

**Permit Number:** \_\_\_\_\_

**Coverage Date:** \_\_\_\_\_

**Issuance Date:** July 6, 1994

**Effective Date:** August 6, 1994

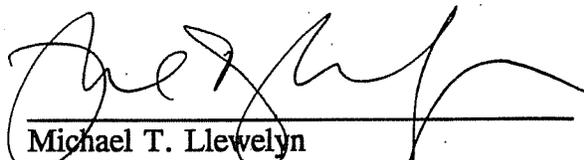
**Expiration Date:** August 6, 1999

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
AND STATE WASTE DISCHARGE GENERAL PERMIT FOR  
PROCESS WATER, STORM WATER, AND MINE DEWATERING WATER DISCHARGES  
ASSOCIATED WITH  
SAND AND GRAVEL OPERATIONS, ROCK QUARRIES,  
AND SIMILAR MINING FACILITIES,  
INCLUDING STOCKPILES OF MINED MATERIALS,  
CONCRETE BATCH OPERATIONS AND HOT MIX ASPHALT OPERATIONS**

State of Washington  
DEPARTMENT OF ECOLOGY  
Olympia, Washington 98504-7696

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

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

  
\_\_\_\_\_  
Michael T. Llewelyn  
Water Quality Program Manager  
Department of Ecology

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## II. SUMMARY OF SUBMITTALS

<u>Permit Section</u>	<u>Submittal</u>	<u>Frequency</u>	<u>First Preparation Date</u>
	SEPA Checklist to lead agency	Once	New facilities: Prior to submission of Notice of Intent
S9.	Storm Water Monitoring Report	1/year	All facilities: By July 15th for each year or partial year of coverage under the general permit
S10.	Wastewater Monitoring Report	4/year	All facilities: By January 15th, April 15th, July 15th, and October 15th for each year or partial year of coverage under the general permit

## III. SUMMARY OF REQUIRED REPORTS/PLANS

<u>Permit Section</u>	<u>Plan</u>	<u>Frequency</u>	<u>First Preparation Date</u>
S6.	Storm Water Pollution Prevention Plan	1/permit cycle	Existing facilities: Not later than April 4, 1995; New facilities: Prior to coverage under this general permit.
S7.	Storm Water Pollution Prevention Plan for Erosion and Sediment Control	1/permit cycle	Existing facilities: Not later than April 4, 1995; New facilities: Prior to coverage under this general permit.
S8.	Monitoring Plan	1/permit cycle	Existing facilities: Not later than 3 months after coverage under the general permit; New facilities: Prior to coverage under this general permit.

## IV. SPECIAL CONDITIONS

### S1. Effluent Limits

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge *process wastewater*<sup>1</sup>, *Type 3 storm water* (storm water associated with industrial activity), and/or *mine dewatering water* at the permitted location subject to meeting the following limitations: (Note: terms listed in Section V., Definitions, are *italicized* upon their first usage in this general permit.)

A. The following effluent limitations apply to *active sites* in these SIC codes:

- SIC Code 0811 Timber Tracts
- SIC Code 1422 Crushed and Broken Limestone
- SIC Code 1423 Crushed and Broken Granite
- SIC Code 1429 Crushed and Broken Stone, Not Elsewhere Classified
- SIC Code 1442 Construction Sand and Gravel
- SIC Code 2411 Logging

1. Process wastewater discharges:

Process Wastewater	EFFLUENT LIMITATIONS	
Parameter <sup>a</sup>	Average Monthly <sup>b</sup>	Maximum Daily <sup>c</sup>
<i>Total Suspended Solids</i>	40 mg/liter	80 mg/liter
Turbidity	50 NTU	50 NTU
pH (for discharges to surface water)	in the range 6.0-9.0	in the range 6.0-9.0
pH (for discharges to ground water)	in the range 6.5-8.5	in the range 6.5-8.5
<sup>a</sup> For discharges to ground water, only pH shall be monitored.		
<sup>b</sup> The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
<sup>c</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge.		

2. Mine dewatering discharges:

Mine Dewatering Parameter <sup>a</sup>	EFFLUENT LIMITATIONS	
	Average Monthly <sup>b</sup>	Maximum Daily <sup>c</sup>
Total Suspended Solids	40 mg/liter	80 mg/liter
Turbidity	50 NTU	50 NTU
pH (for discharges to surface water)	in the range 6.0-9.0	in the range 6.0-9.0
pH (for discharges to ground water)	in the range 6.5-8.5	in the range 6.5-8.5
<sup>a</sup> For discharges to ground water, only pH shall be monitored.		
<sup>b</sup> The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
<sup>c</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge.		

B. The following effluent limitations apply to active sites in these SIC codes:

- SIC Code 1411 Dimension Stone
- SIC Code 1455 Kaolin and Ball Clay
- SIC Code 1459 Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified
- SIC Code 1499 Miscellaneous Nonmetallic Minerals, Except Fuels

1. Process wastewater discharges:

The Permittee shall not discharge process wastewater to *surface waters of the State*.

2. Mine Dewatering Discharges:

<b>Mine Dewatering</b>	<b>EFFLUENT LIMITATIONS</b>	
<b>Parameter<sup>a</sup></b>	<b>Average Monthly<sup>b</sup></b>	<b>Maximum Daily<sup>c</sup></b>
Total Suspended Solids	40 mg/liter	80 mg/liter
Turbidity	50 NTU	50 NTU
pH (for discharges to surface water)	in the range 6.0-9.0	in the range 6.0-9.0
pH (for discharges to ground water)	in the range 6.5-8.5	in the range 6.5-8.5
<sup>a</sup> For discharges to ground water, only pH shall be monitored.		
<sup>b</sup> The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
<sup>c</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge.		

C. The following effluent limitations apply to SIC Code 3273 Ready-Mixed Concrete, including associated concrete truck washout areas:

1. Process wastewater discharges:

<b>Process Water</b>	<b>EFFLUENT LIMITATIONS</b>	
<b>Parameter<sup>a</sup></b>	<b>Average Monthly<sup>b</sup></b>	<b>Maximum Daily<sup>c</sup></b>
Total Suspended Solids	40 mg/liter	80 mg/liter
Turbidity	50 NTU	50 NTU
pH (for discharges to surface water)	in the range 6.0-9.0	in the range 6.0-9.0
pH (for discharges to ground water)	in the range 6.5-8.5	in the range 6.5-8.5
<sup>a</sup> For discharges to ground water, only pH shall be monitored.		
<sup>b</sup> The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
<sup>c</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge.		

D. The following effluent limitations apply to SIC Code 2951 Asphalt Paving Mixtures and Blocks, including associated asphalt truck washout areas:

1. Process wastewater discharges:

The Permittee shall not discharge process water to surface waters of the State.

E. The following effluent limitations apply to SIC Code 1446 Industrial Sand:

1. Process wastewater discharges:

Process Water Parameter <sup>a</sup>	EFFLUENT LIMITATIONS	
	Average Monthly <sup>b</sup>	Maximum Daily <sup>c</sup>
Total Suspended Solids	25 mg/liter	45 mg/liter
Turbidity	50 NTU	50 NTU
pH (for discharges to surface water)	in the range 6.0-9.0	in the range 6.0-9.0
pH (for discharges to ground water)	in the range 6.5-8.5	in the range 6.5-8.5
<sup>a</sup> For discharges to ground water, only pH shall be monitored.		
<sup>b</sup> The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
<sup>c</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge.		

2. Mine Dewatering Discharges:

Mine Dewatering	EFFLUENT LIMITATIONS	
Parameter <sup>a</sup>	Average Monthly <sup>b</sup>	Maximum Daily <sup>c</sup>
Total Suspended Solids	25 mg/liter	45 mg/liter
Turbidity	50 NTU	50 NTU
pH (for discharges to surface water)	in the range 6.0-9.0	in the range 6.0-9.0
pH (for discharges to ground water)	in the range 6.5-8.5	in the range 6.5-8.5
<sup>a</sup> For discharges to ground water, only pH shall be monitored.		
<sup>b</sup> The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
<sup>c</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge.		

F. The following effluent limitation for Type 3 storm water applies to all active sites covered by this general permit:

Type 3 Storm water	EFFLUENT LIMITATION	
Parameter <sup>a</sup>	Average Monthly <sup>b</sup>	Maximum Daily <sup>c</sup>
pH (for discharges to surface water)	in the range 6.0-9.0	in the range 6.0-9.0
pH (for discharges to ground water)	in the range 6.5-8.5	in the range 6.5-8.5
Turbidity	50 NTU	50 NTU
<sup>a</sup> For discharges to ground water, only pH shall be monitored.		
<sup>b</sup> The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
<sup>c</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge.		

- G. The mixing zone allowed in this general permit shall be no larger than the maximum allowed in Chapter 173-201A WAC.
- H. Any Permittee unable to comply with the Total Suspended Solids or Turbidity effluent limitations in Special Condition S1.A, S1.B, or S1.C, or the Turbidity effluent limitations in S1.E or S1.F, shall:
1. Prepare an individual engineering report for the facility and submit an application for an individual permit; or
  2. Participate in a group engineering report with other facilities in the same SIC Code.

Any engineering report submitted to the *department* shall conform to the requirements of Special Condition S4.E.

A permittee that is required to prepare an engineering report under item 1 or 2 above shall remain covered by this general permit during the preparation of the engineering report in Special Condition S4.E.

- I. Discharges of storm water to *sanitary sewers* is prohibited pursuant to WAC 173-216(b)(vii).
- J. Any overflow from any wastewater treatment system for storm water, mine dewatering water, or process water shall not be subject to the limitations of Special Conditions S1.A. through S1.F. if the wastewater treatment system is designed, constructed, and maintained to contain and treat wastewater and the volume of storm water that would result from the design storm.

## S2. Monitoring Schedule

- A. The following monitoring schedule applies to active sites in these SIC codes:

SIC Code 0811 Timber Tracts  
SIC Code 1422 Crushed and Broken Limestone  
SIC Code 1423 Crushed and Broken Granite  
SIC Code 1429 Crushed and Broken Stone, Not Elsewhere Classified  
SIC Code 1442 Construction Sand and Gravel  
SIC Code 1446 Industrial Sand  
SIC Code 2411 Logging

1. Within 3 months of coverage under this general permit, permittees shall monitor process water, Type 3 storm water, and mine dewatering water to include the following requirements:

Parameter	Sample Point	Sampling Frequency	
		Process Water	Storm Water <sup>a</sup>
Total Suspended Solids	Discharge point(s) to surface water	Monthly	Not Applicable
Turbidity	Discharge point(s) to surface water	Monthly	Quarterly
pH	Discharge point(s) to surface water and to all unlined impoundments	Monthly	Quarterly
<sup>a</sup> Storm water samples collected and analyzed once per quarter when storm water is present			

2. Within 36 months of coverage under this general permit, permittees shall monitor process water, Type 3 storm water, and mine dewatering water to include the following additional requirements:

Parameter	Sample Point	Sampling Frequency	
		Process Water	Storm Water
Total Petroleum Hydrocarbons	Discharge point(s) to surface water and to all unlined impoundments	Monthly	Annually
Nitrate <sup>1</sup>	Discharge point(s) to surface water and to all unlined impoundments	Monthly	Annually

<sup>1</sup> Applies only to active sites employing blasting

B. The following monitoring schedule applies to active sites in these SIC codes:

- SIC Code 1411 Dimension Stone
- SIC Code 1455 Kaolin and Ball Clay
- SIC Code 1459 Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified
- SIC Code 1499 Miscellaneous Nonmetallic Minerals, Except Fuels

1. Within 3 months of coverage under this general permit, permittees shall monitor mine dewatering water and Type 3 storm water to include the following requirements:

Parameter	Sample Point	Sampling Frequency	
		Process Water	Storm Water <sup>a</sup>
Total Suspended Solids	Discharge point(s) to surface water	Monthly	Not Applicable
Turbidity	Discharge point(s) to surface water	Monthly	Quarterly
pH	Discharge point(s) to surface water and to all unlined impoundments	Monthly	Quarterly
<sup>a</sup> Storm water samples collected and analyzed once per quarter when storm water is present			

2. Within 36 months of coverage under this general permit, permittees shall monitor process water, Type 3 storm water, and mine dewatering water to include the following additional requirements (process water shall be discharged in accordance with Special Condition S1.B.1 only):

Parameter	Sample Point	Sampling Frequency	
		Process Water	Storm Water
Total Dissolved Solids	Discharge point(s) to all unlined impoundments	Monthly	Annually
Total Petroleum Hydrocarbons	Discharge point(s) to surface water and to all unlined impoundments	Monthly	Annually
Nitrate <sup>1</sup>	Discharge point(s) to surface water and to all unlined impoundments	Monthly	Annually

<sup>1</sup> Applies only to active sites employing blasting

- C. The following monitoring schedule applies to SIC Code 3273, Ready-Mixed Concrete, including associated concrete truck washout areas:

1. Within 3 months of coverage under this general permit, permittees shall monitor process water and Type 3 storm water to include the following requirements:

Parameter	Sample Point	Sampling Frequency	
		Process Water	Storm Water <sup>a</sup>
Total Suspended Solids	Discharge point(s) to surface water	Monthly	Not Applicable
Turbidity	Discharge point(s) to surface water	Monthly	Quarterly
pH	Discharge point(s) to surface water and to all unlined impoundments	Monthly	Quarterly
<sup>a</sup> Storm water samples collected and analyzed once per quarter when storm water is present			

2. Within 36 months of coverage under this general permit, permittees shall monitor process water and Type 3 storm water to include the following additional requirements:

Parameter	Sample Point	Sampling Frequency	
		Process Water	Storm Water
Chloride	Discharge point(s) to surface water and all unlined impoundments	Monthly	Annually
Sulfate	Discharge point(s) to surface water and all unlined impoundments	Monthly	Annually
Total Petroleum Hydrocarbons	Discharge point(s) to surface water and all unlined impoundments	Monthly	Annually
Alkalinity	Discharge point(s) to surface water and all unlined impoundments	Monthly	Annually
Total Dissolved Solids	Discharge point(s) to surface water and all unlined impoundments	Monthly	Annually
Nitrate	Discharge point(s) to surface water and all unlined impoundments	Monthly	Annually
Oil and Grease	Discharge point(s) to surface water	Monthly	Annually

D. The following monitoring schedule applies to SIC Code 2951 Asphalt Paving Mixtures and Blocks, including associated asphalt truck washout areas:

1. Within 3 months of coverage under this general permit, permittees shall monitor Type 3 storm water to include the following requirements:

Parameter	Sample Point	Sampling Frequency	
		Process Water	Storm Water <sup>a</sup>
Turbidity	Discharge point(s) to surface water	Not Applicable	Quarterly
pH	Discharge point(s) to surface water and to all unlined impoundments	Not Applicable	Quarterly
<sup>a</sup> Storm water samples collected and analyzed once per quarter when storm water is present			

2. Within 36 months of coverage under this general permit, permittees shall monitor process water and Type 3 storm water to include the following additional requirements:

Parameter	Sample Point	Sampling Frequency	
		Process Water	Storm Water
pH	Discharge point(s) to all unlined impoundments	Monthly	Quarterly
Total Petroleum Hydrocarbons	Discharge point(s) to all unlined impoundments	Monthly	Annually
Total Dissolved Solids	Discharge point(s) to all unlined impoundments	Monthly	Annually
Oil and Grease	Discharge point(s) to all unlined impoundments	Monthly	Annually

### S3. Permit Coverage

#### A. How to Obtain Coverage

Coverage under this permit may be obtained by submitting a completed *Notice of Intent (NOI)* for this general permit to the department. The department intends to notify applicants by mail of their status concerning coverage under this permit within 30 days of the department's receipt of the NOI. If the applicant does not receive notification from the department, coverage under this permit automatically commences on the thirty-first day following receipt by the department of a completed NOI (see General Condition G23).

Coverage for multiple *inactive sites* may be obtained by submitting a NOI with an appendix. For each inactive site included in the appendix the applicant shall include, at a minimum, the information required in Sections II, III, and Part 1 of Section X of the NOI.

Applicants who submitted NOIs prior to July 6, 1994, will be notified of their status concerning coverage under this permit by August 6, 1994.

Facilities with storm water discharge to a *storm sewer* operated by any of the following municipalities shall submit a copy of the NOI to the appropriate *municipality*:

Seattle, King County, Snohomish County, Tacoma, Pierce County, Clark County, City of Spokane, Spokane County, Kitsap County.

#### B. Facilities Required to Apply for Coverage

All new and existing facilities described in Appendix 1 that are owned or operated by private entities, or by state or *local governments*, or any federal facilities that discharge to *ground water*, and that have one or more of the following characteristics, shall apply for coverage under this general permit:

1. Any active site that:
  - a. Ditches, routes, collects, contains, or impounds process water or Type 3 storm water; or
  - b. Allows storm water to flow from outside the perimeter of a processing area into a processing area; or
  - c. Discharges process water from the site through use of any method other than percolation to ground water; or

- d. Discharges storm water or process water to surface waters of the State; or
2. Any inactive site that discharges storm water to surface waters of the State; or
3. Any facility that discharges to a municipal storm sewer; or
4. Any facility that operates a concrete batch plant; or
5. Any facility that operates a *hot mix asphalt plant* that uses a wet scrubber for air emissions control or any hot mix asphalt plant that discharges Type 3 storm water to surface water; or
6. Any facility that includes processing areas or storage areas for materials or operations identified in item 4 or 5 above or in Special Condition S5.E. that is located inside a designated *wellhead protection area*; or
7. Any *silvicultural point source*.

As described in the Fact Sheet, the department may provide coverage under this general permit to a site owner who is not the site operator of an industrial activity.

A site owner may obtain coverage under the following conditions:

1. The site owner shall submit a NOI in accordance with Special Conditions S3.A. and S4.A. of this general permit;
2. The site owner shall prepare all plans required in Special Condition S4. of this general permit;
3. The site owner shall notify the department by registered mail no less than ten (10) days prior to commencement of operations. The letter shall be directed to the Water Quality Permit Coordinator at the regional office which issued the permit and shall contain the following information:
  - a. the permit number,
  - b. the name of the site owner and operator,
  - c. the site location,
  - d. the Standard Industrial Classification Code(s) appropriate to the industrial activity at the site,
  - e. the amount and type of raw material or finished product to be produced.

4. The site owner shall provide the site operator copies of the plans specified in item 3 above and require compliance with the plans; and
5. The site operator shall not begin operations until all provisions of the plans and the notification specified in items 2, 3 and 4 above have been implemented.

**C. Facilities EXCLUDED from Coverage Under This Permit**

The department will not consider coverage under this general permit for the following facilities:

1. Any facility that has a pit design that will intercept more than one aquifer;
2. Any facility that conducts mining operations below the ordinary high water mark in a river or stream channel;
3. Any facility not covered by a DNR reclamation plan that uses materials that are not *inert* for reclamation or backfill;
4. Any facility that would impair adjacent water rights as a result of pit dewatering;
5. Any *closed site*;
6. Any facility covered under an *NPDES* or state Waste Discharge individual permit that includes requirements for process water or storm water management, treatment, or monitoring that are more stringent than the requirements in this general permit.

Any facility excluded from coverage under items C.1 through C.4 above shall apply to the department for an individual discharge permit.

**D. Change of Permit Status**

Any facility that changes permit status from active to inactive, or inactive to active, shall notify the department by registered mail no less than ten (10) days prior to making the change. The letter shall be directed to the Water Quality Permit Coordinator at the regional office which issued the permit and shall contain the following information:

1. The permit number;
2. The name of the site owner and operator (if different);

3. The site location;
4. The Standard Industrial Classification Code(s) appropriate to the industrial activity at the site; and
5. If reactivating an inactive site, the amount and type of raw material or finished product to be produced.

#### **S4. Schedule of Compliance**

##### **A. *Notice of Intent (NOI)***

A Notice of Intent shall be submitted to the department:

1. For an existing facility: on or before October 4, 1994;
2. For an industrial facility that commences operation on or after August 6, 1994: at least 30 days prior to commencement of the industrial activity at the facility or upon the effective date of this permit, whichever occurs later.

##### **B. *Storm Water Pollution Prevention Plan (SWPPP)***

To comply with the requirements of this general permit, the permittee of an active site shall:

1. For existing facilities:
  - a. By April 4, 1995, develop a SWPPP (see Special Condition S6. of this permit) and retain it on-site.
  - b. By October 4, 1995, complete the implementation of all *operational Best Management Practices (BMPs)* and applicable *source control BMPs*, as required under Special Condition S6. of this permit, that do not require *capital improvements*.
  - c. By April 4, 1996, complete the implementation of BMPs requiring capital improvements.
2. For active sites that begin operations after October 4, 1994, the permittee shall develop and implement the SWPPP prior to coverage under this general permit.

**C. SWPPP for *Erosion and Sediment Control* (SWPPP/ESC)**

To comply with the requirements of this general permit, the permittee of an active site or an inactive site shall:

1. For existing facilities:
  - a. By April 4, 1995, develop an SWPPP/ESC (see Special Condition S7. of this permit) and retain it on-site.
  - b. By October 4, 1995, complete the implementation of *operational BMPs* and applicable source control BMPs, as required under Special Condition S7. of this permit, that do not require *capital improvements*.
  - c. By April 4, 1996, complete the implementation of BMPs requiring capital improvements.
2. For active sites or inactive sites that begin operations after October 4, 1994, the permittee shall develop and implement the SWPPP/ESC prior to coverage under this general permit.

**D. Liner Installation**

To comply with the requirements of this general permit, for active sites that include SIC Codes 3273 or 2951 and associated truck washout areas, the permittee shall:

1. Implement a plan to line all process water impoundments in accordance with Special Condition S5.B. by October 4, 1997; or
2. Prepare an individual engineering report for the facility and submit an application for an individual permit; or
3. Participate in a group engineering report with other facilities in the same SIC Code; and
4. Comply with all effluent limitations in this general permit.

Any engineering report submitted to the department shall conform to the requirements of Special Condition S4.E.

A permittee that is required to prepare an engineering report under item 2 or 3 above shall remain covered by this general permit during the period of the compliance schedule in Special Condition S4.E.

**E. Engineering Report**

Any group or individual engineering report submitted to the department for approval in accordance with Special Condition S4.D. shall be completed no later than April 4, 1997.

Any group or individual engineering report submitted to the department for approval in accordance with Special Condition S1.H. shall be completed no later than October 4, 1996.

The engineering report shall evaluate the treatment requirements necessary to control the discharge of *pollutants* and calculate the capital costs and the operating and maintenance costs for treating the discharge. The engineering report shall be prepared in accordance with Chapter 173-240 WAC. The proposed scope of the report shall be submitted to the department for approval.

Any facility that participates in a group or individual engineering report shall submit annual progress reports to the department. The progress reports shall include, at a minimum, an annual summary of progress toward completion of the approved scope of work.

**S5. Process Water Management**

- A. Effluent limitations are stated in Special Condition S1. If effluent from two or more industrial activities is combined, the most stringent effluent limitation shall apply.
- B. Any lined impoundment required in this general permit shall have adequate hydraulic loading capacity to provide treatment of wastewater and contain the volume of precipitation from the *design storm*, and adequate structural load-bearing design to support any mechanical method used for sludge removal. The impoundment shall be constructed of, at a minimum:
  - a. Synthetic or flexible membrane material not less than 30 mils thick that shall not react with the effluent; or
  - b. Concrete with a minimum thickness of 6 inches; or
  - c. Asphalt with a minimum thickness of 6 inches; or
  - d. Steel-walled containment tank.
- C. No wastewater shall be discharged to surface water or ground water from a maintenance shop.
- D. Any facility requiring dust suppression shall not utilize ligninsulfonate in excavated areas.

- E. Any facility that stores or uses toxic materials, petroleum contaminated soils (PCS) that fail to meet the most protective MTCA Method 'A' treatment levels (WAC 173-340-740(2)), chemicals, cement, admixtures, fuels, lubricants, asphalt concrete that has not been used for construction, tar, or other petroleum products shall provide physical coverage and containment for such materials.
- F. Any diversion ditch, channel, pond, trap, impoundment, or other detention/retention BMP constructed at the site for treatment of process water or storm water shall be designed, constructed and maintained to contain and provide treatment for the peak flow for the design storm.
- G. No process water or Type 3 storm water shall be discharged from a hot mix asphalt plant, a concrete batch plant, asphalt truck washwater area, or concrete truck washwater area into a pit or excavation that penetrates the water table.

**S6. Storm Water Pollution Prevention Plan (SWPPP)**

Permittees of active sites shall prepare and implement a SWPPP for Type 3 storm water in accordance with the schedule of Special Condition S3. and the requirements of this Special Condition.

**A. General Requirements**

1. Retention and availability

The permittee(s) shall retain the SWPPP on-site or within reasonable access to the site and make it immediately available upon request to the department and, if discharge is to a municipal storm sewer system, to the municipal operator of the storm sewer system. The SWPPP and all of its modifications shall be signed in accordance with General Condition G20.

2. Modifications

- a. The department may notify the permittee when the SWPPP does not meet one or more of the minimum requirements of this section. Within 30 days of such notice, the permittee shall submit to the department a plan for modification of the SWPPP and a schedule for implementing the modification(s).
- b. The permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance which cause(s) the SWPPP to be less effective in controlling the pollutants.

- c. Whenever a self-inspection reveals that the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) weeks of such inspection. The permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.
3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit. (A Pollution Prevention Plan prepared under the Hazardous Waste Reduction Act, Chapter 70.95C RCW, is an example of such a plan.)
4. Any BMP constructed at the site shall be designed, constructed, and maintained to provide adequate treatment of storm water to comply with permit effluent limits for the design storm.

#### **B. SWPPP Contents and Requirements**

The SWPPP shall contain, at a minimum, the following:

1. Assessment and description of existing and potential pollutant sources, including:
  - a. A certification by a responsible official (see General Condition 20) of the facility that the discharge has been investigated for the presence of non-storm water discharges. The certification shall address:
    - i. The required inspection(s) according to Special Condition S9, to identify areas contributing to a storm water discharge associated with industrial activity.
    - ii. A comparison of the sample analyses with the permit effluent limits. Any permittee not in compliance with the permit effluent limitations shall comply with General Condition G5.
  - b. A site map showing the storm water drainage and discharge structures, an outline of the storm water drainage areas for each storm water discharge point (including discharges to ground water), and adjacent surface water locations.

The site map shall also identify all areas associated with industrial activities including, but not limited to, the following:

- i. Loading and unloading of dry bulk materials or liquids,

- ii. Outdoor storage of materials or products,
- iii. Outdoor processing,
- iv. Processes that generate dust and particles,
- v. Roofs or other surfaces exposed to air emissions from a process area,
- vi. On-site waste treatment, storage, or disposal,
- vii. Vehicle and equipment maintenance and/or cleaning.
- viii. Paved areas and buildings
- ix. Underground storage of materials or products

Lands adjacent to the site shall also be depicted where helpful in identifying discharge points or drainage routes.

- c. An inventory of the types of materials handled at the site that are exposed to precipitation or run-off.
2. A description of the BMPs that are needed for the facility to reduce the potential for the discharge of *significant amounts* of pollutants. The description shall include the following minimum requirements:
- a. Operational BMPs
    - i. Pollution Prevention Team: Identification of specific individuals within the organization who are responsible for developing the SWPPP and assisting the responsible official in its implementation, maintenance, and modification. The activities and responsibilities of the team should address all aspects of the facility's SWPPP.
    - ii. Good Housekeeping: The ongoing maintenance and cleanup, as appropriate, of areas that may contribute pollutants to storm water discharges; the SWPPP should include cleaning and maintenance schedules.
    - iii. Preventive Maintenance: Inspection and maintenance of the storm water drainage and treatment systems (if any) and of equipment and systems that could fail and result in contamination of storm water.
    - iv. Spill Prevention and Emergency Cleanup Plan: Identification of areas where potential spills can contribute pollutants to storm water discharges. Specific material handling procedures, storage requirements, and cleanup equipment and procedures should be identified, as appropriate. BMP S1.80 in Ecology's *Storm Water Management Manual (SWMM)* should be used for emergency cleanup guidance. The SWPPP may include excerpts of plans prepared for other purposes (e.g. Spill Prevention Control and Countermeasure (SPCC) plans

under Section 311 of the CWA) where those excerpts meet the intent of this requirement.

- v. Employee Training: Annual training of employees on the SWPPP, that emphasizes spill response, good housekeeping, and material management practices.
- vi. Inspection and Recordkeeping: Identification of plant personnel who will inspect designated equipment and plant areas as required in Special Condition S9. A tracking or follow-up procedure shall be identified to ensure that appropriate action has been taken in response to the inspection. Inspection reporting and recordkeeping procedures and schedules as required in Special Condition S9. and General Condition G19. of this permit shall be described.

b. Source Control BMPs

Selection of applicable source control BMPs from the following list, as further described in Volume IV of the department's SWMM for the *Puget Sound Basin*, or other equivalent BMPs identified in Fact Sheet Bibliography. For industrial activities not listed below, BMPs that prevent the pollution of storm water shall be employed.

- i. BMP S1.10 Fueling Stations
- ii. BMP S1.20 Vehicle/Equipment Washing and Steam Cleaning
- iii. BMP S1.30 Loading and Unloading Liquid Materials
- iv. BMP S1.40 Liquid Storage in Above-Ground Tanks
- v. BMP S1.50 Container Storage of Liquids, Food Wastes or Dangerous Wastes
- vi. BMP S1.60 Outside Storage of Raw Materials, By-Products or Finished Products

3. An implementation schedule including interim milestone dates for the BMPs and other activities described in the SWPPP. This schedule shall not extend beyond the requirements specified in Special Condition S4.

C. If application of the BMPs in Special Condition S6.B.2. is not sufficient to prevent the discharge of pollutants in concentrations that violate permit effluent limitations, then additional BMPs shall be implemented for the facility:

a. *Treatment BMPs*

Providing treatment of storm water as needed, including but not limited to: oil/water separators, biofiltration, infiltration basins, detention facilities, or *constructed wetlands*. Facilities within

the Puget Sound Basin shall use Volume III of the department's SWMM as guidance for designing treatment BMPs. Facilities outside the Puget Sound Basin shall use Volumes III or IV of the department's SWMM or standard engineering practice for selecting appropriate treatment strategies.

b. Innovative BMPs

Innovative treatment, source control, reduction or recycling, or operational BMPs beyond those identified in the department's SWMM are encouraged if they help achieve the objectives listed in this Special Condition.

**S7. SWPPP for Erosion and Sediment Control (SWPPP/ESC)**

Permittees of active sites and inactive sites shall prepare and implement a SWPPP/ESC for *Type 2* storm water in accordance with the schedule of Special Condition S4.C. and the requirements of this Special Condition. The SWPPP/ESC shall describe *erosion and sediment control BMPs*, including *stabilization* and structural practices, both of which shall be implemented to minimize *erosion* and the transport of sediments during the operation of the facility. The permittee is responsible for ensuring the coordination of the SWPPP/ESC with final reclamation plans required by the Department of Natural Resources (DNR) or local government.

**A. General Requirements**

1. Compliance with local or state requirements

This general permit does not relieve the permittee of compliance with any more stringent requirements of local agencies or other state agencies with jurisdiction. Where the department has determined such local or state requirements to be equivalent, compliance with local or state requirements meets the requirements of this permit.

2. Retention and Availability

The permittee shall retain the SWPPP/ESC, inspection reports, and all other reports required by this Special Condition for at least three years after the date of *final stabilization* of the site. The permittee shall make these documents available immediately upon request to the department and to local agencies or other state agencies that have jurisdiction. The SWPPP/ESC and all of its modifications shall be signed in accordance with General Condition G20.

## **B. SWPPP/ESC Contents and Requirements**

### **1. Stabilization Practices**

The SWPPP/ESC shall include a description of stabilization BMPs, including site-specific scheduling of implementation of the practices. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, decreasing slope angles or lengths, and other appropriate measures. Stabilization measures shall be initiated as soon as practicable in portions of the site where mining activities have temporarily or permanently ceased. The plan shall ensure that the following requirements are satisfied:

- a. All exposed and unworked soils shall be stabilized by suitable and timely application of BMPs.
- b. Existing vegetation should be preserved where feasible. In the field, areas that are not to be disturbed shall be permanently marked; these include setbacks, sensitive/critical areas and their buffers, trees, and drainage courses.
- c. Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion.
- d. Stabilization adequate to prevent erosion of outlets and adjacent stream banks shall be provided at the outlets of all conveyance systems.
- e. Wherever vehicle access routes intersect paved roads, provisions must be made to minimize the transport of sediment (mud) onto the paved road. If sediment is transported onto road surfaces adjacent to the site the affected roads shall be cleaned on a regular basis.

### **2. Structural Practices**

In addition to stabilization practices, the SWPPP/ESC shall include a description of structural BMPs to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and sediment basins. The installation of these devices may be subject to

Section 404 of the Federal *Clean Water Act*. The plan shall ensure that the following requirements are satisfied:

- a. Properties adjacent to the project site shall be protected from sediment deposition caused by activities at the site.
- b. Sediment ponds and traps, perimeter dikes, sediment barriers, and other BMPs intended to trap sediment on-site shall be constructed as a first step. These BMPs shall be functional before land is disturbed. Slopes of earthen structures used for sediment control such as dams, dikes, and diversions shall be stabilized immediately after construction.
- c. Any BMP constructed at an active site shall be designed to maintain separation of Type 2 storm water from Type 3 storm water and *Type 1* storm water for the peak flow from the design storm.

3. Selection of Stabilization and Structural BMPs

Permittees within the Puget Sound Basin shall select from BMPs described in Volume II of Ecology's SWMM or other equivalent and appropriate BMPs to comply with the requirements listed in Special Conditions S7.B.1. and S7.B.2. above. Permittees outside the Puget Sound Basin shall select from BMPs described in the Erosion and Sediment Control Handbook, by Goldman et al.; Volume II of Ecology's SWMM as adapted for local conditions using best professional judgement; or other equivalent and appropriate BMPs listed in the Fact Sheet Bibliography to comply with the requirements listed in sections 1 and 2 above.

4. Maintenance

All structural and stabilization practices shall be inspected, maintained, and repaired as needed to assure continued performance of their intended function.

5. Inspections

For active sites, all on-site erosion and sediment control measures shall be inspected at least once every seven days, and within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period. A file containing a log of observations shall be maintained.

For inactive sites, a Registered Professional Engineer shall certify every three years that the facility is in compliance with this general permit.

**S8. Monitoring Plan (MP)**

A Monitoring Plan for active sites shall be prepared and implemented in accordance with the schedule of Special Condition S2. and the requirements of this Special Condition.

**A. General Requirements**

1. Sample Collection Methods

- a. The USEPA NPDES Storm Water Sampling Guidance Document (EPA 833-B-92-001, July 1992), or equivalent sampling methods, shall be used as guidance for both storm water and process water sampling procedures.
- b. Samples taken to meet the requirements of this general permit shall be collected during the facility's normal working hours and while processing is at normal levels;

2. Lab Certification

After July 1, 1995, all monitoring data, except for flow, temperature, pH, electrical conductivity, and internal process control parameters, shall be prepared by a laboratory accredited under the provisions of Accreditation of Environmental Laboratories, Chapter 173-50 WAC.

All monitoring data submitted to the department in an engineering report prepared in accordance with Special Condition S4.E. shall be prepared by a laboratory accredited under the provisions of Accreditation of Environmental Laboratories, Chapter 173-50 WAC.

3. Retention and availability

The permittee(s) shall retain the MP on-site or within reasonable access to the site and make it immediately available upon request to the department. The MP and all of its modifications shall be signed in accordance with General Condition G20.

4. Any Total Petroleum Hydrocarbons laboratory analysis shall conform to WTPH 418.1 Modified, or equivalent, as approved by the department.

**B. MP Contents and Requirements**

The Monitoring Plan shall contain the following:

1. Assessment of Monitoring Requirements

As specified in Special Condition S2. of this general permit, the permittee shall perform the required monitoring by collecting samples at the required frequency of sampling and at the required location(s).

- a. The required parameters for monitoring shall be determined by the level of industrial activity conducted at the facility. If effluent from two industrial activities is combined for discharge and each requires the same monitoring parameter, only one analysis for that parameter shall be required at that point of discharge.
  - b. The required frequency of collecting sample(s) for analysis shall be determined by whether the samples are of storm water or process water. Storm water samples shall be collected in accordance with Special Conditions S2, S6.B.1.a, and S9. Process water samples shall be collected monthly for any and all months or partial months during which the facility is classified as an active site.
  - c. The required location(s) for obtaining sample(s) shall be determined by the number of locations where water is collected within the facility prior to a *point source* discharge to surface water or ground water.
  - d. Any lined impoundment that is designed, constructed, and maintained in accordance with Special Condition S5.B. that is used solely for recycling process water shall be exempt from sampling requirements.
  - e. Any sludge generated by impounding process water or Type 3 storm water shall be subject to Special Condition S11.
2. The standard procedures employed at the facility for collecting samples for laboratory analysis shall be stated in the Monitoring Plan.

**S9. Storm Water Inspections, Monitoring, Reports, and Recordkeeping**

**A. Storm Water Inspections and Monitoring**

An assessment of the SWPPP BMPs is required by this permit by annual sampling and laboratory analysis of Type 3 storm water for pollutants in accordance with Special Condition S2. Additional sampling and laboratory analysis is encouraged and may be appropriate during development and implementation of the SWPPP.

1. As a minimum, all active sites covered under this permit are required to conduct two inspections and one compliance sampling of storm water discharge per year: an inspection and sampling of storm water discharge during the wet season (October 1 - April 30) and an inspection during the dry season (May 1 - September 30).
2. The wet season inspection and sampling of storm water discharge shall be conducted during a rainfall event adequate in intensity and duration to verify that:
  - a. The description of potential pollutant sources required under this permit is accurate;
  - b. The site map as required in the SWPPP (Special Condition S7.) has been updated or otherwise modified to reflect current conditions; and
  - c. The controls to reduce pollutants in storm water discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate.

The inspection and sampling shall be conducted by personnel named in the SWPPP. The sampling of storm water discharge shall be conducted in accordance with the Monitoring Plan (Special Condition S8.). The wet-season inspection shall include observations for the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the storm water discharge(s). Records shall be maintained of the description of the methods used, date(s) of testing, locations observed, and test results.

3. The dry season inspection shall be conducted by personnel named in the SWPPP. The dry season inspection shall determine the presence of non-storm water discharges such as process water to the *storm water drainage system*. If a non-storm water discharge is discovered, the permittee shall comply with General Condition G5 and shall eliminate the discharge within ten days. If the discharge cannot be eliminated within ten days, the discharge shall be considered process water and shall be subject to all process water conditions of this general permit.

**B. Reports and Recordkeeping**

1. A report summarizing the scope of the inspection, the personnel conducting the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with this Special Condition shall be prepared and retained as part of the SWPPP.
2. Reports of incidents, such as discharge of spills and other noncompliance notification shall be included in the records.
3. The permittee shall retain the SWPPP and copies of all notices of intent, inspection reports, spill reports, and all other reports required by this permit for at least five years from the date of the report or submission and shall make them available upon request to the department and to the owner and operator of the municipal storm sewer system through which the storm water is discharged.
4. Annual storm water monitoring reports required under this Special Condition shall be submitted to the Water Quality Permit Coordinator at the department's regional office that issued this general permit on or by July 15th each year or partial year of coverage under this general permit.

**S10. Process Water Monitoring, Reporting, and Recordkeeping**

**A. Monitoring**

Monthly sampling and laboratory analysis of process water for pollutants are required by this permit. Additional sampling and laboratory analysis is encouraged and may be appropriate during development and implementation of the Monitoring Plan, Special Condition S8.

**B. Reports and Recordkeeping**

1. The permittee shall retain copies of all monitoring reports, laboratory data, chain of custody information, and quality control and quality assurance documentation for at least five years from the date of the report or submission and shall make them available upon request to the department.
2. Monthly monitoring results obtained during the reporting period shall be reported on a form provided, or otherwise approved, by the department. The reporting period shall be quarterly for monitoring required under Special Condition S2. The reports shall be sent to the Water Quality Permit Coordinator at the department's regional office

that issued this general permit on or by January 15th, April 15th, July 15th, and October 15th, for each reporting period or partial reporting period of coverage under this general permit.

#### **S11. Solid and Liquid Waste Disposal**

The following requirements apply in the handling of solid and liquid wastes generated in compliance with the requirements of this general permit:

- A.** Disposal of waste materials from maintenance activities, including liquids and solids from cleaning catch basins and other facilities, shall be conducted in accordance with the Criteria for Municipal Solid Waste Landfills, Chapter 173-351 WAC (formerly Minimum Functional Standards for Solid Waste Handling, Chapter 173-304 WAC) and, where appropriate, the Dangerous Waste Regulations, Chapter 173-303 WAC.
- B.** *Leachate* from solid waste material handling and disposal sites shall not be discharged to state ground or surface waters without providing all known, available, and reasonable methods of treatment, nor shall such leachate cause violations of the state water quality standards for ground water or surface water, or violations of sediment management standards.

#### **S12. Compliance With Standards**

- A.** This permit does not authorize the violation of ground water quality standards (Chapter 173-200 WAC), surface water quality standards (Chapter 173-201A WAC), or sediment management standards (Chapter 173-204 WAC) of the state of Washington.
- B.** Any discharge to a pond, lagoon, or other type of impoundment or storage facility that is unlined is considered a discharge to ground water and is subject to the ground water standards (Chapter 173-200 WAC). Industrial discharges below the surface of the ground, such as to a dry well, drainfield, or injection well, are subject to the ground water standards and are also regulated by the Underground Injection Control Program (Chapter 173-218 WAC).
- C.** Facilities that are in compliance with these standards must remain in compliance. Facilities that are out of compliance with these standards will be required to come into compliance through the application of BMPs in accordance with the schedule established in Special Condition S4. The department reserves the right to take appropriate action for the protection of human health or where standards violations require more immediate action due to obvious violations.

- D.** The point of compliance with surface water quality standards shall be defined as any point of discharge into the receiving water. The point of compliance with ground water quality standards shall be defined as any point within an unlined impoundment pond or other point of discharge to ground water.
- E.** The department may require installation of ground water monitoring wells at any facility that has the potential to pollute ground water as demonstrated by discharge of process water that is not in compliance with the ground water standards to an unlined pond or other point of discharge.

**Appendix 1**  
**Facilities Required to Apply**

The coverage provided in this general permit is limited to the specific facilities identified within the following Standard Industrial Classification (SIC) Codes, the cited Subparts of 40 CFR Part 436, Mineral Mining and Processing Point Source Category or 40 CFR Part 443, Effluent Limitations Guidelines For Existing Sources And Standards Of Performance And Pretreatment Standards For New Sources For The Paving And Roofing Materials (Tars And Asphalt) Point Source Category:

**SIC Code 811 Timber Tracts**  
**SIC Code 2411 Logging**

Coverage is provided for silvicultural point sources.

**SIC Code 1411 Dimension Stone**  
**40 CFR Part 436 Subpart A--Dimension Stone Subcategory**

Coverage is provided for mining and quarrying of dimension stone, including rough blocks and slabs. The types of mines or quarries covered in this general permit are: basalt, diabase, diorite, dolomite, dolomitic marble, flagstone, gabbro, gneiss, granite, limestone, marble, quartzite, sandstone, serpentine, slate, and volcanic rock.

**SIC Code 1422 Crushed and Broken Limestone**  
**SIC Code 1423 Crushed and Broken Granite**  
**SIC Code 1429 Crushed and Broken Stone, Not Elsewhere Classified**  
**40 CFR Part 436 Subpart B--Crushed Stone Subcategory**

Coverage is provided for mining, quarrying, and onsite processing of crushed and broken stone or riprap. The types of mines or quarries included in this category for this permit are: basalt, dolomite, dolomitic marble, granite, limestone, marble, quartzite sandstone, traprock, and volcanic rock. Processing means washing, screening, crushing, or otherwise preparing rock material for use.

**SIC Code 1442 Construction Sand and Gravel**  
**40 CFR Part 436 Subpart C--Construction Sand and Gravel Subcategory**

Coverage is provided for mining and onsite processing of sand and gravel for construction or fill purposes. Processing means washing, screening, crushing, or otherwise preparing sand and gravel for construction uses.

**SIC Code 1446 Industrial Sand**  
**40 CFR Part 436 Subpart D--Industrial Sand Subcategory**

Coverage is provided for mining and onsite processing of sand for uses other than construction, including but not limited to glassmaking, molding, filtration, refractories, refractory bonding, and abrasives. Processing employing an HF flotation method is not covered by this general permit.

**SIC Code 1499 Miscellaneous Nonmetallic Minerals, Except Fuels**  
**40 CFR Part 436 Subpart H Lightweight Aggregates Subcategory**

Coverage is provided for mining, quarrying, and onsite processing of perlite, pumice, or vermiculite.

**SIC Code 1459 Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified**  
**40 CFR Part 436 Subpart V--Bentonite Subcategory**

Coverage is provided for the mining and onsite processing of bentonite.

**SIC Code 1499 Miscellaneous Nonmetallic Minerals, Except Fuels**  
**40 CFR Part 436 Subpart X--Diatomite Subcategory**

Coverage is provided for mining and onsite processing of diatomite or diatomaceous earth.

**SIC Code 1459 Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified**  
**40 CFR Part 436 Subpart AD--Shale and Common Clay Subcategory**

Coverage is provided for the mining and onsite processing of clays and refractory minerals. Mines operated in conjunction with plants manufacturing cement, brick, or other structural clay products are included in this industry. Establishments engaged in grinding, pulverizing, or otherwise treating clay, ceramic, and refractory minerals not in conjunction with mining or quarrying operations are not included in this general permit.

**SIC Code 1455 Kaolin and Ball Clay**  
**40 CFR Part 436 Subpart AH--Ball Clay Subcategory**

Coverage is provided for the mining and onsite processing of kaolin, ball clay, china clay, paper clay, and slip clay.

**SIC Code 2951 Asphalt Paving Mixtures and Blocks**  
**40 CFR Part 443 Subpart B--Asphalt Concrete Subcategory**

Coverage is provided for hot mix asphalt plants that use a wet scrubber air emissions control system, or any hot mix asphalt plant that uses a baghouse system for air emissions control and that discharges storm water to surface waters of the State.

**SIC Code 3273 Ready-Mixed Concrete**

Coverage is provided for facilities engaged in manufacturing portland concrete delivered to a purchaser in a plastic and unhardened state. This includes production and sale of central-mixed concrete and portable ready-mixed concrete.

## V. DEFINITIONS

These definitions pertain to terms indicated in italics in this permit. The term has been indicated in italics only the first time it is used.

*Active Site* means a location where current mining or processing operations (including, but not limited to, crushing, classifying, or operating a concrete or hot mix asphalt plant) or stockpiles associated with current mining or processing operations, are located. Also see definitions for Inactive Site and Closed Site.

*Best Management Practices* (BMPs - general definition) means schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of *waters of the State*. BMPs include treatment systems, operating procedures, and practices used to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage. In this permit BMPs are further categorized as operational, source control, erosion and sediment control, and treatment.

*Bypass* means the diversion of waste streams from any portion of a treatment facility.

*Capital Improvements* means the following improvements that will require capital expenditures:

1. Treatment BMPs, including but not limited to: biofiltration systems including constructed wetlands, settling basins, oil separation equipment, impoundments, and detention and retention basins.
2. Manufacturing modifications, including process changes for source reduction, if capital expenditures for such modifications are incurred.
3. Concrete pads and dikes and appropriate pumping for collection of storm water, process water or mine dewatering water and transfer to control systems from manufacturing areas such as loading, unloading, outside processing, fueling and storage of chemicals and equipment and wastes.
4. Roofs and appropriate covers for storage and handling areas.

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

*Closed Site* means a location that has been fully reclaimed and no future mining, processing, or stockpiling will occur. Also see definitions for Inactive Site and Active Site.

Constructed Wetland means wetlands intentionally created for the primary purpose of wastewater or storm water treatment and managed as such. Constructed wetlands are normally considered as part of the storm water collection and treatment system.

Department means the Washington Department of Ecology.

Design Storm means the peak flow from the 10 year, 24 hour precipitation event estimated from data published by the National Oceanic and Atmospheric Administration.

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

Discharge to Ground Water means the discharge of water into an unlined impoundment or onto the surface of the ground that allows the discharged water to percolate, or potentially percolate, to ground water. Discharge to ground water, discharge to land, and discharge to ground all have the same meaning.

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

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

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

Final Stabilization means completion of all soil disturbing activities at the site and establishment of a permanent vegetative cover, or installation of equivalent permanent stabilization measures (such as riprap, gabions or geotextiles) that will prevent erosion.

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

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

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

Hot Mix Asphalt Plant means a plant that blends together aggregate and asphalt cement to produce a hot, homogeneous asphalt paving mixture. The term includes batch plants, continuous mix plants, and drum mix plants.

Inactive Site means a location where previous mining or processing has occurred; that has not been fully reclaimed; that has no current mining or processing, and that may include stockpiles of raw materials or finished products. The permittee may add or withdraw raw materials or finished products from the stockpiles for transportation offsite for processing, use, or sale and still be considered an inactive site. Also see definitions for Active Site and Closed Site.

Inert means nonreactive, nondangerous solid materials that are likely to retain their physical and chemical structure under expected conditions of use or disposal.

Leachate means water or other liquid that has percolated through raw material, product, or waste and contains substances in solution or suspension as a result of the contact with these materials.

Local Government means any county, city, or town having its own government for local affairs.

Mine Dewatering Water means any water that is impounded or that collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is used for treatment of process generated waste water, discharges of commingled water from the mine shall be deemed discharges of process generated water.

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

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

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

NTU means Nephelometric Turbidity Units, a measure of turbidity.

Operational BMPs means schedule of activities, prohibition of practices, maintenance procedures, employee training, good housekeeping, and other managerial practices to prevent or reduce the pollution of waters of the state. Not included are BMPs that require construction of pollution control devices.

pH--The pH of a liquid measures its acidity or alkalinity. A pH of 7 is defined as neutral, and large variations above or below this value are harmful to most aquatic life.

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

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

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

Process Wastewater means any water that comes into direct contact or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. The term shall also mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining.

Puget Sound Basin means the Puget Sound south of Admiralty Inlet (including Hood Canal and Saratoga Passage); the waters north to the Canadian border, including portions of the Strait of Georgia; the Strait of Juan de Fuca south of the Canadian border; and all the lands draining into these waters as mapped in Water Resources Inventory Areas numbers 1 through 19, set forth in WAC 173-500-040.

Sanitary Sewer means a sewer designed to convey domestic wastewater.

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

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

Significant Amounts means those amounts of pollutants that are amenable to treatment or prevention or that have the potential to cause or contribute to a violation of standards for surface or ground water quality or sediment management.

Significant Materials includes, but is not limited to: raw materials; fuels; materials such as solvents and detergents; hazardous substances designated under section 101(14) of CERCLA;

any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water or process water discharges.

Silvicultural Point Sources means any discernible, confined and discrete conveyance related to rock crushing or gravel washing which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the State.

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

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

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

Standard Industrial Classification (SIC) is the statistical classification standard underlying all establishment-based federal economic statistics classified by industry as reported in the 1987 SIC Manual by the Office of Management and Budget.

Storm Sewer means a sewer that is designed to carry storm water. Also called a storm drain.

Storm Water means rainfall and snowmelt runoff.

Storm Water Drainage System means constructed and natural features that function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, or divert storm water.

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

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

Storm Water Pollution Prevention Plan for Erosion and Sediment Control (SWPPP/ESC) means a document that describes the potential for erosion and sedimentation problems and explains and illustrates the measures to be taken to control those problems.

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

"10 year, 24 hour precipitation event" means the maximum 24 hour precipitation event with a probable reoccurrence interval of once in 10 years.

Total Suspended Solids (TSS) is the particulate material in an effluent. Large quantities of TSS discharged to a receiving water may result in solids accumulation. Apart from any toxic effects attributable to substances leached out by water, suspended solids may kill fish, shellfish, and other aquatic organisms by causing abrasive injuries and by clogging the gills and respiratory passages of various aquatic fauna. Indirectly, suspended solids can screen out light and can promote and maintain the development of noxious conditions through oxygen depletion.

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

Type 1 Storm Water means storm water from portions of a site where no industrial activities have occurred or from a site or area within a site that has been reclaimed and the reclamation bond (if any) has been released.

Type 2 Storm Water means storm water from: 1) portions of a site where mining has temporarily or permanently ceased; 2) storage areas for stockpiles of raw materials or finished products; 3) or, from portions of a site with exposed soils in areas cleared in preparation for mining or other industrial activity.

Type 3 Storm Water means storm water discharges from 1) industrial plant yards; 2) immediate access roads and railines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; 3) material handling sites; 4) sites used for the storage and maintenance of material handling equipment; 5) sites used for residual treatment, storage, or disposal; 6) shipping and receiving areas; 7) storage areas for raw materials or intermediate and finished products at active sites; 8) and, areas where industrial activity has taken place in the past and *significant materials* remain and are exposed to storm water.

USEPA means the United States Environmental Protection Agency.

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

Waters of the State includes those waters as defined as "waters of the United States" in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State and "waters of the state" as defined in Chapter 90.48 RCW which include lakes, rivers, ponds, streams, inland

waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

Wellhead Protection Area (WHPA) means the portion of a well's, well field's, or spring's zone of contribution defined as such using WHPA criteria established by the Washington Department of Health.

## VI. GENERAL CONDITIONS

### **G1. Discharge Violations:**

All discharges and activities authorized by this general permit shall be consistent with the terms and conditions of this general permit. The discharge of any pollutant more frequently than, or at a concentration in excess of, that authorized by this general permit shall constitute a violation of the terms and conditions of this general permit.

### **G2. Discharges from Activities Not Covered by the General Permit:**

The discharge of pollutants resulting from activities not covered under this general permit shall be a violation of the terms and conditions of this general permit, unless such discharges are covered under another discharge permit.

### **G3. 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.

### **G4. Reduced Production for Compliance:**

The permittee, in order to maintain compliance with this general permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of its collection, treatment, disposal, or control facility or system until such facility or system is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment or disposal facility or system is reduced, lost, or fails.

### **G5. Non-compliance Notification:**

If for any reason, the permittee does not comply with, or will be unable to comply with, any of the discharge limitations or other conditions specified in this general permit, the permittee shall, at a minimum, provide the department with the following information:

- A. A description of the nature and cause of non-compliance, including the quantity and quality of any unauthorized waste discharges;
- B. The period of non-compliance, including exact dates and times and/or the anticipated time when the permittee will return to compliance; and
- C. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.

In addition, the permittee shall take immediate action to stop, contain, and clean up any unauthorized discharges and take all reasonable steps to minimize any adverse impacts to waters of the state and correct the problem. The permittee shall notify the

department by telephone so that an investigation can be made to evaluate any resulting impacts and the corrective actions taken to determine if additional action should be taken.

In the case of any discharge subject to any applicable toxic pollutant effluent standard under Section 307(a) of the Clean Water Act, or that could constitute a threat to human health, welfare, or the environment, 40 CFR Part 122 requires that the information specified in Sections G5.A., G5.B., and G5.C. above, shall be provided not later than 24 hours from the time the permittee becomes aware of the circumstances. If this information is provided orally, a written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances, unless the department waives or extends this requirement on a case-by-case basis.

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

**G6. Bypass Prohibited:**

The intentional bypass of storm water or process water from all or any portion of a collection or treatment facility or system 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 and authorized by administrative order;
- B. There are no feasible alternatives to bypass, such as the use of auxiliary collection or treatment facilities/systems, retention of untreated wastes, maintenance during normal periods of equipment down time, or temporary reduction or termination of production;
- C. The permittee submits notice of an unanticipated bypass to the department in accordance with Condition G4. Where the permittee knows or should have known in advance of the need for a bypass, this prior notification shall be submitted for approval to the department, if possible, at least 30 days before the date of bypass (or longer if specified in the special conditions); and
- D. The bypass is allowed under conditions determined to be necessary by the department to minimize any adverse effects. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible.

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

After consideration of the factors above and the adverse effects of the proposed bypass, the Department will approve or deny the request. Approval of a request to bypass will be by administrative order under RCW 90.48.120.

**G7. Right of Entry:**

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

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this general permit;
- B. To have access to and copy at reasonable times any records that must be kept under the terms of this general permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in this general permit;
- D. To inspect, at reasonable times, any collection, treatment, pollution management, or discharge facility or system; and
- E. To sample, at reasonable times, any discharge of pollutants.

**G8. Notification of Change in Covered Activities:**

The Permittee shall submit a new Notice of Intent when facility expansions, production increases, or process modifications will (1) result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants, or (2) violate the terms and conditions of this permit.

All applications submitted pursuant to this condition shall include the following certifications by the applicant:

- A. That the public notice requirements of WAC 173-226-130(5) have been met; and
- B. That the applicable SEPA requirements under chapter 197-11 have been met.

**G9. Revocation of Coverage:**

Pursuant with chapter 43.21B RCW and chapter 173-226 WAC, the *director* may require any *discharger* authorized by this general permit to apply for and obtain coverage under an individual permit or another more specific and appropriate general permit. Cases where revocation of coverage may be required include, but are not limited to the following:

- A. Violation of any term or condition of the permit;
- B. Failure of the permittee to disclose fully all relevant facts or misrepresentations of any relevant facts by the permittee during the permit issuance process;
- C. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit;

- D. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090;
- E. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations;
- F. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and chapter 173-224 WAC;
- G. Failure of the permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable; or
- H. Incorporation of an approved local pretreatment program into a municipality's permit.

**G10. General Permit Modification and Revocation:**

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

- A. When a change which occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this general permit;
- B. When effluent limitation guidelines or standards are promulgated pursuant to the FWPCA or chapter 90.48 RCW for the category of dischargers covered under this general permit;
- C. When a water quality management plan containing requirements applicable to the category of dischargers covered under this general permit is approved; or
- D. When information is obtained that indicates that cumulative effects on the environment from dischargers covered under this general permit are unacceptable.

**G11. Reporting a Cause for Modification:**

A permittee who knows or has reason to believe that any activity has occurred or will occur that would constitute cause for modification or revocation and reissuance under Condition G8 or 40 CFR 122.62 must report such plans or such information to the Department so that a decision can be made on whether action to modify or revoke and reissue a permit will be required. The Department may then require submission of a new application. Submission of such application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

**G12. Transfer of Permit Coverage:**

Coverage under this general permit is not transferred to any person except after notice to the department of the requirements of WAC 173-226-210. In any case, the department may require the new owner or operator to submit a new application for coverage or to apply for and obtain an individual discharge permit.

**G13. Toxic Pollutants:**

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in this permit, the department shall institute proceedings to modify or revoke and reissue this permit to conform to the new toxic effluent standard or prohibition.

**G14. Other Requirements of Title 40 Code of Federal Regulations:**

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

**G15. Compliance With Other Laws and Statutes:**

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

**G16. Additional Monitoring:**

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

**G17. Removed Substances:**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewater shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters or to any other approved treatment/disposal method not established by this permit. Such removed substances shall be lawfully disposed in an appropriate manner and shall comply with chapter 173-303 WAC and chapter 173-304 WAC.

**G18. Use of Registered or Accredited Laboratories:**

Except for flow, temperature, pH, electrical conductivity, and parameters used solely for internal process control, monitoring data required as a condition of coverage under this general permit shall be prepared by a laboratory accredited under the provisions of Chapter 173-50 WAC.

**G19. Recordkeeping Requirements:**

The permittee shall maintain records of all information resulting from any activities, including monitoring activities required as a condition of the application for, or as a condition of, coverage under this general permit.

Any records of monitoring activities and results shall include for all samples:

- A. The date, exact place, and time of sampling;
- B. Who collected the samples;
- C. The dates analyses were performed;
- D. Who performed the analyses;
- E. The analytical techniques/methods used and the method detection limits; and
- F. The results of such analyses.

The permittee shall retain for a minimum of five years any records of monitoring activities and results including all original strip chart recording for continuous monitoring instrumentation and calibration and maintenance records. 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 department or regional administrator.

**G20. Signatory Requirements:**

All applications, notices of intent and termination, plans (including the SWPPP and the ESCP), reports, certifications, or information either submitted to the department or to the operator of a municipal storm sewer system or that this permit requires be maintained by the permittee, shall be signed as follows:

- A. In the case of corporations, by a responsible corporate officer or a duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates;
- B. In the case of a partnership, by a general partner;
- C. In the case of a sole proprietorship, by the proprietor; or
- D. In the case of a municipal, state, or other public agency, by either a principal executive officer, ranking elected official, or other duly authorized employee.

**G21. Requests to be Excluded from Coverage Under a General Permit:**

Any discharger authorized by this general permit may request to be excluded from coverage under this general permit by applying for an individual permit. The discharger shall submit to the Director an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. The Director shall either issue an individual permit or deny the request with a statement explaining the reason for the denial. When an individual permit is issued to a discharger otherwise subject to this general permit, the applicability of this general permit to that Permittee is automatically terminated on the effective date of the individual permit.

**G22. Appeals:**

The terms and conditions of this general permit:

- A. As they apply to the appropriate class of dischargers are subject to appeal within thirty (30) days of issuance of this general permit in accordance with chapter 43.21(B) RCW and chapter 173-226 WAC; and
- B. As they apply to an individual discharger are subject to appeal in accordance with chapter 43.21(B) RCW within thirty (30) days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or non-applicability to that discharger.

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

**G23. Commencement of Coverage Under a General Permit:**

Unless the Department responds in writing to an Application for Coverage, coverage of a discharger under this general permit will automatically commence on the latest of the following:

- A. The effective date of this general permit;
- B. The thirty-first (31st) day following the end of the thirty (30) day comment period required by WAC 173-226-130(4);
- C. The sixty-first (61st) day following receipt by the Department of a completed Application for Coverage under this general permit; or
- D. The coverage date specified in this general permit.

**G24. Duty to Reapply:**

The permittee shall reapply for coverage under this permit at least 180 days prior to the specified expiration date of this permit. An expired permit continues in force and effect until a new permit is issued or until the department cancels it. Only those facilities that have reapplied for coverage under the permit have continued coverage until issuance of the new permit.

**G25. Termination of Individual Permits:**

Any previously issued individual permit shall remain in effect until terminated in writing by the Department, except that continuation of an expired individual permit (pursuant to WAC 173-220-180(5)) shall terminate upon coverage under this general permit.

**G26. Termination of Coverage Upon Issuance of an Individual Permit:**

When an individual permit is issued to a discharger otherwise subject to this general permit, the applicability of this general permit to that Permittee is automatically terminated on the effective date of the individual permit.

**G27. Enforcement:**

Any violation of the terms and conditions of this general permit, the state Water Pollution Control Act, and the federal Clean Water Act will be subject to the enforcement sanctions, direct and indirect, as provided for in WAC 173-226-250.

- A. The Department, with the assistance of the attorney general, may sue in courts of competent jurisdiction to enjoin any threatened or continuing violations of any general permits or conditions thereof without the necessity of a prior revocation of coverage under this general permit;
- B. The Department may enter any premises in which an effluent source is located or in which records are required to be kept under terms or conditions of a general permit, and otherwise be able to investigate, inspect, or monitor any suspected violations of water quality standards, of effluent standards and limitations, or of general permit terms or conditions thereof;
- C. The Department may assess or, with the assistance of the attorney general, sue to recover in courts such civil fines, penalties, and other civil relief as may be appropriate for the violation by any person of:
  - 1. Any effluent standards and limitations or water quality standards;
  - 2. Any general permit or term or condition thereof;
  - 3. Any filing requirements;
  - 4. Any duty to permit or carry out inspection, entry, or monitoring activities; or
  - 5. Any rules, regulations, or orders issued by the Department;
- D. The Department may request the prosecuting attorney to seek criminal sanctions for the violation by such persons of:
  - 1. Any effluent standards and limitations or water quality standards;
  - 2. Any permit or term or condition thereof; or
  - 3. Any filing requirements; and
- E. The Department, with the assistance of the prosecuting attorney, may seek criminal sanctions against any person who knowingly makes any false statement, representation, or certification in any form or any notice or report required by the terms and conditions of this general permit or knowingly renders inaccurate any monitoring device or method required by the Department to be maintained.

**G28. Severability:**

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

**G29. Permit Fees:**

Payment of fees in accordance with RCW 90.48.465 is a condition of this permit. Fees for coverage under this permit will be collected semi-annually starting in the fiscal year beginning 1994. Fees for discharges covered under this permit shall be established by amendment to Chapter 173-224 WAC.