:

Timberland Regional Library District will assume all costs of the project.

PUBLIC INFORMATION REQUIREMENTS:

N/A

STAFF RECOMMENDATION/MOTION:

"I move to place this Memorandum of Understanding on the January 4th City Council meeting action agenda for further consideration."

MEMORANDUM OF UNDERSTANDING

Between City of Shelton and
Timberland Regional Library District
Regarding William G. Reed Library Building Renovations

1.1 PARTIES

This agreement is entered into between the City of Shelton ("City") and Timberland Regional Library District ("District"). The above entities are collectively referred to as the PARTIES.

1.2 PURPOSE AND USE

The PARTIES agree that the purpose of this agreement is to establish rights and responsibilities for the renovations of the William G. Reed Library, located at 701 West Alder St.

1.3 DESCRIPTION OF PROJECT

The City owns the library building and the District operates the library. The District agrees to oversee and pay for renovations in the building to include new floor surfacing as needed, new circulation desk, installation of storage and work spaces, upgraded lighting, , painting of walls and including all demolition.

1.4 TERM

The term of this agreement shall commence immediately upon signatures of all PARTIES.

1.5 RESPONSIBILITIES OF THE DISTRICT

The District recognizes all of the following as its responsibilities:

- Provide all funds necessary to complete renovations.
- Ensure that work is performed only by District staff or Washington State licensed and bonded contractors.
- Comply with Washington's Public Works bid laws (Chapter 39.04 RCW).
- Abide by all applicable laws including but not limited to Washington's laws against discrimination (Chapter 49.60 RCW and as subsequently amended); Washington's provisions in buildings for aged and handicapped persons (Chapter 90.92 RCW and as subsequently amended); Washington's Industrial Safety and Health Act (Chapter 49.17 RCW and as subsequently amended) and associated WAC provisions regarding safety standards; Washington's Unemployment Compensation provisions (Chapter 50.24 RCW and as subsequently amended); Hours of Labor; Workplace Surveys and Material Safety Data Sheets, and all other applicable laws and statutes. Any reference to laws or statutes in this Agreement or Exhibits/Attachments thereto is not intended to be a complete or exclusive list and should not be relied upon as such.

- Comply with the prevailing wage law of Washington State (Chapter 39.12 RCW).
- Provide the City copies of contract documents including bid specifications, scope of work, bid tabulations, executed contracts, design documents, color pallets, guarantees or warranties, and as built drawings if applicable.
- Ensure that all renovations are completed in accordance with accepted industry specifications and standards.
- Allow City staff to be present at any time to inspect work and craftsmanship.
- Defend, indemnify, and hold the City and its employees and agents harmless from all claims for damages arising out of the District's performance of its obligations under this MOU, including any and all claims related to the construction of the improvements.

1.8 EFFECTIVE DATE

This agreement shall be in full force and effect upon approval by the City and District officials signing below on behalf of all the PARTIES.

Dated this _____ day of _____, 2022__

TIMBERLAND REGIONAL LIBRARY DISTRICT

By _____

CITY OF SHELTON

By _____



MEMORANDUM OF UNDERSTANDING

Between City of Shelton and
Timberland Regional Library District
Regarding William G. Reed Library Building Renovations

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- Provide all funds necessary to complete renovations.
- Ensure that work is performed only by District staff or Washington State licensed and bonded contractors.
- Comply with Washington's Public Works bid laws (Chapter 39.04 RCW).
- Abide by all applicable laws including but not limited to Washington's laws against discrimination (Chapter 49.60 RCW and as subsequently amended); Washington's provisions in buildings for aged and handicapped persons (Chapter 90.92 RCW and as subsequently amended); Washington's Industrial Safety and Health Act (Chapter 49.17 RCW and as subsequently amended) and associated WAC provisions regarding safety standards; Washington's Unemployment Compensation provisions (Chapter 50.24 RCW and as subsequently amended); Hours of Labor; Workplace Surveys and Material Safety Data Sheets, and all other applicable laws and statutes. Any reference to laws or statutes in this Agreement or Exhibits/Attachments thereto is not intended to be a complete or exclusive list and should not be relied upon as such.

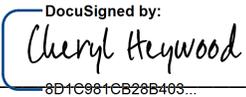
- Comply with the prevailing wage law of Washington State (Chapter 39.12 RCW).
- Provide the City copies of contract documents including bid specifications, scope of work, bid tabulations, executed contracts, design documents, color pallets, guarantees or warranties, and as built drawings if applicable.
- Ensure that all renovations are completed in accordance with accepted industry specifications and standards.
- Allow City staff to be present at any time to inspect work and craftsmanship.
- Defend, indemnify, and hold the City and its employees and agents harmless from all claims for damages arising out of the District's performance of its obligations under this MOU, including any and all claims related to the construction of the improvements.

1.8 EFFECTIVE DATE

This agreement shall be in full force and effect upon approval by the City and District officials signing below on behalf of all the PARTIES.

Dated this _____ day of _____, 2022

TIMBERLAND REGIONAL LIBRARY DISTRICT

By  _____ Cheryl Heywood _____
8D1C981CB28B403...

CITY OF SHELTON

By _____



**CITY OF SHELTON
COUNCIL BRIEFING REQUEST
(Agenda Item F2)**

Touch Date: 11/18/2021
Brief Date: 12/07/2021
Action Date: 01/04/2022

Department: Public Works
Presented By: Ken Gill, City Engineer

APPROVED FOR COUNCIL PACKET:

Action Requested:

ROUTE TO:

REVIEWED:

PROGRAM/PROJECT TITLE:

Ordinance No. 1980-1021 Amending
SMC Illicit Stormwater Discharge

Ordinance

Dept. Head

JOH

ATTACHMENTS:

Resolution

Finance Director

Public Hearing Notice

Attorney

Ordinance No. 1980-1021

Motion

City Clerk

WW Phase II Permit

Other

City Manager

PPT presentation

DESCRIPTION OF THE PROGRAM/PROJECT AND BACKGROUND INFORMATION:

Shelton is subject to the requirements of the Western Washington Phase II Municipal Stormwater Permit. A requirement of this permit is “an ongoing program to prevent, detect, characterize, trace and eliminate illicit connections and illicit discharges to the MS4”. Ecology defines an illicit discharge as “any discharge to a MS4 that is not composed entirely of stormwater or of non-stormwater discharges allowed as specified in this Permit (S5.C.5 and S6.D.3)”. MS4 means Municipal Separate Storm Sewer System.

The Western Washington Phase II Municipal Stormwater Permit (Permit) provides minimum performance measures (middle of page 18 of 56). One measure (S5.C.5.c) is an ordinance or regulatory mechanism to prohibit non-stormwater, illicit discharges into Shelton’s stormwater system.

SMC 13.02.130.C already prohibits illicit discharges into the stormwater system. However, it does not describe allowable discharges or conditionally allowable discharges required by the Permit. An example of an allowable discharge is uncontaminated water from a crawl space pump. An example of a conditionally allowable discharge is dechlorinated water from a swimming pool.

Stacey Clear, a professional engineer with experience in municipal stormwater and Permit requirements has reviewed the SMC and Permit. She also has provided recommendations to add additional items into the SMC to be “Permit compliant”. With assistance from legal, the attached Ordinance was prepared.

ANALYSIS/OPTIONS/ALTERNATIVES:

Do not adopt this ordinance and be out of compliance with the City Stormwater Permit requirements.

BUDGET/FISCAL INFORMATION:

N/A this Ordinance allows discharges to into the stormwater system.

PUBLIC INFORMATION REQUIREMENTS:

City Clerk Donna Nault coordinated posting of the attached Public Notice to be printed in the Shelton Mason County Journal on November 25th, 2021.

STAFF RECOMMENDATION/MOTION:

Staff requests a first reading of Ordinance No. 1980-1021 and: “I move to forward Ordinance No. 1980-1021 to the January 4, 2022 Council Meeting Action Agenda”.



CITY OF SHELTON
525 W. COTA ST.
SHELTON, WA 98584

TO: Shelton-Mason County Journal

DATE: November 18, 2021

Please publish the following notice on November 25th, 2021

**NOTICE OF PUBLIC HEARING
for the
CITY OF SHELTON**

ORDINANCE NO. 1980-1021

**AN ORDINANCE OF THE CITY OF SHELTON, WASHINGTON, AMENDING
CHAPTER 13.02 OF THE SHELTON MUNICIPAL CODE, RELATING TO ILLICIT
STORMWATER DISCHARGES**

The City Council will conduct a public hearing on December 7, 2021 at 6:00 p.m. to consider adopting an ordinance updating the Shelton Municipal Code relating to the Storm Drainage Utility. The public is invited to comment on the above referenced matters, or provide written testimony to the City Clerk.

Donna Nault
City Clerk
(360) 810-0351

ORDINANCE NO 1980-1021

AN ORDINANCE OF THE CITY OF SHELTON, WASHINGTON, AMENDING CHAPTER 13.02 OF THE SHELTON MUNICIPAL CODE, RELATING TO ILLICIT STORMWATER DISCHARGES

WHEREAS, the City of Shelton operates a small municipal separate storm sewer (MS4), which is regulated under the National Pollution Discharge Elimination System (NPDES); and

WHEREAS, a requirement of the City's Phase II NPDES permit is to add provisions to the municipal code that prohibit illicit discharges into the stormwater system; and

WHEREAS, the City Council wishes to amend Chapter 13.02 of the Shelton Municipal Code to add provisions relating to illicit discharges.

NOW, THEREFORE, the Shelton City Council hereby ordains as follows:

Section 1. The following Definitions, contained within SMC 13.02.010, are amended as follows:

“Illicit discharge” means ~~all stormwater~~ any discharge that is not composed entirely of stormwater to stormwater drainage systems that cause or contribute to a violation of state water quality, sediment quality or ground water quality standards, including but not limited to sanitary sewer connections, industrial process water, interior floor drains, car washing and greywater systems.

“Impervious surface” means a ~~hard~~ non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads or parking areas, patched earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of Minimum Requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

Section 2. New Sections 13.02.060 (Prohibited Discharges), 13.020.070 (Allowable Discharges), 13.020.080 (Conditional Discharges), 13.020.090 (Prohibition of Illicit Connections) are added to the Shelton Municipal Code to read as follows:

13.02.060 Prohibited Discharges.

a. Nonstormwater runoff discharges to the storm drainage system, surface water bodies, or ground water are prohibited, unless such discharges are authorized in accordance with Chapter 173-216 WAC (State Waste Discharge Permit Program) or Chapter 173-220 WAC (National Pollutant Discharge Elimination System Permit Program).

b. No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain, or otherwise discharge pollutants into a storm drainage system, surface water bodies or ground water. If a pollutant discharge is identified, it shall cease immediately and be reported to the city immediately. Failure to report any discharge within 24 hours is a violation of this chapter.

c. Examples of prohibited pollutants include but are not limited to the following:

1. Trash or debris.
2. Construction materials.
3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil.
4. Antifreeze and other automotive products.
5. Metals in either particulate or dissolved form.
6. Flammable or explosive materials.
7. Radioactive material.
8. Batteries.
9. Acids, alkalis, or bases.
10. Paints, stains, resins, lacquers, or varnishes.
11. Degreasers and/or solvents.
12. Drain cleaners.
13. Pesticides, herbicides or fertilizers.
14. Steam cleaning wastes.
15. Soaps, detergents, or ammonia.
16. Swimming pool or spa filter backwash.
17. Chlorine, bromine, or other disinfectants.
18. Heated water.
19. Domestic animal wastes.
20. Sewage.
21. Recreational vehicle waste.
22. Animal carcasses.
23. Food wastes.
24. Bark and other fibrous materials.
25. Lawn clippings, leaves, or branches.
26. Silt, sediment, concrete, cement or gravel.
27. Dyes.
28. Chemicals not normally found in uncontaminated water.
29. Any other process-associated discharge except as otherwise allowed in this section.
30. Any hazardous material or waste not listed above.

13.02.070 Allowable Discharges.

A. The following types of discharges shall not be considered illicit discharges for the purposes of this chapter unless the director determines the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface or ground water:

1. Diverted stream flows.
2. Rising ground waters.
3. Uncontaminated ground water infiltration as defined in 40 CFR 35.2005(5)(20).

4. Uncontaminated pumped ground water.
5. Foundation drains.
6. Air conditioning condensation.
7. Irrigation water from agricultural sources that is commingled with urban stormwater.
8. Springs.
9. Uncontaminated water from crawl space pumps.
10. Footing drains.
11. Flows from riparian habitats and wetlands.
12. Nonstormwater discharges authorized by another NPDES or state waste discharge permit.
13. Discharges from emergency firefighting activities.

13.02.080 Conditional Discharges.

A. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter if they meet the stated conditions, unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

1. Discharges from potable water, including water sources, including but not limited to water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the stormwater system;
2. Discharges from lawn watering and other irrigation runoff are permitted but shall be minimized;
3. Dechlorinated swimming pool, spa and hot tub discharges limited to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the stormwater system;
4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street;
5. Nonstormwater discharges. The discharge shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed and approved by the city, which addresses control of such discharges by applying all known and reasonable methods of prevention, control, and treatment (AKART) to prevent contaminants from entering surface or ground waters.

13.02.090 Prohibition of Illicit Connections.

A. The construction, use, maintenance, or continued existence of illicit connections to the public storm drainage system is prohibited.

B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to a public storm drainage system or allows such a connection to continue.

Section 3. Section 13.02.060 of the Shelton Municipal Code (Inspection) is renumbered as Section 13.020.100 and amended as follows:

Duly authorized and properly identified city employees shall have the right to access any person's property at all reasonable times for the purpose of ensuring conformity to this chapter. All activities regulated by this chapter, except those exempted within this chapter, shall be inspected by the city. The city shall inspect projects at various stages of the work requiring approval to determine that adequate control is being exercised. Stages of work requiring inspection include, but are not limited to, preconstruction; installation of BMPs; land-disturbing activities; installation of utilities, landscaping, retaining walls and completion of a project. When required by the city, special inspection and/or testing shall be performed and the cost shall be charged to the developing person or persons. The city shall also investigate illicit discharges in an effort to identify the source. If such discharges are tracked to a specific connection to the public stormwater drainage system, or directly to surface water or ground water, inspection and investigation of that site will be initiated in compliance with the inspection procedures defined in this section. If the discharge is an imminent threat to public safety or the environment, emergency measures shall be taken in accordance with this section.

Section 4. The following sections of the Shelton Municipal Code are renumbered as follows:

13.02.110 Administration (from 13.02.070)

13.02.120 Enforcement—Penalties (from 13.02.090)

13.02.130 Regulated activities and allowed activities (from 13.02.120)

13.02.140 General requirements (from 13.02.130)

13.02.150 Approval standards (from 13.02.140)

Section 5. Section 13.02.100 of the Shelton Municipal Code (Exceptions – Appeals) is repealed in its entirety.

Section 6: New Sections 13.02.160 (Compliance Required) and 13.02.170 (Maintenance Required) are added to the Shelton Municipal Code to read as follows:

13.02.170 Compliance Required.

Property owners are responsible for the maintenance, operation and repair of stormwater drainage systems within their property. Property owners shall maintain, operate and repair

stormwater drainage systems in compliance with the requirements of this chapter and the stormwater manual.

13.02.180 Maintenance Required.

A. All stormwater drainage systems in the city shall be maintained according to this chapter and the minimum maintenance standards detailed in the stormwater manual.

B. All stormwater drainage systems shall be inspected on a periodic basis, as described in the stormwater manual. If, during an inspection, a stormwater drainage system is found not to be in compliance with the minimum required standards, the owner or operator of the stormwater drainage system shall immediately repair the system and return it to proper operating condition in compliance with this chapter and any applicable covenant. Inspections may be scheduled more frequently to assure the stormwater drainage system continually functions as designed.

C. Where abatement is found necessary to correct health or safety problems, to control pollutants from entering the stormwater drainage system, to prevent surface water or ground water quality degradation, or to remove pollutants that have entered the stormwater drainage system, such work shall be completed immediately by the owner or operator of the stormwater drainage system.

D. Where regular maintenance and/or repair is found necessary during inspection, maintenance shall be performed in accordance with the maintenance schedule established by the stormwater manual.

Section 7. This Ordinance shall take effect five days after its passage and publication as required by law.

ADOPTED by the City Council of the City of Shelton, Mason County, Washington at a regular open public meeting held the 4th day of January 2022.

Passed this _____ day of _____ 2022.

Kevin Dorcy, Mayor

AUTHENTICATED:

Donna Nault, City Clerk

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

Western Washington Phase II Municipal Stormwater Permit

National Pollutant Discharge Elimination System and
State Waste Discharge General Permit for discharges from
Small Municipal Separate Storm Sewers
In Western Washington

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

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

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



Heather R. Bartlett
Water Quality Program Manager
Department of Ecology

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SPECIAL CONDITIONS

S1. PERMIT COVERAGE AREA AND PERMITTEES

A. Geographic Area of Permit Coverage

This Permit is applicable to owners or operators of regulated small Municipal Separate Storm Sewer Systems (MS4s) located west of the eastern boundaries of the following counties: Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania.

1. For all cities required to obtain coverage under this Permit, the geographic area of coverage is the entire incorporated area of the city.
2. For all counties required to have coverage under this Permit, the geographic area of coverage is the urbanized areas and urban growth areas associated with permitted cities under the jurisdictional control of the county. The geographic area of coverage also includes any urban growth area contiguous to permitted urbanized areas under the jurisdictional control of the county.
3. For Whatcom County, the geographic area of coverage also includes the unincorporated Birch Bay urban growth area.
4. For Secondary Permittees required to obtain coverage under this Permit, the minimum geographic area of coverage is all areas identified under S1.A.1 and S1.A.2. At the time of permit coverage, the Washington State Department of Ecology (Ecology) may establish a geographic area of coverage specific to an individual Secondary Permittee.
5. All regulated small MS4s owned or operated by the Permittees named in S1.D.2.a(i), and (ii), and S1.D.2.b and located in another city or county area requiring coverage under this Permit, or the *Phase I Municipal Stormwater Permit* or the *Eastern Washington Phase II Municipal Stormwater Permit*, are also covered under this Permit.

B. Regulated Small Municipal Separate Storm Sewer Systems (MS4s)

All operators of regulated small MS4s are required to apply for and obtain coverage under this Permit or be permitted under a separate individual permit, unless waived or exempted in accordance with condition S1.C.

1. A regulated small MS4:
 - a. Is a "Small MS4" as defined in the *Definitions and Acronyms* section at the end of this Permit; and
 - b. Is located within, or partially located within, an urbanized area as defined by the latest decennial census conducted by the U.S. Census Bureau, or designated by Ecology pursuant to 40 CFR 123.35(b) or 40 CFR 122.26(f); and
 - c. Discharges stormwater from the MS4 to a surface water of Washington State; and
 - d. Is not eligible for a waiver or exemption under S1.C, below.

2. All other operators of MS4s, including special purpose districts, which meet the criteria for a regulated small MS4 shall obtain coverage under this Permit. Other operators of small MS4s may include, but are not limited to: flood control, or diking and drainage districts; schools, including universities; and correctional facilities that own or operate a small MS4 serving non-agricultural land uses.
 3. Any other operators of small MS4s may be required by Ecology to obtain coverage under this Permit or an alternative NPDES permit if Ecology determines the small MS4 is a significant source of pollution to surface waters of the State. Notification of Ecology's determination that permit coverage is required will be through the issuance of an Administrative Order issued in accordance with RCW 90.48.
 4. The owner or operator of a regulated small MS4 may obtain coverage under this Permit as a Permittee, Co-Permittee, or Secondary Permittee as defined in S1.D.1, below.
 5. Pursuant to 40 CFR 122.26(f), any person or organization may petition Ecology to require that additional small MS4s obtain coverage under this Permit. The process for petitioning Ecology is:
 - a. The person or organization shall submit a complete petition in writing to Ecology. A complete petition shall address each of the relevant factors for petitions outlined on Ecology's website.
 - b. In making its determination on the petition, Ecology may request additional information from either the petitioner or the entity that is the subject of the petition.
 - c. Ecology will make a final determination on a complete petition within 180 days of receipt of the petition and inform both the petitioner and the MS4 of the decision, in writing.
 - d. If Ecology's final determination is that the candidate MS4 will be regulated, Ecology will issue an order to the operator of the MS4 requiring them to obtain coverage under this Permit. The order will specify:
 - i. The geographic area of permit coverage for the MS4.
 - ii. Any modified dates or deadlines for developing and implementing this Permit, as appropriate to the MS4, and for submitting their first annual report.
 - iii. A deadline for the operator of the MS4 to submit a complete Notice of Intent (NOI, provided on Ecology's website) to Ecology.
- C. Owners and operators of an otherwise regulated small MS4 are **not** required to obtain coverage under this Permit if:
1. The small MS4 is operated by:
 - a. A federal entity, including any department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal government of the United States.
 - b. Federally recognized Indian Tribes located within Indian Country, including all trust or restricted lands within the 1873 Survey Area of the Puyallup Tribe of Indians.
 - c. The Washington State Department of Transportation.

Or

2. The portions of the small MS4 located within the census defined urbanized area(s) serve a total population of less than 1000 people and a, b, and c, below **all** apply:
 - a. The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES stormwater program.
 - b. The discharge of pollutants from the small MS4 has not been identified as a cause of impairment of any water body to which the MS4 discharges.
 - c. In areas where an EPA approved TMDL has been completed, stormwater controls on the MS4 have not been identified as necessary to meet wasteload allocations established in the TMDL that address the pollutant(s) of concern.

In determining the total population served, both resident and commuter populations shall be included. For example:

- For publicly operated school complexes including universities and colleges, the total population served would include the sum of the average annual student enrollment plus staff.
- For flood control, diking, and drainage districts, the total population served would include residential population and any non-residents regularly employed in the areas served by the small MS4.

D. Obtaining coverage under this Permit.

All operators of regulated small MS4s are required to apply for and obtain coverage in accordance with this Section, unless waived or exempted, in accordance with Section S1.C.

1. Unless otherwise noted, the term “Permittee” shall include a city, town, or county Permittee, New Permittee, Co-Permittee, Secondary Permittee, and New Secondary Permittee as defined below:
 - a. “Permittee” is a city, town, or county owning or operating a regulated small MS4 applying and receiving a permit as a single entity.
 - b. “New Permittee” is a city, town, or county that is subject to the *Western Washington Phase II Municipal Stormwater General Permit* and was not subject to the Permit prior to August 1, 2019.
 - c. “Co-Permittee” is any owner or operator of a regulated small MS4 that is applying in a cooperative agreement with at least one other applicant for coverage under this Permit. Co-Permittees own or operate a regulated small MS4 located within or in proximity to another regulated small MS4.
 - d. A “Secondary Permittee” is an operator of a regulated small MS4 that is not a city, town, or county. Secondary Permittees include special purpose districts and other MS4s that meet the criteria for a regulated small MS4 in S1.B, above.
 - e. “New Secondary Permittee” is a Secondary Permittee that is covered under a Municipal Stormwater General Permit and was not covered by the Permit prior to August 1, 2019.

2. Operators of regulated small MS4s have submitted, or shall submit, to Ecology either a Notice of Intent (NOI) for Coverage under National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater General Permit or a Duty to Reapply - NOI provided on Ecology's website.
- a. The following Permittees and Secondary Permittees submitted a *Duty to Reapply - NOI* to Ecology prior to February 1, 2018:
- i. **Cities and towns:** Aberdeen, Algona, Anacortes, Arlington, Auburn, Bainbridge Island, Battle Ground, Bellevue, Bellingham, Black Diamond, Bonney Lake, Bothell, Bremerton, Brier, Buckley, Burien, Burlington, Camas, Centralia, Clyde Hill, Covington, Des Moines, DuPont, Duvall, Edgewood, Edmonds, Enumclaw, Everett, Federal Way, Ferndale, Fife, Fircrest, Gig Harbor, Granite Falls, Issaquah, Kelso, Kenmore, Kent, Kirkland, Lacey, Lake Forest Park, Lake Stevens, Lakewood, Longview, Lynden, Lynnwood, Maple Valley, Marysville, Medina, Mercer Island, Mill Creek, Milton, Monroe, Mountlake Terrace, Mount Vernon, Mukilteo, Newcastle, Normandy Park, Oak Harbor, Olympia, Orting, Pacific, Port Orchard, Port Angeles, Poulsbo, Puyallup, Redmond, Renton, Sammamish, SeaTac, Sedro-Woolley, Shoreline, Snohomish, Snoqualmie, Steilacoom, Sumner, Tukwila, Tumwater, University Place, Vancouver, Washougal, and Woodinville.
 - ii. **Counties:** Cowlitz, Kitsap, Thurston, Skagit, and Whatcom.
 - iii. **Secondary Permittees:** Bainbridge Island School District #303, Bellingham School District, Bellingham Technical College, Cascadia College, Central Kitsap School District, Centralia College, Clark College, Consolidated Diking Improvement District #1 of Cowlitz County, Edmonds Community College, Evergreen College, Highline Community College, Kelso School District, Kent School District, Longview School District, Lower Columbia College, Port of Anacortes, Port of Bellingham, Port of Olympia, Port of Skagit County, Port of Vancouver, Skagit County Drainage District #19, Skagit Valley College, University of Washington Bothell, Washington State University Vancouver, Washington State Department of Enterprise Services (Capitol Campus), Washington Department of Corrections, Western Washington University, and Whatcom Community College.
- b. Operators of regulated small MS4s have submitted or shall submit to Ecology a "Notice of Intent (NOI) for Coverage under National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater General Permit" provided on Ecology's website before the effective date of this Permit, with the following exceptions:
- i. Operators of regulated small MS4s located in the City of Shelton, and the Clallam County urban growth area surrounding Port Angeles shall submit a NOI or application to Ecology no later than 30 days after the effective date of this Permit.
 - ii. Operators of regulated small MS4s listed in S1.D.2.a do not need to submit a new application to be covered under this Permit.
- c. For operators of regulated small MS4s listed in S1.D.2.a, coverage under this Permit is automatic and begins on the effective date of this Permit, unless the operator chooses to opt out of this General Permit. Any operator of a regulated small MS4 that

is opting out of this Permit shall submit an application for an individual MS4 permit in accordance with 40 CFR 122.33(b)(2)(ii) no later than the effective date of this Permit.

- d. Operators of regulated small MS4s which want to be covered under this Permit as Co-Permittees shall each submit a NOI to Ecology.
- e. Operators of regulated small MS4s which are relying on another entity to satisfy all of their permit obligations shall submit a NOI to Ecology.
- f. Operators of small MS4s designated by Ecology pursuant to S1.B.3 of this Permit shall submit a NOI to Ecology within 120 days of receiving notification from Ecology that permit coverage is required.

3. Application Requirements

- a. For NOIs submitted after the issuance date of this Permit, the applicant shall include a certification that the public notification requirements of WAC 173-226-130(5) have been satisfied. Ecology will notify applicants in writing of their status concerning coverage under this Permit within 90 days of Ecology's receipt of a complete NOI.
- b. Each Permittee applying as a Co-Permittee shall submit a NOI provided on Ecology's website. The NOI shall clearly identify the areas of the MS4 for which the Co-Permittee is responsible.
- c. Permittees relying on another entity or entities to satisfy one or more of their permit obligations shall notify Ecology in writing. The notification shall include a summary of the permit obligations that will be carried out by another entity. The summary shall identify the other entity or entities and shall be signed by the other entity or entities. During the term of the Permit, Permittees may terminate or amend shared responsibility arrangements by notifying Ecology, provided this does not alter implementation deadlines.
- d. Secondary Permittees required to obtain coverage under this Permit, and the *Phase I Municipal Stormwater Permit* or the *Eastern Washington Phase II Municipal Stormwater Permit*, may obtain coverage by submitting a single NOI.

S2. AUTHORIZED DISCHARGES

- A. This Permit authorizes the discharge of stormwater to surface waters and to groundwaters of the State from MS4s owned or operated by each Permittee covered under this Permit, in the geographic area covered pursuant to S1.A. These discharges are subject to the following limitations:
 1. Discharges to groundwaters of the State through facilities regulated under the Underground Injection Control (UIC) program, Chapter 173-218 WAC, are not authorized under this Permit.
 2. Discharges to groundwaters not subject to regulation under the federal Clean Water Act are authorized in this Permit only under state authorities, Chapter 90.48 RCW, the Water Pollution Control Act.

- B.** This Permit authorizes discharges of non-stormwater flows to surface waters and to groundwaters of the State from MS4s owned or operated by each Permittee covered under this Permit, in the geographic area covered pursuant to S1.A, only under one or more of the following conditions:
1. The discharge is authorized by a separate NPDES or State Waste Discharge permit.
 2. The discharge is from emergency firefighting activities.
 3. The discharge is from another illicit or non-stormwater discharge that is managed by the Permittee as provided in Special Condition S5.C.5 or S6.D.3.

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

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

S3. RESPONSIBILITIES OF PERMITTEES

- A.** Each Permittee covered under this Permit is responsible for compliance with the terms of this Permit for the regulated small MS4s that they own or operate. Compliance with (1) or (2) below is required as applicable to each Permittee, whether the Permittee has applied for coverage as a Permittee, Co-Permittee, or Secondary Permittee.
1. All city, town, and county Permittees are required to comply with all conditions of this Permit, including any appendices referenced therein, except for Special Condition S6 – *Stormwater Management Program for Secondary Permittees*.
 2. All Secondary Permittees are required to comply with all conditions of this Permit, including any appendices referenced therein, except for Section S5 – *Stormwater Management Program for Cities, Towns, and Counties* and S8 – *Monitoring and Assessment*.
- B.** Permittees may rely on another entity to satisfy one or more of the requirements of this Permit. Permittees that are relying on another entity to satisfy one or more of their permit obligations remain responsible for permit compliance if the other entity fails to implement permit conditions. Permittees may rely on another entity provided all the requirements of 40 CFR 122.35(a) are satisfied, including but not limited to:

1. The other entity, in fact, implements the Permit requirements.
2. The other entity agrees to take on responsibility for implementation of the Permit requirement(s) as indicated on the NOI.

S4. COMPLIANCE WITH STANDARDS

- A.** In accordance with RCW 90.48.520, the discharge of toxicants to waters of the State of Washington which would violate any water quality standard, including toxicant standards, sediment criteria, and dilution zone criteria is prohibited. The required response to such discharges is defined in Section S4.F, below.
- B.** This Permit does not authorize a discharge which would be a violation of Washington State Surface Water Quality Standards (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, 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 identified 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 an 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 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 Best Management Practice (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.
- 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 Special Condition S4, despite any on-going violations of Water Quality Standards identified under S4.A or B, above.
 - g. The adaptive management process provided under Section S4.F is not intended to create a shield for the Permittee from any liability it may face under 42 U.S.C. 9601 *et seq.* or Chapter 70.105D RCW.
- 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 FOR CITIES, TOWNS, AND COUNTIES

- A.** Each Permittee shall develop and implement a Stormwater Management Program (SWMP). A SWMP is a set of actions and activities comprising the components listed in S5 and any additional actions necessary, to meet the requirements of applicable TMDLs pursuant to S7 – *Compliance with Total Maximum Daily Load Requirements* and S8 – *Monitoring and Assessment*. This Section applies to all cities, towns, and counties covered under this Permit (termed as “Permittee,” including cities, towns, and counties that are Co-Permittees).

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

- 1. At a minimum, the Permittee's SWMP shall be implemented throughout the geographic area subject to this Permit as described in S1.A.¹
- 2. Each Permittee shall prepare written documentation of the SWMP, called the SWMP Plan. The SWMP Plan shall be organized according to the program components in S5.C or a

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

format approved by Ecology, and shall be updated at least annually for submittal with the Permittee's annual reports to Ecology (see S9 – *Reporting Requirements*). The SWMP Plan shall be written to inform the public of the planned SWMP activities for the upcoming calendar year, and shall include a description of:

- a. Planned activities for each of the program components included in S5.C.
 - b. Any additional planned actions to meet the requirements of applicable TMDLs pursuant to S7– *Compliance with Total Maximum Daily Load Requirements*.
 - c. Any additional planned actions to meet the requirements of S8 – *Monitoring and Assessment*.
- 3.** The SWMP shall include an ongoing program for gathering, tracking, maintaining, and using information to evaluate SWMP development, implementation, and permit compliance and to set priorities.
- a. Each Permittee shall track the cost or estimated cost of development and implementation of each component of the SWMP.² This information shall be provided to Ecology upon request.
 - b. Each Permittee shall track the number of inspections, follow-up actions as a result of inspections, official enforcement actions and types of public education activities as required by the respective program component. This information shall be included in the annual report.
- 4.** Permittees shall continue implementation of existing stormwater management programs until they begin implementation of the updated stormwater management program in accordance with the terms of this Permit, including implementation schedules.
- 5.** Coordination among Permittees
- a. Coordination among entities covered under municipal stormwater NPDES permits may be necessary to comply with certain conditions of the SWMP. The SWMP shall include, when needed, coordination mechanisms among entities covered under a municipal stormwater NPDES permit to encourage coordinated stormwater-related policies, programs and projects within adjoining or shared areas, including:
 - i. Coordination mechanisms clarifying roles and responsibilities for the control of pollutants between physically interconnected MS4s covered by a municipal stormwater permit.
 - ii. Coordinating stormwater management activities for shared water bodies, or watersheds among Permittees to avoid conflicting plans, policies, and regulations.
 - b. The SWMP shall include coordination mechanisms among departments within each jurisdiction to eliminate barriers to compliance with the terms of this Permit. Permittees shall include a written description of internal coordination mechanisms in the Annual Report due no later than March 31, 2021.

² New Permittees shall begin implementing the requirements of S5.A.3.a, no later than August 1, 2021.

- B. The SWMP shall be designed to reduce the discharge of pollutants from regulated small MS4s to the MEP, meet state AKART requirements, and protect water quality.
- C. The SWMP shall include the components listed below. To the extent allowable under state or federal law, all components are mandatory for city, town, or county Permittees covered under this Permit.

1. Stormwater planning

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

The minimum performance measures are:

- a. By August 1, 2020, each Permittee shall convene an inter-disciplinary team to inform and assist in the development, progress, and influence of this program.
- b. Coordination with long-range plan updates.
 - i. Each Permittee shall describe how stormwater management needs and protection/improvement of receiving water health are (or are not) informing the planning update processes and influencing policies and implementation strategies in their jurisdiction. The report shall describe the water quality and watershed protection policies, strategies, codes, and other measures intended to protect and improve local receiving water health through planning, or taking into account stormwater management needs or limitations.
 - (a) On or before March 31, 2021, the Permittee shall respond to the series of Stormwater Planning Annual Report questions to describe how anticipated stormwater impacts on water quality were addressed, if at all, during the 2013-2019 permit term in updates to the Comprehensive Plan (or equivalent) and in other locally initiated or state-mandated, long-range land use plans that are used to accommodate growth or transportation.
 - (b) On or before January 1, 2023, the Permittee shall submit a report responding to the same questions included in (a), above, to describe how water quality is being addressed, if at all, during this permit term in updates to the Comprehensive Plan (or equivalent) and in other locally initiated or state-mandated, long-range land use plans that are used to accommodate growth or transportation.
- c. Low impact development code-related requirements.
 - i. Permittees shall continue to require LID Principles and LID BMPs when updating, revising, and developing new local development-related codes, rules, standards, or other enforceable documents, as needed.

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

- (a) Annually, each Permittee shall assess and document any newly identified administrative or regulatory barriers to implementation of LID Principles or LID BMPs since local codes were updated in accordance with the 2013 Permit, and the measures developed to address the barriers. If applicable, the report shall describe mechanisms adopted to encourage or require implementation of LID principles or LID BMPs.
- ii. By December 31, 2023, New Permittees shall review, revise, and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and require LID principles and LID BMPs. New Permittees shall conduct a similar review and revision process, and consider the range of issues, outlined in the following document: *Integrating LID into Local Codes: A Guidebook for Local Governments* (Puget Sound Partnership, 2012).

New Permittees shall submit a summary of the results of the review and revision process with the annual report due no later than March 31, 2024. This summary shall be in the required format described in Appendix 5 and include, at a minimum, a list of the participants (job title, brief job description, and department represented), the codes, rules, standards, and other enforceable documents reviewed, and the revisions made to those documents which incorporate and require LID principles and LID BMPs. The summary shall include existing requirements for LID principles and LID BMPs in development-related codes. The summary must be organized as follows:

- (a) Measures to minimize impervious surfaces.
- (b) Measures to minimize loss of native vegetation.
- (c) Other measures to minimize stormwater runoff.
- d. Stormwater Management Action Planning³ (SMAP). Permittees shall conduct a similar process and consider the range of issues outlined in the *Stormwater Management Action Planning Guidance* (Ecology, 2019; Publication 19-10-010). Permittees may rely on another jurisdiction to meet all or part of SMAP requirements at a watershed-scale, provided a SMAP is completed for at least one priority catchment located within the Permittee's jurisdiction.
 - i. *Receiving Water Assessment*. Permittees shall document and assess existing information related to their local receiving waters and contributing area conditions to identify which receiving waters are most likely to benefit from stormwater management planning.

By March 31, 2022, Permittees shall submit a watershed inventory and include a brief description of the relative conditions of the receiving waters and the contributing areas. The watershed inventory shall be submitted as a table with each receiving water name, its total watershed area, the percent of the total watershed area that is in the Permittee's jurisdiction, and the findings of the stormwater management influence assessment for each basin. Indicate which

³ New Permittees are exempt from S5.C.1.d. for this permit term.

receiving waters will be included in the S5.C.1.d.ii prioritization process. Include a map of the delineated basins with references to the watershed inventory table.

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

Basins having relatively low expected Stormwater Management Influence for SMAP do not need to be included in S5.C.1.d.ii-iii.

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

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

- (a) The Permittee shall document the priority ranking process used to identify high priority receiving waters. The Permittee may reference existing local watershed management plan(s) as source(s) of information or rationale for the prioritization.
- (b) The ranking process shall include the identification of high priority catchment area(s) for focus of the Stormwater Management Action Plan (SMAP) in (iii), below.

- iii. Stormwater Management Action Plan (SMAP). No later than March 31, 2023, Permittees shall develop a SMAP for at least one high priority catchment area from (ii), above, that identifies all of the following:

- (a) A description of the stormwater facility retrofits needed for the area, including the BMP types and preferred locations.
- (b) Land management/development strategies and/or actions identified for water quality management.
- (c) Targeted, enhanced, or customized implementation of stormwater management actions related to permit sections within S5, including:
- IDDE field screening,
 - Prioritization of Source Control inspections,
 - O&M inspections or enhanced maintenance, or
 - Public Education and Outreach behavior change programs.

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

- (d) If applicable, identification of changes needed to local long-range plans, to address SMAP priorities.
- (e) A proposed implementation schedule and budget sources for:
 - Short-term actions (*i.e.*, actions to be accomplished within six years), and
 - Long-term actions (*i.e.*, actions to be accomplished within seven to 20 years).
- (f) A process and schedule to provide future assessment and feedback to improve the planning process and implementation of procedures or projects.

2. Public Education and Outreach

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

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

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

The minimum performance measures are:

- a. Each Permittee shall implement an education and outreach program for the area served by the MS4. The program design shall be based on local water quality information and target audience characteristics to identify high priority target audiences, subject areas, and/or BMPs. Based on the target audience's demographic, the Permittee shall consider delivering its selected messages in language(s) other than English, as appropriate to the target audience.⁴
 - i. **General awareness.** To build general awareness, Permittees shall annually select at a minimum one target audience and one subject area from either (a) or (b):
 - (a) *Target audiences:* General public (including overburdened communities, or school age children) or businesses (including home-based, or mobile businesses). Subject areas:

⁴ New Permittees shall begin implementing the requirements of S5.C.2 no later than August 1, 2021.

- General impacts of stormwater on surface waters, including impacts from impervious surfaces.
 - Low impact development (LID) principles and LID BMPs.
- (b) *Target audiences:* Engineers, contractors, developers, or land use planners.
Subject areas:
- Technical standards for stormwater site and erosion control plans.
 - LID principles and LID BMPs.
 - Stormwater treatment and flow control BMPs/facilities
- (c) Permittees shall provide subject area information to the target audience on an ongoing or strategic schedule.
- ii. **Behavior change.** To affect behavior change, Permittees shall select, at a minimum, one target audience and one BMP.
- (a) *Target Audiences:* Residents, landscapers, property managers/owners, developers, school age children, or businesses (including home-based or mobile businesses).
- BMPs:*
- Use and storage of: pesticides, fertilizers, and/or other household chemicals.
 - Use and storage of: automotive chemicals, hazardous cleaning supplies, carwash soaps, and/or other hazardous materials.
 - Prevention of illicit discharges.
 - Yard care techniques protective of water quality.
 - Carpet cleaning.
 - Repair and maintenance BMPs for: vehicles, equipment, and/or home/buildings.
 - Pet waste management and disposal.
 - LID Principles and LID BMPs.
 - Stormwater facility maintenance, including LID facilities.
 - Dumpster and trash compactor maintenance.
 - Litter and debris prevention.
 - Sediment and erosion control.
 - (Audience specific) Source control BMPs (refer to S5.C.8).
 - (Audience specific) Locally-important, municipal stormwater-related subject area.
- (b) No later than July 1, 2020, each Permittee shall conduct a new evaluation of the effectiveness of an ongoing behavior change campaign (required under S5.C.1.a.ii and S5.C.1.c of the 2013 Permit). Permittees shall document lessons learned and recommendations for which option to select from S5.C.2.a.ii.(c).

Permittees that select option S5.C.2.a.ii.(c)3, below, may forgo this evaluation if it will not add value to the overall behavior change program.

- (c) Based on the recommendation from S5.C.2.a.ii.(b), by February 1, 2021, each Permittee shall follow social marketing practices and methods, similar to community-based social marketing, and develop a campaign that is tailored to the community, including development of a program evaluation plan. Each Permittee shall:⁵
 - 1. Develop a strategy and schedule to more effectively implement the existing campaign; or
 - 2. Develop a strategy and schedule to expand the existing campaign to a new target audience or BMPs; or
 - 3. Develop a strategy and schedule for a new target audience and BMP behavior change campaign.
- (d) No later than April 1, 2021, begin to implement the strategy developed in S5.C.2.a.ii.(c).⁶
- (e) No later than March 31, 2024, evaluate and report on:
 - 1. The changes in understanding and adoption of targeted behaviors resulting from the implementation of the strategy; and
 - 2. Any planned or recommended changes to the campaign in order to be more effective; describe the strategies and process to achieve the results.
- (f) Permittees shall use results of the evaluation to continue to direct effective methods and implementation of the ongoing behavior change program.
- iii. Stewardship. Each Permittee shall provide and advertise stewardship opportunities and/or partner with existing organizations (including non-permittees) to encourage residents to participate in activities or events planned and organized within the community, such as: stream teams, storm drain marking, volunteer monitoring, riparian plantings, and education activities.

3. Public Involvement and Participation

Permittees shall provide ongoing opportunities for public involvement and participation through advisory councils, public hearings, watershed committees, participation in developing rate-structures or other similar activities. Each Permittee shall comply with applicable state and local public notice requirements when developing elements of the SWMP and SMAP.

The minimum performance measures are:

- a. Permittees shall create opportunities for the public, including overburdened communities, to participate in the decision-making processes involving the development, implementation and update of the Permittee's SMAP and SWMP.⁷

⁵ No later than August 1, 2021, new Permittees shall follow social marketing practices and methods, similar to Community-Based Social Marketing, to develop a behavior change program that is tailored to the community.

⁶ No later than October 1, 2021, New Permittees shall begin to implement the strategy developed in S5.C.2.a.ii.(c).

⁷ New Permittees shall develop and begin to implement requirements according to S5.C.3.a no later than August 1, 2020. New Permittees are exempt from SMAP this permit term.

- b. Each Permittee shall post on their website their SWMP Plan and the annual report, required under S9.A, no later than May 31 each year. All other submittals shall be available to the public upon request. To comply with the posting requirement, a Permittee that does not maintain a website may submit the updated SWMP in electronic format to Ecology for posting on Ecology's website.

4. MS4 Mapping and Documentation

The SWMP shall include an ongoing program for mapping and documenting the MS4.⁸

The minimum performance measures are:

- a. *Ongoing Mapping*: Each Permittee shall maintain mapping data for the features listed below:
 - i. Known MS4 outfalls and known MS4 discharge points.
 - ii. Receiving waters, other than groundwater.
 - iii. Stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee.
 - iv. Geographic areas served by the Permittee's MS4 that do not discharge stormwater to surface waters.
 - v. Tributary conveyances to all known outfalls and discharge points with a 24 inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems. The following features or attributes (or both) shall be mapped:
 - (a) Tributary conveyance type, material, and size where known.
 - (b) Associated drainage areas.
 - (c) Land use.
 - vi. Connections between the MS4 owned or operated by the Permittee and other municipalities or public entities.
 - vii. All connections to the MS4 authorized or allowed by the Permittee after February 16, 2007.^{9,10}
- b. *New Mapping*: Each Permittee shall:
 - i. No later than January 1, 2020, begin to collect size and material for all known MS4 outfalls during normal course of business (e.g. during field screening, inspection, or maintenance) and update records.
 - ii. No later than August 1, 2023, complete mapping of all known connections from the MS4 to a privately owned stormwater system.

⁸ New Permittees shall meet the requirements to map the MS4 according to S5.C.4. no later than February 2, 2024, except where otherwise noted in this Section.

⁹ New Permittees shall meet the requirements of S5.C.4.a.vii after August 1, 2019, for all connections to the MS4 authorized after August 1, 2019.

¹⁰ Permittees do not need to map the following residential connections: individual driveways, sump pumps, or roof downspouts.

- c. No later than August 1, 2021, the required format for mapping is electronic (e.g. Geographic Information System, CAD drawings, or other software that can map and store points, lines, polygons, and associated attributes), with fully described mapping standards.
- d. To the extent consistent with national security laws and directives, each Permittee shall make available to Ecology, upon request, available maps depicting the information required in S5.C.4.a through c, above.
- e. Upon request, and to the extent appropriate, Permittees shall provide mapping information to federally recognized Indian Tribes, municipalities, and other Permittees. This Permit does not preclude Permittees from recovering reasonable costs associated with fulfilling mapping information requests by federally recognized Indian Tribes, municipalities, and other Permittees.

5. Illicit Discharge Detection and Elimination

The SWMP shall include an ongoing program designed to prevent, detect, characterize, trace, and eliminate illicit connections and illicit discharges into the MS4.¹¹

The minimum performance measures are:

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

Illicit connections and illicit discharges must be identified through, but not limited to: field screening, inspections, complaints/reports, construction inspections, maintenance inspections, source control inspections, and/or monitoring information, as appropriate.

- b. Permittees shall inform public employees, businesses, and the general public of hazards associated with illicit discharges and improper disposal of waste.
- c. Each Permittee shall implement an ordinance or other regulatory mechanism to effectively prohibit non-stormwater, illicit discharges into the Permittee's MS4 to the maximum extent allowable under state and federal law.
 - i. Allowable Discharges: The regulatory mechanism does **not** need to prohibit the following categories of non-stormwater discharges:
 - (a) Diverted stream flows
 - (b) Rising groundwaters
 - (c) Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(b)(20))
 - (d) Uncontaminated pumped groundwater
 - (e) Foundation drains

¹¹ New Permittees shall meet the requirements of S5.C.5 no later than August 1, 2021 except where otherwise noted in this Section.

- (f) Air conditioning condensation
 - (g) Irrigation water from agricultural sources that is commingled with urban stormwater
 - (h) Springs
 - (i) Uncontaminated water from crawl space pumps
 - (j) Footing drains
 - (k) Flows from riparian habitats and wetlands
 - (l) Non-stormwater discharges authorized by another NPDES or state waste discharge permit
 - (m) Discharges from emergency firefighting activities in accordance with S2 Authorized Discharges
- ii. Conditionally Allowable Discharges: The regulatory mechanism may allow the following categories of non-stormwater discharges only if the stated conditions are met:
- (a) Discharges from potable water sources, including but not limited to water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension 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.
 - (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 reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
 - (d) Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. The Permittee shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts. To avoid washing pollutants into the MS4, Permittees shall minimize the amount of street wash and dust control water used.
 - (e) Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a pollution prevention plan reviewed by the Permittee, which addresses control of such discharges.
- iii. The Permittee shall further address any category of discharges in (i) or (ii), above, if the discharges are identified as significant sources of pollutants to waters of the State.

- iv. The ordinance or other regulatory mechanism shall include escalating enforcement procedures and actions.
- d. Each Permittee shall implement an ongoing program designed to detect and identify non-stormwater discharges and illicit connections into the Permittee's MS4.¹² The program shall include the following components:
 - i. Procedures for conducting investigations of the Permittee's MS4, including field screening and methods for identifying potential sources. These procedures may also include source control inspections.

The Permittee shall implement a field screening methodology appropriate to the characteristics of the MS4 and water quality concerns. Screening for illicit connections may be conducted using *Illicit Connection and Illicit Discharge Field Screening and Source Tracing Guidance Manual* (Herrera Environmental Consultants, Inc.; May 2013), or another methodology of comparable or improved effectiveness. The Permittee shall document the field screening methodology in the Annual Report.

- (a) All Permittees shall complete field screening for an average of 12% of the MS4 each year.¹³ Permittees shall annually track total percentage of the MS4 screened beginning August 1, 2019.
- ii. A publicly listed and publicized hotline or other telephone number for public reporting of spills and other illicit discharges.
- iii. An ongoing training program for all municipal field staff, who, as part of their normal job responsibilities, might come into contact with or otherwise observe an illicit discharge and/or illicit connection to the MS4, on the identification of an illicit discharge and/or connection, and on the proper procedures for reporting and responding to the illicit discharge and/or connection. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staffing. Permittees shall document and maintain records of the trainings provided and the staff trained.¹⁴
- e. Each Permittee shall implement an ongoing program designed to address illicit discharges, including spills and illicit connections, into the Permittee's MS4.¹⁵ The program shall include:
 - i. Procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges found by or reported to the Permittee. Procedures shall address the evaluation of whether the discharge must be immediately contained and steps to be taken for containment of the discharge.

¹² New Permittees shall fully implement the requirements of S5.C.5.d no later than August 1, 2023.

¹³ New Permittees shall complete S5.C.5.d.i requirements for field screening covering at least 12% of the MS4 within the Permittee's coverage area no later than December 31, 2023, and on average 12% each year thereafter.

¹⁴ New Permittees shall develop and begin implementing the ongoing training program described in S5.C.5.d.iii no later than February 2, 2021.

¹⁵ New Permittees shall fully develop and implement the requirements of S5.C.5.e no later than August 1, 2023.

- ii. Procedures for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures.
- iii. Procedures for eliminating the discharge, including notification of appropriate authorities (including owners or operators of interconnected MS4s); notification of the property owner; technical assistance; follow-up inspections; and use of the compliance strategy developed pursuant to S5.C.5.c.iv, including escalating enforcement and legal actions if the discharge is not eliminated.
- iv. Compliance with the provisions in (i), (ii), and (iii), above, shall be achieved by meeting the following timelines:
 - (a) Immediately respond to all illicit discharges, including spills, which are determined to constitute a threat to human health, welfare, or the environment, consistent with General Condition G3.
 - (b) Investigate (or refer to the appropriate agency with the authority to act) within 7 days, on average, any complaints, reports, or monitoring information that indicates a potential illicit discharge.
 - (c) Initiate an investigation within 21 days of any report or discovery of a suspected illicit connection to determine the source of the connection, the nature and volume of discharge through the connection, and the party responsible for the connection.
 - (d) Upon confirmation of an illicit connection, use the compliance strategy in a documented effort to eliminate the illicit connection within 6 months. All known illicit connections to the MS4 shall be eliminated.
- f. Permittees shall train staff who are responsible for identification, investigation, termination, cleanup, and reporting of illicit discharges, including spills, and illicit connections, to conduct these activities. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements or staffing. Permittees shall document and maintain records of the training provided and the staff trained.¹⁶
- g. Recordkeeping: Each Permittee shall track and maintain records of the activities conducted to meet the requirements of this Section. In the Annual Report, each Permittee shall submit data for the illicit discharges, spills and illicit connections including those that were found by, reported to, or investigated by the Permittee during the previous calendar year. The data shall include the information specified in Appendix 12 and WQWebIDDE. Each Permittee may either use their own system or WQWebIDDE for recording this data. Final submittals shall follow the instructions, timelines, and format as described in Appendix 12.

¹⁶ New Permittees shall meet the requirements of S5.C.5.f no later than February 2, 2021.

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

Each Permittee shall implement and enforce a program to reduce pollutants in stormwater runoff to a regulated small MS4 from new development, redevelopment and construction site activities. The program shall apply to private and public development, including transportation projects.¹⁷

The minimum performance measures are:

- a. Implement an ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment, and construction site projects.

Each Permittee shall adopt and make effective a local program, no later than June 30, 2022, that meets the requirements of S5.C.6.b(i) through (iii), below, and shall apply to all applications¹⁸ submitted:

- i. On or after July 1, 2022.
 - ii. Prior to January 1, 2017, that have not started construction¹⁹ by January 1, 2022.²⁰
 - iii. Prior to July 1, 2022, that have not started construction by July 1, 2027.
- b. The ordinance or other enforceable mechanism shall include, at a minimum:
 - i. The Minimum Requirements, thresholds, and definitions in Appendix 1, or the 2013 Appendix 1 amended to include the changes identified in Appendix 10, or Phase I program approved by Ecology and amended to include Appendix 10, for new development, redevelopment, and construction sites. Adjustment and variance criteria equivalent to those in Appendix 1 shall be included. More stringent requirements may be used, and/or certain requirements may be tailored to local circumstances through the use of Ecology-approved basin plans or other similar water quality and quantity planning efforts. Such local requirements and thresholds shall provide equal protection of receiving waters and equal levels of pollutant control to those provided in Appendix 1.
 - ii. The local requirements shall include the following requirements, limitations, and criteria that, when used to implement the minimum requirements in Appendix 1 (or program approved by Ecology under the 2019 Phase I Permit) will protect

¹⁷ For continuing Permittees, this means continuing to implement existing programs developed under previous permits until updates are made to meet the schedules defined. *New Permittees shall meet the requirements of S5.C.6 no later than December 31, 2022, except where otherwise specified in this Section.*

¹⁸ In this context, "application" means, at a minimum a complete project description, site plan, and, if applicable, SEPA checklist. Permittees may establish additional elements of a completed application.

¹⁹ In this context "started construction" means the site work associated with, and directly related to the approved project has begun. For example: grading the project site to final grade or utility installation. Simply clearing the project site does not constitute the start of construction. Permittees may establish additional requirements related to the start of construction.

²⁰ For Permittees in **Lewis and Cowlitz counties**: Prior to July 1, 2017, that have not started construction by June 30, 2022. **For Lynden, Snoqualmie**: Prior to January 1, 2018, that have not started construction by January 1, 2023. **For Aberdeen**: Prior to July 1, 2018, that have not started construction by June 30, 2023. **Shelton and Clallam County** shall adopt and make effective a local program that meets the requirements of S5.C.6.b(i) through (iii) no later than December 31, 2022. The local program shall apply to all applications submitted on or after January 1, 2023, and shall apply to applications submitted prior to January 1, 2023, which have not started construction by January 1, 2028.

water quality, reduce the discharge of pollutants to the MEP, and satisfy the State requirement under Chapter 90.48 RCW to apply AKART prior to discharge:

- (a) Site planning requirements
- (b) BMP selection criteria
- (c) BMP design criteria
- (d) BMP infeasibility criteria
- (e) LID competing needs criteria
- (f) BMP limitations

Permittees shall document how the criteria and requirements will protect water quality, reduce the discharge of pollutants to the MEP, and satisfy State AKART requirements.

Permittees who choose to use the requirements, limitations, and criteria, above, in the *Stormwater Management Manual for Western Washington*, or a Phase I program approved by Ecology, may cite this choice as their sole documentation to meet this requirement.

- iii. The legal authority, through the approval process for new development and redevelopment, to inspect and enforce maintenance standards for private stormwater facilities approved under the provisions of this Section that discharge to the Permittee's MS4.
- c. The program shall include a permitting process with site plan review, inspection and enforcement capability to meet the standards listed in (i) through (iv) below, for both private and public projects, using qualified personnel (as defined in *Definitions and Acronyms*). At a minimum, this program shall be applied to all sites that meet the minimum thresholds adopted pursuant to S5.C.6.b.i, above.
 - i. Review of all stormwater site plans for proposed development activities.
 - ii. Inspect, prior to clearing and construction, all permitted development sites that have a high potential for sediment transport as determined through plan review based on definitions and requirements in Appendix 7 – *Determining Construction Site Sediment Damage Potential*. As an alternative to evaluating each site according to Appendix 7, Permittees may choose to inspect all construction sites that meet the minimum thresholds adopted pursuant to S5.C.6.b.i, above.
 - iii. Inspect all permitted development sites during construction to verify proper installation and maintenance of required erosion and sediment controls. Enforce as necessary based on the inspection.
 - iv. Each Permittee shall manage maintenance activities to inspect all stormwater treatment and flow control BMPs/facilities, and catch basins, in new residential developments every six months, until 90% of the lots are constructed (or when construction has stopped and the site is fully stabilized), to identify maintenance needs and enforce compliance with maintenance standards as needed.
 - v. Inspect all permitted development sites upon completion of construction and prior to final approval or occupancy to ensure proper installation of permanent

stormwater facilities. Verify that a maintenance plan is completed and responsibility for maintenance is assigned for stormwater treatment and flow control BMPs/facilities. Enforce as necessary based on the inspection.

- vi. Compliance with the inspection requirements in (ii) through (v), above, shall be determined by the presence and records of an established inspection program designed to inspect all sites. Compliance during this permit term shall be determined by achieving at least 80% of required inspections. The inspections may be combined with other inspections provided they are performed using qualified personnel.
- vii. The program shall include a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records. Records of maintenance inspections and maintenance activities shall be maintained.
- viii. An enforcement strategy shall be implemented to respond to issues of non-compliance.
- d. The program shall make available, as applicable, the link to the electronic *Construction Stormwater General Permit* Notice of Intent (NOI) form for construction activity and, as applicable, a link to the electronic *Industrial Stormwater General Permit* NOI form for industrial activity to representatives of proposed new development and redevelopment. Permittees shall continue to enforce local ordinances controlling runoff from sites that are also covered by stormwater permits issued by Ecology.²¹
- e. Each Permittee shall ensure that all staff whose primary job duties are implementing the program to control stormwater runoff from new development, redevelopment, and construction sites, including permitting, plan review, construction site inspections, and enforcement, are trained to conduct these activities. Follow-up training must be provided as needed to address changes in procedures, techniques or staffing. Permittees shall document and maintain records of the training provided and the staff trained.²²

7. Operations and Maintenance

Each Permittee shall implement and document a program to regulate maintenance activities and to conduct maintenance activities by the Permittee to prevent or reduce stormwater impacts.²³

The minimum performance measures are:

- a. Each Permittee shall implement maintenance standards that are as protective, or more protective, of facility function than those specified in the *Stormwater Management Manual for Western Washington* or a Phase I program approved by Ecology. For facilities which do not have maintenance standards, the Permittee shall

²¹ New Permittees shall meet the requirements of S5.C.6.d beginning no later than August 1, 2019.

²² New Permittees shall meet the requirements of S5.C.6.e no later than December 31, 2022.

²³ New Permittees shall develop and implement the requirements of S5.C.7 no later than December 31, 2022 except where otherwise noted in this Section.

develop a maintenance standard. No later than June 30, 2022, Permittees shall update their maintenance standards as necessary to meet the requirements of this Section.

- i. The purpose of the maintenance standard is to determine if maintenance is required. The maintenance standard is not a measure of the facility's required condition at all times between inspections. Exceeding the maintenance standard between inspections and/or maintenance is not a permit violation.
- ii. Unless there are circumstances beyond the Permittee's control, when an inspection identifies an exceedance of the maintenance standard, maintenance shall be performed:
 - Within 1 year for typical maintenance of facilities, except catch basins.
 - Within 6 months for catch basins.
 - 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.

- b. Maintenance of stormwater facilities regulated by the Permittee
 - i. The program shall include provisions to verify adequate long-term O&M of stormwater treatment and flow control BMPs/facilities that are permitted and constructed pursuant to S.5.C.6.c and shall be maintained in accordance with S5.C.7.a.

The provisions shall include:

- (a) Implementation of an ordinance or other enforceable mechanism that:
 - Clearly identifies the party responsible for maintenance in accordance with maintenance standards established under S5.C.7.a.
 - Requires inspection of facilities in accordance with the requirements in (b), below.
 - Establishes enforcement procedures.
- (b) Annual inspections of all stormwater treatment and flow control BMPs/facilities that discharge to the MS4 and were permitted by the Permittee according to S5.C.6.c, including those permitted in accordance with requirements adopted pursuant to the 2007-2019 Ecology municipal stormwater permits, unless there are maintenance records to justify a different frequency.

Permittees may reduce the inspection frequency based on maintenance records of double the length of time of the proposed inspection frequency. In the absence of maintenance records, the Permittee may substitute written statements to document a specific less frequent inspection schedule. Written statements shall be based on actual inspection and

maintenance experience and shall be certified in accordance with G19 – *Certification and Signature*.

- ii. Compliance with the inspection requirements in (b), above, shall be determined by the presence and records of an established inspection program designed to inspect all facilities, and achieving at least 80% of required inspections.
 - iii. The program shall include a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records. Records of maintenance inspections and maintenance activities shall be maintained.
- c. Maintenance of stormwater facilities owned or operated by the Permittee.
- i. Each Permittee shall implement a program to annually inspect all municipally owned or operated stormwater treatment and flow control BMPs/facilities, and taking appropriate maintenance actions in accordance with the adopted maintenance standards.

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

- ii. Each Permittee shall spot check potentially damaged stormwater treatment and flow control BMPs/facilities after major storm events (24 hour storm event with a 10 year or greater recurrence interval). If spot checks indicate widespread damage/maintenance needs, inspect all stormwater treatment and flow control BMPs/facilities that may be affected. Conduct repairs or take appropriate maintenance action in accordance with maintenance standards established above, based on the results of the inspections.
- iii. Each Permittee shall inspect all catch basins and inlets owned or operated by the Permittee every two years.²⁴ Clean catch basins if the inspection indicates cleaning is needed to comply with maintenance standards established in the *Stormwater Management Manual for Western Washington*. Decant water shall be disposed of in accordance with Appendix 6 – *Street Waste Disposal*.

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

- (a) The catch basin inspection schedule of every two years may be changed as appropriate to meet the maintenance standards based on maintenance records of double the length of time of the proposed inspection frequency. In the absence of maintenance records for catch basins, the Permittee may substitute written statements to document a specific, less frequent inspection schedule. Written statements shall be based on actual inspection

²⁴ New Permittees shall inspect and, if needed, clean all catch basins and inlets owned or operated by the Permittee in accordance with the requirements of S5.C.7.c once during the permit term, to be completed no later than February 2, 2024.

and maintenance experiences and shall be certified in accordance with G19 – *Certification and Signature*.

- (b) Inspections every two years may be conducted on a “circuit basis” whereby 25% of catch basins and inlets within each circuit are inspected to identify maintenance needs. Include an inspection of the catch basin immediately upstream of any MS4 outfall, discharge point, or connections to public or private storm systems, if applicable. Clean all catch basins within a given circuit for which the inspection indicates cleaning is needed to comply with maintenance standards established under S5.C.7.a, above.
 - (c) The Permittee may clean all pipes, ditches, and catch basins and inlets within a circuit once during the permit term. Circuits selected for this alternative must drain to a single point.
- iv. Compliance with the inspection requirements in S5.C.7.c.i-iii, above, shall be determined by the presence of an established inspection program achieving at least 95% of required inspections.
- d. Implement practices, policies, and procedures to reduce stormwater impacts associated with runoff from all lands owned or maintained by the Permittee, and road maintenance activities under the functional control of the Permittee. No later than December 31, 2022, document the practices, policies, and procedures. Lands owned or maintained by the Permittee include, but are not limited to: streets, parking lots, roads, highways, buildings, parks, open space, road right-of-ways, maintenance yards, and stormwater treatment and flow control BMPs/facilities.

The following activities shall be addressed:

- i. Pipe cleaning
- ii. Cleaning of culverts that convey stormwater in ditch systems
- iii. Ditch maintenance
- iv. Street cleaning
- v. Road repair and resurfacing, including pavement grinding
- vi. Snow and ice control
- vii. Utility installation
- viii. Pavement striping maintenance
- ix. Maintaining roadside areas, including vegetation management
- x. Dust control
- xi. Application of fertilizers, pesticides, and herbicides according to the instructions for their use, including reducing nutrients and pesticides using alternatives that minimize environmental impacts
- xii. Sediment and erosion control
- xiii. Landscape maintenance and vegetation disposal
- xiv. Trash and pet waste management

- xv. Building exterior cleaning and maintenance
- e. Implement an ongoing training program for employees of the Permittee whose primary construction, operations, or maintenance job functions may impact stormwater quality. The training program shall address the importance of protecting water quality, operation and maintenance standards, inspection procedures, relevant SWPPPs, selecting appropriate BMPs, ways to perform their job activities to prevent or minimize impacts to water quality, and procedures for reporting water quality concerns. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staffing. Permittees shall document and maintain records of training provided. The staff training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance.
- f. Implement a Stormwater Pollution Prevention Plan (SWPPP) for all heavy equipment maintenance or storage yards, and material storage facilities owned or operated by the Permittee in areas subject to this Permit that are not required to have coverage under the *Industrial Stormwater General Permit* or another NPDES permit that authorizes stormwater discharges associated with the activity. As necessary, update SWPPPs no later than December 31, 2022, to include the following information. At a minimum, the SWPPP shall include:
 - i. A detailed description of the operational and structural BMPs in use at the facility and a schedule for implementation of additional BMPs when needed. BMPs selected must be consistent with the *Stormwater Management Manual for Western Washington*, or a Phase I program approved by Ecology. The SWPPP must be updated as needed to maintain relevancy with the facility.
 - ii. At minimum, annual inspections of the facility, including visual observations of discharges, to evaluate the effectiveness of the BMPs, identify maintenance needs, and determine if additional or different BMPs are needed. The results of these inspections must be documented in an inspection report or check list.
 - iii. An inventory of the materials and equipment stored on-site, and the activities conducted at the facility which may be exposed to precipitation or runoff and could result in stormwater pollution.
 - iv. A site map showing the facility's stormwater drainage, discharge points, and areas of potential pollutant exposure.
 - v. A plan for preventing and responding to spills at the facility which could result in an illicit discharge.
- g. Maintain records of the activities conducted to meet the requirements of this Section.

8. Source Control Program for Existing Development

- a. The Permittee shall implement a program to prevent and reduce pollutants in runoff from areas that discharge to the MS4. The program shall include:
 - i. Application of operational source control BMPs, and if necessary, structural source control BMPs or treatment BMPs/facilities, or both, to pollution generating sources associated with existing land uses and activities.

- ii. Inspections of pollutant generating sources at publicly and privately owned institutional, commercial and industrial sites to enforce implementation of required BMPs to control pollution discharging into the MS4.
- iii. Application and enforcement of local ordinances at sites, identified pursuant to S5.C.8.b.ii, including sites with discharges authorized by a separate NPDES permit. Permittees that are in compliance with the terms of this Permit will not be held liable by Ecology for water quality standard violations or receiving water impacts caused by industries and other Permittees covered, or which should be covered under an NPDES permit issued by Ecology.
- iv. Practices to reduce polluted runoff from the application of pesticides, herbicides, and fertilizers from the sites identified in the inventory.

b. Minimum performance measures:

- i. No later than August 1, 2022, Permittees shall adopt and make effective an ordinance(s), or other enforceable documents, requiring the application of source control BMPs for pollutant generating sources associated with existing land uses and activities (see Appendix 8 to identify pollutant generating sources).

The requirements of this subsection are met by using the source control BMPs in the SWMMWW, or a Phase I Program approved by Ecology. In cases where the manual(s) lack guidance for a specific source of pollutants, the Permittee shall work with the owner/operator to implement or adapt BMPs based on the best professional judgement of the Permittee.

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

- ii. No later than August 1, 2022, the Permittees shall establish an inventory that identifies publicly and privately owned institutional, commercial, and industrial sites which have the potential to generate pollutants to the MS4. The inventory shall include:
 - (a) Businesses and/or sites identified based on the presence of activities that are pollutant generating (refer to Appendix 8).
 - (b) Other pollutant generating sources, based on complaint response, such as: home-based businesses and multi-family sites.
- iii. No later than January 1, 2023, Permittees shall implement an inspection program for sites identified pursuant to S5.C.8.b.ii, above.
 - (a) All identified sites with a business address shall be provided information about activities that may generate pollutants and the source control

requirements applicable to those activities. This information shall be provided by mail, telephone, electronic communications, or in person. This information may be provided all at one time or spread out over the permit term to allow for tailoring and distribution of the information during site inspections.

- (b) The Permittee shall annually complete the number of inspections equal to 20% of the businesses and/or sites listed in their source control inventory to assess BMP effectiveness and compliance with source control requirements. The Permittee may count follow-up compliance inspections at the same site toward the 20% inspection rate. The Permittee may select which sites to inspect each year and is not required to inspect 100% of sites over a 5-year period. Sites may be prioritized for inspection based on their land use category, potential for pollution generation, proximity to receiving waters, or to address an identified pollution problem within a specific geographic area or sub-basin.
 - (c) Each Permittee shall inspect 100% of sites identified through credible complaints.
 - (d) Permittees may count inspections conducted based on complaints, or when the property owner denies entry, to the 20% inspection rate.
- iv. No later than January 1, 2023, each Permittee shall implement a progressive enforcement policy that requires sites to comply with stormwater requirements within a reasonable time period as specified below:
- (a) If the Permittee determines, through inspections or otherwise, that a site has failed to adequately implement required BMPs, the Permittee shall take appropriate follow-up action(s), which may include phone calls, reminder letters, emails, or follow-up inspections.
 - (b) When a Permittee determines that a site has failed to adequately implement BMPs after a follow-up inspection(s), the Permittee shall take enforcement action as established through authority in its municipal codes or ordinances, or through the judicial system.
 - (c) Each Permittee shall maintain records, including documentation of each site visit, inspection reports, warning letters, notices of violations, and other enforcement records, demonstrating an effort to bring sites into compliance. Each Permittee shall also maintain records of sites that are not inspected because the property owner denies entry.
 - (d) A Permittee may refer non-emergency violations of local ordinances to Ecology, provided, the Permittee also makes a documented effort of progressive enforcement. At a minimum, a Permittee's enforcement effort shall include documentation of inspections and warning letters or notices of violation.
- v. Permittees shall train staff who are responsible for implementing the source control program to conduct these activities. The ongoing training program shall cover the legal authority for source control, source control BMPs and their proper application, inspection protocols, lessons learned, typical cases, and enforcement

procedures. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staff. Permittees shall document and maintain records of the training provided and the staff trained.

S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES

- A.** 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, or another Secondary Permittee.

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

1. To the extent allowable under state, federal or 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 Total Maximum Daily Load Requirements*. The SWMP shall be designed to reduce the discharge of pollutants from regulated small MS4s to the MEP and protect water quality.
3. Unless an alternate implementation schedule is established by Ecology as a condition of permit coverage, the SWMP shall be developed and implemented in accordance with the schedules contained in this Section and shall be fully developed and implemented no later than four and one-half years from the initial permit coverage date. Secondary Permittees that are already implementing some or all of the required SWMP components shall continue implementation of those components.
4. Secondary Permittees may implement parts of their SWMP in accordance with the schedule for cities, towns, and counties in S5, provided they have signed a memorandum of understanding or other agreement to jointly implement the activity or activities with one or more jurisdictions listed in S1.D.2.a or S1.D.2.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.

- 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 they can operate pursuant to legal authority which authorizes or enables the Secondary Permittee to control discharges to and from MS4s owned or operated by the Secondary Permittee.

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

D. Stormwater Management Program for Secondary Permittees

The SWMP for Secondary Permittees shall include the following components:

1. Public Education and Outreach

Each Secondary Permittee shall implement the following stormwater education strategies:

- a. Storm drain inlets owned or operated by the Secondary Permittee that are located in maintenance yards, in parking lots, along sidewalks, and at pedestrian access points shall be clearly labeled with a message similar to “Dump no waste – Drains to waterbody.”²⁵

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:
 - i. How stormwater runoff affects local water bodies.
 - 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.
 - vi. Hazards associated with illicit connections and illicit discharges.
 - vii. Benefits of litter control of pet waste.

²⁵ 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.

2. Public Involvement and Participation

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

- a. Make the annual report available on the Permittee's website.
- b. Make available on the Permittee's website, the latest updated version of the SWMP Plan.
- c. A Secondary Permittee that does not maintain a website may submit the updated SWMP Plan and annual report in electronic format to Ecology for posting on Ecology's website.

3. Illicit Discharge Detection and Elimination

Each Secondary Permittee shall:

- a. From the initial date of permit coverage, comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern non-stormwater discharges.
- b. Implement appropriate policies prohibiting illicit discharges,²⁶ and an enforcement plan to ensure compliance with illicit discharge policies.²⁷ 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 or state waste discharge permit

²⁶ New Secondary Permittees shall develop and implement appropriate policies prohibiting illicit discharges, and identify possible enforcement mechanisms as described in S6.D.3.b no later than one year from the initial date of permit coverage.

²⁷ New Secondary Permittees shall develop and implement an enforcement plan as described in S6.D.3.b no later than 18 months from the initial date of permit coverage.

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:

Len: Note same requirement for fire hydrant flushing as described in (b) above.

- (a) Discharges from potable water sources, including but not limited to water line flushing, hyperchlorinated water line flushing,
- (b) Fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.
- (c) Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities and water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction.
- (d) 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.
- (e) Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. The Secondary Permittee shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction. To avoid washing pollutants into the MS4, the Secondary Permittee shall minimize the amount of street wash and dust control water used.
- (f) Other non-stormwater discharges shall be in compliance with the requirements of a pollution prevention plan reviewed by the Permittee which addresses control of such discharges.

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

- c. Maintain a storm sewer system map showing the locations of all known MS4 outfalls and discharge points, labeling the receiving waters (other than groundwater) and delineating the areas contributing runoff to each outfall and discharge point. Make the map (or completed portions of the map) available on request to Ecology and to the extent appropriate, to other Permittees. The preferred format for mapping is an electronic format with fully described mapping standards.²⁸
- d. Conduct field inspections and visually inspect for illicit discharges at all known MS4 outfalls and discharge points. Visually inspect at least one third (on average) of all known outfalls and discharge points each year beginning no later than two years from

²⁸ New Secondary Permittees shall meet the requirements of S6.D.3.c no later than four and one-half years from the initial date of permit coverage.

the initial date of permit coverage. Implement procedures to identify and remove any illicit discharges. Keep records of inspections and follow-up activities.

- e. Implement a spill response plan that includes coordination with a qualified spill responder.²⁹
- f. No later than two years from initial date of permit coverage, provide staff training or coordinate with existing training efforts to educate staff on proper BMPs for preventing illicit discharges, including spills. Train all Secondary Permittee staff who, as part of their normal job responsibilities, have a role in preventing such illicit discharges.

4. Construction Site Stormwater Runoff Control

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

- a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern construction phase stormwater pollution prevention measures.
- b. Ensure that all construction projects under the functional control of the Secondary Permittee which require a construction stormwater permit obtain coverage under the *NPDES Construction Stormwater General Permit* or an individual NPDES permit prior to discharging construction related stormwater.
- c. Coordinate with the local jurisdiction regarding projects owned or operated by other entities which discharge into the Secondary Permittee's MS4, to assist the local jurisdiction with achieving compliance with all relevant ordinances, rules, and regulations of the local jurisdiction(s).
- d. Provide training or coordinate with existing training efforts to educate relevant staff in erosion and sediment control BMPs and requirements, or hire trained contractors to perform the work.
- e. Coordinate as requested with Ecology or the local jurisdiction to provide access for inspection of construction sites or other land disturbances which are under the functional control of the Secondary Permittee during land disturbing activities and/or construction period.

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

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

- a. Comply with all relevant ordinances, rules and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern post-construction stormwater pollution prevention measures.
- b. Coordinate with the local jurisdiction regarding projects owned or operated by other entities which discharge into the Secondary Permittee's MS4, to assist the local jurisdiction with achieving compliance with all relevant ordinances, rules and regulations of the local jurisdiction(s).

²⁹ New Secondary Permittees shall develop and implement a spill response plan as described in S6.D.3.e no later than four and one-half years from the initial date of permit coverage.

6. Pollution Prevention and Good Housekeeping for Municipal Operations

Each Secondary Permittee shall:

- a. Implement a municipal operation and maintenance (O&M) plan to minimize stormwater pollution from activities conducted by the Secondary Permittee. The O&M Plan shall include appropriate pollution prevention and good housekeeping procedures for all of the following operations, activities, and/or types of facilities that are present within the Secondary Permittee's boundaries and under the functional control of the Secondary Permittee.³⁰

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

Secondary Permittees shall establish maintenance standards that are as protective or more protective of facility function than those specified in *Stormwater Management Manual for Western Washington*. Secondary Permittees shall review their maintenance standards to ensure they are consistent with the requirements of this Section.

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

- ii. *Roads, highways, and parking lots*. The O&M Plan shall address, but is not limited to: deicing, anti-icing, and snow removal practices; snow disposal areas; material (e.g., salt, sand, or other chemical) storage areas; all-season BMPs to reduce road and parking lot debris and other pollutants from entering the MS4.
- iii. *Vehicle fleets*. The O&M Plan shall address, but is not limited to: storage, washing, and maintenance of Secondary Permittee vehicle fleets; and fueling facilities. Secondary Permittees shall conduct all vehicle and equipment washing and maintenance in a self-contained covered building or in designated wash and/or maintenance areas.
- iv. *External building maintenance*. The O&M Plan shall address, building exterior cleaning and maintenance including cleaning, washing, painting; and maintenance and management of dumpsters; and other maintenance activities.
- v. *Parks and open space*. The O&M Plan shall address, but is not limited to: proper application of fertilizer, pesticides, and herbicides; sediment and erosion control; BMPs for landscape maintenance and vegetation disposal; and trash and pet waste management.

³⁰ New Secondary Permittees shall develop and implement the operation and maintenance plan described in S6.D.6.a no later than three years from initial date of permit coverage.

- vi. *Material storage facilities and heavy equipment maintenance or storage yards.* Secondary Permittees shall develop and implement a Stormwater Pollution Prevention Plan to protect water quality at each of these facilities owned or operated by the Secondary Permittee and not covered under the *Industrial Stormwater General Permit* or under another NPDES permit that authorizes stormwater discharges associated with the activity.
 - vii. *Other facilities* that would reasonably be expected to discharge contaminated runoff. The O&M Plan shall address proper stormwater pollution prevention practices for each facility.
- b. From the initial date of permit coverage, Secondary Permittees shall also have permit coverage for all facilities operated by the Secondary Permittee that are required to be covered under the *Industrial Stormwater General Permit* or another NPDES permit that authorizes discharges associated with the activity.
 - c. The O&M Plan shall include sufficient documentation and records as necessary to demonstrate compliance with the O&M Plan requirements in S6.D.6.a(i) through (vii), above.
 - d. No later than three years from the initial date of permit coverage, Secondary Permittees shall implement a program designed to train all employees whose primary construction, operations, or maintenance job functions may impact stormwater quality. The training shall address:
 - i. The importance of protecting water quality.
 - ii. The requirements of this Permit.
 - iii. Operation and maintenance requirements.
 - iv. Inspection procedures.
 - v. Ways to perform their job activities to prevent or minimize impacts to water quality.
 - vi. Procedures for reporting water quality concerns, including potential illicit discharges (including spills).

S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS

The following requirements apply if an applicable TMDL is approved for stormwater discharges from MS4s owned or operated by the Permittee. Applicable TMDLs are TMDLs which have been approved by EPA on or before the issuance date of this Permit or prior to the date that Ecology issues coverage 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 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. All Permittees that chose S8.B Status and Trends Monitoring Option #1 in the *Phase II Western Washington Municipal Stormwater Permit*, August 1, 2013 – July 31, 2018 (extended to July 31, 2019), 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, below.
 - 2. All City and County Permittees covered under the *Phase II Western Washington Municipal Stormwater Permit*, August 1, 2013 – July 31, 2018 (extended to July 31, 2019), except the Cities of Aberdeen and Centralia, 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 either: small streams and marine nearshore areas in Puget Sound; or, urban streams in Clark and Cowlitz Counties in the Lower Columbia River basin, depending on the Permittee’s location. 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

 - 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.
- B. Stormwater Management Program (SWMP) Effectiveness and Source Identification Studies
 - 1. All Permittees that chose S8.C Effectiveness Studies Option #1 in the *Phase II Western Washington Municipal Stormwater Permit*, August 1, 2013 – July 31, 2018 (extended to July 31, 2019), shall make a one-time payment into the collective fund to implement effectiveness studies and source identification studies. The payment is due on or before December 1, 2019. Submit payment according to Section S8.D, below.

2. All City and County Permittees covered under the *Phase II Western Washington Municipal Stormwater Permit*, August 1, 2013 – July 31, 2018 (extended to July 31, 2019), shall notify Ecology in writing which of the following two options (S8.B.2.a or S8.B.2.b) for effectiveness and source identification studies 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 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, below.

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.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 for Cities, Towns, and Counties* 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. This Section applies only to Permittees who choose to conduct stormwater discharge monitoring per S8.A.2.b 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 Quality Assurance Project Plan (QAPP) as follows:
 - a. Permittees who choose the option to conduct stormwater discharge monitoring for either S8.A.2 or S8.B.2 shall monitor three independent discharge locations.

Permittees who choose the option to conduct stormwater discharge monitoring for both S8.A.2 and S8.B.2 shall conduct this monitoring at a total of six locations; at least four locations shall be independent (one location may be nested in another basin).
 - b. No later than February 1, 2020, each Permittee shall submit to Ecology a draft stormwater discharge monitoring QAPP 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 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, 2021.

- 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. Each Permittee's S8.A and S8.B payment amounts are listed in Appendix 11 and in the invoices that will be sent to the Permittee approximately three months in advance of each payment due date.
2. Mail payments according to the instructions in the invoice, 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 beginning in 2020, each Permittee shall submit an annual report. The reporting period for the annual report will 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.

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 cities, towns, and counties

Each annual report shall include the following:

1. A copy of the Permittee's current SWMP Plan, as required by S5.A.2.
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.³¹
4. If applicable, notice that the MS4 is relying on another governmental entity to satisfy any of the obligations under this Permit.
5. Certification and signature pursuant to G19.D, and notification of any changes to authorization pursuant to G19.C.
6. 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

Each annual report shall include the following:

1. 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.
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.
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 Secondary Permittee's geographic area of permit coverage during the reporting period.

³¹ New Permittees refer to Appendix 5 for annual report questions.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

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

G2. PROPER OPERATION AND MAINTENANCE

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

G3. NOTIFICATION OF DISCHARGE, INCLUDING SPILLS

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

- A. Take appropriate action to correct or minimize the threat to human health, welfare and/or the environment.
- B. Notify the Ecology regional office and other appropriate spill response authorities immediately but in no case later than within 24 hours of obtaining that knowledge.
- C. Immediately report spills or 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 at 1-800-258-5990.

G4. BYPASS PROHIBITED

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

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

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

G5. RIGHT OF ENTRY

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

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

G6. DUTY TO MITIGATE

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

G7. PROPERTY RIGHTS

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

G8. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G9. MONITORING

A. Representative Sampling

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

B. Records Retention

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

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

F. Lab Accreditation

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

G. Additional Monitoring

Ecology may establish specific monitoring requirements in addition to those contained in this Permit by 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 Chapter 90.48.090 RCW;
- F. Nonpayment of permit fees assessed pursuant to Chapter 90.48.465 RCW;

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

G13. TRANSFER OF COVERAGE

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

G14. GENERAL PERMIT MODIFICATION AND REVOCATION

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

- A. A change occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this General Permit;
- B. Effluent limitation guidelines or standards are promulgated pursuant to the CWA or Chapter 90.48 RCW, for the category of dischargers covered under this General Permit;
- C. A water quality management plan containing requirements applicable to the category of dischargers covered under this General Permit is approved; or
- D. Information is obtained which indicates that cumulative effects on the environment from dischargers covered under this General Permit are unacceptable.
- E. Changes in state law that 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 General Condition G12, G14, or 40 CFR 122.62 must report such plans, or such information, to Ecology so that a decision can be made on whether action to modify, or revoke and reissue this Permit will be

required. Ecology may then require submission of a new or amended application. Submission of such application does not relieve the Permittee of the duty to comply with this Permit until it is modified or reissued.

G16. APPEALS

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

G17. PENALTIES

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

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 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 condition G19.B.2 must 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 must:

- 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 must include all of the following:
 1. A description of the non-compliance, including dates.
 2. Beginning and end dates of the non-compliance, and if the compliance has not been corrected, the anticipated date of correction.
 3. Steps taken or planned to reduce, eliminate, or prevent reoccurrence of the non-compliance.
- B. Take appropriate action to stop or correct the condition of non-compliance.

G21. UPSETS

Permittees must 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 must demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and that the Permittee can identify the cause(s) of the upset;
 2. The permitted facility was at the time being properly operated; and
 3. The Permittee submitted notice of the upset as required in 40 CFR 122.41(l)(6)(ii)(B) (24-hour notice of noncompliance).
 4. The Permittee complied with any remedial measures required under 40 CFR 122.41(d) (Duty to Mitigate).
- D. *Burden of proof.*** In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

DEFINITIONS AND ACRONYMS

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

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

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

All Known, Available and Reasonable Methods of Prevention, Control and Treatment (AKART) refers to the State Water Pollution Control Act, Chapter 90.48.010 RCW and Chapter 90.48.520 RCW.

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

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

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

BMP means Best Management Practice.

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

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

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

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

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

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

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

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

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

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

EPA means the U.S. Environmental Protection Agency.

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

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

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

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

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

Highway means a main public road connecting towns and cities.

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

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

Illicit Connection means any infrastructure connection to the MS4 that is not intended, permitted or used for collecting and conveying stormwater or non-stormwater discharges allowed as specified in this Permit (S5.C.5 and S6.D.3). Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4.

Illicit Discharge means any discharge to a MS4 that is not composed entirely of stormwater or of non-stormwater discharges allowed as specified in this Permit (S5.C.5 and S6.D.3).

Impervious Surface means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or stormwater areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

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

LID means Low Impact Development.

LID BMP means Low Impact Development Best Management Practices.

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

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

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

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

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

MEP means Maximum Extent Practicable.

MS4 means Municipal Separate Storm Sewer System.

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

- (i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of Washington State.
- (ii) Designed or used for collecting or conveying stormwater.
- (iii) Which is not a combined sewer;
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.; and
- (v) Which is defined as “large” or “medium” or “small” or otherwise designated by Ecology pursuant to 40 CFR 122.26.

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

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

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

New Permittee means a city, town, or county that is subject to the *Western Washington Municipal Stormwater General Permit* and was not subject to the permit prior to July 1, 2019.

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

NOI means Notice of Intent.

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

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

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

NPDES means National Pollutant Discharge Elimination System.

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

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

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

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

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

QAPP means Quality Assurance Project Plan.

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

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

RCW means the Revised Code of Washington State.

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

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

Regulated Small Municipal Separate Storm Sewer System means a Municipal Separate Storm Sewer System which is automatically designated for inclusion in the Phase II stormwater permitting program by

its location within an Urbanized Area, or by designation by Ecology and is not eligible for a waiver or exemption under S1.C.

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

SAM means Stormwater Action Monitoring

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

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

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

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

Small Municipal Separate Storm Sewer System means an MS4 that is not defined as “large” or “medium” pursuant to 40 CFR 122.26(b)(4) & (7) or designated under 40 CFR 122.26 (a)(1)(v).

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

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

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

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

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

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

Stormwater Treatment and Flow Control BMPs/Facilities means detention facilities, permanent treatment BMPs/facilities; and bioretention, vegetated roofs, and permeable pavements that help meet Appendix 1 Minimum Requirements #6 (treatment), #7 (flow control), or both.

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

SWMMWW or **Stormwater Management Manual for Western Washington** means *Stormwater Management Manual for Western Washington (2019)*.

SWMP means Stormwater Management Program.

TMDL means Total Maximum Daily Load.

Total Maximum Daily Load (TMDL) means a water cleanup plan. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The calculation must include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation must also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, Section 303, establishes the water quality standards and TMDL programs.

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

UGA means Urban Growth Area.

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

Urbanized Area is a federally-designated land area comprising one or more places and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile. Urbanized Areas are designated by the U.S. Census Bureau based on the most recent decennial census.

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

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

Waters of the State includes those waters as defined as "waters of the United States" in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State and "waters of the State" as defined in

Chapter 90.48 RCW which includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

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

Illicit Discharge SMC update

December 7, 2021

Today's Presentation

- **Stormwater Terminology**
 - **What is an illicit discharge?**
 - **What is in the SMC now?**
 - **What does the permit require?**
 - **How does this help us?**

Western Washington Phase II Permit

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

Western Washington Phase II Municipal Stormwater Permit

National Pollutant Discharge Elimination System and
State Waste Discharge General Permit for discharges from
Small Municipal Separate Storm Sewers
In Western Washington

Western Washington Phase II Permit

- Why do we have it?
- Population > 10,000
- What does it mean?
- We do more stormwater related tasks and reporting
- Staffing needs



STORMWATER MANAGEMENT PROGRAM



City of Shelton

2020



- Stormwater Planning
- Public Education and Outreach
- Public Involvement and Participation
- MS4 Mapping and Documentation
- Illicit Discharge Detection and Elimination
- Controlling Run-Off from New Development, Redevelopment and Construction Sites
- Operations and Maintenance
- Source Control Program for Existing Development
- Compliance with Total Maximum Daily Load Requirements listed in Appendix 2.

TABLE 2

Estimated NPDES Phase II Permit-Related Hours

Personnel	2020		2021		2022		2023		2024	
	Total FTE ⁽¹⁾	Total Time (hrs)								
Total Administrative Only	0.1	114	0.2	257	0.1	119	0.1	113	0.1	105
Total Maintenance Only	1.0	1,359	1.0	1,401	1.0	1,439	1.0	1,383	1.0	1,439
Total Potential Consultant Hours	0.3	360	0.2	315	0.3	412	0.2	291	0.2	260
Total Staffing	1.3	1,833	1.4	1,973	1.4	1,970	1.3	1,787	1.3	1,804

(1) One FTE based upon 1,428 available working hours per year, taking into consideration vacation, holidays, etc.

SC/hh

FH Flushing



Questions?

Council Presentation 12/7/21



**CITY OF SHELTON
COUNCIL BRIEFING REQUEST
(Agenda Item F3)**

Touch Date: 11/09/2021
Brief Date: 12/07/2021
Action Date: 01/04/2022

Department: Public Works
Presented By: Ken Gill, City Engineer

APPROVED FOR COUNCIL PACKET:

ROUTE TO:

- Dept. Head
- Finance Director
- Attorney
- City Clerk
- City Manager

REVIEWED:

JOH

PROGRAM/PROJECT TITLE:
Resolution No. 1219-1121 Approving
Mason Conservation District (MCD)
Proposal for NPDES Public Education
and Outreach Activities

ATTACHMENTS:
- Resolution No. 1219-1121
- MCD Stormwater Education and
Outreach Scope & Fee
- Western Washington Phase II
Municipal Stormwater Permit
- Interlocal Agreement with MCD
- PPT presented @ 11/9/21 Study
Session

Action Requested:

- Ordinance
- Resolution
- Motion
- Other

DESCRIPTION OF THE PROGRAM/PROJECT AND BACKGROUND INFORMATION:

In February of 2016, the City Commission approved an Interlocal Agreement (ILA) with Mason Conservation District (MCD) to provide environmental and engineering services to the City, as authorized by RCW 89.08.220. Per the ILA, specific projects and services shall be documented by a supplemental memorandum signed by both parties.

Shelton became a "New Permittee" in October 2019, as defined in the Western Washington Phase II Municipal Stormwater Permit. A New Permittee means a city, town, or county that is subject to the Permit after July 1, 2019.

One element of the Permit requirements is an education and outreach program designed to:

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

The attached permit describes the minimum performance measures (starts at the middle of page 14 of 56).

Utilizing the current ILA, Mason Conservation District has prepared the attached scope and fee to meet this Permit requirement for Shelton. The education and outreach efforts were also presented during the November 9th study session by Barbara Adkins, Special Projects Manager and Evan Bauder, District Manager.

Resolution No. 1219-1121 approves Mason Conservation District's proposal to complete NPDES education and outreach efforts and authorizes the City Manager to execute the supplemental memorandum.

ANALYSIS/OPTIONS/ALTERNATIVES:

Not approve the scope and be out of compliance with our Permit.

BUDGET/FISCAL INFORMATION:

The proposed \$48K scope will be reimbursed by the upcoming 2021-2023 Department of Ecology Stormwater Capacity Grant.

PUBLIC INFORMATION REQUIREMENTS:

N/A

STAFF RECOMMENDATION/MOTION:

"I move to place Resolution No. 1219-1121 on the January 4th, 2022 council meeting action agenda for further consideration."

RESOLUTION NO. 1219-1121

A RESOLUTION OF THE COUNCIL OF THE CITY OF SHELTON, WASHINGTON, APPROVING A SCOPE AND FEE WITH MASON CONSERVATION DISTRICT FOR NPDES PUBLIC EDUCATION AND OUTREACH EFFORTS AND AUTHORIZING THE CITY MANAGER TO SIGN A LETTER OF ACKNOWLEDGMENT

WHEREAS, on February 25, 2016, the City Commission entered into an intergovernmental agreement with the Mason Conservation District to provide environmental and engineering services to the City; and

WHEREAS, specific projects and services shall be documented by a supplemental memorandum signed by both parties; and

WHEREAS, the Mason Conservation District is authorized to “conduct educational and demonstrative projects related to renewable natural resources conservation and to carry out preventative and control projects, including engineering operations, for renewable natural resources conservation”; and

WHEREAS, in October 2019, the City of Shelton became a “New Permittee” as defined in the Western Washington Phase II Municipal Stormwater Permit; and

WHEREAS, a requirement of the Western Washington Phase II Municipal Stormwater Permit is preparation and implementation of a Public Education and Outreach Program; and

WHEREAS, the Mason Conservation District has prepared a scope and fee to meet the requirements of Public Education and Outreach; and

WHEREAS, the City and Mason Conservation District wish to include the NPDES Public Education and Outreach efforts as a project, as allowed per the ILA; and

THEREFORE, BE IT RESOLVED by the City Council of the City of Shelton that Mason Conservation District’s proposal for NPDES Education and Outreach efforts is approved and the City Manager is authorized to sign a supplemental memorandum in accordance with the Interlocal Agreement.

Passed by the City Council at its regular meeting held on the 4th day of January 2022.

Mayor Dorcy

ATTEST:

City Clerk Nault

SUPPLEMENTAL MEMORANDUM

This **Supplemental Memorandum** is incorporated by reference into the Intergovernmental Agreement between the City of Shelton and the Mason Conservation District, dated February 25, 2016, for services as described in the following Scope of Work and performed in accordance with said Agreement.

Scope of Work – Public Education and Outreach

CITY OF SHELTON STORMWATER PHASE II MUNICIPAL STORMWATER PERMIT

Mason Conservation District (“District”) would propose the following Scope of Work in providing assistance to the City of Shelton with public education and outreach efforts to implement its Western Washington Phase II Municipal Stormwater Permit. Each Task described below aligns with the City’s required responsibilities under Subsection S5.C.2 of the Permit, followed by a description of activities intended to achieve compliance. Budget & Schedule for this Scope of Work provided in Attachment “A”.

<i>S5.C.2.a.i</i>	<i>Implement An Education And Outreach Program Building General Awareness Based On Local Water Quality Information And A Selected Target Audience.</i>
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The District will target the general public including Shelton School District’s 5th and 6th Grade classes as the City’s initial audience. Subject areas would be suitable for all audiences, and could include: promotion of pet waste management, the role of trees in stormwater management (urban forestry), choosing fish-friendly car washing options, benefits of natural yard care (xeriscape, rain gardens, etc.) and the what-where-when-how-and-why of safer household cleaners.

The District will also provide information and educational materials for the City to upload to their Stormwater webpage, and coordinate joint events as appropriate. Several District activities align with the mission of Puget Sound Starts Here.org (PSSH) surrounding Green Stormwater Infrastructure (GSI) projects and Department of Ecology’s Stormwater Strategic Initiative. The District will provide the City with information and educational stormwater materials, as available, for the City to utilize on their website, including:

- Information on the role of trees in stormwater mitigation, and any opportunities for residents to obtain free or discounted trees
- Information on how rain gardens can effectively manage stormwater, including videos and instructions for residents to construct their own gardens
- Native plants available at the District’s annual Native Plant Sale that can help establish more natural yards that are lower maintenance and drought resistant (require less water)
- Provide links to stormwater focused groups, organizations, and events, such as Puget Sound Starts Here, as the District becomes aware of them

The District may also be able to assist the City with visual aids illustrating the City’s stormwater system in a way that shows its connection to streams, fish and people.

S5.C.2.a.ii(a) Select [at a minimum] One Target Audience and One Best Management Practice (BMP) to Focus on for Behavior Change

The District works with hundreds of students in the 5th and 6th grade classes within the Shelton School District providing environmental education lectures, videos and field trips. The type and timing of educational opportunities within the schools is dependent on the School District’s curriculum requirements, age of students, classroom time and availability, virtual access to students, and off campus events. Topics covered with students will be narrower than the general public, and will include introducing stormwater connections within the District’s forestry and shellfish educational programs. As for the general public, there are more opportunities to implement BMPs as suggested in the Permit, and a greater opportunity to measure change. The following lists BMP as suggested in the permit together a corresponding BMP taken from Ecology’s 2019 Stormwater Manual. Also listed are possible metrics for measuring any resulting behavioral changes based on implementing the BMPs. These metrics are not an exhaustive list, nor do they all need to be included.

BMP	METRICS
<p>Tree Retention and Tree Planting</p>	<ul style="list-style-type: none"> ➤ # of trees distributed baseline
<p>LID Principles and LID BMPs</p>	<ul style="list-style-type: none"> ➤ # of tree Planting events
<p>The District has held two annual tree giveaway events, and the City could sponsor additional events for one or two more years. The number of trees previously distributed to Shelton residents under District’s current stormwater grant may be used to demonstrate the City’s behavioral change metrics. Establishing a baseline of trees distributed during the prior two events would be measured against future events after several months of intensive outreach on the role of trees in stormwater mitigation utilizing media outlets. The District would hold another tree voucher event, sponsored by the City, to promote trees in stormwater mitigation. City would purchase trees (up to \$3,000) for annual tree voucher events. This effort could yield behavior change data as early as May 2022, and each May thereafter as events are held based on available funds.</p>	<ul style="list-style-type: none"> ➤ # of trees distributed in future events ➤ # of applicants for trees ➤ # of student surveys, post school outreach event

Landscaping and Lawn/Vegetation Management

LID Principles and LID BMPs

The District will begin by conducting a survey of plant sale participants to determine the baseline for participation among city residents. This would occur during the February 2022 plant sale.

The annual native plant sales in 2023 & 2024 would be complemented by a Natural Yard Care program to promote native plants by bundling “starter kits” of drought tolerant, low water use, and pest resistant plants for purchase. Focused outreach and education would occur on this topic in summer and fall of 2022 and 2023. Surveys would be conducted during the February 2023 and 2024 plants sale to determine if participation in the native plant sale among city residents has increased to demonstrate behavior change.

- # of native vegetation starter kits distributed
- Annual native plant sale participation among city residents (baseline and post outreach efforts.)
- Creation of promotional materials designed and distributed

S5.C.2.a.ii(b) Conduct an Evaluation of the Effectiveness of the Behavior Change Campaign in their Permit Efforts

District will work with City to evaluate stormwater management practices implemented by measuring and documenting changes in behavior utilizing the prescribed metrics to determine what was effective, what was not, and why; and suggested adaptive management for the City moving forward.

S5.C.2.a.ii(c) Follow Social Marketing Practices and Methods, Similar To Community Based Social Marketing to Develop a Behavior Change Program That Is Tailored To Shelton

Community-based social marketing (CBSM)¹ is based on behavioral change at the community level through initiatives that remove barriers to a certain activity, while simultaneously enhancing the activity’s benefits. CBSM involves five steps:

¹ McKenzie-More, D. (2011) *Fostering sustainable behavior: An introduction to community-based social marketing*. New Society Publishers.

MASON CONSERVATION DISTRICT

Better Backyards

Better Farming

Better Water

Better Forests

STEPS	EXAMPLE
1. Selecting which behavior to target	Natural yard care
2. Identifying the barriers and benefits to the selected behavior	Barrier: unfamiliar with types of vegetation; access to proper vegetation
	Benefit: more climate and pest resistant plants, less need of watering and fertilizers
3. Developing a strategy that reduces barriers to the behavior to be promoted, while simultaneously increasing the behavior's perceived benefits	Barrier: availability of plants locally; knowing which to buy
	Benefits: promotional campaign on benefits of natural yard care reducing water usage, stormwater erosion, and fertilizers into streams
4. Piloting the strategy	Determine types of plants best suited for urban areas and soil composition; offer Shelton friendly natural yard care plants at District's annual native plant sale in addition to other native plants already sold; create starter kits to bundle climate and pest resistant plants to start a trend; continue sales annually; consider highlighting successful lawns in social media
5. Broad scale implementation and ongoing evaluation once the strategy has been broadly implemented.	Develop system for monitoring the number of plants and kits sold to City residents, and number of homeowners will success stories; adaptively manage if little or no interest is generated to revise marketing techniques and/or plants being offered.

The District can work with the City to work through each of the steps for the behavior or behaviors the City is targeting for change. The targeted audiences and BMPs discussed earlier in this scope outline the City's strategy and approach for change that effectively meet the social marketing methods of CBSM.

S5.2.A.iii *Provide And Advertise Stewardship Opportunities and/or Partner With Existing Organizations To Encourage Residents To Participate In Activities Or Events Planned and Organized Within The Community.*

The City and the District will coordinate regular and routine exchange of information to include upcoming events and educational opportunities, and determine media outlets most likely to reach target audiences.

- Facebook, Twitter, Instagram
- Reader Boards at city entrance points
- Electronic Mailers – brochures, email blasts, newsletters
- Provide information and links for stewardship opportunities such as:

MASON CONSERVATION DISTRICT

Better Backyards

Better Farming

Better Water

Better Forests

- Forest Festival Field Day (September 2022, 2023)
- Orca recovery Day (October 2022,2023)
- Pier Peer (October 2022, 2023)
- Earth Day Events (April 2022, 2023, 2024)

Public Involvement and Participation

The City's permit has a required Public Involvement and Participation element under Section S5.3. The performance measures under this requirement are the creation of public meetings wherein citizens can participate in the City's decision making process. The District cannot organize such meetings, however it can utilize established outreach methods that have shown to be effective throughout the education and outreach strategies to promote them. Social media and electronic mailers containing stormwater information as well as any opportunities to participate in the City's decision making process can be provided directly to those who have expressed an interest or may be impacted by proposed changes and updates.

Dated: _____

Dated: _____

Jeff Niten, City Manager
City of Shelton

Evan Bauder, District Manager
Mason Conservation District

ATTACHMENT "A"

Budget & Schedule

<i>Task</i>	<i>Dates</i>	<i>Costs</i>
<i>Implement an Education and Outreach Program Building General Awareness Based On Local Water Quality Information And A Selected Target Audience.</i>	<i>Dec 2021 – Jan 2022</i> <i>Dec 2022 – Jan 2023</i> <i>Dec 2023 – Jan 2024</i>	<i>\$7,788.99</i>
<i>Select [at a minimum] One Target Audience and One Best Management Practice (BMP) to Focus on for Behavior Change (including Native Tree Voucher events up to \$3,000)</i>	<i>Dec 2021 – May 2022</i> } <i>Dec 2022 – May 2023</i> } <i>Tree Events</i> <i>Dec 2023 – May 2024</i> } <i>Feb 2022 – Feb 2023</i> } <i>Feb 2023 – Feb 2024</i> } <i>Natural Yard Campaign</i>	<i>\$15,403.99</i>
<i>Conduct an Evaluation of the effectiveness of the Behavior Change Campaign in their Permit Efforts</i>	<i>Jun 2022, 2023, 2024</i> <i>(evaluate tree events)</i> <i>Mar 2023, 2024</i> <i>(evaluate Natural Yard campaign)</i>	<i>\$2,859.45</i>
<i>Follow Social Marketing Practices and Methods, Similar To Community Based Social Marketing to Develop a Behavior Change Program That Is Tailored To Shelton</i>	<i>Dec 2021 – Jan 2022</i> <i>Dec 2022 – Jan 2023</i> <i>Dec 2023 – Jan 2024</i>	<i>\$10,442.08</i>
<i>Provide and Advertise Stewardship Opportunities and/or Partner With Existing Organizations to Encourage Residents To Participate In Activities or Events Planned and Organized Within The Community.</i>	<i>Dec 2021 – July 2024 (continuous)</i>	<i>\$2,112.66</i>
<i>Public Involvement and Participation</i>	<i>Dec 2021 – July 2024 (continuous)</i>	<i>\$3,521.10</i>
<i>Project Management</i>	<i>Dec 2021 – July 2024 (continuous)</i>	<i>\$5,980.92</i>
CONTRACT TOTAL		<i>\$48,109.19</i>

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

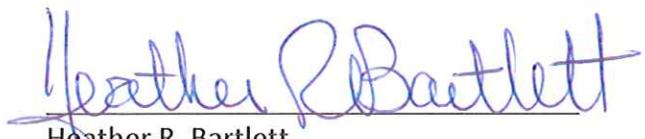
Western Washington Phase II Municipal Stormwater Permit

National Pollutant Discharge Elimination System and
State Waste Discharge General Permit for discharges from
Small Municipal Separate Storm Sewers
In Western Washington

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

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

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



Heather R. Bartlett
Water Quality Program Manager
Department of Ecology

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SPECIAL CONDITIONS

S1. PERMIT COVERAGE AREA AND PERMITTEES

A. Geographic Area of Permit Coverage

This Permit is applicable to owners or operators of regulated small Municipal Separate Storm Sewer Systems (MS4s) located west of the eastern boundaries of the following counties: Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania.

1. For all cities required to obtain coverage under this Permit, the geographic area of coverage is the entire incorporated area of the city.
2. For all counties required to have coverage under this Permit, the geographic area of coverage is the urbanized areas and urban growth areas associated with permitted cities under the jurisdictional control of the county. The geographic area of coverage also includes any urban growth area contiguous to permitted urbanized areas under the jurisdictional control of the county.
3. For Whatcom County, the geographic area of coverage also includes the unincorporated Birch Bay urban growth area.
4. For Secondary Permittees required to obtain coverage under this Permit, the minimum geographic area of coverage is all areas identified under S1.A.1 and S1.A.2. At the time of permit coverage, the Washington State Department of Ecology (Ecology) may establish a geographic area of coverage specific to an individual Secondary Permittee.
5. All regulated small MS4s owned or operated by the Permittees named in S1.D.2.a(i), and (ii), and S1.D.2.b and located in another city or county area requiring coverage under this Permit, or the *Phase I Municipal Stormwater Permit* or the *Eastern Washington Phase II Municipal Stormwater Permit*, are also covered under this Permit.

B. Regulated Small Municipal Separate Storm Sewer Systems (MS4s)

All operators of regulated small MS4s are required to apply for and obtain coverage under this Permit or be permitted under a separate individual permit, unless waived or exempted in accordance with condition S1.C.

1. A regulated small MS4:
 - a. Is a "Small MS4" as defined in the *Definitions and Acronyms* section at the end of this Permit; and
 - b. Is located within, or partially located within, an urbanized area as defined by the latest decennial census conducted by the U.S. Census Bureau, or designated by Ecology pursuant to 40 CFR 123.35(b) or 40 CFR 122.26(f); and
 - c. Discharges stormwater from the MS4 to a surface water of Washington State; and
 - d. Is not eligible for a waiver or exemption under S1.C, below.

2. All other operators of MS4s, including special purpose districts, which meet the criteria for a regulated small MS4 shall obtain coverage under this Permit. Other operators of small MS4s may include, but are not limited to: flood control, or diking and drainage districts; schools, including universities; and correctional facilities that own or operate a small MS4 serving non-agricultural land uses.
 3. Any other operators of small MS4s may be required by Ecology to obtain coverage under this Permit or an alternative NPDES permit if Ecology determines the small MS4 is a significant source of pollution to surface waters of the State. Notification of Ecology's determination that permit coverage is required will be through the issuance of an Administrative Order issued in accordance with RCW 90.48.
 4. The owner or operator of a regulated small MS4 may obtain coverage under this Permit as a Permittee, Co-Permittee, or Secondary Permittee as defined in S1.D.1, below.
 5. Pursuant to 40 CFR 122.26(f), any person or organization may petition Ecology to require that additional small MS4s obtain coverage under this Permit. The process for petitioning Ecology is:
 - a. The person or organization shall submit a complete petition in writing to Ecology. A complete petition shall address each of the relevant factors for petitions outlined on Ecology's website.
 - b. In making its determination on the petition, Ecology may request additional information from either the petitioner or the entity that is the subject of the petition.
 - c. Ecology will make a final determination on a complete petition within 180 days of receipt of the petition and inform both the petitioner and the MS4 of the decision, in writing.
 - d. If Ecology's final determination is that the candidate MS4 will be regulated, Ecology will issue an order to the operator of the MS4 requiring them to obtain coverage under this Permit. The order will specify:
 - i. The geographic area of permit coverage for the MS4.
 - ii. Any modified dates or deadlines for developing and implementing this Permit, as appropriate to the MS4, and for submitting their first annual report.
 - iii. A deadline for the operator of the MS4 to submit a complete Notice of Intent (NOI, provided on Ecology's website) to Ecology.
- C. Owners and operators of an otherwise regulated small MS4 are **not** required to obtain coverage under this Permit if:
1. The small MS4 is operated by:
 - a. A federal entity, including any department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal government of the United States.
 - b. Federally recognized Indian Tribes located within Indian Country, including all trust or restricted lands within the 1873 Survey Area of the Puyallup Tribe of Indians.
 - c. The Washington State Department of Transportation.

Or

2. The portions of the small MS4 located within the census defined urbanized area(s) serve a total population of less than 1000 people and a, b, and c, below **all** apply:
 - a. The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES stormwater program.
 - b. The discharge of pollutants from the small MS4 has not been identified as a cause of impairment of any water body to which the MS4 discharges.
 - c. In areas where an EPA approved TMDL has been completed, stormwater controls on the MS4 have not been identified as necessary to meet wasteload allocations established in the TMDL that address the pollutant(s) of concern.

In determining the total population served, both resident and commuter populations shall be included. For example:

- For publicly operated school complexes including universities and colleges, the total population served would include the sum of the average annual student enrollment plus staff.
- For flood control, diking, and drainage districts, the total population served would include residential population and any non-residents regularly employed in the areas served by the small MS4.

D. Obtaining coverage under this Permit.

All operators of regulated small MS4s are required to apply for and obtain coverage in accordance with this Section, unless waived or exempted, in accordance with Section S1.C.

1. Unless otherwise noted, the term “Permittee” shall include a city, town, or county Permittee, New Permittee, Co-Permittee, Secondary Permittee, and New Secondary Permittee as defined below:
 - a. “Permittee” is a city, town, or county owning or operating a regulated small MS4 applying and receiving a permit as a single entity.
 - b. “New Permittee” is a city, town, or county that is subject to the *Western Washington Phase II Municipal Stormwater General Permit* and was not subject to the Permit prior to August 1, 2019.
 - c. “Co-Permittee” is any owner or operator of a regulated small MS4 that is applying in a cooperative agreement with at least one other applicant for coverage under this Permit. Co-Permittees own or operate a regulated small MS4 located within or in proximity to another regulated small MS4.
 - d. A “Secondary Permittee” is an operator of a regulated small MS4 that is not a city, town, or county. Secondary Permittees include special purpose districts and other MS4s that meet the criteria for a regulated small MS4 in S1.B, above.
 - e. “New Secondary Permittee” is a Secondary Permittee that is covered under a Municipal Stormwater General Permit and was not covered by the Permit prior to August 1, 2019.

2. Operators of regulated small MS4s have submitted, or shall submit, to Ecology either a Notice of Intent (NOI) for Coverage under National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater General Permit or a Duty to Reapply - NOI provided on Ecology's website.
- a. The following Permittees and Secondary Permittees submitted a *Duty to Reapply - NOI* to Ecology prior to February 1, 2018:
- i. **Cities and towns:** Aberdeen, Algona, Anacortes, Arlington, Auburn, Bainbridge Island, Battle Ground, Bellevue, Bellingham, Black Diamond, Bonney Lake, Bothell, Bremerton, Brier, Buckley, Burien, Burlington, Camas, Centralia, Clyde Hill, Covington, Des Moines, DuPont, Duvall, Edgewood, Edmonds, Enumclaw, Everett, Federal Way, Ferndale, Fife, Fircrest, Gig Harbor, Granite Falls, Issaquah, Kelso, Kenmore, Kent, Kirkland, Lacey, Lake Forest Park, Lake Stevens, Lakewood, Longview, Lynden, Lynnwood, Maple Valley, Marysville, Medina, Mercer Island, Mill Creek, Milton, Monroe, Mountlake Terrace, Mount Vernon, Mukilteo, Newcastle, Normandy Park, Oak Harbor, Olympia, Orting, Pacific, Port Orchard, Port Angeles, Poulsbo, Puyallup, Redmond, Renton, Sammamish, SeaTac, Sedro-Woolley, Shoreline, Snohomish, Snoqualmie, Steilacoom, Sumner, Tukwila, Tumwater, University Place, Vancouver, Washougal, and Woodinville.
 - ii. **Counties:** Cowlitz, Kitsap, Thurston, Skagit, and Whatcom.
 - iii. **Secondary Permittees:** Bainbridge Island School District #303, Bellingham School District, Bellingham Technical College, Cascadia College, Central Kitsap School District, Centralia College, Clark College, Consolidated Diking Improvement District #1 of Cowlitz County, Edmonds Community College, Evergreen College, Highline Community College, Kelso School District, Kent School District, Longview School District, Lower Columbia College, Port of Anacortes, Port of Bellingham, Port of Olympia, Port of Skagit County, Port of Vancouver, Skagit County Drainage District #19, Skagit Valley College, University of Washington Bothell, Washington State University Vancouver, Washington State Department of Enterprise Services (Capitol Campus), Washington Department of Corrections, Western Washington University, and Whatcom Community College.
- b. Operators of regulated small MS4s have submitted or shall submit to Ecology a "Notice of Intent (NOI) for Coverage under National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater General Permit" provided on Ecology's website before the effective date of this Permit, with the following exceptions:
- i. Operators of regulated small MS4s located in the City of Shelton, and the Clallam County urban growth area surrounding Port Angeles shall submit a NOI or application to Ecology no later than 30 days after the effective date of this Permit.
 - ii. Operators of regulated small MS4s listed in S1.D.2.a do not need to submit a new application to be covered under this Permit.
- c. For operators of regulated small MS4s listed in S1.D.2.a, coverage under this Permit is automatic and begins on the effective date of this Permit, unless the operator chooses to opt out of this General Permit. Any operator of a regulated small MS4 that

is opting out of this Permit shall submit an application for an individual MS4 permit in accordance with 40 CFR 122.33(b)(2)(ii) no later than the effective date of this Permit.

- d. Operators of regulated small MS4s which want to be covered under this Permit as Co-Permittees shall each submit a NOI to Ecology.
- e. Operators of regulated small MS4s which are relying on another entity to satisfy all of their permit obligations shall submit a NOI to Ecology.
- f. Operators of small MS4s designated by Ecology pursuant to S1.B.3 of this Permit shall submit a NOI to Ecology within 120 days of receiving notification from Ecology that permit coverage is required.

3. Application Requirements

- a. For NOIs submitted after the issuance date of this Permit, the applicant shall include a certification that the public notification requirements of WAC 173-226-130(5) have been satisfied. Ecology will notify applicants in writing of their status concerning coverage under this Permit within 90 days of Ecology's receipt of a complete NOI.
- b. Each Permittee applying as a Co-Permittee shall submit a NOI provided on Ecology's website. The NOI shall clearly identify the areas of the MS4 for which the Co-Permittee is responsible.
- c. Permittees relying on another entity or entities to satisfy one or more of their permit obligations shall notify Ecology in writing. The notification shall include a summary of the permit obligations that will be carried out by another entity. The summary shall identify the other entity or entities and shall be signed by the other entity or entities. During the term of the Permit, Permittees may terminate or amend shared responsibility arrangements by notifying Ecology, provided this does not alter implementation deadlines.
- d. Secondary Permittees required to obtain coverage under this Permit, and the *Phase I Municipal Stormwater Permit* or the *Eastern Washington Phase II Municipal Stormwater Permit*, may obtain coverage by submitting a single NOI.

S2. AUTHORIZED DISCHARGES

- A. This Permit authorizes the discharge of stormwater to surface waters and to groundwaters of the State from MS4s owned or operated by each Permittee covered under this Permit, in the geographic area covered pursuant to S1.A. These discharges are subject to the following limitations:
 - 1. Discharges to groundwaters of the State through facilities regulated under the Underground Injection Control (UIC) program, Chapter 173-218 WAC, are not authorized under this Permit.
 - 2. Discharges to groundwaters not subject to regulation under the federal Clean Water Act are authorized in this Permit only under state authorities, Chapter 90.48 RCW, the Water Pollution Control Act.

- B.** This Permit authorizes discharges of non-stormwater flows to surface waters and to groundwaters of the State from MS4s owned or operated by each Permittee covered under this Permit, in the geographic area covered pursuant to S1.A, only under one or more of the following conditions:
1. The discharge is authorized by a separate NPDES or State Waste Discharge permit.
 2. The discharge is from emergency firefighting activities.
 3. The discharge is from another illicit or non-stormwater discharge that is managed by the Permittee as provided in Special Condition S5.C.5 or S6.D.3.

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

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

S3. RESPONSIBILITIES OF PERMITTEES

- A.** Each Permittee covered under this Permit is responsible for compliance with the terms of this Permit for the regulated small MS4s that they own or operate. Compliance with (1) or (2) below is required as applicable to each Permittee, whether the Permittee has applied for coverage as a Permittee, Co-Permittee, or Secondary Permittee.
1. All city, town, and county Permittees are required to comply with all conditions of this Permit, including any appendices referenced therein, except for Special Condition S6 – *Stormwater Management Program for Secondary Permittees*.
 2. All Secondary Permittees are required to comply with all conditions of this Permit, including any appendices referenced therein, except for Section S5 – *Stormwater Management Program for Cities, Towns, and Counties* and S8 – *Monitoring and Assessment*.
- B.** Permittees may rely on another entity to satisfy one or more of the requirements of this Permit. Permittees that are relying on another entity to satisfy one or more of their permit obligations remain responsible for permit compliance if the other entity fails to implement permit conditions. Permittees may rely on another entity provided all the requirements of 40 CFR 122.35(a) are satisfied, including but not limited to:

1. The other entity, in fact, implements the Permit requirements.
2. The other entity agrees to take on responsibility for implementation of the Permit requirement(s) as indicated on the NOI.

S4. COMPLIANCE WITH STANDARDS

- A.** In accordance with RCW 90.48.520, the discharge of toxicants to waters of the State of Washington which would violate any water quality standard, including toxicant standards, sediment criteria, and dilution zone criteria is prohibited. The required response to such discharges is defined in Section S4.F, below.
- B.** This Permit does not authorize a discharge which would be a violation of Washington State Surface Water Quality Standards (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, 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 identified 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 an 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 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 Best Management Practice (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.
- 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 Special Condition S4, despite any on-going violations of Water Quality Standards identified under S4.A or B, above.
 - g. The adaptive management process provided under Section S4.F is not intended to create a shield for the Permittee from any liability it may face under 42 U.S.C. 9601 *et seq.* or Chapter 70.105D RCW.
- 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 FOR CITIES, TOWNS, AND COUNTIES

- A.** Each Permittee shall develop and implement a Stormwater Management Program (SWMP). A SWMP is a set of actions and activities comprising the components listed in S5 and any additional actions necessary, to meet the requirements of applicable TMDLs pursuant to S7 – *Compliance with Total Maximum Daily Load Requirements* and S8 – *Monitoring and Assessment*. This Section applies to all cities, towns, and counties covered under this Permit (termed as “Permittee,” including cities, towns, and counties that are Co-Permittees).

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

- 1. At a minimum, the Permittee's SWMP shall be implemented throughout the geographic area subject to this Permit as described in S1.A.¹
- 2. Each Permittee shall prepare written documentation of the SWMP, called the SWMP Plan. The SWMP Plan shall be organized according to the program components in S5.C or a

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

format approved by Ecology, and shall be updated at least annually for submittal with the Permittee's annual reports to Ecology (see S9 – *Reporting Requirements*). The SWMP Plan shall be written to inform the public of the planned SWMP activities for the upcoming calendar year, and shall include a description of:

- a. Planned activities for each of the program components included in S5.C.
 - b. Any additional planned actions to meet the requirements of applicable TMDLs pursuant to S7– *Compliance with Total Maximum Daily Load Requirements*.
 - c. Any additional planned actions to meet the requirements of S8 – *Monitoring and Assessment*.
- 3.** The SWMP shall include an ongoing program for gathering, tracking, maintaining, and using information to evaluate SWMP development, implementation, and permit compliance and to set priorities.
- a. Each Permittee shall track the cost or estimated cost of development and implementation of each component of the SWMP.² This information shall be provided to Ecology upon request.
 - b. Each Permittee shall track the number of inspections, follow-up actions as a result of inspections, official enforcement actions and types of public education activities as required by the respective program component. This information shall be included in the annual report.
- 4.** Permittees shall continue implementation of existing stormwater management programs until they begin implementation of the updated stormwater management program in accordance with the terms of this Permit, including implementation schedules.
- 5.** Coordination among Permittees
- a. Coordination among entities covered under municipal stormwater NPDES permits may be necessary to comply with certain conditions of the SWMP. The SWMP shall include, when needed, coordination mechanisms among entities covered under a municipal stormwater NPDES permit to encourage coordinated stormwater-related policies, programs and projects within adjoining or shared areas, including:
 - i. Coordination mechanisms clarifying roles and responsibilities for the control of pollutants between physically interconnected MS4s covered by a municipal stormwater permit.
 - ii. Coordinating stormwater management activities for shared water bodies, or watersheds among Permittees to avoid conflicting plans, policies, and regulations.
 - b. The SWMP shall include coordination mechanisms among departments within each jurisdiction to eliminate barriers to compliance with the terms of this Permit. Permittees shall include a written description of internal coordination mechanisms in the Annual Report due no later than March 31, 2021.

² New Permittees shall begin implementing the requirements of S5.A.3.a, no later than August 1, 2021.

- B. The SWMP shall be designed to reduce the discharge of pollutants from regulated small MS4s to the MEP, meet state AKART requirements, and protect water quality.
- C. The SWMP shall include the components listed below. To the extent allowable under state or federal law, all components are mandatory for city, town, or county Permittees covered under this Permit.

1. Stormwater planning

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

The minimum performance measures are:

- a. By August 1, 2020, each Permittee shall convene an inter-disciplinary team to inform and assist in the development, progress, and influence of this program.
- b. Coordination with long-range plan updates.
 - i. Each Permittee shall describe how stormwater management needs and protection/improvement of receiving water health are (or are not) informing the planning update processes and influencing policies and implementation strategies in their jurisdiction. The report shall describe the water quality and watershed protection policies, strategies, codes, and other measures intended to protect and improve local receiving water health through planning, or taking into account stormwater management needs or limitations.
 - (a) On or before March 31, 2021, the Permittee shall respond to the series of Stormwater Planning Annual Report questions to describe how anticipated stormwater impacts on water quality were addressed, if at all, during the 2013-2019 permit term in updates to the Comprehensive Plan (or equivalent) and in other locally initiated or state-mandated, long-range land use plans that are used to accommodate growth or transportation.
 - (b) On or before January 1, 2023, the Permittee shall submit a report responding to the same questions included in (a), above, to describe how water quality is being addressed, if at all, during this permit term in updates to the Comprehensive Plan (or equivalent) and in other locally initiated or state-mandated, long-range land use plans that are used to accommodate growth or transportation.
- c. Low impact development code-related requirements.
 - i. Permittees shall continue to require LID Principles and LID BMPs when updating, revising, and developing new local development-related codes, rules, standards, or other enforceable documents, as needed.

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

- (a) Annually, each Permittee shall assess and document any newly identified administrative or regulatory barriers to implementation of LID Principles or LID BMPs since local codes were updated in accordance with the 2013 Permit, and the measures developed to address the barriers. If applicable, the report shall describe mechanisms adopted to encourage or require implementation of LID principles or LID BMPs.
- ii. By December 31, 2023, New Permittees shall review, revise, and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and require LID principles and LID BMPs. New Permittees shall conduct a similar review and revision process, and consider the range of issues, outlined in the following document: *Integrating LID into Local Codes: A Guidebook for Local Governments* (Puget Sound Partnership, 2012).

New Permittees shall submit a summary of the results of the review and revision process with the annual report due no later than March 31, 2024. This summary shall be in the required format described in Appendix 5 and include, at a minimum, a list of the participants (job title, brief job description, and department represented), the codes, rules, standards, and other enforceable documents reviewed, and the revisions made to those documents which incorporate and require LID principles and LID BMPs. The summary shall include existing requirements for LID principles and LID BMPs in development-related codes. The summary must be organized as follows:

- (a) Measures to minimize impervious surfaces.
- (b) Measures to minimize loss of native vegetation.
- (c) Other measures to minimize stormwater runoff.
- d. Stormwater Management Action Planning³ (SMAP). Permittees shall conduct a similar process and consider the range of issues outlined in the *Stormwater Management Action Planning Guidance* (Ecology, 2019; Publication 19-10-010). Permittees may rely on another jurisdiction to meet all or part of SMAP requirements at a watershed-scale, provided a SMAP is completed for at least one priority catchment located within the Permittee's jurisdiction.
 - i. *Receiving Water Assessment*. Permittees shall document and assess existing information related to their local receiving waters and contributing area conditions to identify which receiving waters are most likely to benefit from stormwater management planning.

By March 31, 2022, Permittees shall submit a watershed inventory and include a brief description of the relative conditions of the receiving waters and the contributing areas. The watershed inventory shall be submitted as a table with each receiving water name, its total watershed area, the percent of the total watershed area that is in the Permittee's jurisdiction, and the findings of the stormwater management influence assessment for each basin. Indicate which

³ New Permittees are exempt from S5.C.1.d. for this permit term.

receiving waters will be included in the S5.C.1.d.ii prioritization process. Include a map of the delineated basins with references to the watershed inventory table.

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

Basins having relatively low expected Stormwater Management Influence for SMAP do not need to be included in S5.C.1.d.ii-iii.

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

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

- (a) The Permittee shall document the priority ranking process used to identify high priority receiving waters. The Permittee may reference existing local watershed management plan(s) as source(s) of information or rationale for the prioritization.
- (b) The ranking process shall include the identification of high priority catchment area(s) for focus of the Stormwater Management Action Plan (SMAP) in (iii), below.

- iii. *Stormwater Management Action Plan (SMAP).* No later than March 31, 2023, Permittees shall develop a SMAP for at least one high priority catchment area from (ii), above, that identifies all of the following:

- (a) A description of the stormwater facility retrofits needed for the area, including the BMP types and preferred locations.
- (b) Land management/development strategies and/or actions identified for water quality management.
- (c) Targeted, enhanced, or customized implementation of stormwater management actions related to permit sections within S5, including:
- IDDE field screening,
 - Prioritization of Source Control inspections,
 - O&M inspections or enhanced maintenance, or
 - Public Education and Outreach behavior change programs.

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

- (d) If applicable, identification of changes needed to local long-range plans, to address SMAP priorities.
- (e) A proposed implementation schedule and budget sources for:
 - Short-term actions (*i.e.*, actions to be accomplished within six years), and
 - Long-term actions (*i.e.*, actions to be accomplished within seven to 20 years).
- (f) A process and schedule to provide future assessment and feedback to improve the planning process and implementation of procedures or projects.

2. Public Education and Outreach

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

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

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

The minimum performance measures are:

- a. Each Permittee shall implement an education and outreach program for the area served by the MS4. The program design shall be based on local water quality information and target audience characteristics to identify high priority target audiences, subject areas, and/or BMPs. Based on the target audience's demographic, the Permittee shall consider delivering its selected messages in language(s) other than English, as appropriate to the target audience.⁴
 - i. **General awareness.** To build general awareness, Permittees shall annually select at a minimum one target audience and one subject area from either (a) or (b):
 - (a) *Target audiences:* General public (including overburdened communities, or school age children) or businesses (including home-based, or mobile businesses). Subject areas:

⁴ New Permittees shall begin implementing the requirements of S5.C.2 no later than August 1, 2021.

- General impacts of stormwater on surface waters, including impacts from impervious surfaces.
 - Low impact development (LID) principles and LID BMPs.
- (b) *Target audiences:* Engineers, contractors, developers, or land use planners.
Subject areas:
- Technical standards for stormwater site and erosion control plans.
 - LID principles and LID BMPs.
 - Stormwater treatment and flow control BMPs/facilities
- (c) Permittees shall provide subject area information to the target audience on an ongoing or strategic schedule.
- ii. **Behavior change.** To affect behavior change, Permittees shall select, at a minimum, one target audience and one BMP.
- (a) *Target Audiences:* Residents, landscapers, property managers/owners, developers, school age children, or businesses (including home-based or mobile businesses).
- BMPs:*
- Use and storage of: pesticides, fertilizers, and/or other household chemicals.
 - Use and storage of: automotive chemicals, hazardous cleaning supplies, carwash soaps, and/or other hazardous materials.
 - Prevention of illicit discharges.
 - Yard care techniques protective of water quality.
 - Carpet cleaning.
 - Repair and maintenance BMPs for: vehicles, equipment, and/or home/buildings.
 - Pet waste management and disposal.
 - LID Principles and LID BMPs.
 - Stormwater facility maintenance, including LID facilities.
 - Dumpster and trash compactor maintenance.
 - Litter and debris prevention.
 - Sediment and erosion control.
 - (Audience specific) Source control BMPs (refer to S5.C.8).
 - (Audience specific) Locally-important, municipal stormwater-related subject area.
- (b) No later than July 1, 2020, each Permittee shall conduct a new evaluation of the effectiveness of an ongoing behavior change campaign (required under S5.C.1.a.ii and S5.C.1.c of the 2013 Permit). Permittees shall document lessons learned and recommendations for which option to select from S5.C.2.a.ii.(c).

Permittees that select option S5.C.2.a.ii.(c)3, below, may forgo this evaluation if it will not add value to the overall behavior change program.

- (c) Based on the recommendation from S5.C.2.a.ii.(b), by February 1, 2021, each Permittee shall follow social marketing practices and methods, similar to community-based social marketing, and develop a campaign that is tailored to the community, including development of a program evaluation plan. Each Permittee shall:⁵
 - 1. Develop a strategy and schedule to more effectively implement the existing campaign; or
 - 2. Develop a strategy and schedule to expand the existing campaign to a new target audience or BMPs; or
 - 3. Develop a strategy and schedule for a new target audience and BMP behavior change campaign.
- (d) No later than April 1, 2021, begin to implement the strategy developed in S5.C.2.a.ii.(c).⁶
- (e) No later than March 31, 2024, evaluate and report on:
 - 1. The changes in understanding and adoption of targeted behaviors resulting from the implementation of the strategy; and
 - 2. Any planned or recommended changes to the campaign in order to be more effective; describe the strategies and process to achieve the results.
- (f) Permittees shall use results of the evaluation to continue to direct effective methods and implementation of the ongoing behavior change program.
- iii. Stewardship. Each Permittee shall provide and advertise stewardship opportunities and/or partner with existing organizations (including non-permittees) to encourage residents to participate in activities or events planned and organized within the community, such as: stream teams, storm drain marking, volunteer monitoring, riparian plantings, and education activities.

3. Public Involvement and Participation

Permittees shall provide ongoing opportunities for public involvement and participation through advisory councils, public hearings, watershed committees, participation in developing rate-structures or other similar activities. Each Permittee shall comply with applicable state and local public notice requirements when developing elements of the SWMP and SMAP.

The minimum performance measures are:

- a. Permittees shall create opportunities for the public, including overburdened communities, to participate in the decision-making processes involving the development, implementation and update of the Permittee's SMAP and SWMP.⁷

⁵ No later than August 1, 2021, new Permittees shall follow social marketing practices and methods, similar to Community-Based Social Marketing, to develop a behavior change program that is tailored to the community.

⁶ No later than October 1, 2021, New Permittees shall begin to implement the strategy developed in S5.C.2.a.ii.(c).

⁷ New Permittees shall develop and begin to implement requirements according to S5.C.3.a no later than August 1, 2020. New Permittees are exempt from SMAP this permit term.

- b. Each Permittee shall post on their website their SWMP Plan and the annual report, required under S9.A, no later than May 31 each year. All other submittals shall be available to the public upon request. To comply with the posting requirement, a Permittee that does not maintain a website may submit the updated SWMP in electronic format to Ecology for posting on Ecology's website.

4. MS4 Mapping and Documentation

The SWMP shall include an ongoing program for mapping and documenting the MS4.⁸

The minimum performance measures are:

- a. *Ongoing Mapping*: Each Permittee shall maintain mapping data for the features listed below:
 - i. Known MS4 outfalls and known MS4 discharge points.
 - ii. Receiving waters, other than groundwater.
 - iii. Stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee.
 - iv. Geographic areas served by the Permittee's MS4 that do not discharge stormwater to surface waters.
 - v. Tributary conveyances to all known outfalls and discharge points with a 24 inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems. The following features or attributes (or both) shall be mapped:
 - (a) Tributary conveyance type, material, and size where known.
 - (b) Associated drainage areas.
 - (c) Land use.
 - vi. Connections between the MS4 owned or operated by the Permittee and other municipalities or public entities.
 - vii. All connections to the MS4 authorized or allowed by the Permittee after February 16, 2007.^{9,10}
- b. *New Mapping*: Each Permittee shall:
 - i. No later than January 1, 2020, begin to collect size and material for all known MS4 outfalls during normal course of business (e.g. during field screening, inspection, or maintenance) and update records.
 - ii. No later than August 1, 2023, complete mapping of all known connections from the MS4 to a privately owned stormwater system.

⁸ New Permittees shall meet the requirements to map the MS4 according to S5.C.4. no later than February 2, 2024, except where otherwise noted in this Section.

⁹ New Permittees shall meet the requirements of S5.C.4.a.vii after August 1, 2019, for all connections to the MS4 authorized after August 1, 2019.

¹⁰ Permittees do not need to map the following residential connections: individual driveways, sump pumps, or roof downspouts.

- c. No later than August 1, 2021, the required format for mapping is electronic (e.g. Geographic Information System, CAD drawings, or other software that can map and store points, lines, polygons, and associated attributes), with fully described mapping standards.
- d. To the extent consistent with national security laws and directives, each Permittee shall make available to Ecology, upon request, available maps depicting the information required in S5.C.4.a through c, above.
- e. Upon request, and to the extent appropriate, Permittees shall provide mapping information to federally recognized Indian Tribes, municipalities, and other Permittees. This Permit does not preclude Permittees from recovering reasonable costs associated with fulfilling mapping information requests by federally recognized Indian Tribes, municipalities, and other Permittees.

5. Illicit Discharge Detection and Elimination

The SWMP shall include an ongoing program designed to prevent, detect, characterize, trace, and eliminate illicit connections and illicit discharges into the MS4.¹¹

The minimum performance measures are:

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

Illicit connections and illicit discharges must be identified through, but not limited to: field screening, inspections, complaints/reports, construction inspections, maintenance inspections, source control inspections, and/or monitoring information, as appropriate.

- b. Permittees shall inform public employees, businesses, and the general public of hazards associated with illicit discharges and improper disposal of waste.
- c. Each Permittee shall implement an ordinance or other regulatory mechanism to effectively prohibit non-stormwater, illicit discharges into the Permittee's MS4 to the maximum extent allowable under state and federal law.
 - i. Allowable Discharges: The regulatory mechanism does **not** need to prohibit the following categories of non-stormwater discharges:
 - (a) Diverted stream flows
 - (b) Rising groundwaters
 - (c) Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(b)(20))
 - (d) Uncontaminated pumped groundwater
 - (e) Foundation drains

¹¹ New Permittees shall meet the requirements of S5.C.5 no later than August 1, 2021 except where otherwise noted in this Section.

- (f) Air conditioning condensation
 - (g) Irrigation water from agricultural sources that is commingled with urban stormwater
 - (h) Springs
 - (i) Uncontaminated water from crawl space pumps
 - (j) Footing drains
 - (k) Flows from riparian habitats and wetlands
 - (l) Non-stormwater discharges authorized by another NPDES or state waste discharge permit
 - (m) Discharges from emergency firefighting activities in accordance with S2 Authorized Discharges
- ii. Conditionally Allowable Discharges: The regulatory mechanism may allow the following categories of non-stormwater discharges only if the stated conditions are met:
- (a) Discharges from potable water sources, including but not limited to water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension 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.
 - (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 reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
 - (d) Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. The Permittee shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts. To avoid washing pollutants into the MS4, Permittees shall minimize the amount of street wash and dust control water used.
 - (e) Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a pollution prevention plan reviewed by the Permittee, which addresses control of such discharges.
- iii. The Permittee shall further address any category of discharges in (i) or (ii), above, if the discharges are identified as significant sources of pollutants to waters of the State.

- iv. The ordinance or other regulatory mechanism shall include escalating enforcement procedures and actions.
- d. Each Permittee shall implement an ongoing program designed to detect and identify non-stormwater discharges and illicit connections into the Permittee's MS4.¹² The program shall include the following components:
 - i. Procedures for conducting investigations of the Permittee's MS4, including field screening and methods for identifying potential sources. These procedures may also include source control inspections.

The Permittee shall implement a field screening methodology appropriate to the characteristics of the MS4 and water quality concerns. Screening for illicit connections may be conducted using *Illicit Connection and Illicit Discharge Field Screening and Source Tracing Guidance Manual* (Herrera Environmental Consultants, Inc.; May 2013), or another methodology of comparable or improved effectiveness. The Permittee shall document the field screening methodology in the Annual Report.

- (a) All Permittees shall complete field screening for an average of 12% of the MS4 each year.¹³ Permittees shall annually track total percentage of the MS4 screened beginning August 1, 2019.
- ii. A publicly listed and publicized hotline or other telephone number for public reporting of spills and other illicit discharges.
- iii. An ongoing training program for all municipal field staff, who, as part of their normal job responsibilities, might come into contact with or otherwise observe an illicit discharge and/or illicit connection to the MS4, on the identification of an illicit discharge and/or connection, and on the proper procedures for reporting and responding to the illicit discharge and/or connection. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staffing. Permittees shall document and maintain records of the trainings provided and the staff trained.¹⁴
- e. Each Permittee shall implement an ongoing program designed to address illicit discharges, including spills and illicit connections, into the Permittee's MS4.¹⁵ The program shall include:
 - i. Procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges found by or reported to the Permittee. Procedures shall address the evaluation of whether the discharge must be immediately contained and steps to be taken for containment of the discharge.

¹² New Permittees shall fully implement the requirements of S5.C.5.d no later than August 1, 2023.

¹³ New Permittees shall complete S5.C.5.d.i requirements for field screening covering at least 12% of the MS4 within the Permittee's coverage area no later than December 31, 2023, and on average 12% each year thereafter.

¹⁴ New Permittees shall develop and begin implementing the ongoing training program described in S5.C.5.d.iii no later than February 2, 2021.

¹⁵ New Permittees shall fully develop and implement the requirements of S5.C.5.e no later than August 1, 2023.

- ii. Procedures for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures.
- iii. Procedures for eliminating the discharge, including notification of appropriate authorities (including owners or operators of interconnected MS4s); notification of the property owner; technical assistance; follow-up inspections; and use of the compliance strategy developed pursuant to S5.C.5.c.iv, including escalating enforcement and legal actions if the discharge is not eliminated.
- iv. Compliance with the provisions in (i), (ii), and (iii), above, shall be achieved by meeting the following timelines:
 - (a) Immediately respond to all illicit discharges, including spills, which are determined to constitute a threat to human health, welfare, or the environment, consistent with General Condition G3.
 - (b) Investigate (or refer to the appropriate agency with the authority to act) within 7 days, on average, any complaints, reports, or monitoring information that indicates a potential illicit discharge.
 - (c) Initiate an investigation within 21 days of any report or discovery of a suspected illicit connection to determine the source of the connection, the nature and volume of discharge through the connection, and the party responsible for the connection.
 - (d) Upon confirmation of an illicit connection, use the compliance strategy in a documented effort to eliminate the illicit connection within 6 months. All known illicit connections to the MS4 shall be eliminated.
- f. Permittees shall train staff who are responsible for identification, investigation, termination, cleanup, and reporting of illicit discharges, including spills, and illicit connections, to conduct these activities. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements or staffing. Permittees shall document and maintain records of the training provided and the staff trained.¹⁶
- g. Recordkeeping: Each Permittee shall track and maintain records of the activities conducted to meet the requirements of this Section. In the Annual Report, each Permittee shall submit data for the illicit discharges, spills and illicit connections including those that were found by, reported to, or investigated by the Permittee during the previous calendar year. The data shall include the information specified in Appendix 12 and WQWebIDDE. Each Permittee may either use their own system or WQWebIDDE for recording this data. Final submittals shall follow the instructions, timelines, and format as described in Appendix 12.

¹⁶ New Permittees shall meet the requirements of S5.C.5.f no later than February 2, 2021.

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

Each Permittee shall implement and enforce a program to reduce pollutants in stormwater runoff to a regulated small MS4 from new development, redevelopment and construction site activities. The program shall apply to private and public development, including transportation projects.¹⁷

The minimum performance measures are:

- a. Implement an ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment, and construction site projects.

Each Permittee shall adopt and make effective a local program, no later than June 30, 2022, that meets the requirements of S5.C.6.b(i) through (iii), below, and shall apply to all applications¹⁸ submitted:

- i. On or after July 1, 2022.
 - ii. Prior to January 1, 2017, that have not started construction¹⁹ by January 1, 2022.²⁰
 - iii. Prior to July 1, 2022, that have not started construction by July 1, 2027.
- b. The ordinance or other enforceable mechanism shall include, at a minimum:
 - i. The Minimum Requirements, thresholds, and definitions in Appendix 1, or the 2013 Appendix 1 amended to include the changes identified in Appendix 10, or Phase I program approved by Ecology and amended to include Appendix 10, for new development, redevelopment, and construction sites. Adjustment and variance criteria equivalent to those in Appendix 1 shall be included. More stringent requirements may be used, and/or certain requirements may be tailored to local circumstances through the use of Ecology-approved basin plans or other similar water quality and quantity planning efforts. Such local requirements and thresholds shall provide equal protection of receiving waters and equal levels of pollutant control to those provided in Appendix 1.
 - ii. The local requirements shall include the following requirements, limitations, and criteria that, when used to implement the minimum requirements in Appendix 1 (or program approved by Ecology under the 2019 Phase I Permit) will protect

¹⁷ For continuing Permittees, this means continuing to implement existing programs developed under previous permits until updates are made to meet the schedules defined. *New Permittees shall meet the requirements of S5.C.6 no later than December 31, 2022, except where otherwise specified in this Section.*

¹⁸ In this context, “application” means, at a minimum a complete project description, site plan, and, if applicable, SEPA checklist. Permittees may establish additional elements of a completed application.

¹⁹ In this context “started construction” means the site work associated with, and directly related to the approved project has begun. For example: grading the project site to final grade or utility installation. Simply clearing the project site does not constitute the start of construction. Permittees may establish additional requirements related to the start of construction.

²⁰ For Permittees in **Lewis and Cowlitz counties**: Prior to July 1, 2017, that have not started construction by June 30, 2022. **For Lynden, Snoqualmie**: Prior to January 1, 2018, that have not started construction by January 1, 2023. **For Aberdeen**: Prior to July 1, 2018, that have not started construction by June 30, 2023. **Shelton and Clallam County** shall adopt and make effective a local program that meets the requirements of S5.C.6.b(i) through (iii) no later than December 31, 2022. The local program shall apply to all applications submitted on or after January 1, 2023, and shall apply to applications submitted prior to January 1, 2023, which have not started construction by January 1, 2028.

water quality, reduce the discharge of pollutants to the MEP, and satisfy the State requirement under Chapter 90.48 RCW to apply AKART prior to discharge:

- (a) Site planning requirements
- (b) BMP selection criteria
- (c) BMP design criteria
- (d) BMP infeasibility criteria
- (e) LID competing needs criteria
- (f) BMP limitations

Permittees shall document how the criteria and requirements will protect water quality, reduce the discharge of pollutants to the MEP, and satisfy State AKART requirements.

Permittees who choose to use the requirements, limitations, and criteria, above, in the *Stormwater Management Manual for Western Washington*, or a Phase I program approved by Ecology, may cite this choice as their sole documentation to meet this requirement.

- iii. The legal authority, through the approval process for new development and redevelopment, to inspect and enforce maintenance standards for private stormwater facilities approved under the provisions of this Section that discharge to the Permittee's MS4.
- c. The program shall include a permitting process with site plan review, inspection and enforcement capability to meet the standards listed in (i) through (iv) below, for both private and public projects, using qualified personnel (as defined in *Definitions and Acronyms*). At a minimum, this program shall be applied to all sites that meet the minimum thresholds adopted pursuant to S5.C.6.b.i, above.
 - i. Review of all stormwater site plans for proposed development activities.
 - ii. Inspect, prior to clearing and construction, all permitted development sites that have a high potential for sediment transport as determined through plan review based on definitions and requirements in Appendix 7 – *Determining Construction Site Sediment Damage Potential*. As an alternative to evaluating each site according to Appendix 7, Permittees may choose to inspect all construction sites that meet the minimum thresholds adopted pursuant to S5.C.6.b.i, above.
 - iii. Inspect all permitted development sites during construction to verify proper installation and maintenance of required erosion and sediment controls. Enforce as necessary based on the inspection.
 - iv. Each Permittee shall manage maintenance activities to inspect all stormwater treatment and flow control BMPs/facilities, and catch basins, in new residential developments every six months, until 90% of the lots are constructed (or when construction has stopped and the site is fully stabilized), to identify maintenance needs and enforce compliance with maintenance standards as needed.
 - v. Inspect all permitted development sites upon completion of construction and prior to final approval or occupancy to ensure proper installation of permanent

stormwater facilities. Verify that a maintenance plan is completed and responsibility for maintenance is assigned for stormwater treatment and flow control BMPs/facilities. Enforce as necessary based on the inspection.

- vi. Compliance with the inspection requirements in (ii) through (v), above, shall be determined by the presence and records of an established inspection program designed to inspect all sites. Compliance during this permit term shall be determined by achieving at least 80% of required inspections. The inspections may be combined with other inspections provided they are performed using qualified personnel.
- vii. The program shall include a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records. Records of maintenance inspections and maintenance activities shall be maintained.
- viii. An enforcement strategy shall be implemented to respond to issues of non-compliance.
- d. The program shall make available, as applicable, the link to the electronic *Construction Stormwater General Permit* Notice of Intent (NOI) form for construction activity and, as applicable, a link to the electronic *Industrial Stormwater General Permit* NOI form for industrial activity to representatives of proposed new development and redevelopment. Permittees shall continue to enforce local ordinances controlling runoff from sites that are also covered by stormwater permits issued by Ecology.²¹
- e. Each Permittee shall ensure that all staff whose primary job duties are implementing the program to control stormwater runoff from new development, redevelopment, and construction sites, including permitting, plan review, construction site inspections, and enforcement, are trained to conduct these activities. Follow-up training must be provided as needed to address changes in procedures, techniques or staffing. Permittees shall document and maintain records of the training provided and the staff trained.²²

7. Operations and Maintenance

Each Permittee shall implement and document a program to regulate maintenance activities and to conduct maintenance activities by the Permittee to prevent or reduce stormwater impacts.²³

The minimum performance measures are:

- a. Each Permittee shall implement maintenance standards that are as protective, or more protective, of facility function than those specified in the *Stormwater Management Manual for Western Washington* or a Phase I program approved by Ecology. For facilities which do not have maintenance standards, the Permittee shall

²¹ New Permittees shall meet the requirements of S5.C.6.d beginning no later than August 1, 2019.

²² New Permittees shall meet the requirements of S5.C.6.e no later than December 31, 2022.

²³ New Permittees shall develop and implement the requirements of S5.C.7 no later than December 31, 2022 except where otherwise noted in this Section.

develop a maintenance standard. No later than June 30, 2022, Permittees shall update their maintenance standards as necessary to meet the requirements of this Section.

- i. The purpose of the maintenance standard is to determine if maintenance is required. The maintenance standard is not a measure of the facility's required condition at all times between inspections. Exceeding the maintenance standard between inspections and/or maintenance is not a permit violation.
- ii. Unless there are circumstances beyond the Permittee's control, when an inspection identifies an exceedance of the maintenance standard, maintenance shall be performed:
 - Within 1 year for typical maintenance of facilities, except catch basins.
 - Within 6 months for catch basins.
 - 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.

- b. Maintenance of stormwater facilities regulated by the Permittee
 - i. The program shall include provisions to verify adequate long-term O&M of stormwater treatment and flow control BMPs/facilities that are permitted and constructed pursuant to S.5.C.6.c and shall be maintained in accordance with S5.C.7.a.

The provisions shall include:

- (a) Implementation of an ordinance or other enforceable mechanism that:
 - Clearly identifies the party responsible for maintenance in accordance with maintenance standards established under S5.C.7.a.
 - Requires inspection of facilities in accordance with the requirements in (b), below.
 - Establishes enforcement procedures.
- (b) Annual inspections of all stormwater treatment and flow control BMPs/facilities that discharge to the MS4 and were permitted by the Permittee according to S5.C.6.c, including those permitted in accordance with requirements adopted pursuant to the 2007-2019 Ecology municipal stormwater permits, unless there are maintenance records to justify a different frequency.

Permittees may reduce the inspection frequency based on maintenance records of double the length of time of the proposed inspection frequency. In the absence of maintenance records, the Permittee may substitute written statements to document a specific less frequent inspection schedule. Written statements shall be based on actual inspection and

maintenance experience and shall be certified in accordance with G19 – *Certification and Signature*.

- ii. Compliance with the inspection requirements in (b), above, shall be determined by the presence and records of an established inspection program designed to inspect all facilities, and achieving at least 80% of required inspections.
 - iii. The program shall include a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records. Records of maintenance inspections and maintenance activities shall be maintained.
- c. Maintenance of stormwater facilities owned or operated by the Permittee.
- i. Each Permittee shall implement a program to annually inspect all municipally owned or operated stormwater treatment and flow control BMPs/facilities, and taking appropriate maintenance actions in accordance with the adopted maintenance standards.

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

- ii. Each Permittee shall spot check potentially damaged stormwater treatment and flow control BMPs/facilities after major storm events (24 hour storm event with a 10 year or greater recurrence interval). If spot checks indicate widespread damage/maintenance needs, inspect all stormwater treatment and flow control BMPs/facilities that may be affected. Conduct repairs or take appropriate maintenance action in accordance with maintenance standards established above, based on the results of the inspections.
- iii. Each Permittee shall inspect all catch basins and inlets owned or operated by the Permittee every two years.²⁴ Clean catch basins if the inspection indicates cleaning is needed to comply with maintenance standards established in the *Stormwater Management Manual for Western Washington*. Decant water shall be disposed of in accordance with Appendix 6 – *Street Waste Disposal*.

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

- (a) The catch basin inspection schedule of every two years may be changed as appropriate to meet the maintenance standards based on maintenance records of double the length of time of the proposed inspection frequency. In the absence of maintenance records for catch basins, the Permittee may substitute written statements to document a specific, less frequent inspection schedule. Written statements shall be based on actual inspection

²⁴ New Permittees shall inspect and, if needed, clean all catch basins and inlets owned or operated by the Permittee in accordance with the requirements of S5.C.7.c once during the permit term, to be completed no later than February 2, 2024.

and maintenance experiences and shall be certified in accordance with G19 – *Certification and Signature*.

- (b) Inspections every two years may be conducted on a “circuit basis” whereby 25% of catch basins and inlets within each circuit are inspected to identify maintenance needs. Include an inspection of the catch basin immediately upstream of any MS4 outfall, discharge point, or connections to public or private storm systems, if applicable. Clean all catch basins within a given circuit for which the inspection indicates cleaning is needed to comply with maintenance standards established under S5.C.7.a, above.
 - (c) The Permittee may clean all pipes, ditches, and catch basins and inlets within a circuit once during the permit term. Circuits selected for this alternative must drain to a single point.
- iv. Compliance with the inspection requirements in S5.C.7.c.i-iii, above, shall be determined by the presence of an established inspection program achieving at least 95% of required inspections.
- d. Implement practices, policies, and procedures to reduce stormwater impacts associated with runoff from all lands owned or maintained by the Permittee, and road maintenance activities under the functional control of the Permittee. No later than December 31, 2022, document the practices, policies, and procedures. Lands owned or maintained by the Permittee include, but are not limited to: streets, parking lots, roads, highways, buildings, parks, open space, road right-of-ways, maintenance yards, and stormwater treatment and flow control BMPs/facilities.

The following activities shall be addressed:

- i. Pipe cleaning
- ii. Cleaning of culverts that convey stormwater in ditch systems
- iii. Ditch maintenance
- iv. Street cleaning
- v. Road repair and resurfacing, including pavement grinding
- vi. Snow and ice control
- vii. Utility installation
- viii. Pavement striping maintenance
- ix. Maintaining roadside areas, including vegetation management
- x. Dust control
- xi. Application of fertilizers, pesticides, and herbicides according to the instructions for their use, including reducing nutrients and pesticides using alternatives that minimize environmental impacts
- xii. Sediment and erosion control
- xiii. Landscape maintenance and vegetation disposal
- xiv. Trash and pet waste management

- xv. Building exterior cleaning and maintenance
- e. Implement an ongoing training program for employees of the Permittee whose primary construction, operations, or maintenance job functions may impact stormwater quality. The training program shall address the importance of protecting water quality, operation and maintenance standards, inspection procedures, relevant SWPPPs, selecting appropriate BMPs, ways to perform their job activities to prevent or minimize impacts to water quality, and procedures for reporting water quality concerns. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staffing. Permittees shall document and maintain records of training provided. The staff training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance.
- f. Implement a Stormwater Pollution Prevention Plan (SWPPP) for all heavy equipment maintenance or storage yards, and material storage facilities owned or operated by the Permittee in areas subject to this Permit that are not required to have coverage under the *Industrial Stormwater General Permit* or another NPDES permit that authorizes stormwater discharges associated with the activity. As necessary, update SWPPPs no later than December 31, 2022, to include the following information. At a minimum, the SWPPP shall include:
 - i. A detailed description of the operational and structural BMPs in use at the facility and a schedule for implementation of additional BMPs when needed. BMPs selected must be consistent with the *Stormwater Management Manual for Western Washington*, or a Phase I program approved by Ecology. The SWPPP must be updated as needed to maintain relevancy with the facility.
 - ii. At minimum, annual inspections of the facility, including visual observations of discharges, to evaluate the effectiveness of the BMPs, identify maintenance needs, and determine if additional or different BMPs are needed. The results of these inspections must be documented in an inspection report or check list.
 - iii. An inventory of the materials and equipment stored on-site, and the activities conducted at the facility which may be exposed to precipitation or runoff and could result in stormwater pollution.
 - iv. A site map showing the facility's stormwater drainage, discharge points, and areas of potential pollutant exposure.
 - v. A plan for preventing and responding to spills at the facility which could result in an illicit discharge.
- g. Maintain records of the activities conducted to meet the requirements of this Section.

8. Source Control Program for Existing Development

- a. The Permittee shall implement a program to prevent and reduce pollutants in runoff from areas that discharge to the MS4. The program shall include:
 - i. Application of operational source control BMPs, and if necessary, structural source control BMPs or treatment BMPs/facilities, or both, to pollution generating sources associated with existing land uses and activities.

- ii. Inspections of pollutant generating sources at publicly and privately owned institutional, commercial and industrial sites to enforce implementation of required BMPs to control pollution discharging into the MS4.
- iii. Application and enforcement of local ordinances at sites, identified pursuant to S5.C.8.b.ii, including sites with discharges authorized by a separate NPDES permit. Permittees that are in compliance with the terms of this Permit will not be held liable by Ecology for water quality standard violations or receiving water impacts caused by industries and other Permittees covered, or which should be covered under an NPDES permit issued by Ecology.
- iv. Practices to reduce polluted runoff from the application of pesticides, herbicides, and fertilizers from the sites identified in the inventory.

b. Minimum performance measures:

- i. No later than August 1, 2022, Permittees shall adopt and make effective an ordinance(s), or other enforceable documents, requiring the application of source control BMPs for pollutant generating sources associated with existing land uses and activities (see Appendix 8 to identify pollutant generating sources).

The requirements of this subsection are met by using the source control BMPs in the SWMMWW, or a Phase I Program approved by Ecology. In cases where the manual(s) lack guidance for a specific source of pollutants, the Permittee shall work with the owner/operator to implement or adapt BMPs based on the best professional judgement of the Permittee.

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

- ii. No later than August 1, 2022, the Permittees shall establish an inventory that identifies publicly and privately owned institutional, commercial, and industrial sites which have the potential to generate pollutants to the MS4. The inventory shall include:
 - (a) Businesses and/or sites identified based on the presence of activities that are pollutant generating (refer to Appendix 8).
 - (b) Other pollutant generating sources, based on complaint response, such as: home-based businesses and multi-family sites.
- iii. No later than January 1, 2023, Permittees shall implement an inspection program for sites identified pursuant to S5.C.8.b.ii, above.
 - (a) All identified sites with a business address shall be provided information about activities that may generate pollutants and the source control

requirements applicable to those activities. This information shall be provided by mail, telephone, electronic communications, or in person. This information may be provided all at one time or spread out over the permit term to allow for tailoring and distribution of the information during site inspections.

- (b) The Permittee shall annually complete the number of inspections equal to 20% of the businesses and/or sites listed in their source control inventory to assess BMP effectiveness and compliance with source control requirements. The Permittee may count follow-up compliance inspections at the same site toward the 20% inspection rate. The Permittee may select which sites to inspect each year and is not required to inspect 100% of sites over a 5-year period. Sites may be prioritized for inspection based on their land use category, potential for pollution generation, proximity to receiving waters, or to address an identified pollution problem within a specific geographic area or sub-basin.
 - (c) Each Permittee shall inspect 100% of sites identified through credible complaints.
 - (d) Permittees may count inspections conducted based on complaints, or when the property owner denies entry, to the 20% inspection rate.
- iv. No later than January 1, 2023, each Permittee shall implement a progressive enforcement policy that requires sites to comply with stormwater requirements within a reasonable time period as specified below:
- (a) If the Permittee determines, through inspections or otherwise, that a site has failed to adequately implement required BMPs, the Permittee shall take appropriate follow-up action(s), which may include phone calls, reminder letters, emails, or follow-up inspections.
 - (b) When a Permittee determines that a site has failed to adequately implement BMPs after a follow-up inspection(s), the Permittee shall take enforcement action as established through authority in its municipal codes or ordinances, or through the judicial system.
 - (c) Each Permittee shall maintain records, including documentation of each site visit, inspection reports, warning letters, notices of violations, and other enforcement records, demonstrating an effort to bring sites into compliance. Each Permittee shall also maintain records of sites that are not inspected because the property owner denies entry.
 - (d) A Permittee may refer non-emergency violations of local ordinances to Ecology, provided, the Permittee also makes a documented effort of progressive enforcement. At a minimum, a Permittee's enforcement effort shall include documentation of inspections and warning letters or notices of violation.
- v. Permittees shall train staff who are responsible for implementing the source control program to conduct these activities. The ongoing training program shall cover the legal authority for source control, source control BMPs and their proper application, inspection protocols, lessons learned, typical cases, and enforcement

procedures. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staff. Permittees shall document and maintain records of the training provided and the staff trained.

S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES

- A.** 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, or another Secondary Permittee.

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

1. To the extent allowable under state, federal or 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 Total Maximum Daily Load Requirements*. The SWMP shall be designed to reduce the discharge of pollutants from regulated small MS4s to the MEP and protect water quality.
3. Unless an alternate implementation schedule is established by Ecology as a condition of permit coverage, the SWMP shall be developed and implemented in accordance with the schedules contained in this Section and shall be fully developed and implemented no later than four and one-half years from the initial permit coverage date. Secondary Permittees that are already implementing some or all of the required SWMP components shall continue implementation of those components.
4. Secondary Permittees may implement parts of their SWMP in accordance with the schedule for cities, towns, and counties in S5, provided they have signed a memorandum of understanding or other agreement to jointly implement the activity or activities with one or more jurisdictions listed in S1.D.2.a or S1.D.2.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.

- 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 they can operate pursuant to legal authority which authorizes or enables the Secondary Permittee to control discharges to and from MS4s owned or operated by the Secondary Permittee.

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

D. Stormwater Management Program for Secondary Permittees

The SWMP for Secondary Permittees shall include the following components:

1. Public Education and Outreach

Each Secondary Permittee shall implement the following stormwater education strategies:

- a. Storm drain inlets owned or operated by the Secondary Permittee that are located in maintenance yards, in parking lots, along sidewalks, and at pedestrian access points shall be clearly labeled with a message similar to “Dump no waste – Drains to waterbody.”²⁵

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:
 - i. How stormwater runoff affects local water bodies.
 - 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.
 - vi. Hazards associated with illicit connections and illicit discharges.
 - vii. Benefits of litter control of pet waste.

²⁵ 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.

2. Public Involvement and Participation

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

- a. Make the annual report available on the Permittee's website.
- b. Make available on the Permittee's website, the latest updated version of the SWMP Plan.
- c. A Secondary Permittee that does not maintain a website may submit the updated SWMP Plan and annual report in electronic format to Ecology for posting on Ecology's website.

3. Illicit Discharge Detection and Elimination

Each Secondary Permittee shall:

- a. From the initial date of permit coverage, comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern non-stormwater discharges.
- b. Implement appropriate policies prohibiting illicit discharges,²⁶ and an enforcement plan to ensure compliance with illicit discharge policies.²⁷ 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 or state waste discharge permit

²⁶ New Secondary Permittees shall develop and implement appropriate policies prohibiting illicit discharges, and identify possible enforcement mechanisms as described in S6.D.3.b no later than one year from the initial date of permit coverage.

²⁷ New Secondary Permittees shall develop and implement an enforcement plan as described in S6.D.3.b no later than 18 months from the initial date of permit coverage.

Len: Note same requirement for fire hydrant flushing as described in (b) above.

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,
- (b) Fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.
- (c) Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities and water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction.
- (d) 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.
- (e) Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. The Secondary Permittee shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction. To avoid washing pollutants into the MS4, the Secondary Permittee shall minimize the amount of street wash and dust control water used.
- (f) Other non-stormwater discharges shall be in compliance with the requirements of a pollution prevention plan reviewed by the Permittee which addresses control of such discharges.

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

- c. Maintain a storm sewer system map showing the locations of all known MS4 outfalls and discharge points, labeling the receiving waters (other than groundwater) and delineating the areas contributing runoff to each outfall and discharge point. Make the map (or completed portions of the map) available on request to Ecology and to the extent appropriate, to other Permittees. The preferred format for mapping is an electronic format with fully described mapping standards.²⁸
- d. Conduct field inspections and visually inspect for illicit discharges at all known MS4 outfalls and discharge points. Visually inspect at least one third (on average) of all known outfalls and discharge points each year beginning no later than two years from

²⁸ New Secondary Permittees shall meet the requirements of S6.D.3.c no later than four and one-half years from the initial date of permit coverage.

the initial date of permit coverage. Implement procedures to identify and remove any illicit discharges. Keep records of inspections and follow-up activities.

- e. Implement a spill response plan that includes coordination with a qualified spill responder.²⁹
- f. No later than two years from initial date of permit coverage, provide staff training or coordinate with existing training efforts to educate staff on proper BMPs for preventing illicit discharges, including spills. Train all Secondary Permittee staff who, as part of their normal job responsibilities, have a role in preventing such illicit discharges.

4. Construction Site Stormwater Runoff Control

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

- a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern construction phase stormwater pollution prevention measures.
- b. Ensure that all construction projects under the functional control of the Secondary Permittee which require a construction stormwater permit obtain coverage under the *NPDES Construction Stormwater General Permit* or an individual NPDES permit prior to discharging construction related stormwater.
- c. Coordinate with the local jurisdiction regarding projects owned or operated by other entities which discharge into the Secondary Permittee's MS4, to assist the local jurisdiction with achieving compliance with all relevant ordinances, rules, and regulations of the local jurisdiction(s).
- d. Provide training or coordinate with existing training efforts to educate relevant staff in erosion and sediment control BMPs and requirements, or hire trained contractors to perform the work.
- e. Coordinate as requested with Ecology or the local jurisdiction to provide access for inspection of construction sites or other land disturbances which are under the functional control of the Secondary Permittee during land disturbing activities and/or construction period.

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

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

- a. Comply with all relevant ordinances, rules and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern post-construction stormwater pollution prevention measures.
- b. Coordinate with the local jurisdiction regarding projects owned or operated by other entities which discharge into the Secondary Permittee's MS4, to assist the local jurisdiction with achieving compliance with all relevant ordinances, rules and regulations of the local jurisdiction(s).

²⁹ New Secondary Permittees shall develop and implement a spill response plan as described in S6.D.3.e no later than four and one-half years from the initial date of permit coverage.

6. Pollution Prevention and Good Housekeeping for Municipal Operations

Each Secondary Permittee shall:

- a. Implement a municipal operation and maintenance (O&M) plan to minimize stormwater pollution from activities conducted by the Secondary Permittee. The O&M Plan shall include appropriate pollution prevention and good housekeeping procedures for all of the following operations, activities, and/or types of facilities that are present within the Secondary Permittee's boundaries and under the functional control of the Secondary Permittee.³⁰

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

Secondary Permittees shall establish maintenance standards that are as protective or more protective of facility function than those specified in *Stormwater Management Manual for Western Washington*. Secondary Permittees shall review their maintenance standards to ensure they are consistent with the requirements of this Section.

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

- ii. *Roads, highways, and parking lots*. The O&M Plan shall address, but is not limited to: deicing, anti-icing, and snow removal practices; snow disposal areas; material (e.g., salt, sand, or other chemical) storage areas; all-season BMPs to reduce road and parking lot debris and other pollutants from entering the MS4.
- iii. *Vehicle fleets*. The O&M Plan shall address, but is not limited to: storage, washing, and maintenance of Secondary Permittee vehicle fleets; and fueling facilities. Secondary Permittees shall conduct all vehicle and equipment washing and maintenance in a self-contained covered building or in designated wash and/or maintenance areas.
- iv. *External building maintenance*. The O&M Plan shall address, building exterior cleaning and maintenance including cleaning, washing, painting; and maintenance and management of dumpsters; and other maintenance activities.
- v. *Parks and open space*. The O&M Plan shall address, but is not limited to: proper application of fertilizer, pesticides, and herbicides; sediment and erosion control; BMPs for landscape maintenance and vegetation disposal; and trash and pet waste management.

³⁰ New Secondary Permittees shall develop and implement the operation and maintenance plan described in S6.D.6.a no later than three years from initial date of permit coverage.

- vi. *Material storage facilities and heavy equipment maintenance or storage yards.* Secondary Permittees shall develop and implement a Stormwater Pollution Prevention Plan to protect water quality at each of these facilities owned or operated by the Secondary Permittee and not covered under the *Industrial Stormwater General Permit* or under another NPDES permit that authorizes stormwater discharges associated with the activity.
 - vii. *Other facilities* that would reasonably be expected to discharge contaminated runoff. The O&M Plan shall address proper stormwater pollution prevention practices for each facility.
- b. From the initial date of permit coverage, Secondary Permittees shall also have permit coverage for all facilities operated by the Secondary Permittee that are required to be covered under the *Industrial Stormwater General Permit* or another NPDES permit that authorizes discharges associated with the activity.
 - c. The O&M Plan shall include sufficient documentation and records as necessary to demonstrate compliance with the O&M Plan requirements in S6.D.6.a(i) through (vii), above.
 - d. No later than three years from the initial date of permit coverage, Secondary Permittees shall implement a program designed to train all employees whose primary construction, operations, or maintenance job functions may impact stormwater quality. The training shall address:
 - i. The importance of protecting water quality.
 - ii. The requirements of this Permit.
 - iii. Operation and maintenance requirements.
 - iv. Inspection procedures.
 - v. Ways to perform their job activities to prevent or minimize impacts to water quality.
 - vi. Procedures for reporting water quality concerns, including potential illicit discharges (including spills).

S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS

The following requirements apply if an applicable TMDL is approved for stormwater discharges from MS4s owned or operated by the Permittee. Applicable TMDLs are TMDLs which have been approved by EPA on or before the issuance date of this Permit or prior to the date that Ecology issues coverage 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 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. All Permittees that chose S8.B Status and Trends Monitoring Option #1 in the *Phase II Western Washington Municipal Stormwater Permit*, August 1, 2013 – July 31, 2018 (extended to July 31, 2019), 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, below.
 - 2. All City and County Permittees covered under the *Phase II Western Washington Municipal Stormwater Permit*, August 1, 2013 – July 31, 2018 (extended to July 31, 2019), except the Cities of Aberdeen and Centralia, 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 either: small streams and marine nearshore areas in Puget Sound; or, urban streams in Clark and Cowlitz Counties in the Lower Columbia River basin, depending on the Permittee’s location. 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

 - 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.
- B. Stormwater Management Program (SWMP) Effectiveness and Source Identification Studies
 - 1. All Permittees that chose S8.C Effectiveness Studies Option #1 in the *Phase II Western Washington Municipal Stormwater Permit*, August 1, 2013 – July 31, 2018 (extended to July 31, 2019), shall make a one-time payment into the collective fund to implement effectiveness studies and source identification studies. The payment is due on or before December 1, 2019. Submit payment according to Section S8.D, below.

2. All City and County Permittees covered under the *Phase II Western Washington Municipal Stormwater Permit*, August 1, 2013 – July 31, 2018 (extended to July 31, 2019), shall notify Ecology in writing which of the following two options (S8.B.2.a or S8.B.2.b) for effectiveness and source identification studies 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 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, below.

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.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 for Cities, Towns, and Counties* 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. This Section applies only to Permittees who choose to conduct stormwater discharge monitoring per S8.A.2.b 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 Quality Assurance Project Plan (QAPP) as follows:
 - a. Permittees who choose the option to conduct stormwater discharge monitoring for either S8.A.2 or S8.B.2 shall monitor three independent discharge locations.

Permittees who choose the option to conduct stormwater discharge monitoring for both S8.A.2 and S8.B.2 shall conduct this monitoring at a total of six locations; at least four locations shall be independent (one location may be nested in another basin).
 - b. No later than February 1, 2020, each Permittee shall submit to Ecology a draft stormwater discharge monitoring QAPP 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 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, 2021.

- 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. Each Permittee's S8.A and S8.B payment amounts are listed in Appendix 11 and in the invoices that will be sent to the Permittee approximately three months in advance of each payment due date.
2. Mail payments according to the instructions in the invoice, 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 beginning in 2020, each Permittee shall submit an annual report. The reporting period for the annual report will 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.

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 cities, towns, and counties

Each annual report shall include the following:

1. A copy of the Permittee's current SWMP Plan, as required by S5.A.2.
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.³¹
4. If applicable, notice that the MS4 is relying on another governmental entity to satisfy any of the obligations under this Permit.
5. Certification and signature pursuant to G19.D, and notification of any changes to authorization pursuant to G19.C.
6. 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

Each annual report shall include the following:

1. 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.
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.
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 Secondary Permittee's geographic area of permit coverage during the reporting period.

³¹ New Permittees refer to Appendix 5 for annual report questions.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

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

G2. PROPER OPERATION AND MAINTENANCE

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

G3. NOTIFICATION OF DISCHARGE, INCLUDING SPILLS

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

- A. Take appropriate action to correct or minimize the threat to human health, welfare and/or the environment.
- B. Notify the Ecology regional office and other appropriate spill response authorities immediately but in no case later than within 24 hours of obtaining that knowledge.
- C. Immediately report spills or 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 at 1-800-258-5990.

G4. BYPASS PROHIBITED

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

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

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

G5. RIGHT OF ENTRY

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

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

G6. DUTY TO MITIGATE

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

G7. PROPERTY RIGHTS

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

G8. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G9. MONITORING

A. Representative Sampling

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

B. Records Retention

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

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

F. Lab Accreditation

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

G. Additional Monitoring

Ecology may establish specific monitoring requirements in addition to those contained in this Permit by 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 Chapter 90.48.090 RCW;
- F. Nonpayment of permit fees assessed pursuant to Chapter 90.48.465 RCW;

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

G13. TRANSFER OF COVERAGE

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

G14. GENERAL PERMIT MODIFICATION AND REVOCATION

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

- A. A change occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this General Permit;
- B. Effluent limitation guidelines or standards are promulgated pursuant to the CWA or Chapter 90.48 RCW, for the category of dischargers covered under this General Permit;
- C. A water quality management plan containing requirements applicable to the category of dischargers covered under this General Permit is approved; or
- D. Information is obtained which indicates that cumulative effects on the environment from dischargers covered under this General Permit are unacceptable.
- E. Changes in state law that 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 General Condition G12, G14, or 40 CFR 122.62 must report such plans, or such information, to Ecology so that a decision can be made on whether action to modify, or revoke and reissue this Permit will be

required. Ecology may then require submission of a new or amended application. Submission of such application does not relieve the Permittee of the duty to comply with this Permit until it is modified or reissued.

G16. APPEALS

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

G17. PENALTIES

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

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 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 condition G19.B.2 must 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 must:

- 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 must include all of the following:
 1. A description of the non-compliance, including dates.
 2. Beginning and end dates of the non-compliance, and if the compliance has not been corrected, the anticipated date of correction.
 3. Steps taken or planned to reduce, eliminate, or prevent reoccurrence of the non-compliance.
- B. Take appropriate action to stop or correct the condition of non-compliance.

G21. UPSETS

Permittees must 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 must demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and that the Permittee can identify the cause(s) of the upset;
 2. The permitted facility was at the time being properly operated; and
 3. The Permittee submitted notice of the upset as required in 40 CFR 122.41(l)(6)(ii)(B) (24-hour notice of noncompliance).
 4. The Permittee complied with any remedial measures required under 40 CFR 122.41(d) (Duty to Mitigate).
- D. *Burden of proof.*** In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

DEFINITIONS AND ACRONYMS

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

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

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

All Known, Available and Reasonable Methods of Prevention, Control and Treatment (AKART) refers to the State Water Pollution Control Act, Chapter 90.48.010 RCW and Chapter 90.48.520 RCW.

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

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

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

BMP means Best Management Practice.

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

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

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

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

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

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

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

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

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

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

EPA means the U.S. Environmental Protection Agency.

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

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

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

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

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

Highway means a main public road connecting towns and cities.

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

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

Illicit Connection means any infrastructure connection to the MS4 that is not intended, permitted or used for collecting and conveying stormwater or non-stormwater discharges allowed as specified in this Permit (S5.C.5 and S6.D.3). Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4.

Illicit Discharge means any discharge to a MS4 that is not composed entirely of stormwater or of non-stormwater discharges allowed as specified in this Permit (S5.C.5 and S6.D.3).

Impervious Surface means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or stormwater areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

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

LID means Low Impact Development.

LID BMP means Low Impact Development Best Management Practices.

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

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

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

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

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

MEP means Maximum Extent Practicable.

MS4 means Municipal Separate Storm Sewer System.

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

- (i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of Washington State.
- (ii) Designed or used for collecting or conveying stormwater.
- (iii) Which is not a combined sewer;
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.; and
- (v) Which is defined as “large” or “medium” or “small” or otherwise designated by Ecology pursuant to 40 CFR 122.26.

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

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

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

New Permittee means a city, town, or county that is subject to the *Western Washington Municipal Stormwater General Permit* and was not subject to the permit prior to July 1, 2019.

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

NOI means Notice of Intent.

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

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

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

NPDES means National Pollutant Discharge Elimination System.

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

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

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

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

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

QAPP means Quality Assurance Project Plan.

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

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

RCW means the Revised Code of Washington State.

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

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

Regulated Small Municipal Separate Storm Sewer System means a Municipal Separate Storm Sewer System which is automatically designated for inclusion in the Phase II stormwater permitting program by

its location within an Urbanized Area, or by designation by Ecology and is not eligible for a waiver or exemption under S1.C.

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

SAM means Stormwater Action Monitoring

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

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

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

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

Small Municipal Separate Storm Sewer System means an MS4 that is not defined as “large” or “medium” pursuant to 40 CFR 122.26(b)(4) & (7) or designated under 40 CFR 122.26 (a)(1)(v).

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

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

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

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

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

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

Stormwater Treatment and Flow Control BMPs/Facilities means detention facilities, permanent treatment BMPs/facilities; and bioretention, vegetated roofs, and permeable pavements that help meet Appendix 1 Minimum Requirements #6 (treatment), #7 (flow control), or both.

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

SWMMWW or **Stormwater Management Manual for Western Washington** means *Stormwater Management Manual for Western Washington (2019)*.

SWMP means Stormwater Management Program.

TMDL means Total Maximum Daily Load.

Total Maximum Daily Load (TMDL) means a water cleanup plan. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The calculation must include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation must also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, Section 303, establishes the water quality standards and TMDL programs.

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

UGA means Urban Growth Area.

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

Urbanized Area is a federally-designated land area comprising one or more places and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile. Urbanized Areas are designated by the U.S. Census Bureau based on the most recent decennial census.

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

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

Waters of the State includes those waters as defined as "waters of the United States" in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State and "waters of the State" as defined in

Chapter 90.48 RCW which includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

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

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF SHELTON
AND THE MASON CONSERVATION DISTRICT**

This Interlocal Agreement (this "Agreement") is entered into by and between the City of Shelton (the "City") and the Mason Conservation District (the "MCD").

WHEREAS, Chapter 39.34 RCW permits local governmental units to make the most efficient use of their powers by enabling them to cooperate on the basis of mutual advantage; and

WHEREAS, the City and the MCD are public agencies within the meaning of chapter 39.34 RCW; and

WHEREAS, the MCD is authorized to "conduct educational and demonstrational projects" related to renewable natural resources conservation and to carry out preventative and control projects, including engineering operations, for renewable natural resources conservation; and

WHEREAS, RCW 89.08.220(4) specifically authorized the MCD to "cooperate or enter into agreements with, and . . . to furnish financial or other aid to any agency, governmental or otherwise, . . . in the carrying on of preventive and control measures and works of improvement for the conservation of renewable natural resources within the district"; and

WHEREAS, the City carries out a variety of projects and activities that may implicate renewable natural resources conservation; and

WHEREAS, the City and the MCD desire to enter into an agreement in order for the MCD to provide environmental and engineering support to the City on an as-needed basis for such projects and activities, as authorized by RCW 89.08.220.

NOW, THEREFORE, the City and the MCD mutually agree as follows:

1) Scope of Work

The MCD shall, on an as-needed basis, provide environmental and engineering services to the City as authorized by RCW 89.08.220 and as deemed appropriate by the parties.

Specific projects and services shall be documented by a supplemental memorandum at the time of project inception. When such a supplemental memorandum is signed by authorized representatives of both the City and the MCD, it shall be incorporated into this agreement by this reference.

The City will reimburse the MCD for those allowable costs, which may include labor, travel, and materials, that are budgeted and approved by the City Commission.

2) Payment

The MCD shall submit any requests for payment to the City no more frequently than once per month, except that a "year-end" billing shall be presented during the first week of January of each year for all activities occurring through and including December 31 of the prior year. Within thirty (30) days after receipt of a request for payment, the City shall pay the full amount billed or withhold a portion thereof and provide the MCD written notice specifying the total amount withheld and the ground(s) for withholding such amount, together with payment of the remainder of the amount billed (if any amount remains).

3) Effective Date, Duration, and Termination

This agreement shall be effective when both parties have duly executed it. Prior to its entry into force, this agreement must be filed with the Mason County Auditor or, alternatively, listed by subject on the MCD's or the City' website or other electronically retrievable public source.

This agreement shall automatically renew annually unless terminated by either party. Termination of this agreement by either party may be accomplished on thirty (30) days' written notice to the other party.

4) Compliance with Legal Requirements

Each party accepts responsibility for compliance with federal, state, or local laws and regulations including, in particular, bidding requirements applicable to professional services. In the event that the MCD contracts for professional services with any person other than an MCD employee and those professional services will be utilized to satisfy the MCD's obligations under this agreement, the MCD shall notify the City and shall comply with the requirements of chapter 39.80 RCW.

5) Relationship of the Parties

No agent, employee, or representative of the MCD shall be deemed to be an agent, employee, or representative of the City for any purpose, and the employees of the MCD are not entitled to any of the benefits the City provides to City employees, and vice versa.

6) Insurance

The City is a self-insured governmental entity pursuant to the laws of the state of Washington. The City maintains property, premises, and joint general liability insurance through the Washington Cities Insurance Authority. The City certifies that it maintains property, premises liability, and general liability insurance in excess of \$2,000,000.00, including for the acts or omissions of its officers, employees, and representatives for the type and scope of work contemplated herein by its officers, employees, volunteers and agents.

The MCD hereby certifies that it maintains property, premises liability, and general liability insurance up to \$1,000,000.00 per incident, including for the acts or omissions of its officers, employees, and representatives, through a qualified insurance carrier.

Either party may request proof of insurance on request from the other party.

7) Hold Harmless

Each party shall be liable and responsible for the consequences of any negligent or wrongful act or failure to act on the part of itself and its officers, agents, and employees.

8) Governing Law and Venue

The parties agree that the laws and administrative rules and regulations of the State of Washington shall govern in any matter relating to this agreement. The parties agree that venue for any action arising from or relating to this agreement shall lie in Mason County Superior Court.

9) Representatives

The MCD:
John Bolender, District Manager
450 W Business Park RD
Shelton, WA 98584
360-427-9436 x121
jbolender@masoncd.org

The City:
Michael Michael, City Engineer
525 W Cota St
Shelton, WA 98584
360-432-5125
mmichael@ci.shelton.wa.us

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CITY OF SHELTON

Approved by:

Gary H. Cronce

DATE: Feb 25th, 2014

.....

MASON CONSERVATION DISTRICT

Approved by:



David Mackey, Board Chair

DATE: _____

SHELTON NPDES STORMWATER PERMIT OUTREACH AND EDUCATION PLAN

City Council Study Session
November 9th, 2021

SCOPE OF WORK

- Build General Awareness of Local Water Quality – general public and youth
- Focus annually on Best Management Practices to Change Behavior – tree retention/natural landscaping
- Implement Methods to Evaluate Effectiveness of Behavior Change Efforts
- Promote Opportunities for Shelton residents to get involved in stewardship activities and the decision making process



TREE RETENTION AND TREE PLANTING

Behavior Change Metrics:

- Baseline of Trees Planted in Prior Events
- Number of Tree Planting Events
- Number of Trees Planted
- Number of Tree Applicants
- Number of Student Surveys



NATURAL YARD CARE

Behavior Change Metrics:

- Number of Residents Participating in Prior Native Plant Sales
- Native and Natural Landscape Campaign – Feature New Plant Selection in Plant Sales
- Number of Residents Participating Post Campaign



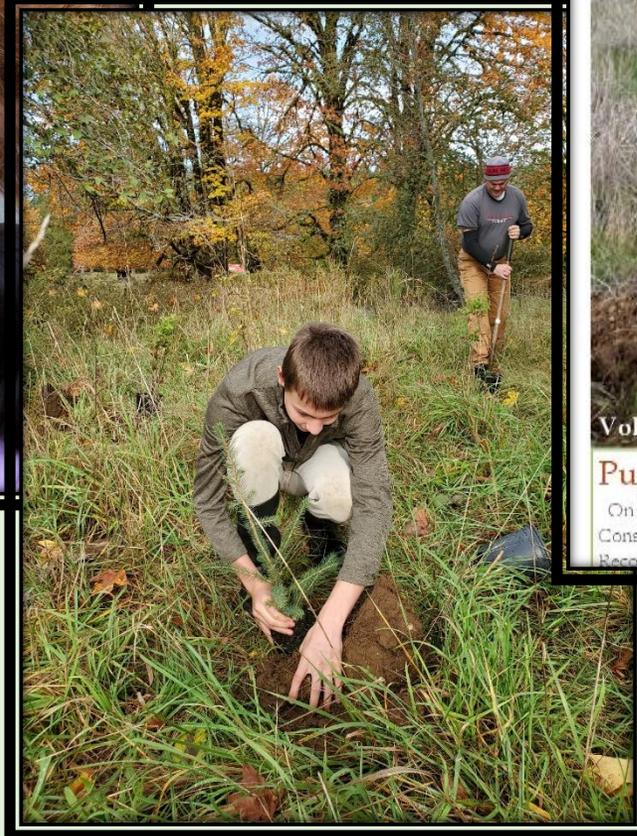
COMMUNITY-BASED SOCIAL MARKETING

Five Steps:

1. Select Behavior to Change
2. ID barriers/benefits to Behavior
3. Strategy to Reduce Barriers/Increase Benefits
4. Pilot the Strategy
5. Monitor Strategy Effectiveness



OPPORTUNITIES TO PARTICIPATE



Volunteer Alexa Jones planting Red Flowering Currant at Orca Recovery Day

Puget Sound Orca Recovery Day

On November 10th, Capitol Land Trust and Mason Conservation District joined forces to host Orca Recovery Day at Bayshore Preserve in Shelton, In

This lovely Saturday not only consisted of planting, but of education! Giovanni Galarza, a senior at Evergreen State College studying



Instagram

OTHER MCD STORMWATER PROJECTS



Projects funded wholly or in part by the United States Environmental Protection Agency under assistance Agreement PC-01J18101 to Department of Ecology. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.

SEVEN RAIN GARDENS IN MT. VIEW NEIGHBORHOOD



DE-PAVING & RE-VEGETATION AT TMBHO CENTER



Planting Plan - Depave Project
THURSTON MASON BEHAVIORAL HEALTH ORG



Location	Plant	Number	Spacing
1	Tall Oregon Grape	12	2
2	Tall Oregon Grape	10	2
3	Rhododendron macrophyllum- Pacific Rhododendron	1	0
4	safari-goldstrike-yellow-conebush	1	0
5	safari-goldstrike-yellow-conebush	1	0
6	Juniperus scopulorum rocky mountain juniper	1	0
7	Juniperus scopulorum rocky mountain juniper	3	3
8	Pinus contorta contorta- Shore Pine	1	0
9	Pinus contorta contorta- Shore Pine	1	0
10	winter-bee-spanish-lavender	3	3
11	Juniperus chinensis 'Sea Green'	1	0
12	Juniperus chinensis 'Hetzi Columnaris'	1	0
13	Pacific Wax Myrtle	1	0
14	Pinus contorta contorta- Shore Pine	1	0
15	bush honeysuckle (Diervilla rivularis)	12	3
16	Picea orientalis	1	0
17	Quercus chrysolepis - canyon live oak	1	0

0 10 20 40 Feet



BUDGET & SCHEDULE

<i>Task</i>	<i>Dates</i>	<i>Costs</i>
<i>Implement an Education and Outreach Program Building General Awareness Based On Local Water Quality Information And A Selected Target Audience.</i>	<i>Dec 2021 – Jan 2022</i> <i>Dec 2022 – Jan 2023</i> <i>Dec 2023 – Jan 2024</i>	<i>\$7,788.99</i>
<i>Select [at a minimum] One Target Audience and One Best Management Practice (BMP) to Focus on for Behavior Change (including Native Tree Voucher events up to \$3,000)</i>	<i>Dec 2021 – May 2022</i> } <i>Dec 2022 – May 2023</i> } <i>Tree Events</i> <i>Dec 2023 – May 2024</i> } <i>Feb 2022 – Feb 2023</i> } <i>Feb 2023 – Feb 2024</i> } <i>Natural Yard Campaign</i>	<i>\$15,403.99</i>
<i>Conduct an Evaluation of the effectiveness of the Behavior Change Campaign in their Permit Efforts</i>	<i>Jun 2022, 2023, 2024</i> <i>(evaluate tree events)</i> <i>Mar 2023, 2024</i> <i>(evaluate Natural Yard campaign)</i>	<i>\$2,859.45</i>
<i>Follow Social Marketing Practices and Methods, Similar To Community Based Social Marketing to Develop a Behavior Change Program That Is Tailored To Shelton</i>	<i>Dec 2021 – Jan 2022</i> <i>Dec 2022 – Jan 2023</i> <i>Dec 2023 – Jan 2024</i>	<i>\$10,442.08</i>
<i>Provide and Advertise Stewardship Opportunities and/or Partner With Existing Organizations to Encourage Residents To Participate In Activities or Events Planned and Organized Within The Community.</i>	<i>Dec 2021 – July 2024 (continuous)</i>	<i>\$2,112.66</i>
<i>Public Involvement and Participation</i>	<i>Dec 2021 – July 2024 (continuous)</i>	<i>\$3,521.10</i>
<i>Project Management</i>	<i>Dec 2021 – July 2024 (continuous)</i>	<i>\$5,980.92</i>
CONTRACT TOTAL		<i>\$48,109.19</i>



**CITY OF SHELTON
COUNCIL BRIEFING REQUEST
(Agenda Item F4)**

Touch Date: 11/08/2021
Brief Date: 12/07/2021
Action Date: 01/04/2022

Department: Public Works
Presented By: Jay Harris

APPROVED FOR COUNCIL PACKET:

Action Requested:

ROUTE TO:

REVIEWED:

PROGRAM/PROJECT TITLE:

Aspect Consulting Contract for C Street Landfill Environmental Cleanup Construction Planning

Ordinance

Dept. Head

JOH

Resolution

Finance Director

ATTACHMENTS:

Motion

Attorney

- Resolution No 1220-1121

- Professional Services Agreement with Aspect Consulting

Other

City Clerk

City Manager

DESCRIPTION OF THE PROGRAM/PROJECT AND BACKGROUND INFORMATION:

Under the State Model Toxics Control Act (MTCA), the Department of Ecology (ECY) mandated the closure of the City's C Street Landfill. The process initiated in 2015 when the City and ECY worked together to determine requirements and steps necessary to effectively close the landfill in accordance with the MTCA. The City then entered into a contract with Aspect Consulting (following a formal Qualification Based Selection process) to assist the City in negotiating an Agreed Order with Ecology and complete a Remedial Investigation and Feasibility Study on the landfill. Agreed Order No. DE 12929 became effective September 30, 2016, following review and approval by motion from the City Commission.

Aspect Consulting has completed the necessary work and submitted the Remedial Investigation, Feasibility Study, and draft Cleanup Action Plan (RI/FS and dCAP) to the Department of Ecology in accordance with the Agreed Order.

After several reviews between City staff, the City Attorney, Aspect Consulting, and the Department of Ecology, a new Agreed Order (Agreed Order No. DE 19541) was drafted to implement the Cleanup Action Plan and outline the remaining elements required for the landfill to reach closeout status. The new Agreed Order was accepted by Council on September 21st and is currently in the Public Comment Period process, conducted by the Department of Ecology, before it will be approved by Ecology (contingent on any comments received do not result in modification of the Agreed Order).

Aspect Consulting has submitted a proposal to the City outlining efforts for the construction planning components for the cleanup action that are outlined in Agreed Order No. DE 19541, pending final execution of the Agreed Order between the City and Ecology.

The elements included in the proposal consist of:

- Preparation of a Draft Engineering Design Report (EDR), to include 90% construction plans and specifications, and a draft Compliance Monitoring Plan (CMP).
- Preparation of a Draft Inspection, Monitoring, and Maintenance Plan.
- Preparation of a Final EDR, including 100% construction plans and specifications and final CMP.

Typically, utilizing a consultant to complete this effort requires the City to follow a formal Qualifications Based Selection process, in order to determine which consultant is the most knowledgeable and qualified to complete the project. Since Aspect Consulting has successfully worked on the C Street Landfill Project since 2015, there is no other consulting firm that has more knowledge and history of the site and its requirements and completing the formal RFQ process would unnecessarily utilize valuable staff time and funding needed for the project.

ANALYSIS/OPTIONS/ALTERNATIVES:

Having a consultant complete the Environmental Cleanup Construction Planning (design) effort is a necessary step to fulfilling the requirements of the Agreed Order and closing out the landfill.

BUDGET/FISCAL INFORMATION:

In 2015, the City was awarded a Toxics Cleanup Oversight Remedial Action Grant from the Department of Ecology that has a 25% City Match; \$815,000 ECY share and \$271,666.67 City share (paid out of the Solid Waste Fund), for a total amount of \$1,086,666.67. The ECY Grant has paid for the activities completed thus far, with approximately \$500,000 in State funds remaining, which will be enough to complete design and initiate construction of the site. In 2021, the City was awarded an additional \$1.2 million ECY Grant; \$900,000 in State funds and \$300,000 City funds as the 25% City match. A Funding Agreement for the new grant will not be drafted until all funds in the current grant have been expended.

This Contract with Aspect Consulting for Environmental Cleanup Construction Planning (design), is anticipated to expend \$75,791, as detailed in Exhibit A, Table 1 of the attached Contract.

PUBLIC INFORMATION REQUIREMENTS:

Additional information can be obtained from the Public Works Department.

STAFF RECOMMENDATION/MOTION:

"I move to forward Resolution No. 1220-1121 to the January 4, 2022 Council Meeting Action Agenda for further consideration".

RESOLUTION NO. 1220-1121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHELTON, WASHINGTON, AUTHORIZING THE CITY MANAGER TO APPROVE A PROFESSIONAL SERVICES CONTRACT WITH ASPECT CONSULTING, LLC FOR ENVIRONMENTAL CLEANUP CONSTRUCTION PLANNING FOR THE C STREET LANDFILL

WHEREAS, in 2015, following a formal Qualifications Based Selection process, the City Commission awarded a Contract with Aspect Consulting, LLC to assist the City in negotiating an Agreed Order (No. DE 12929) with the Department of Ecology, assist with grant application technical preparation, and completing and drafting a Remedial Investigation and Feasibility Study, as the first steps to closing the C Street Landfill; and

WHEREAS, the Remedial Investigation and Feasibility Study has been completed and a draft Cleanup Action Plan has been prepared and submitted to the Department of Ecology; and

WHEREAS, the Department of Ecology has drafted a new Agreed Order, No DE 19541, to implement the Cleanup Action Plan and outline the remaining elements required for the landfill to reach closeout status; and

WHEREAS, a new Professional Services Contract needs to be awarded for the construction planning components that are outlined in the new Agreed Order, as well as preparation of final construction plans and specifications needed to commence construction; and

WHEREAS, Aspect Consulting, LLC has successfully worked on the C Street Landfill Closure Project since 2015; and

WHEREAS, no other consulting firm would have the knowledge and history of the site that Aspect Consulting has; and

WHEREAS, it would be in the best interest of the City to continue to have Aspect Consulting, LLC working on the project and complete the remaining elements needed to start cleanup construction of the site.

THEREFORE, BE IT RESOLVED by the City Council of the City of Shelton that the City Manager is authorized to sign the Professional Services Contract with Aspect Consulting, LLC for Environmental Cleanup Construction Planning for the C Street Landfill.

Passed by the City Council at its regular meeting held on the 4th day of January, 2022.

Mayor

ATTEST:

City Clerk Nault

CONTRACT FOR SERVICES

City of Shelton and Aspect Consulting, LLC

This Agreement is entered into by and between the City of Shelton, Washington, ("the City") and Aspect Consulting, LLC, ("the Consultant"), whose principal office is located at 350 Madison Avenue N, Bainbridge Island, WA 98110.

WHEREAS, the City has determined the need to have engineering services performed for the **C Street Landfill Environmental Cleanup Construction Planning**; and

WHEREAS, Aspect Consulting was previously selected as the most qualified firm for the Remedial Investigation and Feasibility Study of the C Street Landfill, through a formal RFQ process; and

WHEREAS, Aspect Consulting is the most qualified firm to complete the Environmental Cleanup Construction Planning (design) efforts, given their experience and knowledge of the project to date; and

WHEREAS, the City desires to have the Consultant perform such services pursuant to the following terms and conditions.

NOW, THEREFORE, IN CONSIDERATION OF the mutual benefits and conditions set forth below, the parties hereto agree as follows:

1. **Scope of Services to be Performed by Consultant.** The Consultant shall perform services, as described on **Exhibit "A"** attached hereto and incorporated herein by this reference as if fully set forth in this contract.
2. **Compliance with Applicable Industry Standards, Laws and Requirements.** In performing such services, the Consultant shall at all times comply with all federal, state and local laws applicable to the performance of such services. It is the Consultant's responsibility to identify and comply with such laws, including but not limited to Washington's laws against discrimination; Washington's Industrial Safety and Health Act and associated regulations; Washington's Unemployment Compensation provisions, and any other applicable laws, statutes, regulations or requirements otherwise applicable to the services provided under this Agreement.
3. **Registration, Licensing and Bonding.** Consultant shall at all times maintain appropriate registration, licensing and bonding applicable to professional services to be performed pursuant to this Agreement, and has provided or will provide written evidence of the same to the City upon execution of this Agreement, and shall require and produce the same with respect to any subcontractors/assignees (if the same are authorized by the City to perform pursuant to the terms of this Agreement).
4. **Time Devoted.** The Consultant shall devote such time as reasonably necessary for the satisfactory performance of the services under this Agreement. Should the City require additional services not included under this Agreement, the Consultant shall make reasonable effort to provide such additional services within the time schedule without

decreasing the effectiveness of the performance of services required under this Agreement and shall be compensated for such additional services as agreed between the Parties.

5. **Provisions of Facilities, Equipment, Personnel.** The Consultant shall furnish the facilities, equipment, and personnel necessary to perform the services required under this Agreement unless otherwise provided herein.
6. **Compensation and Method of Payment.** The City shall pay the Consultant for services rendered within thirty (30) days of receipt of an approvable invoice as well as the form shown on **Exhibit "B"**, titled, *Billing Voucher*, attached hereto and incorporated herein by this reference.

The Consultant shall provide engineering services for this project at a cost not to exceed **\$75,791**, as detailed in Table 1 of Exhibit "A".

The Consultant shall complete and return **Exhibit "C"**, Tax Identification Number, to the City prior to or along with the first billing voucher submittal. The Consultant is required to have a City Business license and no payment will be made until one is obtained.

7. **Provisions for Changes in Scope of Consultant Services.** The Consultant agrees to perform those services which are described in **Exhibit "A"**, attached hereto. Unless modified in writing and agreed to by both parties, the duties of the Consultant shall not be construed to exceed those services. The City and the Consultant agree that if additional duties are to be performed by the Consultant in the prosecution of this work, the Consultant shall submit an additional or supplemental work program and upon the City's approval, shall be compensated on the same terms of this contract as previously stated, or in a manner mutually agreed upon by both parties.
8. **Duration of Agreement.** This Agreement shall be in full force and effect for a period commencing on the date of the last signature affixed hereto and ending **December 31, 2022**, unless sooner terminated under the provisions hereinafter specified. This contract may be amended to extend the expiration date until completion of work authorized under this Agreement.
9. **Ownership and Use of Documents.** All documents, drawings, specifications, and other materials produced by the Consultant in connection with the services rendered under this Agreement shall be the property of the City whether the project for which they are made is executed or not. The City shall hold the Consultant harmless for the City's use of the documents, drawings, specifications, and other materials outside of the project intended.
10. **Independent Consultant.** The Consultant and the City agree that the Consultant is an Independent Contractor with respect to the services provided pursuant to this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties. Neither the Consultant nor any employee of the Consultant shall be entitled to any benefits accorded City employees by virtue of the services provided under this Agreement. The City shall not be responsible for paying, withholding, or otherwise deducting any customary state or federal payroll

deductions, including but not limited to FICA, FUTA, state industrial insurance, state workers compensation, or otherwise assuming the duties of an employer with respect to the Consultant or any employee of the Consultant.

In accordance with Shelton Municipal Code, for the privilege of accepting or executing a contract with the City of Shelton, irrespective of whether goods or services are delivered within or outside the city, or whether the person's office is within or outside the city, the consultant is subject to the licensing requirements and business and occupation tax levied in SMC Chapters 5.04.030 and 3.52.060.

11. Indemnification / Hold Harmless

Consultant shall defend, indemnify, and hold the Public Entity, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the Public Entity.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the Public Entity, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

A. Insurance Term

The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

B. No Limitation

The Consultant's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the Public Entity's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance

The Consultant shall obtain insurance of the types and coverage described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be as least as broad as Insurance Services Office (ISO) form CA 00 01.

2. Commercial General Liability insurance shall be at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations,

stop-gap independent contractors and personal injury and advertising injury. The Public Entity shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the Public Entity using an additional insured endorsement at least as broad as ISO CG 20 26.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability insurance appropriate to the Consultant's profession.

D. Minimum Amounts of Insurance

The Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate.

3. Professional Liability insurance shall be written with limits no less than \$2,000,000 per claim and \$2,000,000 policy aggregate limit.

E. Other Insurance Provision

The Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the Public Entity. Any insurance, self-insurance, or self-insured pool coverage maintained by the Public Entity shall be excess of the Consultant's insurance and shall not contribute with it.

F. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

G. Verification of Coverage

The Consultant shall furnish the Public Entity with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

H. Notice of Cancellation

The Consultant shall provide the Public Entity with written notice of any policy cancellation within two business days of their receipt of such notice.

I. Failure to Maintain Insurance

Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the Public Entity may, after giving five business days notice to the Consultant to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the

Public Entity on demand, or at the sole discretion of the Public Entity, offset against funds due the Consultant from the Public Entity.

J. Public Entity Full Availability of Consultant Limits

If the Consultant maintains higher insurance limits than the minimums shown above, the Public Entity shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Consultant, irrespective of whether such limits maintained by the Consultant are greater than those required by this contract or whether any certificate of insurance furnished to the Public Entity evidences limits of liability lower than those maintained by the Consultant.

12. Record Keeping and Reporting.

- A. The Consultant shall maintain accounts and records, including personnel, property, financial, and programmatic records, which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed pursuant to this Agreement. The Consultant shall also maintain such other records as may be deemed necessary by the City to ensure proper accounting of all funds contributed by the City to the performance of this Agreement.
- B. These records shall be maintained for a period of seven (7) years after termination hereof unless permission to destroy them is granted by the Office of the Archivist in accordance with RCW Chapter 40.14 and by the City.

13. **Audits and Inspections.** The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review, or audit as allowed by law during the performance of this Agreement. The City shall have the right to conduct an audit of the Consultant's financial statement and condition and to a copy of the results of any such audit or other examination performed by or on behalf of the Consultant.

14. **Termination.** This Agreement may at any time be terminated for any reason by the City upon giving to the Consultant thirty (30) days written notice of the City's intention to terminate the same. If the Consultant's insurance coverage is canceled for any reason, the City shall have the right to terminate this Agreement immediately. Consultant will be paid for satisfactory work performed through the date of termination.

15. **Discrimination Prohibited.** The Consultant shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Consultant under this Agreement on the basis of race, color, religion, creed, sex, age, national origin, marital status, or presence of any sensory, mental, or physical handicap, or any other protected class.

16. **Assignment and Subcontract.** The Consultant shall not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City.

17. **Entire Agreement.** This Agreement and Exhibits A, B, & C contain the entire agreement between the parties hereto, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either party. Either party may request changes to the Agreement. Proposed changes, which are mutually agreed upon and signed by each parties authorized signatory, shall be incorporated by written amendments to this Agreement.

18. **Notices.** The designated project representative for the City of Shelton is:

Brooke Kilts
Public Works Administrative Manager
City of Shelton
525 West Cota Street
Shelton, Washington 98584
Phone number: (360) 545-2317
Email: brooke.kilts@sheltonwa.gov

Notices to the City shall be sent to the address noted above.

The designated project representative for the Consultant is Carla Brock. Notices to the Consultant shall be sent to the following address:

Carla Brock, LHG
Senior Associate Geologist
Aspect Consulting, LLC
Street
City, State Zip
Phone number: (206) 838-6593
Email: cbrock@aspectconsulting.com

19. **Applicable Law; Venue; Attorneys' Fees.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in Mason County, Washington. The prevailing party in any such action shall be entitled to its attorneys' fees and costs of suit.

20. **Representation of Consultant.** The Consultant represents to the City that it has no conflict of interest in performing any of the services set forth in **Exhibit "A."** In the event that the Consultant is asked to perform services for a project with which it may have a conflict, it will disclose such conflict to the City. At the discretion of the City, the City may direct the Consultant to refrain from entering into a contract with representatives of the conflicting project.

21. **Invoice and Activity Report.** The Consultant shall provide an activity report with each invoice highlighting services provided during the billing period, upcoming activities, and emerging management issues.

CONTRACT SIGNATURES

DATED this _____ day of _____, 2022

CITY OF SHELTON

ASPECT CONSULTING

By: _____
Jeff Niten, City Manager

By: _____
Signature

Printed Name and Title:

Attest/Authenticated:

City Clerk (or witness to signature)

EXHIBIT A



September 9, 2021

Mr. Jay Harris
Public Works Director, City of Shelton
525 W. Cota Street
Shelton, Washington 98584

**Re: Proposal for Environmental Cleanup Construction Planning
C Street Landfill, Shelton, Washington**
Project No. 150074-B

Dear Jay:

Aspect Consulting, LLC (Aspect) has prepared this proposal to present the scope of work and cost estimate for the construction planning components for the cleanup action that are outlined in Agreed Order No. DE 19541 (Agreed Order) that is pending execution between the City of Shelton (City) and the Washington State Department of Ecology (Ecology) for the Shelton C Street Landfill. This cost estimate includes:

- Preparation of a Draft Engineering Design Report (EDR), to include 90% construction plans and specifications, and a draft Compliance Monitoring Plan (CMP).
- Preparation of a Draft Inspection, Monitoring, and Maintenance Plan.
- Preparation of a Final EDR, including 100% construction plans and specifications and final CMP.

A brief description of the scope of work for each task is provided below, along with assumptions relied upon to develop the cost estimate provided in Table 1.

Task 1: Project Management and Quarterly Reporting

This task includes an estimated level of effort to complete project management over an 8-month period, which is anticipated to be necessary to complete the work outlined in this document. The work includes project team meetings and communications, preparation of quarterly progress reports, and monthly invoicing and budget management. This task also includes time for meetings, conference calls, and coordination with representatives of the City and Ecology, to discuss the details of the deliverables described in Tasks 2 and 3.

Task 2: Engineering Design Report Preparation

This task includes preparation of the draft and final EDR, in accordance with the Agreed Order, that will describe the engineering concepts, design criteria, and operation parameters used for design of the cleanup action. The EDR will be prepared to describe the details for the selected cleanup remedy described in the Draft Cleanup Action Plan. The draft EDR will provide assumptions and calculations for the construction of the soil cap and specifications for the signage and physical barriers. It will outline a schedule for final design and construction, a general description of construction testing to demonstrate adequate quality control, a general description of the compliance monitoring that will be performed, and a draft environmental restrictive covenant. The draft EDR will include 90% construction plans and specifications prepared in conformance with



currently accepted engineering practices and techniques, and a draft CMP describing monitoring to be performed to meet the requirements of WAC 173-340-410 and 173-340-820. The draft EDR will be submitted to Ecology for review. Ecology's comments will be incorporated into the Final EDR, to include 100% construction plans and final CMP. The cost estimate assumes preparation of a client-review draft and a single round of comments from the City prior to submittal to Ecology, and a single round of Ecology review comments prior to preparation of the Final EDR.

Task 3: Draft Inspection, Monitoring, and Maintenance Plan Preparation

This task includes preparation of the Draft Inspection, Monitoring, and Maintenance Plan (IM&M Plan). The IM&M Plan will present technical guidance and regulatory requirements for the long-term inspection, maintenance, and monitoring of the cleanup action. The IM&M Plan will provide details and specifications for compliance groundwater monitoring and sampling and inspection, maintenance and repair of the soil cap and landfill cover, signage, and physical barriers. This task consists of preparation of the draft IM&M Plan for submittal to Ecology. A final IM&M Plan, revised to incorporate Ecology's comments and details of the construction of the cap, will be prepared under a future task. The cost estimate assumes that the draft IM&M Plan will undergo a single round of review comments by each of the client and then Ecology prior to preparation of the final version.

Schedule and Estimated Cost

The cost to complete the scope of work described herein is estimated to be approximately \$75,791. A detailed summary of the estimated costs is presented in Table 1 (attached). Implementation of the scope of work described herein will commence immediately upon receipt of both your authorization to proceed and execution of the Agreed Order. Work will occur in accordance with the Schedule of Deliverables included in the Agreed Order, summarized as follows:

- Quarterly progress reports will be submitted to Ecology by the 15th of each of January, April, July, and October.
- The Draft EDR and Draft Inspection, Monitoring, and Maintenance Plan will be submitted to Ecology within 90 days from executing of the Agreed Order.
- The Final EDR will be submitted to Ecology within 30 days of receiving Ecology's review comments.

The above Services will be billed on a time and materials basis in accordance with the attached Schedule of Charges. We will notify you and obtain your authorization if additional effort above and beyond the estimated scope of this work is required. We will use a Contract Change Form to request your authorization for any changes to the above description of Services. This cost proposal is valid for 90 days unless extended in writing by Aspect.

City of Shelton
September 9, 2021

Project No. 150074-B

Sincerely,

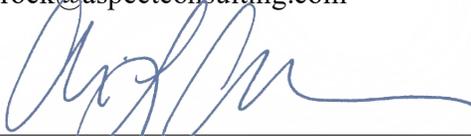
Aspect consulting, LLC



Carla Brock, LHG

Sr. Associate Geologist

cbrock@aspectconsulting.com



Ali Cochrane, LG

Senior Geologist

acochrane@aspectconsulting.com

Client Representative

Date

Attachments: Table 1 – Cost Estimate Detail
Schedule of Charges

V:\150074 Shelton C Street Landfill Remediation\Contracts\Proposal Material\CC08_20210909_150074_T1 to T3 Planning Services.docx

Table 1 - Cost Estimate Detail

			Task 2 - Engineering Design Report Preparation												Task 3					
Task 1			Subtask 2.1			Subtask 2.2			Subtask 2.3			Subtask 2.4			Draft Inspection, Monitoring, and Maintenance Plan Preparation					
Project Management & Quarterly Reporting			Draft Engineering Design Report			90% Construction Plans and Specifications			Draft Compliance Monitoring Plan			Revise & Produce Final								
Labor Costs																				
Description	Rate	Unit	Quantity			Quantity			Quantity			Quantity			Quantity			Quantity		
			Office Hours	Cost	Notes	Office Hours	Cost	Notes	Office Hours	Cost	Notes	Office Hours	Cost	Notes	Office Hours	Cost	Notes	Office Hours	Cost	Notes
Principal Scientist/Engineer/Analyst 1	\$258.00	hour	2	\$ 516			\$ -			\$ -			\$ -			\$ -			\$ -	
Sr. Associate Scientist/Engineer/Analyst	\$238.00	hour	32	\$ 7,616		16	\$ 3,808		4	\$ 952		4	\$ 952		2	\$ 476		16	\$ 3,808	
Sr. Associate Scientist/Engineer/Analyst	\$238.00	hour	8	\$ 1,904		30	\$ 7,140		16	\$ 3,808		8	\$ 1,904		8	\$ 1,904		24	\$ 5,712	
Sr. Scientist/Engineer/Analyst 1	\$195.00	hour	20	\$ 3,900		8	\$ 1,560		4	\$ 780		4	\$ 780		4	\$ 780		8	\$ 1,560	
Project Scientist/Engineer/Analyst 3	\$179.00	hour	4	\$ 716		16	\$ 2,864		16	\$ 2,864		8	\$ 1,432		8	\$ 1,432		16	\$ 2,864	
GIS or CAD Technician	\$140.00	hour		\$ -		6	\$ 840		32	\$ 4,480		2	\$ 280		16	\$ 2,240		8	\$ 1,120	
Sr. Technical Editor	\$124.00	hour	4	\$ 496		6	\$ 744		4	\$ 496		4	\$ 496		4	\$ 496		4	\$ 496	
Project Coordinator 2	\$105.00	hour	8	\$ 840		2	\$ 210		1	\$ 105		1	\$ 105		1	\$ 105		2	\$ 210	
Labor Costs Subtotals				\$ 15,988	1		\$ 17,166			\$ 13,485			\$ 5,949			\$ 7,433			\$ 15,770	
Field Equipment & ODCs																				
Description	Rate	Unit	Quantity	Cost	Notes	Quantity	Cost	Notes	Quantity	Cost	Notes	Quantity	Cost	Notes	Quantity	Cost	Notes	Quantity	Cost	Notes
				\$ -			\$ -			\$ -			\$ -			\$ -			\$ -	
Field Equipment & ODCs Subtotals				\$ -			\$ -			\$ -			\$ -			\$ -			\$ -	
Subcontractor Costs																				
Description			Bid		Notes	Bid		Notes	Bid		Notes	Bid		Notes	Bid		Notes	Bid		Notes
			\$ -			\$ -			\$ -			\$ -			\$ -			\$ -		
Subcontractor Costs Subtotals			\$ -			\$ -			\$ -			\$ -			\$ -			\$ -		
Subtask Subtotals			\$ 15,988			\$ 17,166			\$ 13,485			\$ 5,949			\$ 7,433			\$ 15,770		

Total Cost for Task 1 \$ 15,988
Total Cost for Task 2 \$ 44,033
Total Cost for Task 3 \$ 15,770
Total Cost for Requested Authorization \$ 75,791



SCHEDULE OF CHARGES

Effective January 2021

Unless otherwise stated in the proposal or services agreement, current rates are as follows:

PERSONNEL CHARGES: ENGINEERS, SCIENTISTS, AND ANALYSTS	Hourly Rate
<i>Principals and Associates</i>	
Principal Scientist/Engineer/Analyst 2	\$272
Principal Scientist/Engineer/Analyst 1	\$258
Sr. Associate Scientist/Engineer/Analyst	\$238
Associate Scientist/Engineer/Analyst	\$223
<i>Technical Professionals</i>	
Senior Scientist/Engineer/Analyst 3	\$223
Senior Scientist/Engineer/Analyst 2	\$209
Senior Scientist/Engineer/Analyst 1	\$195
Project Scientist/Engineer/Analyst 3	\$179
Project Scientist/Engineer/Analyst 2	\$166
Project Scientist/Engineer/Analyst 1	\$155
Staff Scientist/Engineer/Analyst 3	\$143
Staff Scientist/Engineer/Analyst 2	\$129
Staff Scientist/Engineer/Analyst 1	\$120

PERSONNEL CHARGES: TECHNICAL AND PROJECT SUPPORT STAFF	Hourly Rate
<i>Field/Construction Staff</i>	
Field/Construction Supervisor	\$132
Field Technician 2	\$108
Field Technician 1	\$100
<i>Design, CAD, and Graphics Staff</i>	
Engineering Designer	\$155
Sr. CAD Technician/Specialist	\$140
CAD Technician	\$123
<i>Technical Editing and Project Operations</i>	
Sr. Technical Editor	\$124
Technical Editor/Project Coordinator 3	\$113
Project Coordinator 2	\$105
Project Coordinator 1	\$99

PERSONNEL CHARGES: TECHNOLOGY AND SOFTWARE DEVELOPMENT	Hourly Rate
Sr. Technology Project Manager	\$232
Technology Project Manager	\$215
Senior Software/Database Architect/ Developer	\$220
Software/Database Architect/ Developer	\$194

OTHER DISBURSEMENT CHARGES	
Legal Testimony (4-hour minimum)	\$350/hr
Mileage	Federal Gov Rate Plus 15%
Subcontractors and Miscellaneous Expenses	Cost Plus 15%
Other equipment, rentals, and expenses will be provided on a per job basis.	

Client acknowledges that Aspect will adjust the Schedule of Charges annually, and that the Agreement will remain valid for any and all annually adjusted Schedule of Charges.

EXHIBIT B

**City of Shelton
Billing Voucher**

To: City of Shelton
525 West Cota
Shelton, Washington 98584
Phone: (360) 426-9731
FAX: (360) 426-7746

Submittal No.: _____

Consultant: _____ Telephone: () _____

Mailing Address: _____

Project Title: _____

Contract Period: _____ Reporting Period: _____

Amount requested this invoice: \$ _____

Invoice Number: _____ Date of Invoice: _____ (Attach Invoice)

Authorized Signature

BUDGET SUMMARY

Total contract amount	\$ _____
Previous payments	\$ _____
Current request	\$ _____
Total requested this contract to date	\$ _____
Balance remaining	\$ _____

Note: If applicable, submit a separate voucher for each project, which is funded by your City of Shelton contract.

For Department Use Only

Director of Public Works

Date: _____

EXHIBIT C

CITY OF SHELTON
525 West Cota Street
Shelton, WA 98584
Phone: (360) 426-9731
FAX: (360) 426-7746

TAX IDENTIFICATION NUMBER

In order for you to receive reimbursement from the City of Shelton, we must have either a Tax Identification Number or a Social Security Number. The Internal Revenue Code requires a Form 1099 for payments to every person or organization other than a corporation for services performed in the course of trade or business.

Please complete the following information request form and return it to the City of Shelton before or along the submittal of the first billing voucher.

Please check the appropriate category:

Corporation Partnership Government Agency
 Individual/Proprietor Other (please explain)

Tax Identification #: _____

UBI #: _____

Print Name: _____

Print Title: _____

Business Name: _____

Business Address: _____

Business Phone: _____

Business e-mail: _____

Authorized Signature (required)

Date



**CITY OF SHELTON
COUNCIL BRIEFING REQUEST
(Agenda Item F5)**

Touch Date: 11/09/2021
Brief Date: 12/07/2021
Action Date: 01/04/2022

Department: Public Works
Presented By: Ken Gill

APPROVED FOR COUNCIL PACKET:

Action Requested:

ROUTE TO:

REVIEWED:

PROGRAM/PROJECT TITLE:
Park Street Overlay Project Final
Acceptance

Ordinance

Dept. Head

JOH

Resolution

Finance Director

ATTACHMENTS:

Motion

Attorney

- Resolution No. 1214-1021
- PowerPoint Presentation

Other

City Clerk

City Manager

DESCRIPTION OF THE PROGRAM/PROJECT AND BACKGROUND INFORMATION:

On June 23, 2021, using the Municipal Research and Services Center (MRSC) Small Works Roster, City Staff distributed an Invitation to Bid (ITB) for construction of the Park Street Overlay Project. Six responsive bids were opened on June 23, 2021 and on July 20, 2021, City Council approved a Contract with Granite Construction Company for their low bid of \$263,511.25.

Construction of the project commenced September 7th and on September 23rd, a Change Order was approved for additional paving on 14th Street.

The project was deemed Substantially Complete on October 13th and achieved Physical Completion on October 18, 2021.

The overall quantities of various bid items used (largely HMA) was less than anticipated which resulted in a total reduction in Contract price of \$25,742.28. The final amount to be paid to the Contractor, after retainage, will be \$237,768.97.

ANALYSIS/OPTIONS/ALTERNATIVES:

N/A

BUDGET/FISCAL INFORMATION:

The adopted 2021 budget allowed for \$540,000 to be expended on street maintenance activities. The Contract amount awarded was \$263,511.25. The final amount to be paid to the Contractor, after retainage, will be \$237,768.97.

PUBLIC INFORMATION REQUIREMENTS:

Information can be obtained from the Public Works Department.

STAFF RECOMMENDATION/MOTION:

"I move to forward Resolution No. 1214-1021 to the January 4, 2022 Council Meeting Action Agenda for further consideration".

RESOLUTION NO. 1214-1021

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SHELTON, WASHINGTON
ACCEPTING THE PARK STREET OVERLAY PROJECT AS FINAL AND COMPLETE**

WHEREAS, a Contract for the Park Street Overlay Project was awarded to Granite Construction in the amount of \$263,511.25 on July 20, 2021, following a competitive bidding process through the City of Shelton Small Works Roster; and

WHEREAS, construction of the project commenced September 7, 2021; and

WHEREAS, on September 23, 2021, the Contractor, Project Engineer, and City Engineer approved a Change Order increasing the Contract by an estimated \$9,975 for additional paving on 14th Street; and

WHEREAS, the project was deemed Substantially Complete on October 13, 2021 and achieved Physical Completion on October 18, 2021; and

WHEREAS, the overall quantity of HMA used was less than anticipated; and

WHEREAS, the final amount paid to the Contractor, after retainage, will be \$237,768.97; and

WHEREAS, all documentation required by the Contract and required by law for final acceptance of the project has been furnished by the Contractor.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Shelton that the Park Street Overlay Project is accepted as final and complete.

INTRODUCED on the 7th day of December 2021 and **PASSED** by the City Council at its regular meeting held on this 4th day of January 2022.

ATTEST:

Mayor

City Clerk Nault

PARK STREET GRIND & OVERLAY

December 7, 2021

SCOPE OF WORK

- ▣ Grind to remove cracked asphalt from 1st to 7th Street on Park Street
- ▣ Installed asphalt reinforcement and placed 3 inches of asphalt
- ▣ City crews placed/graded crushed rock on 14th St from Holly to Bayview
- ▣ Granite placed 2 inches of asphalt on 14th Street

























**CITY OF SHELTON
COUNCIL BRIEFING REQUEST
(Agenda Item G1)**

Touch Date: 10/18/2021
Brief Date: 11/16/2021
Action Date: 12/07/2021

Department: Public Works

Presented By: Jay Harris

APPROVED FOR COUNCIL PACKET:

Action Requested:

ROUTE TO:

REVIEWED:

PROGRAM/PROJECT TITLE:
Resolution No. 1213-1021 Water Meter
Boxes and Lids Purchase

ATTACHMENTS:
- Request for Bids Advertisement
- Resolution No. 1213-1021

- Dept. Head
- Finance Director
- Attorney
- City Clerk
- City Manager

JOH _____

- Ordinance
- Resolution
- Motion
- Other

DESCRIPTION OF THE PROGRAM/PROJECT AND BACKGROUND INFORMATION:

On June 15th, Council adopted Resolution No. 1201-0521, deeming Ferguson Waterworks as Sole Source and authorizing the City Manager to execute purchase orders for new water meters. This was the first step in the Water Meter Advanced Metering Infrastructure (AMI) Project, which was adopted in the 2021 Budget.

The second step in the Water Meter AMI Project is to purchase water meter boxes and lids that will house the new water meters. On October 19th, a Request for Bids (RFB) was advertised inviting vendors to submit a bid on the needed items; approximately 2,147 meter boxes and 2,650 lids.

The RFB was advertised in the Seattle Daily Journal of Commerce and the Mason County Journal the last two weeks of October, and sealed bids were opened on November 10, 2021. We received two bids in response to the RFB, with Ferguson Waterworks having the lowest responsive bid of \$451,805.

ANALYSIS/OPTIONS/ALTERNATIVES:

N/A

BUDGET/FISCAL INFORMATION:

The 2021 adopted budget includes \$1,700,000 for the upgrade project, split equally between the water and sewer funds. Ferguson Waterworks' bid for the water meter boxes and lids will expend \$451,805 of the budgeted amount.

PUBLIC INFORMATION REQUIREMENTS:

Information for this can be obtained through the Public Works Department.

STAFF RECOMMENDATION/MOTION:

Staff requests a reading of Resolution No. 1213-1021 and: *"I move to adopt Resolution Number 1213-1021 as presented"*.



CITY OF SHELTON PUBLIC WORKS
REQUEST FOR BIDS
Water Meter Boxes and Lids

Submittal Deadline: Wednesday, November 10, 2021 by 2:00pm Pacific Time

Submittal Delivery: Sealed submittals must be clearly marked on the outside of the envelope, "**Water Meter Boxes and Lids Bid**", and shall be hand-delivered, mailed, or delivered by courier to the following address:

City of Shelton
525 W. Cota Street
Shelton, WA 98584

Submittal Opening: Sealed submittals in response to this RFB will be opened by the City Clerk, read aloud, and recorded.

Solicitation documents: An electronic copy of the bid packet can be downloaded from the City of Shelton website on the Public Works Bid Opportunities page at http://www.sheltonwa.gov/business_development/rfp_and_bid_opportunities.php

Any release of addenda, question and answers, or updates related to this RFB will be posted to the City Website. It is the responsibility of the bidder to frequently monitor this site for any updates regarding this solicitation.

Pre-Proposal Meeting: A pre-proposal meeting will not be held.

Project Scope: The City of Shelton is seeking to purchase Water Meter Boxes and Lids for City use for all areas covered by the City's Utility customers. There will be an initial order of 2,147 meter boxes and 2,650 lids, as specified in this scope. After the initial order has been completed, the successful vendor will furnish the same boxes and lids on an as needed basis, with no minimum orders required for the term of the Contract.

Additional Information: Requests for information regarding this solicitation may be obtained by contacting Brooke Kilts, Public Works Administrative Manager by email to brooke.kilts@sheltonwa.gov.

RESOLUTION NO. 1213-1021

A RESOLUTION OF THE CITY OF SHELTON, WASHINGTON, AUTHORIZING THE CITY MANAGER TO SIGN PURCHASE ORDERS WITH FERGUSON WATERWORKS AS NEEDED FOR THE PURCHASE OF WATER METER BOXES AND LIDS FOR THE WATER METER AMI SYSTEM UPGRADE.

WHEREAS, Advanced Metering Infrastructure (AMI) is a modern water metering system that allows cities and communities to better manage their water resources; and

WHEREAS, the 2021 Budget includes \$1,700,000 for the AMI System Upgrade, split equally between the water and sewer funds; and

WHEREAS, in June 2021, City Council authorized the purchase of new water meters, through Resolution Number 1200-0421, as the first step in the upgrade process; and

WHEREAS, the next step is for the City to purchase water meter boxes and lids to house the new meters; and

WHEREAS, a Request for Bids was advertised in October, inviting vendors to submit a bid on the needed items; and

WHEREAS, sealed bids were opened on November 10, 2021; and

WHEREAS, the City received two bids in response to the RFB, with Ferguson Enterprises, LLC dba Ferguson Waterworks having the lowest responsive bid of \$451,805.00.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Shelton, Washington that the City Manager is authorized to execute purchase orders to Ferguson Enterprises dba Ferguson Waterworks as necessary for the acquisition of water meter boxes and lids.

PASSED by the City Council of the City of Shelton on this 7th day of December 2021.

Mayor Dorcy

AUTHENTICATED BY:

City Clerk Nault



**CITY OF SHELTON
COUNCIL BRIEFING REQUEST
(Agenda Item G2)**

Touch Date: 10/29/2021
Brief Date: 11/16/2021
Action Date: 12/07/2021

Department: Finance
Presented By: Teri Schnitzer

APPROVED FOR COUNCIL PACKET:

Action Requested:

ROUTE TO:

REVIEWED:

PROGRAM/PROJECT TITLE:
2021 Supplemental Budget 2

Ordinance

Dept. Head

ATTACHMENTS:
**Ordinance No. 1981-1021
Exhibit A**

Resolution

Finance Director

10/29/21

Motion

Attorney

10/29/21

Other

City Clerk

10/29/21

City Manager

10/29/21

DESCRIPTION OF THE PROGRAM/PROJECT AND BACKGROUND INFORMATION:

The City Council passed Ordinance No. 1954-0820, adopting the City's 2021 budget on November 17th, 2020 and a Revised Budget Supplemental #1 on October 5th, 2021. The City Council, through Ordinance, sets the expenditure authority for each fund of the City. Budget authority and the number of City FTE's (Full Time Equivalents) can only be increase from their adopted levels by the approval of a supplemental budget Ordinance.

This supplemental Ordinance #2 will increase the expenditure authority of the General Fund, which was not anticipated upon adoption of the budget. Also in this supplemental budget is transferring budget authority between Street, Capital Resources, Capital Improvement Funds, Water, Sewer, Storm, Water Capital, Sewer Capital and Storm Capital Funds. The supplemental requests are included in detail in Exhibit A.

ANALYSIS/OPTIONS/ALTERNATIVES:

BUDGET/FISCAL INFORMATION:

PUBLIC INFORMATION REQUIREMENTS:

Information can be obtained from the City Clerk.

STAFF RECOMMENDATION/MOTION:

"I move that we approve Ordinance No. 1981-1021 as presented".

ORDINANCE NO. 1981-1021

AN ORDINANCE OF THE CITY OF SHELTON, WASHINGTON, AMENDING THE ANNUAL BUDGET FOR THE YEAR ENDING DECEMBER 31, 2021

WHEREAS, the Shelton City Council adopted the 2021 budget pursuant to Ordinance No. 1954-0820 and Ordinance No. 1974-0821 revising the adopted budget; and

WHEREAS, the City is prohibited from over expending its appropriated budget as set forth in Ordinance No. 1974-0821 revised adopted budget; and

WHEREAS, certain revisions to the 2021 budget are now necessary and the City Council finds that the proposed adjustments to the 2021 Adopted Budget are justified;

NOW, THEREFORE, be it ordained by the City Council of the City of Shelton, Washington:

Section 1.

The adjustments as provided in this Ordinance to amend the 2021 Annual Budget of the City of Shelton, Washington, are hereby adopted. In summary form, the appropriation adjustments for each separate fund and the aggregate totals for all such funds combined are presented in the table below. Exhibit A, attached to this Ordinance, provides additional information on the adjustments.

Fund	2021 Adopted Budget	2021 Adjustment	2021 Revised Budget
General Fund	\$ 14,339,440	\$ 1,193,340	\$ 15,532,780
Street Fund	2,031,190	921,670	2,952,860
Capital Resources Fund	686,830		686,830
Tourism Fund	61,880	-	61,880
Bond Fund	184,490	-	184,490
Capital Improvement Fund	2,170,220	717,510	2,887,730
Water Fund	3,882,060		3,882,060
Sewer Fund	7,849,390		7,849,390
Solid Waste Fund	781,810		781,810
Storm Drainage Fund	1,338,760		1,338,760
Payroll Benefits Fund	206,700	-	206,700
Equipment Rental Fund	962,010		962,010
Fireman's Pension Fund	98,570	-	98,570
Library Endowment Fund	-	-	-
Water Capital Fund	-	1,310,000	1,310,000
Sewer Capital Fund	-	1,843,170	1,843,170
Storm Capital Fund	-	35,000	35,000
Total Expenditure Budget	\$ 34,593,350	\$ 6,020,690	\$ 40,614,040

Section 2.

The Shelton City Council does hereby create four (4) new Capital Resource Funds for accounting for Special Revenues. In the interest of transparency and clarity, these funds will be used to account for Real Estate Excise Tax 1 (REET 1), Real Estate Excise Tax 2 (REET 2), Transportation Benefit District (TBD) and Traffic Impact Fees (TIF) revenues, which will clearly show beginning and ending fund balances as well as budgeted transfers to authorized uses.

Section 3.

The Legislature having given authority over the budget to the City Council, this shall take effect five days after its approval and publication as required by law.

INTRODUCED the 16th day of November 2021 .

ADOPTED by the City Council of the City of Shelton, Mason County, Washington at a regular open public meeting held the 7th day of December 2021.

Passed this _____ day of _____ 2021.

Kevin Dorcy, Mayor

AUTHENTICATED:

Donna Nault, City Clerk

Exhibit A
City of Shelton
Ordinance No. 1981-1021

General Fund Transfer to Street Fund **\$808,000**

This supplemental will increase the General Fund budget \$808,000 that will include a transfer to Street Fund operations. The City previously did not account for the TBD revenue separately from operations. We now allocate this revenue to the newly formed Capital Resource-TBD Fund for separation and transparency purposes.

General Fund Transfer to Capital Improvement Fund **\$160,340**

Transferring Mason Transit Authority Parking Lot Project revenue that was collected in the General Fund in year 2020, but the expenses were paid out of the Capital Improvement Fund.

General Fund Transfer to Capital Resource Fund-General **\$225,000**

Transferring to Capital Resource Fund-General that had been planned for year 2020 but was not processed. These funds were budgeted to use this revenue source in 2021 for the Civic Center Parking Lot, Cargo Van and the General Fund portion for the Facility Expansion Project.

Street Fund Transfer to Capital Improvement Fund **\$226,360**

Transferring TBD revenue to cover the cost of the Basin 3 Sidewalk and Overlay Project that was not covered by grant revenue. TBD revenue is collected in the Street Fund and balance of the TBD revenue is then transferred to the Capital Resource TBD Fund.

Street Fund Transfer to Capital Resource TBD Fund **\$550,310**

Transferring balance of the TBD revenue to the Capital Resource TBD Fund to for future projects.

Capital Improvement Fund Transfer to Street Fund **\$145,000**

The City has determined that Chip Seal projects are considered maintenance projects and not capital projects. When the City prepared the 2021 budget, the chip seal project was included in the Capital Projects Fund. A transfer of the estimated chip seal cost of \$145,000 will be transferred from the Capital Projects Fund to the Street Fund.

Capital Improvement Fund Transfer to Capital Resource REET 1 Fund **\$72,500**

Transferring balance of REET 1 revenue that was originally collected in the Capital Improvement Fund, which is now being collected in the Capital Resource REET 1 Fund.

Capital Improvement Fund Transfer to Capital Resource REET 2 Fund **\$67,510**

Transferring balance of REET 2 revenue that was originally collected in the Capital Improvement Fund, which is now being collected in the Capital Resource REET 2 Fund.

Capital Improvement Fund Transfer to Capital Resource TIF Fund **\$722,500**

Transferring balance of TIF revenue that was originally collected in the Capital Improvement Fund, which is now being collected in the Capital Resource TIF Fund.

Water Operations Fund Transfer to Water Capital Fund **\$1,310,000**

This supplemental budget increases the Water Fund expenditures by \$1,310,000 due to the transfer of the capital budgeted amount to the newly created Water Capital Fund for capital projects.

Sewer Operations Fund Transfer to Sewer Capital Fund **\$1,843,170**

This supplemental budget increases the Sewer Fund expenditures by \$1,843,170 due to the transfer of the capital budgeted amount to the newly created Sewer Capital Fund for capital projects.

Storm Operastions Fund Transfer to Storm Capital Fund **\$35,000**

This supplemental budget increases the Storm Fund expenditures by \$35,000 due to the transfer of the capital budgeted amount to the newly created Storm Capital Fund for capital projects.



**CITY OF SHELTON
COUNCIL BRIEFING REQUEST
(Agenda Item G3)**

Touch Date: 11/04/2021
Brief Date:
Action Date: 12/07/2021

Department: Public Works
Presented By: Jay Harris

APPROVED FOR COUNCIL PACKET:

Action Requested:

ROUTE TO:

REVIEWED:

PROGRAM/PROJECT TITLE:
Resolution No. 1221-1121 EM&R
Vehicle Purchase

Ordinance

Dept. Head

JOH

Resolution

Finance Director

ATTACHMENTS:
- Resolution No. 1221-1121
- Sourcewell Quote

Motion

Attorney

Other

City Clerk

City Manager

DESCRIPTION OF THE PROGRAM/PROJECT AND BACKGROUND INFORMATION:

The adopted 2022 budget includes an expenditure of \$62,500 out of the Equipment Maintenance & Repair (EM&R) fund for a new ¾ ton 4x4 extended cab pickup. Currently, staff is utilizing two 2004 standard cab trucks that are requiring major maintenance work and becoming unreliable. Replacing at least one of the 17-year-old vehicles with a new extended cab model will allow for additional room for employees and tools, as well as increase safety, fuel economy, and reliability.

In preparing for the adopted budget, staff started exploring purchase options, knowing that most purchases are having extended lead-times due to product shortage and shipment delays. Purchasing the vehicle through the Washington State Procurement List was one option, but an approved Purchase Order had to be provided to the dealership by November 5th in order to secure a vehicle. Staff then looked into utilizing a Sourcewell Contract, which, similar to purchasing off of a State Contract, Sourcewell is a cooperative purchasing source that holds hundreds of competitively solicited cooperative contracts ready for use by government, education, and nonprofit organizations, saving city staff valuable time and money. Sourcewell's Contract for vehicle purchases is with National Auto Fleet Group. Staff reached out to National Auto Fleet Group to request a quote and was informed that the vehicle has a lead time of over 30 weeks from the order date.

Resolution No. 1221-1121 approves the purchase of the requested ¾ ton pickup and authorizes the City Manager to sign a purchase order, to be provided to National Auto Fleet Group.

ANALYSIS/OPTIONS/ALTERNATIVES:

N/A

BUDGET/FISCAL INFORMATION:

The adopted 2022 Budget allows up to \$62,500 to be spent on the vehicle out of the EM&R Fund. As shown on National Auto Fleet Group's Quote ID Number 30430, this purchase will utilize \$43,916.27 of the budgeted amount. Additional expenses will be incurred following delivery of the vehicle, such as lightbars and beacons, truck box, CB radio, City Logo placement, etc., but the additional expenses will not exceed the budgeted amount.

PUBLIC INFORMATION REQUIREMENTS:

Additional information can be obtained through the Public Works Department.

STAFF RECOMMENDATION/MOTION:

Staff requests a reading of Resolution No. 1221-1121 and: *"I move to adopt Resolution No. 1221-1121 as presented"*.

RESOLUTION NO. 1221-1121

A RESOLUTION OF THE COUNCIL OF THE CITY OF SHELTON, WASHINGTON, AUTHORIZING THE CITY MANAGER TO SIGN A PURCHASE ORDER FOR THE ACQUISITION OF A ¾ TON PICKUP TRUCK

WHEREAS, the 2022 adopted budget includes an expenditure of \$62,500 out of the Equipment Maintenance & Repair (EM&R) fund for a new ¾ ton 4x4 pickup; and

WHEREAS, motor vehicle suppliers are experiencing extended lead times, product shortage, and shipment delays due to the ongoing extreme fluidity of industry conditions during the Covid-19 pandemic; and

WHEREAS, many government suppliers are setting earlier order cutoff times than previous years, due to the extended lead times and product shortage; and

WHEREAS, it is imperative the city submits a purchase order as soon as possible for the budget-approved vehicle, to ensure it will be delivered within the 2022 fiscal year;

WHEREAS, City Staff has obtained a quote in the amount of \$43,916.27 for the ¾ ton 4x4 pickup through National Auto Fleet Group, utilizing a Sourcewell Contract; and

WHEREAS, RCW 39.34.030 allows for cooperative purchasing for the procurement of any goods or services; and

WHEREAS, Sourcewell is a cooperative purchasing source that hold hundreds of competitively solicited cooperative contracts ready for use by government, education, and nonprofit organizations.

THEREFORE, BE IT RESOLVED by the City Council of the City of Shelton that the City Manager is authorized to sign a purchase order for the purchase of a ¾ ton pickup truck from National Auto Fleet Group.

Passed by the City Council at its regular meeting held on the 7th day of December, 2021.

Mayor Dorcy

ATTEST:

City Clerk Nault



National Auto Fleet Group

A Division of Chevrolet of Watsonville

490 Auto Center Drive, Watsonville, CA 95076

(855) 289-6572 • (831) 480-8497 Fax

Fleet@NationalAutoFleetGroup.com

11/3/2021

Quote ID: **30430**

Order Cut Off Date: **11/12/2021**

Mike Albaugh
City of Shelton
Public Works

1000 West Pine Street
Shelton, Washington, 98584

Dear Mike Albaugh,

National Auto Fleet Group is pleased to quote the following vehicle(s) for your consideration.

One (1) New/Unused (2022 Ford Super Duty F-250 SRW (W2B) XL 4WD Crew Cab 8' Box 176" WB,) and delivered to your specified location, each for

	One Unit (MSRP)	One Unit	Total % Savings	Total Savings
Contract Price	\$49,315.00	\$40,364.22	18.150 %	\$8,950.78
Tax (8.8000 %)		\$3,552.05		
Tire fee		\$0.00		
Total		\$43,916.27		

- per the attached specifications.

This vehicle(s) is available under the **Sourcewell (Formerly Know as NJPA) Contract 120716-NAF** . Please reference this Contract number on all purchase orders to National Auto Fleet Group. Payment terms are Net 20 days after receipt of vehicle.

Thank you in advance for your consideration. Should you have any questions, please do not hesitate to call.

Sincerely,

Jesse Cooper
Account Manager
Email: Fleet@NationalAutoFleetGroup.com
Office: (855) 289-6572
Fax: (831) 480-8497



GMC

Purchase Order Instructions & Resources

In order to finalize your purchase please submit this purchase packet to your governing body for a purchase order approval and submit your purchase order in the following way:

Email: Fleet@NationalAutoFleetGroup.com

Fax: (831) 480-8497

Mail: National Auto Fleet Group

490 Auto Center Drive

Watsonville, CA 95076

We will send a courtesy confirmation for your order and a W-9 if needed.

Additional Resources

Learn how to track your vehicle: www.NAFGETA.com

Use the upfitter of your choice: www.NAFGpartner.com

Vehicle Status: ETA@NationalAutoFleetGroup.com

General Inquiries: Fleet@NationalAutoFleetGroup.com

For general questions or assistance please contact our main office at:

1-855-289-6572

Vehicle Configuration Options

ENGINE	
Code	Description
996	ENGINE: 6.2L 2-VALVE SOHC EFI NA V8 FLEX-FUEL, (STD)
TRANSMISSION	
Code	Description
44S	TRANSMISSION: TORQSHIFT-G 6-SPD AUTO W/SELECTSHIFT, (STD)
WHEELS	
Code	Description
64A	WHEELS: 17" ARGENT PAINTED STEEL, -inc: painted hub covers/center ornaments (STD)
TIRES	
Code	Description
TCD	TIRES: LT265/70RX17E OWL A/T, -inc: Spare may not be the same as road tire
PRIMARY PAINT	
Code	Description
Z1	OXFORD WHITE
PAINT SCHEME	
Code	Description
___	STANDARD PAINT
SEAT TYPE	
Code	Description
LS	MEDIUM EARTH GRAY, VINYL 40/MINI-CONSOLE/40 FRONT SEAT, -inc: driver's side manual lumbar
AXLE RATIO	
Code	Description
X37	3.73 AXLE RATIO, (STD)
ADDITIONAL EQUIPMENT	
Code	Description
90L	POWER EQUIPMENT GROUP, -inc: Deletes passenger-side lock cylinder, upgraded door trim panel, Accessory Delay, Advanced Security Pack, SecuriLock Passive Anti-Theft System (PATS) and inclination/intrusion sensors, Power Locks, Remote Keyless

	Entry, Trailer Tow Mirrors w/Power Heated Glass, manual folding, manually telescoping, heated convex spotter mirror and integrated clearance lamps and turn signals, Power Front & Rear Seat Windows, 1-touch up/down driver/passenger window, Power Tailgate Lock
96V	XL VALUE PACKAGE, -inc: Bright Chrome Hub Covers & Center Ornaments, Steering Wheel-Mounted Cruise Control, Chrome Front Bumper, Chrome Rear Step Bumper
67E	240 AMP ALTERNATOR
52B	TRAILER BRAKE CONTROLLER, -inc: Verified to be compatible w/select electric over hydraulic brakes, smart trailer tow connector
41P	TRANSFER CASE & FUEL TANK SKID PLATES
68D	GVWR: 9,900 LB PAYLOAD PACKAGE
153	FRONT LICENSE PLATE BRACKET, -inc: Standard in states requiring 2 license plates and optional to all others
61S	FRONT SPLASH GUARDS/MUD FLAPS (PRE-INSTALLED)
62S	REAR SPLASH GUARDS/MUD FLAPS (PRE-INSTALLED)
18B	PLATFORM RUNNING BOARDS
592	LED ROOF CLEARANCE LIGHTS
942	DAYTIME RUNNING LAMPS (DRL), -inc: The non-controllable 942 Daytime Running Lamps (DRL) replace the standard Daytime Running Lamps (DRL) on/off cluster controllable
85S	TOUGH BED SPRAY-IN BEDLINER, -inc: tailgate-guard, black box bed tie-down hooks and black bed attachment bolts
76C	EXTERIOR BACKUP ALARM (PRE-INSTALLED)
19J	MATTE BLACK ALUMINUM CROSSBED TOOLBOX (PRE-INSTALLED), -inc: Model #127-52-03 by Weather Guard
66S	UPFITTER SWITCHES (6), -inc: Located in overhead console
43C	110V/400W OUTLET, -inc: 1 in-dash mounted outlet
18A	UPFITTER INTERFACE MODULE
OPTION PACKAGE	
Code	Description
600A	ORDER CODE 600A

2022 Fleet/Non-Retail Ford Super Duty F-250 SRW XL 4WD Crew Cab 8' Box 176" WB

WINDOW STICKER

2022 Ford Super Duty F-250 SRW XL 4WD Crew Cab 8' Box 176" WB

CODE	MODEL	MSRP
W2B	2022 Ford Super Duty F-250 SRW XL 4WD Crew Cab 8' Box 176" WB	\$41,800.00
OPTIONS		
996	ENGINE: 6.2L 2-VALVE SOHC EFI NA V8 FLEX-FUEL, (STD)	\$0.00
44S	TRANSMISSION: TORQSHIFT-G 6-SPD AUTO W/SELECTSHIFT, (STD)	\$0.00
64A	WHEELS: 17" ARGENT PAINTED STEEL, -inc: painted hub covers/center ornaments (STD)	\$0.00
TCD	TIRES: LT265/70RX17E OWL A/T, -inc: Spare may not be the same as road tire	\$455.00
Z1	OXFORD WHITE	\$0.00
—	STANDARD PAINT	\$0.00
LS	MEDIUM EARTH GRAY, VINYL 40/MINI-CONSOLE/40 FRONT SEAT, -inc: driver's side manual lumbar	\$355.00
X37	3.73 AXLE RATIO, (STD)	\$0.00
90L	POWER EQUIPMENT GROUP, -inc: Deletes passenger-side lock cylinder, upgraded door trim panel, Accessory Delay, Advanced Security Pack, SecuriLock Passive Anti-Theft System (PATS) and inclination/intrusion sensors, Power Locks, Remote Keyless Entry, Trailer Tow Mirrors w/Power Heated Glass, manual folding, manually telescoping, heated convex spotter mirror and integrated clearance lamps and turn signals, Power Front & Rear Seat Windows, 1-touch up/down driver/passenger window, Power Tailgate Lock	\$1,125.00
96V	XL VALUE PACKAGE, -inc: Bright Chrome Hub Covers & Center Ornaments, Steering Wheel-Mounted Cruise Control, Chrome Front Bumper, Chrome Rear Step Bumper	\$395.00
67E	240 AMP ALTERNATOR	\$85.00
52B	TRAILER BRAKE CONTROLLER, -inc: Verified to be compatible w/select electric over hydraulic brakes, smart trailer tow connector	\$270.00
41P	TRANSFER CASE & FUEL TANK SKID PLATES	\$100.00
68D	GVWR: 9,900 LB PAYLOAD PACKAGE	\$0.00
153	FRONT LICENSE PLATE BRACKET, -inc: Standard in states requiring 2 license plates and optional to all others	\$0.00
61S	FRONT SPLASH GUARDS/MUD FLAPS (PRE-INSTALLED)	\$130.00
62S	REAR SPLASH GUARDS/MUD FLAPS (PRE-INSTALLED)	\$0.00
18B	PLATFORM RUNNING BOARDS	\$445.00
592	LED ROOF CLEARANCE LIGHTS	\$95.00
942	DAYTIME RUNNING LAMPS (DRL), -inc: The non-controllable 942 Daytime Running Lamps (DRL) replace the standard Daytime Running Lamps (DRL) on/off cluster controllable	\$45.00
85S	TOUGH BED SPRAY-IN BEDLINER, -inc: tailgate-guard, black box bed tie-down hooks and black bed attachment bolts	\$595.00
76C		\$140.00

	EXTERIOR BACKUP ALARM (PRE-INSTALLED)	
19J	MATTE BLACK ALUMINUM CROSSBED TOOLBOX (PRE-INSTALLED), -inc: Model #127-52-03 by Weather Guard	\$950.00
66S	UPFITTER SWITCHES (6), -inc: Located in overhead console	\$165.00
43C	110V/400W OUTLET, -inc: 1 in-dash mounted outlet	\$175.00
18A	UPFITTER INTERFACE MODULE	\$295.00
600A	ORDER CODE 600A	\$0.00
Please note selected options override standard equipment		
	SUBTOTAL	\$47,620.00
	Advert/ Adjustments	\$0.00
	Manufacturer Destination Charge	\$1,695.00
	TOTAL PRICE	\$49,315.00
Est City: N/A MPG		
Est Highway: N/A MPG		
Est Highway Cruising Range: N/A mi		

Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

Standard Equipment**MECHANICAL**

Engine: 6.2L 2-Valve SOHC EFI NA V8 Flex-Fuel
Transmission: TorqShift-G 6-Spd Auto w/SelectShift
3.73 Axle Ratio
GVWR: 10,000 lb Payload Package
50-State Emissions System
Transmission w/Oil Cooler
Electronic Transfer Case
Part-Time Four-Wheel Drive
72-Amp/Hr 650CCA Maintenance-Free Battery w/Run Down Protection
157 Amp Alternator
Class V Towing Equipment -inc: Hitch and Trailer Sway Control
Trailer Wiring Harness
3210# Maximum Payload
HD Shock Absorbers
Front Anti-Roll Bar
Firm Suspension
Hydraulic Power-Assist Steering
Single Stainless Steel Exhaust
48 Gal. Fuel Tank
Auto Locking Hubs
Front Suspension w/Coil Springs
Leaf Rear Suspension w/Leaf Springs
4-Wheel Disc Brakes w/4-Wheel ABS, Front And Rear Vented Discs, Brake Assist and Hill Hold Control

EXTERIOR

Wheels: 17" Argent Painted Steel -inc: painted hub covers/center ornaments
Tires: LT245/75Rx17E BSW A/S (4) -inc: Spare may not be the same as road tire
Regular Box Style
Steel Spare Wheel
Spare Tire Stored Underbody w/Crankdown
Clearcoat Paint
Black Front Bumper w/Black Rub Strip/Fascia Accent and 2 Tow Hooks
Black Rear Step Bumper
Black Side Windows Trim and Black Front Windshield Trim
Black Door Handles

Black Manual Side Mirrors w/Manual Folding
Manual Extendable Trailer Style Mirrors
Fixed Rear Window
Light Tinted Glass
Variable Intermittent Wipers
Aluminum Panels
Black Grille
Tailgate Rear Cargo Access
Manual Tailgate/Rear Door Lock
Autolamp Auto On/Off Aero-Composite Halogen Daytime Running Lights Preference Setting Headlamps w/Delay-Off
Cargo Lamp w/High Mount Stop Light

ENTERTAINMENT

Radio: AM/FM Stereo w/MP3 Player -inc: 4 speakers
Radio w/Seek-Scan and Clock
Fixed Antenna
SYNC Communications & Entertainment System -inc: enhanced voice recognition w/911 Assist, 4.2" LCD center stack screen, AppLink and 1 smart-charging USB-C port
2 LCD Monitors In The Front

INTERIOR

4-Way Driver Seat -inc: Manual Recline and Fore/Aft Movement
4-Way Passenger Seat -inc: Manual Recline and Fore/Aft Movement
60-40 Folding Split-Bench Front Facing Fold-Up Cushion Rear Seat
Manual Tilt/Telescoping Steering Column
Gauges -inc: Speedometer, Odometer, Oil Pressure, Engine Coolant Temp, Tachometer, Transmission Fluid Temp, Engine Hour Meter, Trip Odometer and Trip Computer
Manual Rear Windows
FordPass Connect 4G Mobile Hotspot Internet Access
Rear Cupholder
Manual Air Conditioning
HVAC -inc: Underseat Ducts
Illuminated Locking Glove Box
Interior Trim -inc: Chrome Interior Accents
Full Cloth Headliner
Urethane Gear Shifter Material

HD Vinyl 40/20/40 Split Bench Seat -inc: center armrest, cupholder, storage and driver's side manual lumbar
Day-Night Rearview Mirror
Passenger Visor Vanity Mirror
2 12V DC Power Outlets
Full Overhead Console w/Storage and 2 12V DC Power Outlets
Fade-To-Off Interior Lighting
Front And Rear Map Lights
Full Vinyl/Rubber Floor Covering
Pickup Cargo Box Lights
Smart Device Remote Engine Start
Instrument Panel Covered Bin and Dashboard Storage
Manual 1st Row Windows
Systems Monitor
Trip Computer
Outside Temp Gauge
Analog Appearance
Seats w/Vinyl Back Material
Manual Adjustable Front Head Restraints and Manual Adjustable Rear Head Restraints
Securilock Anti-Theft Ignition (pats) Engine Immobilizer
Air Filtration

SAFETY

AdvanceTrac w/Roll Stability Control Electronic Stability Control (ESC) And Roll Stability Control (RSC)
ABS And Driveline Traction Control
Side Impact Beams
Dual Stage Driver And Passenger Seat-Mounted Side Airbags
Tire Specific Low Tire Pressure Warning
Mykey System -inc: Top Speed Limiter, Audio Volume Limiter, Early Low Fuel Warning, Programmable Sound Chimes and Beltminder w/Audio Mute
Safety Canopy System Curtain 1st And 2nd Row Airbags
Outboard Front Lap And Shoulder Safety Belts -inc: Rear Center 3 Point and Height Adjusters
Dual Stage Driver And Passenger Front Airbags
Back-Up Camera