

Sand & Gravel General Permit
Preliminary Draft Language
May 26, 2015

Note to Reviewers:

The Washington Department of Ecology (Ecology) invites informal public comments on the preliminary draft language for the Sand & Gravel General Permit (permit). Ecology would like to receive comments on the Preliminary Draft Language by June 9.

The informal comment period provides an early opportunity to hear from Sand & Gravel Permittees and the public on proposed permit language. Ecology will read and consider all comments and use them to help prepare a Formal Draft Permit. Since this comment period is informal, Ecology will not prepare a Response to Comments document or post comments online.

Send written comments to Ecology by e-mail to: carrie.graul@ecy.wa.gov or by mail to:

Carrie Graul
Department of Ecology
Water Quality Program
PO Box 47600
Olympia, WA 98504-7600

Please consider including the following information with your comment:

- The permit subject your comment addresses.
- The permit reference and/or page number in the preliminary draft language.
- A brief, concise comment including the basis for the comment.
- Suggested permit language or a conceptual alternative, where appropriate, to address your concern.

Additionally, Ecology will hold a public meeting to discuss this preliminary draft language and to accept verbal comments. The meeting will be held in Lacey, WA on June 1, 2015. To attend this meeting, please e-mail or call Carrie Graul at carrie.graul@ecy.wa.gov or (360)407-6967.

Ecology plans to issue the Formal Draft Sand & Gravel General Permit in September 2015. Ecology will also accept public comments on the Formal Draft Permit. Ecology plans to reissue the final permit in Late November 2015, with an effective day of January 1, 2016.

The preliminary draft language in this permit does not show detailed redlined changes to address the issues of recycled concrete, cementitious waste, and recycled asphalt shingles. Ecology at the time of issuing this preliminary draft does not have a proposal that is ready for public review on these issues. This preliminary draft also does not show redlined revisions for the inspection requirements in this permit – other than proposing that inspection requirements be compiled into one section of the permit. Ecology is asking for comments and options on these major topics for this permit issuance.

Visit <http://www.ecy.wa.gov/programs/wq/sand/index.html> for additional information on the Sand & Gravel General Permit reissuance process.

~~NPDES General Permit No. 500000~~

Issuance Date: ~~August 4, 2010~~

~~November X, 2015~~

Effective Date: ~~October 1, 2010~~

~~January 1, 2016~~

Expiration Date: ~~October 1,~~

~~2015~~December 31, 2020

Comment [CAG1]: Ecology's PARIS database now assigns permit numbers to new permittees. Those numbers don't always fall within the 500000 series. This information is no longer accurate.

Comment [CAG2]: The exact issuance date in late November or early December is to be determined.

Comment [CAG3]: Ecology anticipates a January 1, 2016 effective date. The January 1st date coordinates with the discharge monitoring reporting schedule.

Comment [CAG4]: This is the preliminary draft of the Sand & Gravel General Permit. Ecology will also issue a formal draft and final permit.

The **Preliminary Draft** Sand and Gravel General Permit

A National Pollutant Discharge Elimination System
and
State Waste Discharge General Permit

for Process Water, Stormwater, 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

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 general permit are authorized to discharge in accordance with the special and general conditions which follow.

S1.B.1

S1.B.1

~~Kelly Susewind, Manager Heather R. Bartlett~~
Water Quality Program
Washington State Department of Ecology

Comment [CAG5]: Heather Bartlett is the current Water Quality Program Manager at Ecology.

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Comment [CAG6]: The table of contents has been replaced to reflect the new page numbers and headings. (Please refer to the current permit to see the existing table of contents. The crossed out current table of contents isn't show for brevity.)

Instead of S5 containing the entire SMP, Ecology proposes elevating the 4 main sections of the SMP up to their own main sections. The ESCP is now S6, Monitoring Plan is S7, SWPPP is S8, and Spill Control Plan is S9. With this change, references to these sections are now much shorter. (For example the source control BMPs were in S5.C.5.f and now they are in S8.E.)

Additionally, having S5 as a summary of the SMP allows Ecology to consolidate the SMP requirements, modifications, and map requirements into one section instead of repeating the same requirements in multiple sections.

Ecology proposes formatting the Table of Contents so that the Appendixes are now listed further to the left in their own separate category instead of appearing to be listed under the General Conditions.

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SUMMARY OF REQUIRED FORMS AND REPORTS AND PLANS

The table below lists forms and reports that must be submitted in order to be in compliance with this permit. -Additional reporting requirements can also be found in the Special and General Conditions of this permit.

Summary of Required Forms and Reports

<u>Permit Section</u>	<u>Forms² and Reports</u>	<u>Description</u>	<u>Frequency</u>	<u>First Due Date</u>
<u>S10.A.2</u>	<u>Report of Production Numbers</u>	<u>Reporting of Production Number Range for Fee Purposes</u>	<u>Annually</u>	<u>January 30, 2017</u>
<u>S10.A.4</u>	<u>"Electronic Signature Account Form³" or an "Electronic Reporting Waiver Request" form (ECY 070-381)</u>	<u>Form Requesting and Electronic Signature Account or a Request From Electronic Reporting</u>	<u>1/Permit Cycle</u>	<u>March 1, 2016</u>
<u>S10.A.5</u>	<u>Discharge Monitoring Report (DMR)</u>	<u>Report of Monitoring Results and Observations</u>	<u>Quarterly</u>	<u>April 30, 2016</u>
<u>S10.D</u>	<u>Reporting Permit Violations</u>	<u>Verbal and Written Notification of Permit Violations</u>	<u>Each Noncompliance</u>	<u>Within 24 hours and in 5 days</u>
<u>S10.E</u>	<u>Spill Reporting</u>	<u>Verbal Report of Spills to Waters of the State</u>	<u>Each Noncompliance</u>	<u>Immediately</u>
<u>S12.A, S12.B, G9, G11, G20</u>	<u>Permit Application</u>	<u>Applying for Permit Coverage, Application for a Significant Process Change, Application for Permit Renewal</u>	<u>As Necessary and 1/Cycle</u>	<u>As Necessary and Renewal Application Due July 4, 2020</u>
<u>S12.B.1</u>	<u>Portable Beginning of Operation Notice Form (ECY 070-36)</u>	<u>Application to operate at a new site and site restoration plan</u>	<u>As Necessary</u>	<u>10 days before beginning operations</u>
<u>S12.B.2</u>	<u>Portable Completion of Operation Notice Form (ECY 070-30)</u>	<u>Certification that site has been restored</u>	<u>As Necessary</u>	<u>When site has been restored, before beginning operations at a new site</u>
<u>S12.D, G11</u>	<u>Operating Status Change Form (ECY070-33)</u>	<u>To Change Inactive or Active Status</u>	<u>Each Change</u>	<u>Within 10 days</u>
<u>S12.E, G19</u>	<u>Change Request Form (ECY070-32)</u>	<u>Cancellation of Coverage, Change Facility Name With No Ownership Change, Transfer Permit Coverage To a New Owner or Operator</u>	<u>Each Change</u>	<u>Prior to each change</u>
<u>S12.C.1.a and b</u>	<u>Receiving Water Flow Report Discharge¹</u>		<u>Once</u>	<u>Two years from date of coverage</u>
<u>G5</u>	<u>Notification of Overflow or Bypass</u>		<u>As Necessary</u>	<u>As necessary</u>

Comment [CAG7]: Ecology proposes replacing the table below. The table in the current permit did not include the Portable Beginning of Operation and Portable Completion of Operation Notice Forms. This table has been update to reflect the actual names of the forms and to include update permit section references.

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Comment [CAG8]: Ecology proposes this as a new reporting requirement. Refer to the comments in S10.A.2.

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Comment [CAG9]: Ecology proposes this as a new reporting requirement. Refer to the comments in S10.A.4.

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1. Receiving Water Flow Report only required for some new facilities that discharge to surface waters of the state. See S12.C.1.a and b.

2. The forms can be downloaded from: <http://www.ecy.wa.gov/programs/wq/sand/forms.html>

3. Ecology will e-mail Permittees an Electronic Signature Account Form (ESAF) when the Permittee sets up their Water Quality Permitting Portal – Discharge Monitoring Report (DMR) account. Permittees that already have an Electronic Signature Account do not need to resubmit an ESAF.

Permit Section	Reports and Notices	Frequency	First-Due Date
S4.B.4 and 5	1. <u>Receiving Water Flow Report Discharge</u> ⁴	Once	Two years from date of coverage
S6.A	Discharge Monitoring Report	Quarterly	January 30, 2011
S6.E	Reporting Permit Violations	Each Noncompliance	Within 24 hours and in 30 days
S9.D and G11	Notice of Change in Operating Status ²	Each Change	Within 10 days
S6.F and G5	Notification of Spill, Overflow, or Bypass As Necessary	As Necessary	As necessary
G9:	Permit Application for Coverage for Substantive Changes to the Discharge ²	As Necessary	As necessary
G11:	Notice of Change in Activities ²	As Necessary	As necessary
G19:	Notice of Permit Transfer ²	As Necessary	As necessary
G20:	Application for Permit Renewal	1/Permit Cycle	March 4, 2015

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~~1. Receiving Water Flow Report only required for some new facilities that discharge to surface waters of the state. See S4.B.4 and 5.~~

~~2. The forms can be downloaded from: <http://www.ecy.wa.gov/programs/wq/sand/permit.html>~~

SPECIAL CONDITIONS

S2.S1. PERMIT COVERAGE

A. Coverage Under This Permit

The coverage provided in this general permit is limited to the specific facilities identified in listed below and within the following *Standard Industrial Classification (SIC)* and *NAICS* Codes, and the cited Subparts of *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, *40 CFR* Part 436, Mineral Mining and Processing *Point Source* Category and *40 CFR* Part 41, Cement manufacturing.

This general permit covers discharges from facilities in Washington State that have the following characteristics, conduct activities designated by one or more of the North American Industry Classification (*NAICS*¹) Codes or activities listed in Table 1.

Table 12: The facility conducts activities designated by one or more of the following *Standard Industrial Classification (SIC)* or *NAICS*¹ / Ecology eCodes and Activities Covered by the Sand & Gravel General Permit²

<u>NAICS / Ecology Code</u>	<u>Sand & Gravel Activities</u>
<u>113110</u>	<u>Timber Tract Operations (Rock crushing and / or gravel washing facilities associated with silvicultural point sources)</u>
<u>113310</u>	<u>Logging (Rock crushing and / or gravel washing facilities associated with silvicultural point sources)</u>
<u>212311</u>	<u>Dimension Stone Mining and Quarrying</u>
<u>212312</u>	<u>Crushed and Broken Limestone Mining and Quarrying</u>
<u>212313</u>	<u>Crushed and Broken Granite Mining and Quarrying</u>
<u>212319</u>	<u>Other Crushed and Broken Stone Mining and Quarrying</u>
<u>212321</u>	<u>Construction Sand and Gravel Mining</u>
<u>212322</u>	<u>Industrial Sand Mining</u>
<u>212324</u>	<u>Kaolin and Ball Clay Mining</u>
<u>212325</u>	<u>Clay and Ceramic and Refractory Minerals Mining</u>
<u>212399</u>	<u>All Other Nonmetallic Mineral Mining</u>
<u>324121</u>	<u>Asphalt Paving Mixture and Block Manufacturing</u>
<u>327320</u>	<u>Ready-Mix Concrete Manufacturing</u>
<u>327331</u>	<u>Concrete Block and Brick Manufacturing</u>
<u>327332</u>	<u>Concrete Pipe Manufacturing</u>
<u>327390</u>	<u>Other Concrete Product Manufacturing</u>

Comment [CAG10]: This information is covered in S1.B, Appendix A, and in the Fact Sheet. Ecology doesn't feel that it is necessary to include these references here. Ecology also hopes that by removing this language new permittees will find this first section of the permit easier to read.

Comment [CAG11]: A better description of items listed in the table is activities instead of characteristics.

Comment [CAG12]: Ecology has listed recycling concrete and recycling asphalt as separate activities not related to the codes 324121 and 327999. When determining how fees would be calculated for these activities Ecology determined that these recycling activities should be calculated similar to the fees for crushing material (which are at a lower rate than asphalt / ready mix concrete production). Separating these activities and assigning their own code helps Ecology calculate fees easier. Additionally, the recycling activities never closely matched the NAICS code descriptions; which don't specifically have a category for these recycling activities.

Comment [CAG13]: NAICS was adopted in 1997 to replace SIC Codes. Ecology proposes removing the SIC Codes from the this table and to include the new codes which Ecology created for recycling asphalt and concrete (refer to comments above). Appendix 1 of the Permit will still provide the corresponding SIC Codes.

Ecology also revised the table to list the NAICS codes in numerical order (previously the table was organized based on the numerical order of SIC Codes).

¹ Italicized words in this permit are defined in Appendix B.

² Refer to Appendix A for descriptions and corresponding Standard Industrial Classification (SIC) codes.

S1.B.1

S1.B.1

<u>NAICS / Ecology Code</u>	<u>Sand & Gravel Activities</u>
<u>327999</u>	<u>All Other Miscellaneous Nonmetallic Mineral Product Manufacturing</u>
<u>ECY001</u>	<u>Asphalt Recycling</u>
<u>ECY002</u>	<u>Concrete Recycling</u>

Comment [CAG14]: See above comments

Comment [CAG15]: See above comments

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SIC number and description²	Corresponding NAICS number and description (if different from SIC)
0811 Timber Tracts (long term timber farms)	113110
1411 Dimension Stone	212311 Dimension Stone Mining and Quarrying
1422 Crushed and Broken Limestone	212312 Crushed and Broken Limestone Mining and Quarrying
1423 Crushed and Broken Granite	212313 Crushed and Broken Granite Mining and Quarrying
1429 Crushed and Broken Stone, NEC	212319 Other Crushed and Broken Stone Mining and Quarrying
1442 Construction Sand and Gravel	212321 Construction Sand and Gravel Mining
1446 Industrial Sand	212322 Industrial Sand Mining
1455 Kaolin and Ball Clay	212324 Kaolin and Ball Clay Mining
1459 Clay, Ceramic, and Refractory Minerals, NEC	212325 Clay and Ceramic and Refractory Minerals Mining
1499 Miscellaneous Nonmetallic Minerals, Except Fuels (bituminous limestone and bituminous sandstone)	212319 Other Crushed and Broken Stone Mining and Quarrying
1499 Miscellaneous Nonmetallic Minerals, Except Fuels (except bituminous limestone and bituminous sandstone)	212399 All Other Nonmetallic Mineral Mining
2411 Logging	113310
2951 Asphalt Paving Mixtures and Blocks	324121 Asphalt Paving Mixture and Block Manufacturing (includes recycled asphalt)
3271 Concrete Block and Brick	327331 Concrete Block and Brick Manufacturing
3273 Ready-Mixed Concrete	327320 Ready-Mix Concrete Manufacturing
3272 Concrete Products, Except Block and Brick (concrete pipe)	327332 Concrete Pipe Manufacturing
3272 Concrete Products, Except Block and Brick (concrete products, except dry mix concrete and pipe)	327390 Other Concrete Product Manufacturing
3272 Concrete Products, Except Block and Brick (dry mixture concrete)	327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing including concrete recycle

Italicized words in this permit are defined in Appendix B.

²: A full descriptive text describing code activities is found in Appendix A.

B. Coverage for Similar Facilities

In addition to the activities listed in ~~Table 1~~ Table 1, similar activities may be required to obtain coverage under this general permit. This applies when the facility meets all of the criteria in 1-4 below:

1. Ecology determines the discharge characteristics are similar to those from the facilities and activities listed in Table 1, and the permit conditions satisfy applicable state and federal requirements; and

Comment [CAG16]: These footnotes have been moved above.

Comment [CAG17]: Ecology proposes splitting up S1 into additional sections. This assists with flow and referencing.

Comment [CAG18]: Replaced with hyperlinked cross-reference.

Comment [CAG19]: Language added for clarity and to emphasize "all".

Comment [CAG20]: Language added for clarity.

Comment [CAG21]: Condition moved below as number 4.

2. The facility has one or more of the following characteristics:
 - a. Owned or operated by private entities, the State of Washington or *local governments*; ~~or~~.
 - b. ~~If the discharge is to groundwater, is owned or operated by the federal government or is located on tribal land (except within Indian reservations on trust land or land owned by tribal governments); and~~.
3. ~~And, if~~ the facility has one or more of the following characteristics or processes:
 - a. Any facility that ditches, routes, collects, contains, or impounds *process water, mine dewatering water, or Type 3 stormwater*.
 - b. Any facility that discharges *stormwater, mine dewatering water, or process water* to *surface waters of the state*.
 - c. Any facility that discharges to a municipal *storm sewer*.
 - d. Any facility with a discharge to *surface water* or *groundwater* that operates a concrete batch plant or a *hot mix asphalt plant* that uses a wet scrubber for air emissions control.
 - e. Any facility located inside a designated *wellhead protection area*.
 - f. Any *silvicultural point source*.
 - g. Any facility that recycles concrete or asphalt concrete.
4. ~~The permit conditions satisfy applicable state and federal requirements.~~

Comment [CAG22]: Section might be updated in formal draft.

Comment [CAG23]: Condition moved from above. (S1.A.1 in the current permit)

B-C. Facilities Excluded From Coverage Under This Permit

1. Ecology will not provide coverage under this general permit for activities ~~that fall under NAICS (SIC) codes listed in S1.A & B~~ above when the facility:
 - a. Has a pit design that will intercept more than one aquifer.
 - b. Discharges to a water body with a *Total Maximum Daily Load (TMDL)* for *turbidity, fine sediment, pH* or temperature unless:
 - i. ~~The Permittee complies with S3.G.2-5S3.G.3 to S3.G.5.~~
 - ii. ~~and~~ The requirements of this general permit are adequate to provide the level of protection required by the *TMDL* or control plan.
 - c. Discharges or proposes to discharge to a segment of a waterbody that is listed pursuant to Section 303(d) of the *Clean Water Act*, and discharges or proposes to discharge a listed *pollutant* at a concentration or volume that will cause or contribute to a violation of the applicable *water quality* standard.
 - d. Uses material for reclamation or backfill that is not *inert* and also is not covered by a **Department of Natural Resources** reclamation permit.
 - e. Conducts mining operations below the ordinary high water mark in a river or stream channel.

Comment [CAG24]: Removed because activities may or may not have an associated NAICS code.

Comment [CAG25]: Added reference for clarity. These exclusions also apply to facilities meeting the conditions in S1.B above (not just those listed in Table 1).

Comment [CAG26]: Broken up for clarity. References hyperlinked.

Comment [CAG27]: Clarification.

e-f. Would impair adjacent water rights as a result of pit operations lowering the water table.

g. Discharges to surface water on Federal Land or facilities located on land within an Indian Country Reservation as defined in 18 U.S.C. § 1151, except portions off the Puyallup Reservation as noted below.

Indian Country includes:

i. All land within any Indian Reservation notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation. This includes all federal, tribal, and Indian and non-Indian privately owned land within the reservation.

ii. All off-reservation Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

iii. All off-reservation federal trust lands held for Native American Tribes.

Within the Puyallup Exception: Following the Puyallup Tribes of Indians Settlement Act of 1989, 25 U.S.C. § 1773; the permit does not apply to land within Puyallup Reservation except for, any facility that discharges to surface water on land held in trust by the federal government.

Any facility excluded from coverage under conditions S1.B.1.a-g-f must apply to Ecology for an individual discharge permit; unless the activity is regulated under permit requirements of another section of the Federal Clean Water Act.

2. Ecology will not provide coverage under this general permit for any facility covered under a National Pollutant Discharge Elimination System (NPDES) permit or state waste discharge individual permit, that which addresses the same activities and pollutants.

C.D. Other/Unpermitted Site Uses Of Site

All activities at the permitted site must have the appropriate permits for those uses. This permit does not cover any discharge from uses not falling within the NAICS/SIC eCodes or activities listed in Table 1 or other similar activities per S1.B. covered by the General Sand and Gravel Permit. No discharge is allowed from any activities unless it is either covered under this permit's NAICS /SIC e Ecology Code criteria, results from a similar activity per S1.B., or is covered by a separate individual wastewater discharge permit.

E. Authorization

1. The Permittee is authorized to discharge process water, mine dewatering water, and stormwater to waters of the state surface water, groundwater, or both, at the permitted location, as stated in their permit coverage page and per the conditions of this permit subject to the following effluent limits and monitoring requirements.

2. Permittees that want to modify their coverage must notify the appropriate regional Ecology office.

Comment [CAG28]: Updated exception language for Indian Country.

Comment [CAG29]: Change for clarity.

Comment [CAG30]: Ecology proposes to move this section from the back of the permit (S8 in the current permit) and place it here as a subsection under S1. The main purpose of S1 is to clarify what activities are and aren't covered under the Sand & Gravel General permit. This section meets that purpose by addressing unpermitted activities.

Clarifications have been made for the exceptions for recycling activities and other activities covered per S1.B. Outdated references to the SIC Codes were removed.

Comment [CAG31]: Ecology proposes to relocate some of the language from S2 to this new section S1 that address authorization. Ecology wants to clarify that permittees are only authorized to discharge process water, mine dewatering water, and stormwater per their coverage page. This includes both the NAICS codes (and /or concrete /asphalt recycling activities) and the types of discharge (surface, groundwater, or both).

For example, Ecology personnel have visited sites where the permittee was discharging to surface water without getting prior authorization (through the permit application or by contacting Ecology). Also, personnel have come across permittees discharging process water associated with NAICS codes for which Ecology was not notified about.

In order for Ecology to administer the permit and to ensure that permittees are meeting SEPA and Public Notice Requirements, Ecology must know what activities are occurring on the site and the location of potential discharges.

Comment [CAG32]: Permittees can modify their coverage pages by contacting their regional Ecology office. Some changes require Permittees to complete the form for significant process changes whereas other changes may only require an e-mail or phone exchange.

~~4.3. All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.~~

Comment [CAG33]: From S2 in the current permit.

S3.S2. EFFLUENT LIMITS

~~The Permittee is authorized to discharge process water, mine dewatering water, and stormwater to waters of the state at the permitted location subject to the following effluent limits and monitoring requirements. All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit. If the discharges from two or more industrial activities are combined, the most stringent effluent limits apply.~~

Comment [CAG34]: Language moved above to authorization section.

Comment [CAG35]: Last sentence moved to paragraph below.

Permittees must comply with the following effluent limits and monitoring requirements for process water, mine dewatering water, and stormwater. If the discharges from two or more industrial activities are combined, the most stringent effluent limits apply.

Table 2: Effluent Limits and Monitoring Requirements for Process Water and Mine Dewatering Water.

~~See additional limits in S3 and additional monitoring requirements in S4.~~

Type	NAICS Code (see Appendix A)	Discharge to:	pH		Turbidity (NTU)		Total Suspended Solids (TSS)	Oil Sheen ³	Discharge Flow (gpm)	Total Dissolved Solids (TDS)	
			Min	Max	Average Monthly	Maximum Daily	Average Quarterly				
Process Water, Mine Dewatering Water	113110, 212312, 212313, 212319, 212399	Surface	Quarterly ¹		Two/Month ²		Quarterly ¹	Daily when runoff occurs	see S4.B-4S12.A.6 and S4.B-5S12.A.7	----	
			6.5	8.5	50	50	40 mg/l	No Discharge	----		
		Ground	Quarterly ¹		----		----	Daily when runoff occurs	----	----	
			6.5	8.5	----		----	Visible Sheen	----	----	
	212321	Surface	----		Two/Month ²		Quarterly ¹	Daily when runoff occurs	see S4.B-4S12.A.6 and S4.B-5S12.A.7	----	
			----	----	50	50	25 mg/l	No Discharge	----		
		Ground	----		----		----	Daily when runoff occurs	----	----	
			----		----		----	No Discharge	----	----	
	212311, 212319, 212324, 212325,	Surface	----Surface Water Discharge Not Permitted----								
		Ground	Quarterly ¹		----		----	Daily when runoff occurs	----	----	
	6.5		8.5	----		----	No Discharge	----	----		
	212322	Surface	----		Two/Month ²		Quarterly ¹	Daily when runoff occurs	see S4.B-4S12.A.6 and S4.B-5S12.A.7	----	
			----	----	50	50	25 mg/l	No Discharge	----		
		Ground	----		----		----	Daily when runoff occurs	----	----	
----			----	----		----	No Discharge	----	----		
327320, 327331 327332, 327390, 327999, ECY002	Surface	One/Month		Two/Month ²		Quarterly ¹	Daily when runoff occurs	see S4.B-4S12.A.6 and S4.B-5S12.A.7	----		
		6.5	8.5	50	50	40 mg/l	Visible Sheen	----			
	Ground	One/Month		----		----	Daily when runoff occurs	----	Monthly		
		6.5	8.5	----		----	Visible Sheen	----	500 mg/l		
324121, ECY001	Surface	----Surface Water Discharge Not Permitted----									
	Ground	----Groundwater Discharge Not Permitted----									

Comment [CAG36]: Permittees are responsible for reading and complying with the entire permit. Ecology proposes to remove this reminder.

Comment [CAG38]: These requirements have not changed; but they have been relocated within the permit.

Comment [CAG37]: Per S3.G.1 of the current permit, operations associated with NAICS Code 212319 are not allowed to discharge process water to surface waters of the state.

Comment [CAG39]: These requirements have not changed; but they have been relocated within the permit.

Comment [CAG40]: Moving 212319 here allows Table 2 to match the requirements in S3.G.1 of the current permit.

Comment [CAG41]: These requirements have not changed; but they have been relocated within the permit.

Comment [CAG43]: These requirements have not changed; but they have been relocated within the permit.

Comment [CAG42]: Ecology proposes to maintain the process water monitoring requirements for concrete recycling activities. These activities were previously listed under NAICS Code 327999. Ecology is proposing to assign them a new code ECY002 (refer to comments above for more information). An example of process water from recycling concrete activities is water used to wash the recycled concrete material in order to remove fines.

Comment [CAG44]: The current permit prohibits the discharge of 324121 process water to surface water in S3.G. Beginning August 4, 2006 permittees were prohibited from discharging process water from asphalt facilities to groundwater. This requirement has been continued but is not clearly stated in the current permit. By adding this row to the table Ecology hopes to clarify that process water discharges to both surface and groundwater from hot mix asphalt plants (324121) are prohibited.

Notes for Tables 2 and 3

1. Quarterly means at least one sample in each of the periods of January to March, April to June, July to September, and October to December.

2. When required to sample *turbidity* twice a month, there must be at least 24 hours between sampling.

Table 3: Effluent Limits and Monitoring Requirements for Type 2 and Type 3 Stormwater

Type	NAICS Code (see Appendix A)	Discharge to:	pH		Turbidity (NTU)		Oil Sheen	Nitrate + Nitrite N-mg/L ⁴	Discharge Flow (gpm)
			Min	Max	Average Monthly	Maximum Daily			
Stormwater (Type 2 & 3) Type 2 monitoring only applicable during earth moving activities	327320, 327331, 327332, 327390, 327999, ECY002	Surface	One/Month		Two/Month ²		Daily when runoff occurs		see S4.B.4S12.A.6 and S4.B.5S12.A.7
			6.5	8.5	50	50	No Discharge	----	
		Ground	One/Month		----		Daily when runoff occurs		----
			6.5	8.5	----	----	No Discharge ³	----	
	324121 , ECY001	Surface	Quarterly ¹		Two/Month ²		Daily when runoff occurs		see S12.A.6 and S12.A.7
			6.5	8.5	50	50	No Discharge ³	----	
		Ground	Quarterly ¹		----		Daily when runoff occurs		----
			6.5	8.5	----	----	No Discharge ³	----	
	113110, 212312, 212313, 212319 , 212399, 212324 , 212325, 113310, 324124	Surface	Quarterly ¹		Two/Month ²		Daily when runoff occurs	Quarterly ⁴	see S4.B.4 S12.A.6 and S4.B.5S12.A.7
			6.5	8.5	50	50	No Discharge ³	0.68 mg/L	
		Ground	Quarterly ¹		----		Daily when runoff occurs		----
			6.5	8.5	----	----	No Discharge ³	----	
	212311, 212321, 212322	Surface	----		Two/Month ²		Daily when runoff occurs	Quarterly ⁴	see S4.B.4S12.A.6 and S4.B.5S12.A.7
			----	----	50	50	No Discharge ³	0.68 mg/L	
		Ground	----		----		Daily when runoff occurs		----
			----	----	----	----	No Discharge ³	----	

Comment [CAG45]: Ecology is proposing to remove the effluent limit for Nitrate + Nitrite from the permit. Ecology took the limit for Nitrate + Nitrite from EPA's Multi Sector General Permit which list 0.68 mg/L as a benchmark for SIC Codes 1442, 1446 (Corresponding NAICS Codes 212321 and 212322). EPA selected this benchmark for nitrate plus nitrite as nitrogen from the median concentration in the 1983 National Urban Runoff Program. None of the locations selected for the National Urban Runoff Program reflected the typical conditions at Sand and Gravel facilities. Ecology inappropriately made this benchmark into a limit and applied it to additional NACIS codes that weren't identified by EPA. Ecology also took this benchmark and conditioned it based on blasting. EPA's description of the Multi Sector General Permit does not list nitrate + nitrite as a pollutant associated with blasting activities. Additionally, Ecology didn't take into account natural nitrate + nitrite background levels in Washington State when proposing this limit.

Comment [CAG47]: These requirements have not changed; but they have been relocated within the permit.

Comment [CAG46]: Ecology proposes that stormwater from concrete recycling be monitored according to this table. This maintains the monitoring requirements for concrete recycling activities that are in the current permit.

Comment [CAG50]: These requirements have not changed; but they have been relocated within the permit.

Comment [CAG48]: Ecology proposes moving 324121 to a separate row in the table because these facilities should not be conducting blasting and therefore do not need to have a limit or monitor for Nitrate + Nitrite.

Comment [CAG49]: Ecology proposes that stormwater from asphalt recycling be monitored according to this table. This maintains the monitoring requirements for asphalt recycling activities that are in the current permit.

Comment [CAG51]: These requirements have not changed; but they have been relocated within the permit.

Comment [CAG52]: These requirements have not changed; but they have been relocated within the permit.

S1.E.3

S1.E.3

Notes for Tables 2 and 3 (continued).

3. The discharge of sheen or petroleum products to ~~waters of the state surface or ground water~~ is a violation and must be reported as a violation. The presence of a visible sheen on *site* is not a violation if the Permittee corrects the problem in a timely manner, notes the occurrence in their Discharge Monitoring Report (DMR), and inspection report, explains in the DMR the cause and describes the immediate solution, and future preventive practices in the inspection report and the SWPPP. (See also conditions S4.F.4, S4.E and S5.C, S9.C and S10.E6.E.)
4. ~~Monitoring and limit applicable only when blasting is used at the facility (within 2 years prior to sample date).~~

Comment [CAG53]: Includes both surface and ground waters.

Comment [CAG54]: DMRs are the proper location for reporting of these incidents. Ecology is still determining revisions to the inspections section of the permit. If permittees violate the permit they also need to review and modify their SMP per S5.C.

S4.S3. ADDITIONAL DISCHARGE LIMITS

A. ~~Best Management Practices (BMPs) Maintenance~~

1. ~~The Permittee must implement~~ The SWPPP must be consistent with permit requirements and include the BMPs as necessary to provide all known, available, and reasonable methods of prevention, control, and treatment (AKART). And implement It must also include any additional BMPs as necessary to comply with state water quality standards.
2. The Permittee must inspect, maintain, and repair all BMPs to ensure continued performance of their intended function.
- 2.3. Stormwater BMPs must be consistent with one of the following conditions:
 - a. The Stormwater Management Manual (most current edition³) for Western Washington, for sites west of the crest of the Cascade Mountains.
 - b. The Stormwater Management Manual (most current edition³) for Eastern Washington, for sites east of the crest of the Cascade Mountains.
 - c. Other equivalent stormwater management guidance documents which have been subject to public review and comment and approved by Ecology.
 - d. Documentation in the SWPPP that the BMPs selected provides an equivalent level of pollution prevention, compared to the applicable Stormwater Management Manual, including:
 - i. The technical basis for the selection of all stormwater BMPs (scientific, technical studies, and/or modeling) which support the performance claims for the BMPs being selected.
 - ~~ii.~~ An assessment of how the selected BMP will satisfy AKART requirements and the applicable federal technology-based treatment requirements under 40 CFR part 125.3.
 - ~~iii.~~ ii.

Comment [CAG55]: The purpose of S3 is to describe additional discharge limits. Best Management Practices fall into this category. Permittees need to implement Best Management Practices in order to meet the effluent limits in the permit and to meet AKART requirements. Ecology proposes moving the language S5.C.1 and S5.C.4 into this section of the permit. This move is appropriate because BMPs are not just restricted to the SWPPP but are necessary for the SMP as a whole and to meet the effluent requirements.

Additionally, it is not enough for permittees to just have a written SWPPP; permittees must also implement the BMPs within the plan on site. Permittees have been implementing BMPs per this permit for 20 years. This move emphasizes that the implementation of the BMPs is a requirement of this permit; which new permittees may find helpful when reading the permit for the first time.

Comment [CAG56]: Since, this is the first time the AKART is used in the permit body the abbreviation is written out.

Comment [CAG57]: Ecology can't require permittees to comply with a document that they haven't reviewed at the time of permit issuance. Ecology has added footnotes to clarify this.

B. Not Cause or Contribute to a Violation of Standards

Discharges must not cause or contribute to a violation of: *Groundwater Quality Standards* (Chapter ~~172~~173-200 WAC), *Surface Water Quality Standards* (Chapter 173-201A WAC), or *Sediment Management Standards* (Chapter 173-204 WAC) of the State of Washington; and 40 CFR 131.

Comment [CAG58]: This ii is associated with the paragraph above. It appears oddly due to the formatting function in Microsoft Word.

Comment [CAG59]: Fixed typo.

C. Maintenance Shop Zero Discharge

No wastewater shall be discharged to *surface water* or *ground-water* from a maintenance shop unless all of the following criteria apply:

³ Most current edition at the date of permit issuance.

1. The maintenance shop exists at the time permit coverage begins. ~~;~~ ~~and~~
2. A discharge to *sanitary sewer* is not available. ~~;~~ ~~and~~
3. Adequate treatment before discharge is provided. ~~;~~ ~~and~~
4. The discharge will not cause or contribute to a violation of the *surface water* or *ground water quality* standards.

D. Unauthorized Use of Site

The Permittee must maintain and manage permitted *sites* to prevent unauthorized activities such as illegal dumping, spilling, or other misuse of the *site* that could discharge *pollutants to waters of the state*. -Appropriate *site* management may include, but is not limited to, visual inspections, signage, and physical security measures.

E. Water Management

1. Any ditch, channel, or other *Best Management Practices (BMPs)* used for routing water must be designed, constructed, and maintained to contain all flows except when:
 - a. Designed to infiltrate *Type 1 stormwater*.
 - b. Precipitation exceeds the *design storm (10-year, 24-hour event)*.

2. Lined Impoundment Required

This permit prohibits the direct discharge of *process water* from Concrete Batch Plants (*NAICS 327320*) and Asphalt Batch Plants (*NAICS 324121*), including any *wastewater* from truck wash-out areas, except to a lined impoundment. The lined impoundment must have adequate structural load-bearing design to support any mechanical method used for sludge removal and must be maintained to prevent any *discharge to groundwater*. After treatment, the Permittee may discharge *wastewater* subject to the limits set forth in Conditions S2 and other parts of this section (S3). At a minimum, the lined impoundment must meet one of the following design standards.

The Liner must be constructed of:

- a. Synthetic or flexible membrane material, not less than 30 mils thick (40 mils for new installations after the effective date of this permit), that must not react with the discharge.
 - b. Concrete with a minimum thickness of 6 inches.
 - c. Asphalt with a minimum thickness of 6 inches.
 - d. Steel-walled containment tank.
 - e. Any other functionally equivalent impoundment, structure, or technique that is based on standard engineering practices, and approved by Ecology to meet the intent of this section.
3. Impoundment Capacity

Any impoundment must have adequate capacity to provide treatment for *water quality* and flow control of *wastewater*. The *design storm* for calculating the size required for the impoundment is the *10-year, 24-hour precipitation event*.

4. The Permittee must inspect the structural integrity of a lined impoundment whenever sludge removal occurs and, before refilling, make any repairs necessary to ensure that the lined impoundment functions to prevent discharges as intended. Continuous removal systems must draw down the impoundment periodically for inspection.
5. Mined Pit Pond
Discharges to a mined pit pond are not required to comply with *TSS* and *turbidity* limits prior to final reclamation. When reclamation is complete, discharges to the pond must not cause or contribute to a violation of surface *water quality* standards ([chapter 173-201A WAC](#)).
6. The Permittee must not discharge *Type 3 stormwater* from an asphalt plant, concrete batch plant, asphalt release agent application area, or concrete truck washout area into a pit or excavation that penetrates the water table.

Comment [CAG60]: Ecology received comments on this section. Ecology carefully considered those comments but is not proposing to make changes to this section. However, Ecology may add language to the Fact Sheet specifying that periodically means once every 5 years (once per permit cycle) unless visible conditions (observable holes or unanticipated cracking) warrant additional inspections.

Comment [CAG61]: Hyperlink added.

F. Use of Chemical Treatment Products

1. Document Use - The Permittee, upon application for coverage under this permit must document the use of any chemical treatment additives or soil *stabilization* polymers used to:
 - a. Treat water discharged to *waters of the state*.
 - b. Stabilize soils.
 - c. Suppress dust.

Documentation must identify the chemicals used, their commercial source, the [Material Safety Data Sheet](#), and the application rate. The Permittee must retain this information on *site* or within reasonable access to the *site* and make it immediately available, upon request, to Ecology. The Permittee must notify Ecology prior to use of any new chemicals discharging to surface waters or of any significant change in application rates of chemicals discharging to surface waters.
2. Apply as Instructed by the Manufacturer – The Permittee must apply chemicals used to enhance solids settling before discharge to *waters of the state*, to stabilize soils, or abate dust according to the manufacturer’s instructions and may only use a chemical if the toxicity to aquatic organisms is known. The Permittee may only use chemicals to stabilize soils if the *stormwater* from the chemical application area is routed to and treated by a *stormwater* detention pond.
3. The Permittee must not use ligninsulfonate for dust suppression in excavated areas, including areas where topsoil has been removed.
4. Additional Restrictions - In addition, chemical treatment/soil *stabilization* must meet one of the following conditions. It must:
 - a. Be consistent with Ecology’s *Stormwater Management Manuals*.

- b. Be consistent with other methods approved ~~by Ecology's Stormwater Technical Review Committee or Chemical Technology Review Committee~~ per the ~~Chemical Technology Assessment Protocol – Ecology (C-TAPE) program.~~
- c. Use chemical treatment additives at a dosing rate resulting in no toxicity in the effluent or *stormwater* discharge.

Comment [CAG62]: The C-TAPE program has replaced these committees. For more information on C-TAPE visit: <http://www.ecy.wa.gov/programs/wq/stormwater/netech/index.html>.

G. Discharges to Surface Water — Additional Effluent Limits

- ~~1.~~ ~~The following operations are not allowed to discharge process water to surface waters of the state:~~
 - ~~NAICS 324121 (SIC 2951), Asphalt Paving Mixture and Block Manufacturing (includes recycled asphalt), Asphalt Batch Plants~~
 - ~~NAICS 212311, (SIC 1411), Dimension Stone~~
 - ~~NAICS 212324, (SIC 1455), Kaolin and Ball Clay~~
 - ~~NAICS 212325 (SIC 1459), Clay, Ceramic, & Refractory Mineral Not Elsewhere Classified~~
 - ~~NAICS 212319, (SIC 1499), All other Nonmetallic Minerals~~
- ~~2.~~1. Discharges must not cause a visible increase in *turbidity* or objectionable color; or cause visible oil sheen in the *receiving water*.
- ~~3.~~2. *New facilities* and *existing facilities* must comply with *TMDL wasteload allocations* (for *turbidity*, *fine sediment*, *pH* and/or temperature) developed from a *TMDL* which was completed prior to the date permit coverage is issued.
- ~~4.~~3. *New facilities* that propose to discharge to an impaired water body that is on the *current EPA-approved 303(d) list*, but without a completed *TMDL*, must not discharge the listed *pollutant (turbidity, fine sediment (TSS), pH or temperature)* at a concentration or volume that will cause or contribute to a violation of the applicable *water quality standard* in the *receiving water*.
- ~~5.~~4. *Existing facilities* that discharge to an impaired waterbody on the *current EPA-approved 303(d) list* must not increase their loading or concentration of the listed *pollutant (turbidity, fine sediment measured as TSS, pH, or temperature)* for the duration of the coverage of this permit or until a *wasteload allocation* is assigned to the Permittee from a *TMDL* approved by the United States Environmental Protection Agency.
- ~~6.~~5. No Permittee may discharge *pollutants* in excess of levels established in a *wasteload allocation* in a *TMDL* approved by the United States Environmental Protection Agency.
 - a. Where an *applicable TMDL* has established a general waste load allocation for facilities covered by this permit but has not identified facility-specific requirements, compliance with conditions S2 through S5 will constitute compliance with the *TMDL*.

Comment [CAG63]: This information is now included within Table 2. Previously, Table 2 did not reflect this requirement for 324121 and 212319.

- b. Where an *applicable TMDL* has not specified a *waste load allocation* for facilities covered by this permit, but has not excluded these discharges, compliance with ~~conditions S2 through S5~~[this permit](#) will constitute compliance with the *TMDL*.
- c. Where an *applicable TMDL* assigns a *wasteload allocation* to a specific facility, Ecology will implement the *wasteload allocation* by issuing a modified coverage or an administrative order.

Comment [CAG64]: Permittees must comply with all the conditions in the permit not just S2 –S5 to constitute compliance with the TMDL.

H. Discharges to Groundwater — Additional Effluent Limitations

The Permittee is authorized to discharge *process water*, *mine dewatering water*, and *stormwater* to *groundwater* at the permitted location subject to the numeric effluent limitations ~~in S2 above~~. If the Permittee combines discharges from two or more industrial activities, the most stringent effluent limit for each parameter applies.

Comment [CAG65]: Clarification.

1. There must be no visible oil sheen at any points of *discharge to groundwater*.
2. Any discharge to a pond, lagoon, or other type of ~~impoundment~~ or storage facility that is unlined is considered a *discharge to groundwater* and is subject to the *groundwater quality standards* ([chapter 173-200 WAC](#)). Water ponding at a facility can be considered a *discharge to groundwater*.

Comment [CAG66]: Ecology proposes to define impoundment to reduce confusion and interpretation during compliance inspections.

Comment [CAG67]: Hyperlink added

If a Permittee discharges *wastewater* below the surface of the ground, such as to a dry well, drainfield, or injection well it must comply with the Underground Injection Control Program regulations ([chapter 173-218 WAC](#)).

Comment [CAG68]: Hyperlink added

I. Discharge to Sanitary Sewer

Discharge of *stormwater* to *sanitary sewers* is subject to the following conditions:

The Permittee may discharge *stormwater* to a *non-delegated POTW* only upon written approval by Ecology. The Permittee must submit a request to Ecology demonstrating that:

1. No other option is feasible or reasonable.
2. The *POTW* has excess wet season hydraulic capacity (no *sanitary sewer* overflows or treatment system *bypasses*).
3. The *POTW* is willing to accept the discharge.
4. The hydraulic loading to the *POTW* will be reduced by eliminating the clean water that can be directly discharged directly without causing *pollution*.

The request must also certify that the Permittee is routinely implementing all applicable *BMPs*.

Discharges to *sanitary sewer* must meet the discharge restrictions of [40 CFR 403](#).

Comment [CAG69]: Hyperlink added.

J. ~~Discharge of Type 3 Stormwater Directly to Groundwater~~

~~The Permittee must not discharge *Type 3 stormwater* from an asphalt plant, concrete batch plant, asphalt release agent application area, or concrete truck washout area into a pit or excavation that penetrates the water table.~~

Comment [CAG70]: This language is duplicative of S3.E.6. Ecology proposes to only state this language in S3.E.6.

K.J. Inactive Sites

- 1. No excavation is allowed at an *inactive site*. All *inactive sites* are subject to the discharge limits ~~for stormwater (Table 3) per S2. Refer to S4.C for monitoring requirements at inactive sites.~~
- 2. ~~An *inactive site*~~ must have appropriate *BMPs* in place and functioning.
- 3. ~~At *inactive sites* that are inactive for a period of three years or longer, and have the potential to discharge stormwater off site, a Registered Professional Engineer, or equivalent (e.g. Licensed Professional Geologist, Certified Professional in Erosion and Sediment Control, etc.) must certify every three years that the facility complies with this general permit. The Permittee must maintain the certification as part of the Erosion and Sediment Control Plan (ESCP).~~

Comment [CAG71]: Inactive sites still need to meet all of the discharge limits in S2 not just the ones in Table 3. This text is only applicable to the discharge limits, the monitoring requirements are listed in S4.C.

Comment [CAG72]: Ecology proposes to move this section from S4.F.3.b in the current permit.

S5.S4. MONITORING REQUIREMENTS

A. All Discharges

- ~~B. The Permittee must retain inspection, maintenance and servicing records of the following inspections on site and make them immediately available to Ecology upon request.~~
- ~~C. The Permittee must inspect oil/water separators once per month during the wet season (October 1 – April 30) and during and immediately after a large storm event of greater than or equal to 1 inch per 24 hours. The accumulated oil must be removed when it reaches a thickness of 1 inch. The bottom sludge must be removed when it reaches a thickness of 6 inches. Oil absorbent pads must be replaced as necessary to maintain effectiveness.~~
- ~~D. The Permittee must inspect all operationally related equipment and vehicles weekly for leaking fluids such as oil, hydraulic fluid, antifreeze, etc.~~

Comment [CAG73]: Ecology proposes to move this language under the subsection addressing inspection reports (S4.G).

Comment [CAG74]: Ecology proposes to consolidate all of the inspection requirements in S4.F.

E.A. Discharges to Surface Water

- 1. The Permittee must monitor ~~by visual monitoring or sampling representative~~ discharges of *process water, mine dewatering water, Type 2 stormwater and Type 3 stormwater to surface waters of the state, or to a storm sewer that drains to surface waters of the state. ~~Sampling requirements are given in a matrix in Tables 2 and 3 of Condition per S2 above.~~*
- 2. The Permittee must representatively sample discharges to surface water. *Representative sampling of Type 2 stormwater and Type 3 stormwater requires a sufficient number of sample locations monitoring points to represent differences in stormwater quality.* ~~The Permittee must collect samples as close to the point where the discharge comes into contact with the receiving water as is reasonably achievable.~~
- 3. ~~The Permittee must conduct a visual inspection of each point of discharge to surface water at least once a month when discharges occur. The date of the inspection, and any visible change in turbidity or color in the receiving water caused by the discharge, must be recorded and filed with the monitoring plan required by~~

Comment [CAG75]: Ecology proposes to remove this unnecessary wording.

Comment [CAG76]: Ecology proposes to remove this unnecessary wording.

Comment [CAG77]: Ecology proposes using the term monitoring point consistently throughout the permit. The electronic reporting applications also use the term monitoring point.

~~Condition S2. The permittee may request an exemption from visual monitoring for any outfall where there is no safe access point from which to monitor the outfall. The permittee must specify by GPS coordinates or by diagram the specific location and the reason for exemption in an email or letter to Ecology. The permittee must keep any visual monitoring exemption approvals in the SWPPP.~~

Comment [CAG78]: Ecology proposes to consolidate all of the inspection requirements in S4.F.

~~4. New facilities that propose to discharge to a segment of a waterbody on the current EPA approved 303(d) list for turbidity or fine sediment must conduct turbidity monitoring in accordance with an Ecology approved monitoring plan that includes receiving water monitoring to demonstrate the discharge does not cause or contribute to the impairment. The applicant/Permittee must contact Ecology before developing a monitoring plan.~~

Comment [CAG79]: Ecology proposes to elevate this language to a new subsection (S4.H) that is specific to visual monitoring exemptions.

~~5. New facilities that propose to discharge to surface water must conduct a receiving water study for two years when Ecology determines, at the time of application, that there is a potential for violation of water quality standards. The study consists of measuring the receiving water flow and temperature and discharge flow and temperature at the time of critical flows. The applicant/Permittee must contact Ecology before developing a monitoring plan. If Ecology determines a receiving water study is required, the receiving water study plan must be completed before operations are begun.~~

Comment [CAG80]: Ecology proposes moving this language to the Permit Application section (S12.A.6 & 7) as it addresses new permittees and contains requirements that must be addressed before permit coverage begins.

Comment [CAG81]: Ecology proposes to remove this unnecessary wording.

Comment [CAG82]: Ecology proposes to remove this unnecessary wording. Sampling of only one discharge type, when other discharge types are present, is not considered representative and doesn't meet the requirements of S4.B.1.

Comment [CAG83]: Hyperlink added.

F.B. Discharges to Groundwater

1. The Permittee must monitor all discharges of process water, mine dewatering water, Type 2 stormwater and Type 3 stormwater to groundwater ~~according to the matrix in Condition per~~ S2.
2. The Permittee is required to representatively sample discharges to ground. Representative sampling ~~must include discharges of wastewater and mine dewatering water to groundwater; or~~ may include sampling groundwater quality from monitoring wells in accordance with an Ecology-approved groundwater impact study based on [Ecology Publication 96-02 \(Implementation Guidance for the Groundwater Quality Standards\)](#). ~~Representative sampling of stormwater requires the Permittee to identify the sample sites in the monitoring plan.~~

Comment [CAG84]: Representative sampling is not just specific to stormwater. Permittees may also use representative sampling for their process water and mine dewatering water discharges.

Regardless of discharge type permittees need to identify their monitoring points on their site map and in their monitoring plan. This language is duplicative of the requirements in the site map and monitoring plan sections.

Comment [CAG85]: This section should address not only stormwater monitoring but process water and mine dewatering water monitoring too.

Comment [CAG86]: This condition has been moved below (S4.C.3).

Comment [CAG87]: Ecology proposes requiring all permittees, regardless of inactive or active status, to submit quarterly discharge monitoring reports. Permittees with inactive sites, that are not conducting monitoring, will report that there was not monitoring conducted on the discharge monitoring report.

G.C. Stormwater Monitoring at Inactive Sites

1. ~~Inactive sites are not required to monitor stormwater or submit monitoring reports, however, all inactive sites are subject to the appropriate discharge limits and must maintain BMPs necessary to ensure compliance. All inactive sites that have a discharge of process water and / or mine dewatering water must monitor per S4.A and S4.B.~~
2. Stormwater monitoring ~~and reporting~~ is required at inactive sites when **both** of the following conditions apply:
 - a. The Permittee or operator adds or withdraws raw materials or finished products from stockpiles during the calendar quarter, ~~and,~~
 - b. The site has a discharge of stormwater to surface waters of the state.

Comment [CAG88]: Ecology proposes to remove this language which is duplicative of the requirement in S3.J.1&2.

Comment [CAG89]: In rare cases a permittee may have a process water or mine dewatering water discharge at inactive site. (For example, process water ponds are still discharging even though processing activities on-site have ceased. Or, mine dewatering is still necessary even though mining activities have ceased.) The permittee needs to monitor these discharges regardless of active / inactive status. This new language clarifies these requirements.

Comment [CAG90]: Emphasis added.

~~2-3~~ Unless required per S4.C.1 and / or S4.C.2, stormwater monitoring is not required at inactive sites.

The monitoring requirements are given in Table 3 and reporting requirements are given in S6.A.

H. Monitoring for Oil Sheen

Permittees must conduct visual monitoring for oil sheen at all surface water and groundwater discharge points (or representative locations where water collects prior to discharge) each day that equipment operates and runoff occurs. If oil sheen is present, the Permittee must clean up the source and report the event on the inspection form identifying the probable cause of the oil sheen and describing the actions taken to prevent further contamination (See Condition S2, Tables 2 and 3, footnote 3).

I.D. Sampling and Analytical Procedures

1. Where a discharge combines two or more industrial activities and each activity requires the same monitoring parameter and frequency, only one sample and analysis for that parameter will be required.

~~1-2~~ Samples and measurements taken to meet the requirements of this permit must represent the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

3. ~~The Permittee must~~ Collect samples taken to meet the requirements of this general permit during the facility's normal working hours and while processing at normal levels.

4. No sampling is required of water held in a lined impoundment that is designed, constructed, and maintained in accordance with Special Condition S3.E.2 S3.E.2. Any discharges from a lined impoundment to waters of the state must be sampled in accordance with the monitoring plan per the conditions in this permit.

5. Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136. Table 4 lists recommended analytical methods from 40 CFR Part 136 for the parameters listed in S2.

6. The Permittee must ensure laboratory results comply with the quantitation level (QL) specified in Table 4. However, if an alternate method from 40 CFR Part 136 is sufficient to produce measurable results in the sample, the Permittee may use that method for analysis. Report any alternative test methods used, and the QL, on the discharge monitoring report. If the Permittee is unable to obtain the required QL due to matrix effects, the Permittee must report the matrix-specific method detection level (MDL) and QL on the DMR.

~~2-7~~ The Permittee must record, for each measurement or sample taken, the following information:

Comment [CAG91]: This condition has been moved from above and modified for the exceptions in S4.C.2 and S4.C.3.

Comment [CAG92]: Permittees are responsible for reading and complying with the permit as a whole. Ecology proposes removing this additional reference language.

Comment [CAG102]: Ecology proposes to consolidate all of the inspection requirements in S4.F.

Comment [CAG93]: Ecology proposes consolidating the monitoring requirements in the permit in one general location. Thus, this section has been moved up before the inspection requirements. Ecology has also relocated sampling requirements that were in the SMP – Monitoring Plan section and in the Records section to this location.

Comment [CAG94]: Moved from S5.B.1.a

Comment [CAG95]: Moved from the Sampling and Analytical Procedures Section below (S4.G of the current permit).

Comment [CAG96]: Moved from S5.B.1.e of the current permit. "The Permittee Must" language is implied and Ecology didn't feel it was necessary to state it.

Comment [CAG97]: Moved from S5.B.1.b of the current permit. Added a hyperlinked cross reference. Revised language noting that discharges have to be sampled per the conditions of the permit – not just the conditions within the monitoring plan. This language is necessary to cover monitoring for bypasses, violations, and to cover the requirements in S2.

Comment [CAG98]: Moved from S4.G in the current permit. Removed the language regarding "latest revision of the" because Ecology can't require permittees to comply with a document that they didn't review during the public comment / appeal period.

Comment [CAG99]: Ecology has listed the recommended analytical methods from 40 CFR Part 136 and other additional information in a new Table. Ecology hopes that the new table will assist permittees in understanding the methods, equipment types, and holding times associated with the monitoring requirements.

Comment [CAG100]: In 2014, EPA published a final rule titled: *National Pollutant Discharge Elimination System (NPDES): Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting* (79 FR 49001). The rule became effective on September 18, 2014, modifying portions of 40 CFR Parts 122 and 136. The rule provides criteria for determining that a method is "sufficiently sensitive". In order to address this rule, Ecology has added in this permit language and specified quantitation levels for the monitoring parameters within S2 within the new table. The quantitation level is the lowest concentration of an analyte that can be measured with a defined level of confidence. This may also be called the reporting level by some laboratories.

S4.D.7

S4.D.7

- a. The date, exact place, method, and time of sampling.
- b. The individual who performed the sampling or measurement.
- c. The dates the analyses were performed.
- d. The individual or lab which performed the analyses.
- e. The analytical techniques or methods used.
- f. The results of all analyses.

Comment [CAG101]: Moved from S6.D in the current permit (Records and Record Keeping Section). The origin of this language is WAC 173-226-090(2)(c) and CFR122.41(j)(3). Ecology proposes to move this language here since permittees need to record this information as part of their sampling procedures.

Table 4 Recommended Analytical Methods and Laboratory Quantitation Levels for Monitoring Parameters

<u>Parameter</u>	<u>Units</u>	<u>Analytical Method</u>	<u>Laboratory Quantitation Level</u>	<u>Laboratory Accreditation Required</u>	<u>Preservation⁴</u>	<u>Maximum Holding Time</u>	<u>Description</u>
<u>pH</u>	<u>SU</u>	<u>SM4500-H⁺B</u>	<u>N/A</u>	<u>No / Yes, if laboratory accreditation is required for another parameter</u>	<u>None required</u>	<u>Analyze within 15 minutes</u>	<u>Use a calibrated pH meter.</u>
<u>Turbidity</u>	<u>NTU</u>	<u>SM2130-B-2001</u>	<u>0.1</u>	<u>No / Yes, if laboratory accreditation is required for another parameter</u>	<u>Cool, ≤ 4 °C</u>	<u>48 hours</u>	<u>Use a calibrated turbidimeter.</u>
<u>Total Suspended Solids (TSS)</u>	<u>mg/l</u>	<u>SM2540-D</u>	<u>5</u>	<u>Yes</u>	<u>Cool, ≤ 6 °C</u>	<u>7 days</u>	<u>The sample is filtered and the residue retained on the filter is dried. The increase in weight of the filter represents the total suspended solids.</u>
<u>Oil Sheen</u>	<u>Yes / No</u>	<u>Observation</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>Look for visible sheen</u>
<u>Discharge Flow⁵</u>	<u>gpm</u>	<u>Calibrated Device</u>	<u>N/A</u>	<u>No</u>	<u>N/A</u>	<u>N/A</u>	<u>Use a calibrated flow meter.</u>
<u>Total Dissolved Solids (TDS)</u>	<u>mg/l</u>	<u>SM2540-C</u>	<u>20</u>	<u>Yes</u>	<u>Cool, ≤ 6 °C</u>	<u>7 days</u>	<u>The sample is filtered and the filtrate is evaporated to dryness and dried. The increase in dish weight represents the total dissolved solids.</u>
<u>Nitrate + Nitrite Nitrogen, as N</u>	<u>mg/l</u>	<u>SM4500-NO₃-E/F/H</u>	<u>0.1</u>	<u>Yes</u>	<u>Cool, ≤ 6 °C, H₂SO₄ to pH <2</u>	<u>28 days</u>	<u>Use manual methods or an automated device</u>

⁴ Refer to the analytical methods for additional details on preservation methods.

⁵ See S12.A.6 & S12.A.7

J-E. Laboratory Accreditation

The Permittee must ensure that all monitoring data required by Ecology is prepared by a laboratory registered or accredited under the provisions of ~~chapter 173-50 WAC~~ ~~chapter 173-50 WAC~~, Accreditation of Environmental Laboratories. Flow, temperature, turbidity, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. The Permittee or laboratory must obtain accreditation for conductivity, turbidity, and pH if accreditation or registration is required for other parameters (eg. TSS, TDS, or Nitrate + Nitrite).

Comment [CAG103]: Ecology proposes consolidating the monitoring requirements in the permit in one general location. Thus, this section has been moved up before the inspection requirements.

Comment [CAG104]: Added hyperlink.

Comment [CAG105]: Per WAC 173-226-090, (5) The following parameters need not be accredited or registered:
(a) Flow;
(b) Temperature;
(c) Settleable solids;
(d) Conductivity, except that conductivity shall be accredited if the laboratory must otherwise be registered or accredited;
(e) pH, except that pH shall be accredited if the laboratory must otherwise be registered or accredited;
(f) Turbidity, except that turbidity shall be accredited if the laboratory must otherwise be registered or accredited; and
(g) Parameters which are used solely for internal process control.

Ecology plans to clarify in the Fact Sheet that if permittees send out their samples for TSS, TDS, and Nitrate + Nitrite then they can still monitor for pH and turbidity without having to get lab accreditation.

F. Stormwater Inspections

Note to Reviewers: Ecology has consolidated the inspection requirements within the permit into the section below (ie. text cut from another section of the permit and pasted here). However, redlined changes for S4.F are not shown.
Ecology would like to consolidate the inspection requirements into one section in the permit with one inspection frequency for all inspection types.
This would succinctly explain the requirements and expectations for Permittees. The purpose of this change is to reduce confusion for Permittees, make the inspection requirements easier to understand and comply with, and ensure that BMPs / treatment facilities are getting inspected on a regular basis.
Ecology is considering moving to a monthly inspection frequency for all inspection types. This would reduce the frequency of some of the inspections required (oil/water separators, equipment/vehicles, and erosion/sediment control) while increasing the frequency for stormwater inspections.
Ecology met with a small group of Permittees to discuss changes to the inspection requirements in the permit. Ecology has not yet incorporated the comments from that discussion into this section.

- The Permittee must inspect oil/water separators once per month during the wet season (October 1 – April 30) and during and immediately after a large storm event of greater than or equal to 1 inch per 24 hours. The accumulated oil must be removed when it reaches a thickness of 1 inch. -The bottom sludge must be removed when it reaches a thickness of 6 inches. -Oil absorbent pads must be replaced as necessary to maintain effectiveness.
- The Permittee must inspect all operationally related equipment and vehicles weekly for leaking fluids such as oil, hydraulic fluid, antifreeze, etc.
- The Permittee must conduct a visual inspection of each point of discharge to surface water at least once a month when discharges occur. The date of the inspection, and any visible change in turbidity or color in the receiving water caused by the discharge, must be recorded and filed with the monitoring plan required by Condition S2.

Comment [CAG106]: Relocated from S4.A in the current permit. Redlined changes for this section are not shown refer to text box above.

Comment [CAG107]: Relocated from S4.A in the current permit. Redlined changes for this section are not shown refer to text box above.

Comment [CAG108]: Relocated from S4.B.3 in the current permit. Redlined changes for this section are not shown refer to text box above.

3.4. Permittees must conduct visual monitoring for oil sheen at all surface water and groundwater discharge points (or representative locations where water collects prior to discharge) each day that equipment operates and runoff occurs. If oil sheen is present, the Permittee must clean up the source and report the event on the inspection form identifying the probable cause of the oil sheen and describing the actions taken to prevent further contamination (See Condition S2, Tables 2 and 3, footnote 3).

Comment [CAG109]: Relocated from S4.E in the current permit. Redlined changes for this section are not shown refer to text box above.

4.5. The Permittee must conduct at least two *stormwater* inspections each year at all *active sites* covered under this permit. The Permittee must conduct at least one inspection during the wet season (October 1 – April 30) and at least one inspection during the dry season (May 1 – September 30).

5.6. Wet Season Inspection

The wet season inspection must be conducted by personnel named in the *SWPPP* and must include observations for the presence of floating materials, suspended solids, oil and grease, discoloration, *turbidity*, odor, etc. in the *stormwater* discharge(s).

The Permittee must conduct the inspection during a rainfall event adequate in intensity and duration to verify that:

- a. The description of potential *pollutant* sources (as defined in S5.C.5.b) required under this permit is accurate, and
- b. The Permittee has updated or otherwise modified the *site* map as required in the *SWPPP* (S5.C.5.a) to reflect current conditions and,
- c. The Permittee is implementing controls which are adequate to reduce *pollutants* in *stormwater* discharges associated with industrial activity identified in the *SWPPP*.

6.7. Dry Season Inspection

The dry season inspection must be conducted by personnel named in the *SWPPP* and after at least seven (7) consecutive days of no precipitation. The inspection must determine the presence of non-stormwater discharges such as *process water* to the *stormwater drainage system*. If a discharge related directly or indirectly to *process water* is discovered, the Permittee must comply with non-compliance notification requirements of Special Condition S6.E. and must eliminate the discharge within ten (10) days. If the Permittee cannot eliminate the discharge within ten days, the discharge must be considered *process water* and subject to all *process water* conditions of this general permit. The inspection shall also include review of the implementation of *BMPs* to ensure that the *SWPPP* is fully implemented.

7.8. Erosion and Sediment Control Inspections

At *active sites* conducting earth moving activities that discharge to surface water, the Permittee must inspect all on-site *erosion and sediment control BMPs* 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. The Permittee must maintain a file containing a log of observations and corrective actions as part of the *Erosion and Sediment Control Plan (ESCP)*.

Comment [CAG110]: Redline changes to this section are not shown. Refer to the text box above.

~~a. At Inactive sites that are inactive for a period of three years or longer, and have the potential to discharge stormwater off site, a Registered Professional Engineer, or equivalent (e.g. Licensed Professional Geologist, Certified Professional in Erosion and Sediment Control, etc.) must certify every three years that the facility complies with this general permit. The Permittee must maintain the certification as part of the Erosion and Sediment Control Plan (ESCP).~~

Comment [CAG111]: Ecology proposes to move this section to S3.J.3 which addresses inactive site.

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~~K.a.~~ Inspection Reports

~~9.~~ The Permittee must prepare and retain a report on each inspection ~~as part of the SWPPP~~. The report must ~~summarize the~~ include:

- a. ~~A summary~~ Scope of the inspection.
- b. ~~The names of P~~ personnel that conducted the inspection.
- c. ~~The D~~ date(s) of the inspection.
- d. Observations relating to the implementation of the Site Management Plan (SMP) ~~SWPPP~~.
- e. Any actions taken as a result of the inspection.
- e-f. Identify any corrective actions or maintenance tasks needed.

Comment [CAG112]: Revisions made for clarity.

Comment [CAG113]: Observations should also be made related to the erosion & sediment control plan, monitoring plan, and spill plan. Ecology proposes referring to the SMP instead of the SWPPP.

Comment [CAG114]: Ecology proposes to have permittees create a schedule for any corrective actions or maintenance tasks noted for during the inspections. For example, within a week a pumper truck will be called to clean out the oil water separator. This partially replaces the requirement for permittees to retain maintenance and servicing records.

10. The responsible party must sign the reports in accordance with General Condition G1 and must certify that the Permittee has investigated the discharge of stormwater for the presence of non-stormwater.

~~11.~~ The Permittee must retain inspection, maintenance and servicing records of the following inspections reports on site and make them immediately available to Ecology upon request.

Comment [CAG115]: In order to simplify the inspection and record retention requirements, Ecology is proposing to remove this requirement to retain maintenance and servicing records. Ecology has added a requirement above that address identifying a schedule for corrective actions / maintenance tasks to ensure that maintenance tasks are still being completed.

G. Exemption from Visual Monitoring

The permittee may request an exemption from visual monitoring for any outfall where there is no safe access point from which to monitor the outfall. The permittee must specify by GPS coordinates or by diagram the latitude and longitude of the specific location and the reason for exemption in an email or letter to Ecology. The permittee must keep any visual monitoring exemption approvals in the SMP ~~SWPPP~~.

Comment [CAG116]: Ecology proposes making this a new subsection under the monitoring requirements.

Comment [CAG117]: Ecology needs the specific latitude and longitude (expressed in decimal degrees) for tracking and reporting purposes.

L. Sampling and Analytical Procedures

~~Samples and measurements taken to meet the requirements of this permit must represent the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance related conditions affecting effluent quality.~~

Comment [CAG118]: This documentation should be kept within the Site Management Plan in general and doesn't have to be kept specifically in the Stormwater Pollution Prevention Plan section.

~~Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the latest revision of the Guidelines~~

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~~Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136.~~

~~M. Laboratory Accreditation~~

~~The Permittee must ensure that all monitoring data required by Ecology is prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC, Accreditation of Environmental Laboratories. Flow, temperature, turbidity, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. The Permittee or laboratory must obtain accreditation for conductivity and pH if accreditation or registration is required for other parameters.~~

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Comment [CAG119]: Sections moved to S4.D & S4.E.

~~S6.S5. SITE MANAGEMENT PLAN (SMP)~~

~~A. SMP Sections~~

~~The SMP consists of a site map and 4 main sections consisting of:~~

- ~~1. Erosion and Sediment Control Plan (ESCP) (equivalent to a Clearing, Grading, and Excavation plan required by EPA);~~
- ~~2. Monitoring Plan;~~
- ~~3. Stormwater Pollution Prevention Plan (SWPPP);~~
- ~~4. Spill Control Plan;~~

Comment [CAG120]: Ecology proposes adding a new subsection which addresses the sections of the SMP. This section will clarify that the SMP contains all of these sections even though these sections have been elevated a level in the table of contents.

Comment [CAG121]: Ecology proposes to consolidate the site map requirements from the SWPPP and Monitoring Plan into one section of the permit.

Comment [CAG122]: Ecology proposes to remove this unnecessary reference to EPA's plan.

~~The Permittee may include in the SMP, by reference, applicable portions of plans prepared for other purposes (e.g. Pollution Prevention Plan prepared under the Hazardous Waste Reduction Act, Chapter 70.95C RCW). The referenced plans must be available on site or within reasonable access to the site and become enforceable requirements of the SMP.~~

Comment [CAG123]: Ecology proposes moving up this language that describes other plans that may be included in the SMP.

~~B. SMP Requirements~~

~~The Permittee must:~~

- ~~5.1. Have and Fully implement a site specific the SMP.~~
- ~~6.2. Review the SMP at least plan once a year. Note the date of review and the name(s) of the personnel that conducted the review in the SMP, and update it as necessary to represent changes in facility conditions.~~
- ~~3. Retain and provide the SMP (including the site map and all four main sections and applicable incorporate plans) per the requirements in S10.C.~~
- ~~7. and permit on site or within reasonable access to the site and make it immediately available, upon request, to Ecology or the local jurisdiction.~~
- ~~8. Provide a copy of the SMP and applicable incorporated plans to the public when requested in writing to do so. The copy must be provided within 10 days.~~
- ~~9.4. The responsible party, as identified in General Condition G1, must sign the SMP and all of its modifications. The Permittee may include in the SMP, by reference,~~

Comment [CAG124]: Ecology proposes that permittees should document their yearly review within the SMP.

Comment [CAG125]: Ecology proposes to consolidate the language about retaining and providing the SMP in the records retention section of the permit (S10.C). This makes this section of the permit shorter and helps to remove duplicative language from the monitoring plan section.

~~applicable portions of plans prepared for other purposes (e.g. Pollution Prevention Plan prepared under the Hazardous Waste Reduction Act, Chapter 70.95C RCW). The referenced plans must be available on site or within reasonable access to the site and become enforceable requirements of the SMP.~~

~~The SMP consists of 4 main sections consisting of:~~

~~Erosion and Sediment Control Plan (ESCP) (equivalent to a Clearing, Grading, and Excavation plan required by EPA).~~

- ~~• Monitoring Plan.~~
- ~~• Stormwater Pollution Prevention Plan.~~
- ~~• Spill Control Plan.~~

C. Modifications of the SMP

~~10-1. The Permittee must review and modify the SWPPP/SMP whenever there is a violation of stormwater discharge limits in Special Conditions S2 and S3. Additional or modified BMPs must be implemented as soon as practicable but not to exceed 10 days, except for those circumstances that require additional time (for such as obtaining other permits or purchasing equipment). -Allowance of time beyond 10 days must be requested of and approved by Ecology.~~

~~11-2. Ecology may require the Permittee to modify the SWPPP/SMP for non-compliance with the minimum requirements of this section. -The Permittee must then complete SMP/SWPPP modifications and implement additional or modified BMPs as soon as practicable or as directed by Ecology.~~

~~3. The Permittee must update the SMP and update it as necessary to represent/respond to changes in facility and site conditions.~~

D. Site Map

~~a. Site Map (may be combined with site map required in S5.B)~~

~~The site map must show also and identify the following features and all areas associated with industrial activities including, but not limited to, the following:~~

~~1. The site map scale, or include relative distances between significant structures and drainage systems.~~

~~12-2. Outfalls, monitoring points:~~

~~a. Assign a unique label/identifier up to four characters (e.g. S001, S002, etc.) to each outfall and monitoring sampling point. -The Permittee must use these labels/identifiers on Discharge Monitoring Reports (DMRs).~~

~~b. Show the drainage area for each point.~~

~~c. Include a site map identifying the location of all sampling points, the Label the types of discharges that occur at each point (e.g. process water, mine dewatering water and stormwater).~~

~~d. -and Label whether the discharge is to surface water or groundwater.~~

Comment [CAG126]: Language moved above (S5.A).

Comment [CAG127]: Ecology proposes consolidating the language regarding modifying the Site Management Plan (or pieces thereof) into one section.

Comment [CAG128]: This language was moved from the SWPPP section (S5.C.3.a & b of the current permit). Changes were made to refer to the SMP instead of the SWPPP.

Comment [CAG129]: Previously S5.2 in the current permit. The SMP may also need to be updated for changing site conditions (such as changing drainage patterns).

Comment [CAG130]: Language moved here from the SWPPP section (S5.C.5.a in the current permit).

Comment [CAG131]: Maps need to be to scale or relative distances between structures should be shown. This helps Ecology and Permittees determine the quantity of discharges and track spills.

Comment [CAG132]: Requirement comes from S5.B.1.d in the current permit. Ecology's database requires unique identifiers up to four characters for each point for tracking and reporting purposes. Ecology proposes using the term monitoring point since it matches with the electronic reporting and application language.

Comment [CAG133]: This requirement is from S5.C.5.a in the current permit. This information is important for determining the quantity of the discharges and for tracking spills.

Comment [CAG134]: Moved from the monitoring section (S5.B.1.c in the current permit).

3. Drainage features:

- a. The site map must locate and document the stormwater drainage direction, flow paths, ditches, ponding areas, and discharge structures, an outline of the stormwater drainage areas for each stormwater discharge point (including discharges to groundwater,) and the discharge points.
- b. The site map must also identify nearby and on-site surface water bodies, drainage ditches and (including any known underlying aquifers).
- ~~a-c.~~ Lands adjacent to the site must also be depicted where helpful in identifying discharge points or drainage routes.

Comment [CAG135]: The language in this section was taken from S5.C.5.a in the current permit.

Comment [CAG136]: Drainage ditches are now listed in the bullet above.

4. Industrial areas:

- ~~b-a.~~ Paved areas and buildings.
- ~~e-b.~~ Vehicle and equipment maintenance and/or cleaning or washout areas.
- c. Vehicle and equipment maintenance areas.
- d. Outdoor storage areas of materials or products.
- e. Outdoor processing areas.
- f. Loading and unloading of dry bulk materials or liquids.
- g. On-site waste treatment, storage, or disposal areas.
- ~~h.~~ Underground storage areas of materials or products.
- h.

Comment [CAG137]: The requirements in the section were taken from S5.C.5.a in the current permit.

Comment [CAG138]: Moved to bullet below.

Comment [CAG139]: Requirement from bullet above.

Comment [CAG140]: "h" appears below due to the formatting function in Word.

~~S7-S6.~~ **S6. SMP SECTION 1: EROSION AND SEDIMENT CONTROL PLAN (ESCP)**

Comment [CAG141]: Changes in this section have been made for clarity.

The Permittee must prepare an *ESCP* prior to any earth moving activities. The *ESCP* must identify and describe the *erosion and sediment control BMPs* ~~that the Permittee will to be~~ implemented at the facility and a schedule for *BMP* implementation.

A. Stabilization BMPs

The Permittee must initiate *Stabilization BMPs* as soon as practicable on portions of the *site* where mining ~~or reclamation~~ activities have temporarily or permanently ceased. The Permittee must:

Comment [CAG142]: Permittees that begin reclaiming a site and cease reclamation, without beginning mining operations again, need to stabilize their *BMPs*.

1. Stabilize and protect all soils from *erosion* by the timely application of effective *BMPs*.
2. Preserve existing vegetation where feasible. ~~Permanently mark A~~ areas that are not to be disturbed ~~must be permanently marked~~; these include setbacks, sensitive/critical areas and their buffers, trees, and drainage courses.
3. Design and construct cut slopes and fill slopes in a manner that will minimize *erosion*.
4. Provide *Stabilization* at the outlets of all conveyance systems to prevent *erosion*.

B. Runoff Conveyance and Treatment BMPs

The ESCP must include a description of runoff conveyance and *treatment BMPs* used to prevent *erosion* and *sedimentation*. The plan must ~~ensure that~~satisfy the following requirements ~~are satisfied~~. The Permittee must:

1. Protect properties adjacent to the project *site* from *erosion* and *sedimentation* related to the facility.
2. Construct *sediment* ponds and traps, perimeter dikes, *sediment* barriers, and other *BMPs* intended to trap *sediment* on *site* as a first step. These *BMPs* must be functional before land is disturbed. Stabilize Sslopes of earthen structures used for *sediment* control such as dams, dikes, and diversions ~~must be stabilized~~ immediately after construction.
3. Design any *BMP* constructed at an *active site* to maintain separation of *Type 2 stormwater* from *Type 3 stormwater* and *Type 1 stormwater* during the peak flow from the *design storm*. If any commingling of *Type 1, Type 2, or Type 3 stormwater* occurs, the Permittee must meet the most restrictive permit requirements.

S8.S7. SMP SECTION 2: MONITORING PLAN

At *active sites* ~~and inactive sites where monitoring is required per S4.C.1 and / or S4.C.2~~, Permittees must maintain and comply with a monitoring plan developed in accordance with Special Conditions S2, S3, and S4. ~~The Permittee must retain the monitoring plan and permit on site or within reasonable access to the site and make it immediately available, upon request, to Ecology or local jurisdiction. In addition, the Permittee must make the monitoring plan available to the public when requested in writing to do so. The responsible party as identified in General Condition G1 must sign the monitoring plan and all of its modifications.~~

Comment [CAG143]: Inactive sites where monitoring is required need to maintain and comply with their monitoring plans.

Comment [CAG144]: Ecology proposes to consolidate this language in the Records Retention section of the permit.

Comment [CAG145]: This language is duplicative of the language in S5.B.4.

Comment [CAG146]: Change for clarity.

A. Monitoring Plan and Content Requirements

The monitoring plan must at a minimum:

1. Identify all the industrial activities at the *site*. Provide the NAICS codes associated with each monitoring point.
2. Include all of the applicable parameters and monitoring frequencies identified in Special Conditions S2, S3, S4, and S5~~this permit~~ as monitoring requirements. ~~Where a discharge combines two or more industrial activities and each activity requires the same monitoring parameter and frequency, only one sample and analysis for that parameter will be required. No sampling is required of water held in a lined impoundment that is designed, constructed, and maintained in accordance with Special Condition S3.E.2. Any discharges from a lined impoundment to waters of the state must be sampled in accordance with the monitoring plan.~~
3. ~~Include a site map identifying the location of all sampling points, the types of discharges that occur at each point (e.g. process water, mine dewatering water and stormwater), and whether the discharge is to surface water or groundwater.~~ The plan must identify enough sample monitoring points to provide *representative sampling* of all *point source* discharges to *surface water* or *groundwater*.

Comment [CAG147]: Ecology proposes that permittees identify all of the NAICS codes associated with each monitoring point. This information is important to determine the applicable parameters that the permittee needs to monitor for.

Comment [CAG148]: Some of the monitoring requirements for new permittees have moved to S12. Some of the general requirements also include monitoring requirements.

Comment [CAG149]: Since, this tells permittees how to conduct sampling not how to develop their monitoring plan, Ecology proposes moving this language to Sampling and Analytical Procedures section.

Comment [CAG150]: Ecology proposes moving this language to a consolidated site map section.

Comment [CAG151]: Change made for language consistency.

4. ~~Assign a unique label (e.g. S1, S2, etc.) to each sampling point. The Permittee must use these labels on Discharge Monitoring Reports (DMRs).~~

Comment [CAG152]: Ecology proposes moving this language to a consolidated site map section.

5.4 List the standard procedures used at the facility for collecting samples for analysis. The publications NPDES Stormwater Sampling Guidance Document (EPA 833-B-92-001, July 1992), or [How to Do Stormwater Sampling — A guide for industrial facilities \(Ecology Publication 02-10-071\)](#), or equivalent sampling methods, must be used as guidance for stormwater, mine dewatering water, and process water sampling procedures. ~~The Permittee must collect samples taken to meet the requirements of this general permit during the facility's normal working hours and while processing at normal levels.~~

Comment [CAG153]: Hyperlink to document added.

6.5 List the non-compliance notification procedures and contact numbers.

B. Maintaining the Monitoring Plan

If facility conditions require the modification, addition, or deletion of a ~~monitoring~~ sampling point, the Permittee must update their monitoring plan and edit their monitoring point in WQWebDMR⁶. inform Ecology in writing of the addition/deletion before the end of the quarter in which the change will occur. ~~Notification is by use of the appropriate notification form.~~

Comment [CAG154]: Ecology proposes adding the word modification for monitoring points that have changed due to maintenance conditions (eg. a permittee reshaped their pond so that their discharge location has been moved) or identifier name changes.

Comment [CAG155]: Ecology proposes using the term monitoring point for consistency with online applications.

S9-S8. SMP SECTION 3: STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The Site Management Plan (SMP) must include a SWPPP. The SWPPP must contain, at a minimum, the following:

A. Measures to Prevent Commingling

1. ~~The SWPPP must be consistent with permit requirements and include the BMPs necessary to provide AKART. It must also include any additional BMPs as necessary to comply with state water quality standards.~~

~~Unless the facility is designed for reuse of process water, the SWPPP must include measures to prevent the commingling addition of stormwater with process water or mine dewatering water, unless the facility is designed to reuse process water. into stormwater and measures to verify that non-stormwater discharges do not enter the stormwater treatment system. Stormwater that commingles with process water is considered process water and is subject to all permit conditions for process water.~~

Comment [CAG156]: Ecology proposes that permittees should complete these changes themselves directly in Ecology's online Water Quality Discharge Monitoring Reporting System (WQWebDMR). This helps to ensure accuracy of the monitoring points, takes Ecology less time and resources for processing, and allows permittees to have more time to make this change before completing their DMRs. Permittees that received a waiver from electronic reporting must notify Ecology about changes to their monitoring points before the end of the quarter in which the change will occur.

Permittees will need to provide the latitude and longitude coordinates in decimal degrees and the corresponding monitoring point identifier (up to 4 characters) for all added, deleted, or modified monitoring points.

Comment [CAG157]: Ecology proposes to reformat the section to add appropriate subheadings to make the permit easier to read and reference.

2. Modifications of the SWPPP

a. ~~The Permittee must review and modify the SWPPP whenever there is a violation of stormwater discharge limits in Special Conditions S2 and S3. Additional or modified BMPs must be implemented as soon as practicable but not to exceed 10 days except for those circumstances that require additional time for such as~~

Comment [CAG158]: Revised for clarity.

Comment [CAG159]: Ecology proposes to remove this language since it is already covered by the source control BMPs and the spill control plan.

Comment [CAG160]: Moved above.

⁶ Permittees that have received an *Electronic Reporting Waiver* must notify Ecology in writing of monitoring point modifications, additions, or deletions before the end of the quarter in which the change will occur.

~~obtaining other permits or purchasing equipment. Allowance of time beyond 10 days must be requested of and approved by Ecology.~~

~~b. Ecology may require the Permittee to modify the SWPPP for non-compliance with the minimum requirements of this section. The Permittee must then complete SWPPP modifications and implement additional or modified BMPs as soon as practicable or as directed by Ecology.~~

Comment [CAG161]: This language moved to S5.C.

~~e. Stormwater BMPs must be consistent with one of the following conditions:~~

~~d. The Stormwater Management Manual (most current edition) for Western Washington, for sites west of the crest of the Cascade Mountains.~~

~~e. The Stormwater Management Manual (most current edition) for Eastern Washington, for sites east of the crest of the Cascade Mountains.~~

~~f. Other equivalent stormwater management guidance documents which have been subject to public review and comment and approved by Ecology.~~

~~g. Documentation in the SWPPP that the BMPs selected provides an equivalent level of pollution prevention, compared to the applicable Stormwater Management Manual, including:~~

~~h. The technical basis for the selection of all stormwater BMPs (scientific, technical studies, and/or modeling) which support the performance claims for the BMPs being selected~~

~~i. An assessment of how the selected BMP will satisfy AKART requirements and the applicable federal technology based treatment requirements under 40 CFR part 125.3.~~

Comment [CAG162]: This language moved to S3.A.

~~j. SWPPP Contents and Requirements~~

~~k. The SWPPP must contain, at a minimum, the following:~~

~~l. Site Map (may be combined with site map required in S5.B)~~

Comment [CAG163]: Ecology proposes to consolidate the site map requirements from this section and S5.B into one section within the permit. Permittees may still have two site maps if they choose to.

~~The site map must locate and document the stormwater drainage and discharge structures, an outline of the stormwater drainage areas for each stormwater discharge point (including discharges to groundwater,) and the discharge points. The site map must also identify nearby and on-site surface water bodies, drainage ditches and any known underlying aquifers.~~

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

~~Loading and unloading of dry bulk materials or liquids.~~

~~Outdoor storage of materials or products.~~

~~Outdoor processing.~~

~~Processes that generate dust and particles.~~

~~Roofs or other surfaces exposed to air emissions from a process area.~~

Comment [CAG164]: This language moved to S5.D.

Comment [CAG165]: Ecology proposes to remove these from specific mapping requirements. Permittees can still show these areas on their maps but are not required to do so. Most likely these areas are already captured under another mapping requirement.

~~On-site waste treatment, storage, or disposal.~~
~~Vehicle and equipment maintenance and/or cleaning.~~
~~Paved areas and buildings.~~
~~Underground storage of materials or products.~~
~~Lands adjacent to the site must also be depicted where helpful in identifying discharge points or drainage routes.~~

Comment [CAG166]: This language moved to S5.D.

~~**B. Inventory of Materials and Pollutant Sources**~~

~~**C. This inventory must list potential pollutants and pollutant sources. The inventory of materials must include a list of all types of materials handled at the site that are exposed to precipitation or run-off (e.g. raw materials, cement admixtures, petroleum products, etc.).**~~

Comment [CAG167]: This subsection has been moved below and combined with the subsection on Other Materials.

~~**D.B. Runoff Conveyance and Treatment BMPs (see Stormwater Manual for Western/Eastern Washington Vol. 5)**~~

Comment [CAG168]: Reference moved below.

The SWPPP must include runoff conveyance and treatment BMPs as necessary to control pollutants and comply with the stormwater discharge limits in S2 and S3. ~~(Refer to the see Stormwater Management Manual for Western/Eastern Washington for additional information. Vol. 5)~~

Comment [CAG169]: Reference from above. Changes for clarity.

Runoff conveyance BMPs include, but are not limited to:

1. Interceptor dikes
2. Swales
3. Channel lining
4. Pipe slope drains
5. Outlet protection

Treatment BMPs may include, but are not limited to:

1. Oil/water separators
2. Biofiltration swales
3. Infiltration or detention basins
4. Sediment traps
5. Chemical treatment systems
6. Constructed wetlands

~~**E.C. Innovative BMPs**~~

Innovative treatment, source control, reduction or recycling, or operational ~~MPs management practices~~ beyond those identified in Ecology's SWMMs are encouraged if they help achieve compliance with this general permit.

Comment [CAG170]: Abbreviation written out for clarity.

~~**F.D. Inventory of Materials and Pollutant Sources**~~

This inventory must list potential pollutants and pollutant sources. The inventory of materials must include a list of all types of materials handled at the site that are exposed to precipitation or run-off (e.g. raw materials, cement admixtures, petroleum products, etc.).

C. Other Materials

The Permittee must manage the following materials to prevent *stormwater* contamination:

1. Toxic materials or chemicals
2. Petroleum contaminated soils (PCS) that fail to meet the most protective MTCA Method 'A' treatment levels ([WAC 173-340-740\(2\)](#))
3. Cement
4. Admixtures
5. Fuels, lubricants, tar and other petroleum products
6. Any material that contains petroleum contamination or has the potential to cause aquatic toxicity.

Comment [CAG171]: Ecology proposes combining these two sections.

Comment [CAG172]: Hyperlink added.

H.E. Source Control BMPs

The SWPPP must include the following source control BMPs in order as necessary to achieve AKART and compliance with the *stormwater* discharge limits in S2 and S3. ~~Ecology has determined the following BMPs will be appropriate for most facilities covered under this permit.~~ The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or if the Permittee provides alternative and equally effective BMPs. The Permittee must note the rationale for omission or substitution in the SWPPP. The Permittee must:

1. Store all **chemical liquids, fluids, and petroleum products (except bitumen), in double-walled tanks or in secondary containment. Secondary containment includes** ~~an~~ an impervious surface surrounded with a containment berm or dike that is capable of containing 10% of the total enclosed tank volume or 110% of the volume contained in the largest tank, whichever is greater.
 - a. ~~To prevent P~~precipitation ~~must be prevented~~ from accumulating in secondary containment ~~provide areas with~~ a roof or equivalent structure.
 - b. If cover is not practicable, the ~~Spill Control Plan~~SWPPP must include a description of how accumulated water will be managed and disposed of.
2. ~~Label containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides").~~
- 2.3 ~~Fully drain and cap E~~empty containers ~~must be fully drained, capped and labeled.~~ Minimize ~~T~~the number of empty containers on site ~~must be minimized.~~
3. ~~Use drip pans and absorbents under leaky vehicles and equipment or store indoors where feasible.~~

Comment [CAG173]: Changes made for clarity.

Comment [CAG174]: Unnecessary permit language. Sentence to be moved to Fact Sheet.

Comment [CAG175]: Ecology proposes to bold the main items or activities within this section to make the permit easier for permittees to read and refer to.

Comment [CAG176]: Ecology proposes that an exception should be made for bitumen. Ecology believes that spills of bitumen present an extremely low risk to water quality. In almost all cases spilled bitumen solidifies and stays where it falls. In the extremely rare case that a permittee discovers a sheen or spill from a bitumen tank that could present a risk to water quality, the permittee should implement these source control BMPs, in order to meet the other requirements within this permit.

Comment [CAG177]: Double-walled tanks are an equivalent BMP to secondary containment and should be mentioned within the permit.

Comment [CAG178]: Changes made for clarity. Requirement unchanged.

Comment [CAG179]: Since this is an ongoing maintenance activity, the proper place for this information is within the SWPPP not the Spill Control Plan.

Comment [CAG180]: Ecology proposes to add this as a new BMP. Knowing what is in containers is critical for Permittees to rapidly respond to spills and leaks. Permittees also need to know what is in their containers so they can handle them properly.

Comment [CAG181]: Changes made for clarity. Requirement unchanged.

Comment [CAG182]: Permittees should not allow leaky vehicles and equipment to discharge to ground. They may prevent this using a variety of different methods. Ecology proposes moving these example methods to the fact sheet instead of listing them in the permit.

4. Fit all **dumpsters** containing leachable materials with a lid that must remain closed when not in use, or alternatively keep the dumpster under cover.

5. Locate **spill kits** at all stationary fueling stations, fuel transfer stations, ~~and mobile fueling units, and used oil storage / transfer stations.~~

Comment [CAG183]: Ecology proposes that spill kits should be located in these locations as well.

6. Use drip pans or equivalent containment measures during all **petroleum transfer operations**.

7. Conduct all **vehicle and equipment cleaning operations** ~~per the following:~~

a. ~~This does not apply to using~~ **Permittees may use low pressure (under 100 psi) cold water to rinse mud off of vehicles and equipment provided no soap is used, and provided that the** ~~Route~~ **rinse water is routed to an on-site sediment treatment structure on the site (eg. sediment trap, catch basin with gravity separator, or treatment pond).**

Comment [CAG184]: Changes made for clarity. Requirements haven't changed.

b. **Conduct all other vehicle and equipment cleaning operations** under cover or in a bermed area to prevent commingling of wash water and *stormwater*.

Comment [CAG185]: This requirement is stated within S3.E.2 in the current permit. Ecology proposes restating this requirement here because it is a source control BMP as well as an additional discharge limit. Permittees can still discharge this wastewater to a lined impoundment – treat the water – then discharge per the requirements in S3.E.2.

i. ~~All~~ **This** wash water must drain to a proper collection system (i.e., not the *stormwater drainage system*).

Comment [CAG186]: Moved above. Requirement hasn't changed.

ii. **Do not discharge any wastewater from concrete truck wash-out areas or from concrete trucks directly to surface water or groundwater. Treat this wastewater in a lined impoundment.** ~~This does not apply to using low pressure (under 100 psi) cold water to rinse mud off of vehicles and equipment provided no soap is used, and provided that the rinse water is routed to a sediment treatment structure on the site.~~

Comment [CAG187]: This requirement is based on the language in S3.E.6 in the current permit which prohibits the discharge of Type 3 stormwater from asphalt release agent application areas into a pit or excavation that penetrates the water table. Additionally, S2 prevents the process water discharge from Asphalt Paving Mixture and Block manufacturing. Asphalt release agents can be a source of hydrocarbons. Permittees should implement these source control BMPs to prevent a discharge of asphalt release agents.

8. **Do not allow the overspray and drip-off of asphalt release agents to commingle with stormwater. Do not allow the discharge of asphalt release agents to ground.**

Comment [CAG188]: Ecology consulted permittees, the Federal Highway Administration, and the Washington Center for Asphalt Technology regarding this wording in the permit. Based on those discussions Ecology has concluded that this language is incorrect and that ambient temperature plant-mix asphalt poses a minimal risk to water quality.

9. ~~9.~~ Store **uncured concrete**, any type of concrete solids (does not include fully cured or recycled concrete), ~~uncured asphalt paving materials, and cold mix asphalt~~ on a bermed impervious surface. This includes ~~comeback concrete, ecology blocks,~~ septic tanks, jersey barriers, and other cast concrete products. Treat all *stormwater* that contacts these materials (~~identified in 7 above~~) in a lined impoundment ~~as the permit considers it process wastewater.~~ Discharge of this water is subject to the effluent limitations in ~~permit condition~~ S2 and must not cause a violation of *water quality* standards.

In the extremely rare case that a permittee discovers a sheen related to ambient temperature plant-mix asphalt, the Permittee should consider the storage of the material on a bermed impervious surface to meet the other requirements within this permit.

10. ~~10.~~ Store **lead acid batteries** under cover.

Comment [CAG189]: Added for clarity.

11. ~~11.~~ Take **leaking equipment** out of service and prevent it from leaking on the ground until *repaired*. Repair all leaks before putting equipment back into service on the *site*.

Comment [CAG190]: This typo incorrectly referred to 7 when it should have referenced 8. Ecology proposes combining these two BMPs to reduce this confusion and to correct this typo.

12. ~~12.~~ Manage **paving equipment** to prevent *stormwater* contamination.

Comment [CAG191]: In some cases this water can be considered Type 3 Stormwater. Regardless of the classification, stormwater that contacts these materials must be treated in a lined impoundment.

13. ~~13.~~ Manage **sediment track out** to paved ~~public-off-site~~ roads to prevent the tracked *sediment* from delivering to surface water or storm drain systems. Discharges to surface waters, public storm drain systems, or both are subject to

Comment [CAG192]: Ecology proposes to revise this BMP to refer to all off-site roads not just public roads. The intent of this BMP is to protect surface waters from discharges of highly turbid water. Off-site roads, regardless of public or private status, and their corresponding drainage systems, can be pathways for turbid water discharges.

permit limits for *turbidity* and must be included in the Permittee's sampling Monitoring Plan whenever track out onto an off-site ~~the public~~ roadway is evident. Measures recommended to control or prevent track out include:

Comment [CAG193]: Changed to use consistent terminology. This is referring to the Monitoring Plan portion of the SMP.

- a. Limit vehicle access and exit to one route, if possible.
- b. Stabilize access points with a pad of quarry spalls, crushed rock, or other equivalent *BMP*, as necessary to minimize the tracking of *sediment* onto public off-site roads.
- c. Locate a closed loop wheel wash or tire baths (or equivalent *BMP*) on *site*, if the stabilized construction entrance is not effective in preventing *sediment* from being tracked onto public off-site roads. ~~The permit considers wheel wash and tire bath wastewater as process wastewater, must be discharged of this water is subject to the effluent limitations in Special Condition S2 and must not cause a violation of water quality standards to an on-site treatment system or to the sanitary sewer.~~
- d. Clean public off-site roads thoroughly at the end of each day or more frequently during wet weather if *sediment* is tracked off *site*. Clean *sediment* from roads by shoveling or pickup sweeping and transport to a controlled *sediment* disposal area.
- e. Only wash streets after *sediment* is removed in accordance with condition d above. Street wash *wastewater* must be controlled by pumping back on *site* or otherwise be prevented from discharging into systems tributary to *waters of the state*.

Comment [CAG194]: Ecology has made changes in the section to eliminate the ambiguity regarding the term "on-site treatment system" and to address the unlikelihood of permittees having access to sanitary sewer for these types of discharges. Ecology does not feel it is necessary for permittees to use upland dispersion or full dispersion in order to treat wheel wash and tire bath washwater. Permittees' treatment systems to meet the permit conditions in S2 are most likely adequate enough to treat the wastewater from wheel washes and tire baths. Additionally, most permittees do not have access to the sanitary sewer and sanitary sewers are unlikely to accept discharges of wastewater from wheel washes and tire baths. Permittees that do discharge this water to sanitary sewer can continue to do so.

~~12.~~14. The Permittee must use *source control BMPs* in the following areas and during the following activities as necessary to control *pollutants*:

Comment [CAG195]: Not all of the items listed below are areas, some are activities. Language added for clarity.

- a. Fueling at Dedicated Stations
- b. Mobile Fueling
- c. Loading and Unloading Areas
- d. Storage of Liquid in Permanent Above-ground Tanks
- e. Dust Control
- f. High Use Parking Areas
- g. Storage or Transfer of Solid Raw Materials, By-Products or Finished Products
(See Volume IV in the Stormwater Management Manual for Western / Chapter 8 in the Stormwater Management Manual for Eastern Washington Vol. 4 for specific *BMPs*)

Comment [CAG196]: Revised to match wording in the Stormwater Management Manual for Western Washington.

Comment [CAG197]: Added specific reference for Eastern Washington.

F. Cementitious Materials / Recycled Concrete BMPs

Note to Reviewers: The preliminary draft language in this permit does not show detailed redlined changes to address the issues of recycled concrete and cementitious waste. Ecology at the time of issuing this preliminary draft does not have a proposal that is ready for public review on these issues. This section is a placeholder for where Ecology could potentially add BMPs related to this topic. Ecology is asking for comments and options on this topic.

Ecology is aware that discharges of Type 3 stormwater and process water related to recycled concrete and other cementitious waste (such as comeback concrete and concrete slurries) may have a potential to pollute waters of the state. Ecology is still in the process of evaluating:

- What, if any, potential risk these discharges pose to waters of the state.
- BMPs that could prevent or mitigate the risk to waters of the state for these discharges.
- Monitoring requirements for measuring pollutant discharges and determining the risk to waters of the state.

Ecology recognizes the benefits of recycling concrete and is supportive of encouraging the use of recycled concrete in a manner that also protects water quality.

Ecology is aware that some Sand & Gravel permittees currently have large stockpiles of recycled concrete materials. At this time, Ecology does not think that placing large piles of recycled concrete stockpiles on bermed impervious surfaces is practical (AKART).

S10.S9. SMP SECTION 4: SPILL CONTROL PLAN

A. Materials of Concern

The Permittee must maintain and comply with a Spill Control Plan for the prevention, containment, control, and cleanup of spills or unplanned discharges of:

1. Oil and petroleum products including accidental release from equipment.
2. Materials, which when spilled, or otherwise released into the environment, are designated Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in [WAC 173-303-070](#).
3. Other materials which may become *pollutants* or cause *pollution* upon reaching *waters of the state*.

Comment [CAG198]: Hyperlink added.

B. Spill Control Plan Contents

The Permittee must review and update the Spill Control Plan, as needed, but at least annually. The Spill Control Plan must include the following:

1. A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
2. A list of equipment and materials on *site* that have the potential to leak or spill.
3. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
4. Specific handling procedures and storage requirements for materials kept on *site*.

C. Spill Response

The Permittee must have the necessary cleanup materials available and respond to all spills in a timely fashion, preventing their discharge to *waters of the state*. All employees must receive appropriate training to assure all spills are reported and responded to appropriately. The Permittee must immediately clean up all spills, leaks, and contaminated soil to prevent the discharge of *pollutants* to *groundwater* or surface waters.

S10. REPORTING AND RECORD KEEPING REQUIREMENTS

The Permittee must ~~monitor and report~~ **monitoring and other information** in accordance with the following conditions. -The falsification of information submitted to Ecology constitutes a violation of the terms and conditions of this permit.

Comment [CAG199]: Ecology proposes that this section focus on reporting, record keeping, and record retention. The monitoring requirements in this section have been moved to the Sampling and Analytical Procedures section.

A. Discharge Monitoring Reports

1. The Permittee must submit a "Discharge Monitoring Report (DMR)" form on a quarterly basis for all:
 - a. *Active sites*, whether or not the facility was discharging.

~~2. If there was no discharge, submit the form as required and with the words "no discharge" or "not operational", as applicable, on the DMR form in place of the monitoring results.~~

Comment [CAG200]: This language is within the instructions for the DMR and does not need to be included within the permit.

~~a-b. *Inactive sites* required to conduct ~~stormwater~~ monitoring per condition ~~S4.DC.1~~ and / or S4.C.2.~~

Comment [CAG201]: Inactive sites meeting specific conditions need to monitor and report their monitoring results.

~~2. By January 30⁷ non-portable Permittees that have a NAICS code of 324121, 327320, 327332, and / or 327390 must report for the previous year which range below their production of asphalt and / or concrete fell within.~~

Comment [CAG202]: Ecology proposes that permittees report their production amount range on a yearly basis. Ecology uses this information to calculate fees. This will replace the need for Ecology's Fees Unit to send out additional forms asking for this information in the middle of the permit cycle. Ecology is still determining if this information can be reported within their DMR or if another method will need to be used. Ecology proposes that the first time permittees will report these numbers is January 30, 2017 since permittees just reported this information in their renewal applications. Ranges were taken from WAC 173-224-040 except the bottom of the first range within the permit starts a 1 instead of zero. This allows Ecology to assess fees appropriately for permittees who are nonoperating.

Concrete Production Ranges	Asphalt Production Ranges
Inactive (zero concrete production during the calendar year)	Inactive (zero asphalt production during the calendar year)
1 - < 25,000 cu. yds/yr	1 - < 50,000 tons/yr

⁷ Beginning January 30, 2017.

<u>25,000 - < 200,000 cu. yds/yr</u>	<u>50,000 - < 300,000 tons/yr</u>
<u>200,000 cu. yds/yr and greater</u>	<u>300,000 tons/yr and greater</u>

- ~~3. The first monitoring period starts on the date the permit coverage begins. The Permittee must report monitoring results obtained during the previous three (3) months on the DMR provided, or otherwise approved, by Ecology.~~
- ~~3. The Permittees must submit DMRs electronically using Ecology's to the Water Quality Permitting Portal – Discharge Monitoring Report (DMR) application, unless the Permittee applies for and Ecology approves an Electronic Reporting Waiver.⁸ Permittees that have received an Electronic Reporting Waiver from Ecology must submit their DMRs to the Coordinator at the appropriate regional Ecology office that issued coverage under the general permit.~~
- ~~4. Permittees must submit an "Electronic Signature Account Form" or an "Electronic Reporting Waiver Request" form (ECY 070-381) to Ecology by March 1, 2016. Permittees that have an existing electronic signature account do not need to resubmit this form.~~
- ~~5. Permittees must submit DMRs must be received by Ecology on or before the DMR due dates according to the schedule below:~~

Table 10-15: Discharge Monitoring Reporting Due Dates

Discharge Monitoring Period	DMR Due on or before Dates:
October, November, December	January 30
January, February, March	April 30
April, May, June	July 30
July, August, September	October 30

~~Note: If a Permittee is covered under this permit for only part of a monitoring period, they must submit a DMR for the period of time that they are in active status (see S4.D).~~

- ~~6. For Permittees that receive permit coverage for the first time after the effective date of this permit, the first monitoring period is the first full quarter following the date of permit coverage.~~

Comment [CAG203]: Ecology proposes to replace this requirement below.

Comment [CAG204]: Ecology proposes this new requirement for permittees to submit their DMRs electronically (beginning with the DMR due April 30, 2016) using Ecology's online Water Quality Permitting Portal system. Unless Ecology grants the permittee a waiver from electronic reporting, Ecology will have a standardized waiver request form that permittees must fill out to request an exemption.

This proposed electronic DMR requirement is expected to save time and resources for permittees and Ecology (e.g., eliminating paperwork, data entry workload, database errors) while improving compliance and protection of water quality. It will also enhance transparency and public accountability, and provide a more level playing field among permittees.

The electronic DMR waiver provisions are intended to allow a paper DMR option for small business that may not have the ability to use the WQWebDMR system (e.g. they do not have broadband internet or a business computer).

The requirement for electronic DMRs makes progress with Ecology's obligation to comply with EPA's proposed NPDES Electronic Reporting Rule (40 CFR Parts 122, 123, 127, 403, 501 and 503). The Washington State Legislature also passed legislation to require electronic reporting options.

Comment [CAG205]: Ecology needs to receive the Electronic Signature Forms prior to the first DMR due date of the permit. Ecology anticipates the permit becoming effective January 1, 2016 which means the first DMR due date will be April 30. This gives Ecology one month to set up the signature accounts before permittees will begin accessing them to report their data. Permittees that already have a signature account do not need to resubmit an electronic signature form.

Comment [CAG206]: Ecology proposes giving new permittees more time (varies from 1 day to 3 months) before they are required to begin monitoring and before they need to submit their first DMR.

For example, if a new permittee receive permit coverage on May 16, 2016 they must begin monitoring by July 1, 2016; and their first DMR is due by October 30, 2016.

Although, some permittees may only get a few days this extra time should give new permittees time to set up their Water Quality Permitting Portal – Discharge Monitoring Report (DMR) accounts or filling out and submitting an Electronic Reporting Waiver form. It will also provide them additional time to prepare to begin monitoring activities.

⁸ For the DMR due January 30, 2016 permittees may submit their DMRs either electronically or on paper. For DMRs due after January 30, 2016 permittees must submit their DMRs electronically per this requirement.

B. Additional Monitoring by the Permittee

Any Permittee that monitors any *pollutant* more frequently than required in Conditions S2, S3, or S4 must include those results in the calculation and reporting of the data submitted in the DMRs or other reporting requirements.

C. Records Retention

1. The Permittee must retain records of the following documents and permit on site, or within reasonable access to the site, and make it immediately available, upon request, to Ecology or the local jurisdiction.
 - a. The current version of the Sand & Gravel General Permit.
 - b. Permit coverage page.
 - c. The Site Management Plan (SMP), including all four main sections, site map, and applicable incorporated plans.
 - d. All monitoring information for a minimum of five (5) years. ~~Such information must include:~~
 - i. Copies of Discharge Monitoring Reports.
 - ii. ~~a~~All calibration and maintenance records.
 - iii. ~~and a~~All original recordings for continuous monitoring instrumentation.
 - e. For a minimum of three (3) years from the date of the sample, measurement, report, or application:
 - i. ~~e~~Copies of all reports required by this permit.
 - ii. ~~and r~~Records of all data used to complete the application for this permit.
2. The Permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of *pollutants* by the Permittee or when requested by Ecology.
3. The Permittee must retain the monitoring make all plans, documents, and records permit required by this permit on site or within reasonable access to the site and make it immediately available, upon request, to Ecology or the local jurisdiction.
- 2-4. The Permittee must provide a copy of the SMP (including all four main sections, site map, and applicable incorporated plans) to the public when requested in writing to do so. ~~The copy must be provided within 10 days.~~

If the Permittee receives a public records request for more than one facility that the Permittee owns / operates under the Sand & Gravel General Permit, the permittee must respond within 10 days by either:

 - a. Providing copies of all the requested SMPs.
 - b. Providing the requester(s) a reasonable estimate of when the requests will be fulfilled. And by providing the copies of all the requested SMPs within 10 days

Comment [CAG207]: In the current permit there are record retention requirements throughout the SMP sections. Ecology proposes to consolidate the records retention sections of the permit into this section. Which should assist in removing duplicative language.

Ecology proposes to revise this section to more closely match the requirements in CFR 122.41(j)(2) and WAC 173-226-090. This should result in permittees have to retain less records on site for a shorter period of time.

Comment [CAG208]: Requirement moved to bullet below.

Comment [CAG209]: Language moved below.

Comment [CAG210]: This requirement was in S5.3 in the current permit.

Comment [CAG211]: This is a new requirement that goes with the new authorization section Ecology is proposing. Most permittees have this documentation on site anyways.

Comment [CAG212]: This requirement was previously in S5.3

Comment [CAG213]: WAC 173-226-090 requires the retention of any records of monitoring activities. Discharge Monitoring Reports fall into this category. Permittees may retain either paper or electronic copies.

Comment [CAG214]: Requirement moved from Monitoring Plan section (S5.B in the current permit). S5.3 in the current permit also included this requirement. Permittees must make all plans, documents, and records related to this permit available immediately upon request. This is necessary so Ecology can determine compliance with the permit.

Comment [CAG215]: This requirement is in S5.4 and S5.B of the current permit. Ecology proposes to consolidate this language in this section.

per SMP requested (e.g. if a Permittee receives a request to provide SMPs for three of their facilities they will have a maximum of 30 days to provide the copies of all three SMPs).

Comment [CAG216]: Permittees requested that Ecology provide additional time for responding to public records requests for more than one facility. Ecology has added in the language to provide permittees up to an additional 10 days per SMP request.

D. ~~Recording of Results~~

~~The Permittee must record, for each measurement or sample taken, the following information:~~

~~The date, exact place, method, and time of sampling.~~

~~The individual who performed the sampling or measurement.~~

~~The dates the analyses were performed.~~

~~The individual or lab which performed the analyses.~~

~~The analytical techniques or methods used.~~

~~The results of all analyses.~~

Comment [CAG217]: Ecology proposes moving this section to the Sampling and Analytical Procedures section. With this move Ecology hopes to emphasize that this information needs to be recorded when permittees complete their sampling procedures.

E.D. Reporting Permit Violations

In the event the Permittee is unable to comply with any of the permit terms, conditions or discharge limits, due to any cause, the Permittee must:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem and, if applicable, repeat sampling and analysis of any violation immediately.
2. Notify the appropriate Ecology Regional Sand and Gravel Permit Manager by phone or in person within 24 hours of when the Permittee becomes aware of the circumstances.
3. Submit a detailed written report to Ecology within 30 days, ~~(five~~5 days for upsets, spills, ~~and~~ bypasses; and any noncompliance which may endanger health or the environment) unless requested earlier by Ecology. ~~-The report must describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the re-sampling, results of the SMP review (per S5.C.1) and any other pertinent information. -The Permittee may not substitute data from re-sampling for ongoing permit monitoring required under Special Condition S2, S3 and S4. Permittees must report re-sampling data per S10.B. and must not be reported on the DMR.~~
4. Ecology may waive the requirement for a written report on a case-by-case basis, if the Permittee notifies Ecology within 24 hours per S10.D.2.

Comment [CAG218]: Permittees should notify the Ecology Regional Office that provided permit coverage.

Comment [CAG219]: The Code of Federal Regulations 40 CFR 122.41(l)(6), Conditions Applicable to All Permits, specifies the 5 day written reporting timeline for any noncompliance which may endanger health or the environment.

Comment [CAG220]: The requirement to conduct these reviews is in the current permit. Ecology proposes that permittees should report the results of these reviews in their written reports.

Comment [CAG221]: Clarification. The re-sampling requirement has not changed.

Comment [CAG222]: Ecology has added this language which allows Ecology to waive the written report on case by case basis, if the immediate notification is received within 24 hours. This added waiver language is based on 40 CFR 122.41(l)(6)(iii). Permittees that don't notify Ecology within 24 hours must submit a written report.

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

F.E. Spill Reporting

In the case of a spill or discharge of oil or hazardous substances which present a threat to human health, welfare, or the environment immediately call the National Response

Center 1-800-424-8802, and the Washington Emergency Management Division 1-800-258-5990 or 1-800-OILS-911, and the appropriate Ecology Regional Office number below:

- Central Region at (509) 575-2490 for Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, or Yakima County.
- Eastern Region at (509) 329-3400 for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, or Whitman County.
- Northwest Region at (425) 649-7000 for Island, King, Kitsap, San Juan, Skagit, Snohomish, or Whatcom County.
- Southwest Region at (360) 407-6300 for Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, or Wahkiakum County.

The Permittee must report all spills according to section E above.

Comment [CAG223]: The language in the Reporting Permit Violations section was not adequate to address spills of a serious nature. Ecology proposes to add this language and phone numbers to address spills that are a threat to human health, welfare, or the environment. This will help ensure that permittees respond quickly to spills and contact the correct response centers for assistance.

~~S12~~.S11. **SOLID WASTE DISPOSAL**

A. Solid Waste Handling

The Permittee must handle and dispose of all solid waste material, including material from cleaning catch basins and any sludge generated by impounding *process water* or *stormwater*, in such a manner as to prevent its entry into *waters of the state*. Disposal must comply with all applicable local, state, and federal regulations.

B. Leachate

The Permittee must not allow *leachate* from solid waste material to enter *waters of the state* without providing *AKART*, nor allow such *leachate* to cause or contribute to violations of the State Surface *Water Quality* Standards, Chapter 173-201A WAC, or the State *Groundwater* Quality Standards, Chapter 173-200 WAC. The Permittee must apply for an individual permit or permit modification as may be required for such discharges to *waters of the state*.

Comment [CAG224]: Revised for clarity.

C. Recycle and Waste Material Other Than Concrete or Asphalt

The Permittee must comply with the Minimum Functional Standards for Solid Waste Handling, Chapter 173-350 WAC, and where appropriate, the Dangerous Waste Regulations, Chapter 173-303 WAC. The Permittee must meet the procedural, operational, and structural controls required under the Chapter 173-350 for any type of recycling or solid waste handling on the *site*. If the Permittee places or intends to place amounts and types of *inert* waste as defined in WAC 173-350-990, they must fully comply with solid waste regulations. The Permittee must comply with the requirements for obtaining permits from health departments that have jurisdiction over the disposal activities at the permitted *site* and comply with those permits.

This permit does not authorize discharge of *leachate* or *process water* from solid waste handling activities except as provided under WAC 173-350-990 (*inert* waste).

~~S13. OTHER UNPERMITTED USES OF SITE~~

~~S14. ALL ACTIVITIES AT THE PERMITTED SITE MUST HAVE THE APPROPRIATE PERMITS FOR THOSE USES. THIS PERMIT DOES NOT COVER ANY DISCHARGE FROM USES NOT FALLING WITHIN THE NAICS/SIC CODES COVERED BY THE GENERAL SAND AND GRAVEL PERMIT. NO DISCHARGE IS ALLOWED FROM ANY ACTIVITIES UNLESS IT IS EITHER COVERED UNDER THIS PERMIT'S NAICS/SIC CODE CRITERIA OR IS COVERED BY A SEPARATE INDIVIDUAL WASTEWATER DISCHARGE PERMIT.~~

Comment [CAG225]: This section moved to S1.D since it addresses permit coverage.

S15-S12. PERMIT APPLICATION

A. How to Apply for **General Permit Coverage for Non-Portable Facilities**

1. All new facilities, and un-permitted existing facilities that intend to obtain coverage, and permitted existing facilities that intend to obtain coverage or implement planning a significant process change must submit an application electronically using Ecology's Water Quality Permitting Portal – Permit Coverage Notice of Intent (NOI) application, unless the applicant applies for and receives an Electronic Reporting Waiver from Ecology. Applicants that have received a waiver from Ecology must submit a completed and signed application "Sand and Gravel General Permit Application for Coverage" form (ECY 070 31) to the appropriate regional Ecology office.

Comment [CAG226]: Clarification.

2. The Permittee must submit the application for coverage no less than one hundred and eighty (180) days before beginning any activity that may result in the discharge of any pollutant. No discharge is authorized until the effective date of permit coverage as provided in Special Condition S9-C-S12.C below. ~~New facilities proposing to discharge to surface waters should review condition S4.B above.~~

Comment [CAG227]: Ecology proposes this new requirement for permittees to apply electronically using Ecology's online Water Quality Permitting Portal system (unless Ecology grants them a waiver from electronic reporting). Ecology will have a standardized waiver form that permittees must fill out to request an exemption.

3. Facilities with stormwater discharge to a storm sewer operated by any of the following municipalities must send a copy of their application for coverage to the appropriate municipality: Seattle, King County, Snohomish County, Tacoma, Pierce County, and Clark County.

This proposed electronic application requirement is expected to save time and resources for permittees and Ecology (e.g., eliminating paperwork, data entry workload, database errors) while improving compliance and protection of water quality. It will also enhance transparency and public accountability, and provide a more level playing field among permittees.

4. All new facilities, and permitted existing facilities planning a significant process change must:

The electronic waiver provisions are intended to allow a paper option for small business that may not have the ability to use the online system.

- a. Satisfy public notice requirements in WAC 173-226-130(5). ~~Ecology will provide instructions for complying with public notice requirements.~~
- b. Certify that the applicable SEPA requirements have been met.
- c. Meet the requirements of Chapter 173-240 SUBMISSION OF PLANS AND REPORTS FOR CONSTRUCTION OF WASTEWATER FACILITIES

The requirement for electronic DMRs makes progress with Ecology's obligation to comply with EPA's proposed NPDES Electronic Reporting Rule (40 CFR Parts 122, 123, 127, 403, 501 and 503).

During the most recent reapplication period approximately 70% of permittees reapplied online.

5. A Permittee may include in the application for coverage, activities that are, or could be performed by an operator(s) other than the Permittee. -These activities may be ongoing or intermittent. -As the permit holder, the Permittee is responsible for compliance with all conditions of the permit.

Comment [CAG228]: This information is available in the application and on Ecology's website at <http://www.ecy.wa.gov/programs/wq/sand/forms.html>.

4-6 New facilities that propose to discharge to a segment of a waterbody on the current EPA-approved 303(d) list for turbidity or fine sediment must conduct turbidity monitoring in accordance with an Ecology-approved monitoring plan. Quality Assurance Project Plan that includes receiving water monitoring to demonstrate the discharge does not cause or contribute to the impairment. The applicant/Permittee must contact Ecology before developing a Quality Assurance Project Plan monitoring plan.

Comment [CAG229]: Ecology revised this to refer to Quality Assurance Project Plan instead of a monitoring plan to clarify the difference between the monitoring plans required per the SMP and this additional monitoring.

5-7 New facilities that propose to discharge to surface water must conduct a receiving water study for two years when Ecology determines, at the time of application, that there is a potential for violation of water quality standards. The study consists of measuring the receiving water flow and temperature and discharge flow and temperature at the time of critical flows. The applicant/Permittee must contact Ecology before developing a receiving water study plan monitoring plan. If Ecology determines a receiving water study is required, the receiving water study plan must be completed before operations are begun.

Comment [CAG230]: Ecology proposes to move this language from S4.B.4 since this language addresses only new permittees and these requirements need to be completed when applying for the permit.

Comment [CAG231]: Ecology revised this to refer to the receiving water study plan instead of a monitoring plan to clarify the difference between the monitoring plans required per the SMP and this additional monitoring.

Comment [CAG232]: Ecology proposes to move this language from S4.B.5 since this language addresses only new permittees and these requirements need to be completed when applying for the permit.

B. How to Apply for and Maintain Permit Coverage for Portable Facilities

1- All portable facilities that are new facilities, un-permitted existing facilities, and permitted existing facilities planning a significant process change must comply with the requirements in S12.A. An owner and/or operator of a portable concrete batch plant, portable asphalt batch plant, or portable rock crusher may obtain general permit coverage to operate the portable facility throughout Washington State by submitting a completed and signed "Application for Coverage for Portable Operations" form (ECY 070-35) to Ecology. New facilities (i.e. facilities that did not operate in Washington State prior to February 4, 2005) must comply with S9.A.3 at the time of application. No discharge is authorized until the effective date of permit coverage as provided in Special Condition S9.C.

Comment [CAG233]: Ecology proposes to revise this section to remove duplicative language, that is already in S12.A. Ecology proposes requiring permittees to apply electronically using Ecology's online Water Quality Permitting Portal system (unless Ecology grants them a waiver from electronic reporting). Refer to comments in S12.A for more information / justification.

Permit coverage will apply only to the specific portable facility identified in the "Application for Coverage for Portable Operations" form. Permit coverage is provided for the portable facility at sites throughout the state subject to the following requirements:

2- Coverage of the portable facility at a site is for a limited time, not to exceed two (2) years. However, when related to a specific project, two six month extensions may be granted upon request. The Permittee must submit the request to Ecology in writing, at least 30 days before the facility will exceed two years at a site and explain why a six month extension is warranted.

Comment [CAG234]: Ecology proposes to remove the three year time limit for portable facilities to stay on a site. In the last six years it has become more common for portables to stay at the same location for longer times (in part due to the recession). It can also be costly for portable plants to mobilize and setup at new locations. It typically takes 2 years for portables to recoup the cost of mobilization and setup.

3-1 The Permittee of the portable facility must submit a completed and signed "Portable Facility Notification of Intent to Begin Operation" form (ECY 070-36) no less than ten (10) days before beginning each operation at a new location. The form must be sent to the Water Quality Permit Coordinator at the appropriate Ecology regional office for where the site and operation is located. The Permittee must also complete requirements for new discharges (S912.A.34.a and b above) if the new location will have a discharge to surface waters.

Comment [CAG235]: Ecology notes the proper contact on the forms and on our website. This permit language is unnecessary.

Comment [CAG236]: Updated reference.

4.2 Upon completion of the portable operation, the Permittee must restore all areas affected by the operation in accordance with the “Site Restoration” portion of the “Notice of Intent to Begin Operations” form (ECY 070-36) submitted to Ecology prior to beginning operations.

Site restoration must include:

- a. Cleaning up, or otherwise preventing the discharge of, any *pollutant* (including spilled petroleum products) to *waters of the state*.
- b. Stabilizing all areas affected by activities associated with the portable operation with a permanent vegetative cover or equivalent permanent *stabilization* measure (crushed rock surfacing, rip rap, etc.) which will prevent *erosion*.

5.3 The Permittee must submit a completed and signed “Portable Facility Notice of Completion of Portable Operations” form (ECY 070-30) to the *Water Quality* Permit Coordinator at the appropriate Ecology regional office when it has completed the following:

- a. All activities associated with the portable operation have ceased.
- b. All equipment associated with the operation has been removed.
- c. All land affected by the portable operation has been restored in accordance with S912.E.

6.4 Portable facilities may only operate at one site at a time. Portable facilities cannot begin operations at a new subsequent location until they have completed operations at their previous site and Ecology has received a completed and signed “Portable Facility Notice of Completion of Portable Operations” form (ECY 070-30).

C. Permit Coverage Timeline ~~For New Facilities~~

1. Unless Ecology notifies the applicant in writing to the contrary, coverage under this general permit will begin on the later of the following:
 - a. The thirty-first (31st) day after Ecology receives the completed ~~application for coverage.~~
 - b. The thirty-first (31st) day after the end of a thirty (30) day public comment period.
 - c. The effective date of the general permit.
2. If the *application* is incomplete, an appeal has been filed, public comments have been received, or more information is necessary to determine whether a facility requires coverage under the general permit, additional time may be required to review the application. When additional time is required, Ecology will:
 - a. Notify the applicant in writing and identify the issues that must be resolved before a decision can be reached.
 - b. Send the final decision to the applicant in writing. If the *application for coverage* is approved, coverage begins the thirty-first (31st) day after approval.

Comment [CAG237]: In order to implement the permit Ecology needs to be able to track the location of portable operations. Portable facilities are frequently moving on to the next site without restoring sites or submitting Notices of Completion. This proposed permit language clarifies that Portable Facilities only have coverage to operate at one site at a time and that they must complete operations and submit a Notice of Completion before moving on to the next site.

Comment [CAG238]: This section also provides the permit coverage timeline for unpermitted existing facilities that will get coverage under the permit.

Comment [CAG239]: Ecology proposes using just the term *application* which is now defined in the permit definitions.

3. If the applicant has an individual permit but applies for coverage under the general permit, the individual permit will remain in effect until terminated in writing by Ecology. However, an expired individual permit, pursuant to WAC 173-220-180(5), will terminate upon coverage by the general permit.

D. Reporting Change in Operating Status

1. Any facility that changes operating status from *active* to *inactive*, or *inactive* to *active*, must submit an "Operating Status Change Form" (ECY 070-331) to Ecology as follows:
 - a. If the change is from *inactive* to *active*, the form must be submitted no less than ten (10) days before the change.
 - b. If the change is from *active* to *inactive*, the form must be submitted no later than ten (10) days after the change.
2. The failure to accurately report changes in operating status is a permit violation.
3. Non-portable facilities are considered nonoperating for fee purposes if they conduct their activities for less than ninety cumulative days during a calendar year.
4. Non-portable asphalt and / or concrete producing facilities are considered nonoperating for fee purposes if they do not produce any asphalt and / or concrete during the calendar year. Nonoperating sites that become active for only concrete and/or asphalt production will be assessed a prorated fee for the actual time inactive.
5. Portable facilities must commit to being shut down for a minimum of twelve calendar months before the status can be changed to nonoperating for fee purposes.

Comment [CAG240]: Ecology proposes adding this language from WAC 173-224-050 to reduce permittees' confusion regarding inactive and active status for monitoring purposes versus fee purposes. Permittees may be inactive and have reduced monitoring requirements but may still have to pay fees unless they commit to being nonoperating for a minimum period of time.

E. Terminating Coverage

A Permittee may request termination (cancellation) of permit coverage for a *closed site* by submitting a "Change Request Form" (ECY 070-32). In addition to discontinuing all activities at the *site*, the Permittee must complete restoration of the *site*.

1. A mining *site* is considered restored when DNR has completely released the reclamation bond or the *site* has been reclaimed to the satisfaction of the Ecology permit manager and local jurisdiction, if required. If the *site* is not subject to Department of Natural Resources reclamation, the mining *site* is considered restored when the *site* has been reclaimed to the satisfaction of the Ecology permit manager and local jurisdiction, if required.
2. Processing *sites* (includes concrete and asphalt batch operations) are considered restored when processing equipment has been removed and the Ecology permit manager determines the *site* has been returned to an appropriate condition.
3. Permittees that operated a portable facility at one or more locations in Washington State may terminate statewide permit coverage if the Permittee is in compliance with S9.B.4.S12.B.2 at all *sites* where they have operated a portable facility under this permit.
4. If the Permittee is prohibited by law from accessing the *site* to complete *site* restoration, the Permittee may request termination by submitting to Ecology a

S12.E.4

S12.E.5

“Change Request Form” (ECY 070-32) along with documentation of the Permittee’s inability to access the *site*.

- 5. Permittees must comply with all conditions, including fee payment, in this permit until Ecology terminates permit coverage.

F. Transferring Permit Coverage

A Permittee may request a transfer of permit coverage by submitting a “Change Request Form” (ECY 070-32). See condition G19, ~~and Ecology Change Request Form~~

Comment [CAG241]: Ecology permit managers must determine that the site(s) have been returned to an appropriate condition before granting termination. Permittees much comply with all conditions of this permit including payment of any assessed fees until Ecology terminates permit coverage.

Comment [CAG242]: Clarification.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

A. All ~~applications, reports, or information submitted to Ecology~~ must be signed and certified.

1. In the case of corporations, by a responsible corporate officer.

For the purpose of this section, a responsible corporate officer means:

a. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, ~~or~~.

b. Or, the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

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

Applications for permits for domestic *wastewater* facilities that are either owned or operated by, or under contract to, a public entity must be submitted by the public entity.

B. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. ~~A~~ person is a duly authorized representative only if:

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

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. ~~(A duly authorized representative may thus be either a named individual or any individual occupying a named position.)~~

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph

Comment [CAG243]: G1.A was intended to apply only to applications. G1.B was intended to apply to reports and other information. Ecology proposes removing this language to make this distinction clearer.

B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section must make the following certification:

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

G2. DISCHARGE VIOLATIONS

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

G3. PROPER OPERATION AND MAINTENANCE

The Permittee must 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 their general permit coverage, must control production and/or all discharges upon reduction, loss, failure, or *bypass* of the treatment facility until the facility 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 facility is reduced, lost, or fails.

G5. BYPASS PROCEDURES

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and Ecology may take enforcement action against a Permittee for *bypass* unless one of the following circumstances (1, 2, or 3) is applicable.

A. *Bypass* for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by Ecology prior to the *bypass*. The Permittee must submit prior notice, if possible, at least ten (10) days before the date of the *bypass*.

B. *Bypass* Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This *bypass* is permitted only if:

1. *Bypass* is unavoidable to prevent loss of life, personal injury, or *severe property damage*. “*Severe property damage*” means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a *bypass*.
2. There are no feasible alternatives to the *bypass*, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a *bypass* which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
3. Ecology is properly notified of the *bypass* as required in condition S6E of this permit.

C. *Bypass* which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee must notify Ecology at least thirty (30) days before the planned date of *bypass*. The notice must contain (1) a description of the *bypass* and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for *bypassing*; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of *bypass* under each alternative; (5) a recommendation as to the preferred alternative for conducting the *bypass*; (6) the projected date of *bypass* initiation; (7) a statement of compliance with *SEPA*; (8) a request for modification of *water quality* standards as provided for in WAC 173-201A-410, if an exceedance of any *water quality* standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the *bypass*.

For probable construction *bypasses*, the need to *bypass* is to be identified as early in the planning process as possible. The analysis required above must be considered during preparation of the engineering report or facilities plan and plans and specifications and must be included to the extent practical. In cases where the probable need to *bypass* is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the *bypass*.

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

1. If the *bypass* is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
2. If there are feasible alternatives to *bypass*, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
3. If the *bypass* is planned and scheduled to minimize adverse effects on the public and the environment.

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

G6. RIGHT OF INSPECTION AND ENTRY

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

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the *Clean Water Act*.

G7. ENGINEERING PLAN REVIEW REQUIRED

- A. Prior to constructing or modifying any treatment BMPs or facilities that require the site-specific design or sizing of structures, equipment, or process to collect, convey, treat, reclaim, or dispose of wastewater control facilities, Permittees must submit an engineering report, and detailed plans, and specifications must be submitted to Ecology for approval in accordance with Chapter 173-240 WAC.
- B. The engineering report must include:
 1. A brief summary of the treatment alternatives considered and why the proposed option was selected.
 2. The basic design data and sizing calculations of the treatment facility.
 3. A discussion of the suitability of the proposed site for the facility.

Comment [CAG244]: Ecology proposes clarifying replacing the term “wastewater control facilities” which is not defined in the permit with a more specific reference to treatment BMPs and facilities. This makes it clearer that Ecology does not expect engineering reports for all ditches and collection facilities. Ecology only wants engineering reports associated with treatment BMPs / facilities. It is not Ecology’s intention to require engineering reports more frequently than before.

Comment [CAG245]: The PCHB ruled that Ecology should include specific instructions regarding the contents of engineering reports instead of referring only to chapter 173-240 WAC.

- 4. A description of the treatment process and operation, including a flow diagram.
- 5. All necessary maps and layout sketches
- 6. Provisions for bypass, if any.
- 7. The amount and kind of chemicals used in the treatment process, if any.
- 8. Results to be expected from the treatment process including the predicted stormwater discharge characteristics.
- 9. A description of the receiving water, location of the point of discharge, applicable water quality standards, and how water quality standards will be met.
- 10. Where discharge is through land application, including detention ponds, a hydrological analysis of factors such as:
 - Depth to groundwater and groundwater movement during different times of the year.
 - Soil characteristics, soil profile, and infiltration rates.
 - Groundwater Mounding Analysis if the infiltration facility has a drainage area equal to or exceeding 1 acre.
 - Overall effects of the proposed facility upon the groundwater in conjunction with any other land application facilities that may be present.
- 11. A statement, expressing sound engineering justification through the use of pilot plant data, results from similar installations, and/or scientific evidence that the proposed treatment is reasonably expected to meet the permit effluent limits.
- 12. An Operations and Maintenance Manual.
- 13. Certification by a licensed professional engineer.

A.C. Permittees must submit Engineering reports, plans, and specifications must be submitted at least one hundred eighty (180) days prior to the planned start of construction unless Ecology approves a shorter time is approved by Ecology. Permittees must construct Facilities must be constructed and operated facilities in accordance with the approved plans and specifications.

Comment [CAG246]: The PCHB ruled that Ecology should include specific instructions regarding the contents of engineering reports instead of referring only to chapter 173-240 WAC. Ecology took these requirements from the WAC and Stormwater Management Manual for Western Washington.

Comment [CAG247]: Changes made for clarity.

G8. NOTIFICATION OF CHANGE IN COVERED ACTIVITIES

The Permittee must submit a new application for coverage whenever facility expansions, production increases, or process modifications are anticipated that will:

- A. Result in new or *substantially changed* discharges of *pollutants*; or
- B. Violate the terms and conditions of this permit. This new application for coverage must be submitted at least 60 days prior to the proposed changes. Submission of the application for coverage does not relieve the Permittee of the duty to comply with the existing permit.

G9. PERMIT COVERAGE REVOKED

Pursuant with Chapter 43.21B RCW and Chapter 173-226 WAC, the *Director* may require any *discharger* authorized by this 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 this permit;
- B. Obtaining coverage under this permit by misrepresentation or failure to fully disclose all relevant facts;
- C. A change in any condition that requires a temporary or permanent reduction or elimination of the permitted discharge;
- D. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;
- E. A determination that the permitted activity endangers human health or the environment, or contributes to *water quality* standards violations;
- F. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and Chapter 173-224 WAC;
- G. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable; or
- H. Incorporation of an approved local pretreatment program into a *municipality's* permit.

Permittees that have their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within ninety (90) days from the time of revocation and is submitted along with a complete individual permit application form.

G10. GENERAL PERMIT MODIFICATION AND REVOCATION

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

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

G11.REPORTING A CAUSE FOR MODIFICATION

A Permittee who knows, or has reason to believe, any activity has occurred or will occur which would constitute cause for modification or revocation under Condition G10, or *40 CFR* 122.62, must report such plans, or such information, to Ecology so that a decision can be made on whether action to modify coverage or revoke coverage under this permit will be required. Ecology may then require submission of a new application for coverage under this, or another general permit, or an application for an individual permit. Submission of a new application does not relieve the Permittee of the duty to comply with all the terms and conditions of the existing permit until the new application for coverage has been approved and corresponding permit has been issued.

G12.TOXIC POLLUTANTS

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

G13.OTHER REQUIREMENTS OF 40 CFR

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

G14.COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit excuses the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

G15.ADDITIONAL MONITORING

Ecology may establish additional specific monitoring requirements, including the installation of *groundwater* monitoring wells, by administrative order or permit modification.

G16.PAYMENT OF FEES

The Permittee must submit payment of fees associated with this permit as assessed by Ecology. Ecology may revoke this permit or take enforcement, collection, or other actions, if the permit fees established under Chapter 173-224 WAC are not paid.

G17.REMOVED SUBSTANCES

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

G18.REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER A GENERAL PERMIT

Any *discharger* authorized by this permit may request to be excluded from coverage under this general permit by applying for an individual permit. The *discharger* must 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* will 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.

G19.PERMIT TRANSFER

- A. Coverage under this permit is automatically transferred to a new owner or operator if:
 1. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.
 2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
 3. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke coverage under this permit.

B. Unless permit coverage is automatically transferred according to section A. above, this permit coverage may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by Ecology.

B.C. When a current Permittee transfers control or ownership of a portion of that permitted site to another person, the current Permittee must also submit an application to Ecology.

G20.DUTY TO REAPPLY

The Permittee must reapply for coverage under this permit, at least, one hundred and eighty (180) days prior to the specified expiration date of this permit.

To reapply for coverage the Permittee must submit a renewal application electronically using Ecology’s Water Quality Permitting Portal – Permit Coverage Notice of Intent (NOI) renewal application, unless the applicant applies for and receives an *Electronic Reporting Waiver* from Ecology. Applicants that have received a waiver from Ecology must submit a completed and signed renewal application to the appropriate regional Ecology office.

An expired permit continues in force and effect until a new permit is issued or until Ecology cancels it. Only those facilities which have reapplied for coverage under this permit are covered under the continued permit.

Comment [CAG248]: Ecology needs to know changes to monitoring points, NAICS codes, size of the site, etc. Receiving an update application allows Ecology to track this information necessary for administering the permit.

Comment [CAG249]: Ecology proposes this new requirement for permittees to reapply electronically using Ecology’s online Water Quality Permitting Portal system (unless Ecology grants them a waiver from electronic reporting). Ecology will have a standardized waiver form that permittees must fill out to request an exemption.

This proposed electronic reapplication requirement is expected to save time and resources for permittees and Ecology (e.g., eliminating paperwork, data entry workload, database errors) while improving compliance and protection of water quality.

The electronic waiver provisions are intended to allow a paper option for small business that may not have the ability to use the online system.

The requirement makes progress with Ecology’s obligation to comply with EPA’s proposed NPDES Electronic Reporting Rule (40 CFR Parts 122, 123, 127, 403, 501 and 503).

During the most recent reapplication period approximately 70% of permittees reapplied online.

G21.UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

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

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition ~~S6-ES10.D~~ the Permittee complied with any remedial measures required under G30 of this permit.

Comment [CAG250]: Corrected reference.

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

G22.PENALTIES FOR VIOLATING PERMIT CONDITIONS

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

Any person who violates the terms and conditions of a waste discharge permit incurs, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day’s continuance is a separate and distinct violation.

G23.APPEALS

The terms and conditions of this general permit, as they apply to the appropriate class of *dischargers*, are subject to appeal by any person within 30 days of issuance of this general permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.

The terms and conditions of this general permit, as they apply to an individual *discharger*, are appealable in accordance with Chapter 43.21B RCW within 30 days of the effective date of coverage of that *discharger*. Consideration of an appeal of general permit coverage of an individual *discharger* is limited to the general permit’s applicability or non-applicability to that individual *discharger*.

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

G24.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, will not be affected thereby.

G25.PROPERTY RIGHTS

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

G26.DUTY TO COMPLY

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

G27.PENALTIES FOR TAMPERING

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

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance, shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, by imprisonment for not more than 6 months per violation, or by both fine and imprisonment.

Comment [CAG251]: Language from 40 CFR 122.41(k)(2). Added to match the CFR language and to inform new permittees of their responsibilities and penalties.

G28.REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee must give advance notice to Ecology by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality,

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must be scheduled during non-critical *water quality* periods and carried out in a manner approved by Ecology.

G29.REPORTING OTHER INFORMATION

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

G30.DUTY TO MITIGATE

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

APPENDIX A — SIC AND NAICS CODES, ECOLOGY CODES, SIC NUMBERS, AND DESCRIPTIONS FOR FACILITIES COVERED UNDER THIS PERMIT

Table 6: Standard Industrial Code and the corresponding North American Industry Classification System (NAICS) number.

SIC number and description	Corresponding NAICS number and description (if different from SIC)
0811 Timber Tracts (long term timber farms)	113110
1411 Dimension Stone	212311 Dimension Stone Mining and Quarrying
1422 Crushed and Broken Limestone	212312 Crushed and Broken Limestone Mining and Quarrying
1423 Crushed and Broken Granite	212313 Crushed and Broken Granite Mining and Quarrying
1429 Crushed and Broken Stone, Not Elsewhere Classified	212319 Other Crushed and Broken Stone Mining and Quarrying (in this permit includes crushing or recycle)
1442 Construction Sand and Gravel	212321 Construction Sand and Gravel Mining
1446 Industrial Sand	212322 Industrial Sand Mining
1455 Kaolin and Ball Clay	212324 Kaolin and Ball Clay Mining
1459 Clay, Ceramic, and Refractory Minerals, NEC	212325 Clay and Ceramic and Refractory Minerals Mining
1499 Miscellaneous Nonmetallic Minerals, Except Fuels (bituminous limestone and bituminous sandstone)	212319 Other Crushed and Broken Stone Mining and Quarrying
1499 Miscellaneous Nonmetallic Minerals, Except Fuels (except bituminous limestone and bituminous sandstone)	212399 All Other Nonmetallic Mineral Mining
2411 Logging	113310
2951 Asphalt Paving Mixtures and Blocks	324121 Asphalt Paving Mixture and Block Manufacturing
3273 Ready-Mixed Concrete	327320 Ready-Mix Concrete Manufacturing
3272 Concrete Products, Except Block and Brick (concrete pipe)	327332 Concrete Pipe Manufacturing
3272 Concrete Products, Except Block and Brick (concrete products, except dry mix concrete and pipe)	327390 Other Concrete Product Manufacturing (except pipe, brick, or block)
3272 Concrete Products, Except Block and Brick (dry mixture concrete)	327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing including concrete recycling

The coverage provided in this general permit is limited to the specific facilities activities identified in Condition S1. This appendix provides:

- Additional information about the North American Classification System.
- and within the following Corresponding Standard Industrial Classification (SIC) Codes.

APPENDIX A — SIC AND NAICS CODES, ECOLOGY CODES, SIC NUMBERS, AND DESCRIPTIONS FOR FACILITIES COVERED UNDER THIS PERMIT

- ~~and the cited Subparts of~~ References to 40 CFR Part 436, Mineral Mining and Processing Point Source Category.
- References to ~~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.
- Descriptions of the activities listed in Table 1.

Comment [CAG252]: Changes made for clarification and readability.

†-The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

NAICS was developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the Standard Industrial Classification (SIC) system. It was developed jointly by the U.S. Economic Classification Policy Committee (ECPC), Statistics Canada , and Mexico's Instituto Nacional de Estadística, Geografía e Informática , to allow for a high level of comparability in business statistics among the North American countries.

This official U.S. Government ~~w~~Web-site <http://www.census.gov/eos/www/naics/> provides the latest information on plans for NAICS revisions, as well as access to various NAICS reference files and tools.

The official 200712 U.S. NAICS Manual, includes definitions for each industry, background information, tables showing changes between 20027 and 200712, and a comprehensive index. The official 200712 U.S. NAICS Manual is available in print and on CD_ROM from the National Technical Information Service (NTIS) at (800) 553-6847 or (703) 605-6000, or through the [NTIS](#) Web site. Previous versions of the NAICS Manual are available.

~~The coverage provided in this general permit is limited to the specific facilities identified in Condition S1 and within the following Standard Industrial Classification (SIC) Codes, and 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 for timber tracts and logging activities is limited to those mining activities associated with the forestry industry that classify as silvicultural point source. A silvicultural point source applies only to the production of materials for use in forest management. For this industry, covered activities are limited to rock crushing or gravel washing facilities that use a discernible, confined and discrete conveyance to discharge pollutants to waters of the state.~~

SIC Code 1411 Dimension Stone

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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 on-site 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 on-site 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 on-site processing of sand for uses other than construction, including but not limited to glassmaking, molding, filtration, refractories, refractory bonding, and abrasives. Processing employing a 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 on-site 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 on-site processing of bentonite.

APPENDIX A — SIC AND NAICS CODES, ECOLOGY CODES, SIC NUMBERS, AND DESCRIPTIONS FOR FACILITIES COVERED UNDER THIS PERMIT

SIC Code 1499 Miscellaneous Nonmetallic Minerals, Except Fuels

40 CFR Part 436 Subpart X—Diatomite Subcategory

Coverage is provided for mining and on-site 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 on-site 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 on-site 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.

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.

Comment [CAG253]: Ecology proposes to put this information into table format below.

Table 2: NAICS / Ecology Codes and Descriptions for Activities Covered by the Sand & Gravel General Permit

<u>NAICS / Ecology Code</u>	<u>SIC Number</u>	<u>CFR Reference</u>	<u>S13.Description</u>
<u>113110 Timber Tract Operations (Rock crushing and / or gravel washing facilities associated with silvicultural point sources)</u>	<u>0811 Timber Tracts (long term timber farms)</u>		<u>Coverage for timber tracts and logging activities is limited to those mining activities associated with the forestry industry that classify as silvicultural point source. A silvicultural point source applies only to the production of materials for use in forest management. For this industry, covered activities are limited to rock crushing or gravel washing facilities that use a discernible, confined and discrete conveyance to discharge pollutants to waters of the state.</u>
<u>113310 Logging (Rock crushing and / or gravel washing facilities associated with silvicultural point sources)</u>	<u>2411 Logging</u>		
<u>212311 Dimension Stone Mining and Quarrying</u>	<u>1411 Dimension Stone</u>	<u>40 CFR Part 436 Subpart A--Dimension Stone Subcategory</u>	<u>Coverage is provided for mining and quarrying of dimension stone, including rough blocks and slabs. The types of mines or quarries covered included in this category for this permit are: basalt, diabase, diorite, dolomite, dolomitic marble, flagstone, gabbro, gneiss, granite, limestone, marble, quartzite, sandstone, serpentine, slate, and volcanic rock.</u>
<u>212312 Crushed and Broken Limestone Mining and Quarrying</u>	<u>1422 Crushed and Broken Limestone</u>	<u>40 CFR Part 436 Subpart B--Crushed Stone Subcategory</u>	<u>Coverage is provided for mining, quarrying, and on-site 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.</u>
<u>212313 Crushed and Broken Granite Mining and Quarrying</u>	<u>1423 Crushed and Broken Granite</u>		
<u>212319 Other Crushed and Broken Stone Mining and Quarrying</u>	<u>1429 Crushed and Broken Stone, Not Elsewhere Classified</u> <u>1499 Miscellaneous Nonmetallic Minerals, Except Fuels (bituminous limestone and bituminous sandstone)</u>		

Comment [CAG254]: Ecology proposes putting the information in Appendix A into table format. This should make the information easier to reference. Ecology update the descriptions based on the 2012 NAICS descriptions and added descriptions for NAICS codes which previously weren't described in Appendix A.

APPENDIX A — SIC AND NAICS CODES, ECOLOGY CODES, SIC NUMBERS, AND DESCRIPTIONS FOR FACILITIES COVERED UNDER THIS PERMIT

<u>NAICS / Ecology Code</u>	<u>SIC Number</u>	<u>CFR Reference</u>	<u>S13.Description</u>
<u>212321 Construction Sand and Gravel Mining</u>	<u>1442 Construction Sand and Gravel</u>	<u>40 CFR Part 436 Subpart C--Construction Sand and Gravel Subcategory</u>	<u>Coverage is provided for mining and on-site processing of sand and gravel for construction or fill purposes. Processing means washing, screening, crushing, or otherwise preparing sand and gravel for construction uses.</u>
<u>212322 Industrial Sand Mining</u>	<u>1446 Industrial Sand</u>	<u>40 CFR Part 436 Subpart D--Industrial Sand Subcategory</u>	<u>Coverage is provided for mining and on-site processing of sand for uses other than construction, including but not limited to glassmaking, molding, filtration, refractories, refractory bonding, and abrasives. Processing employing a HF flotation method is not covered by this general permit.</u>
<u>212324 Kaolin and Ball Clay Mining</u>	<u>1455 Kaolin and Ball Clay</u>	<u>40 CFR Part 436 Subpart AG--Kaolin Subcategory</u> <u>40 CFR Part 436 Subpart AH--Ball Clay Subcategory</u>	<u>Coverage is provided for the mining and on-site processing of kaolin, ball clay, china clay, paper clay, and slip clay.</u>
<u>212325 Clay and Ceramic and Refractory Minerals Mining</u>	<u>1459 Clay, Ceramic, and Refractory Minerals, NEC</u>	<u>40 CFR Part 436 Subpart V--Bentonite Subcategory</u> <u>40 CFR Part 436 Subpart AD--Shale and Common Clay Subcategory</u>	<u>Coverage is provided for the mining and on-site processing of bentonite.</u> <u>Coverage is provided for the mining and on-site 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.</u>

APPENDIX A — SIC AND NAICS CODES, ECOLOGY CODES, SIC NUMBERS, AND DESCRIPTIONS FOR FACILITIES COVERED UNDER THIS PERMIT

<u>NAICS / Ecology Code</u>	<u>SIC Number</u>	<u>CFR Reference</u>	<u>S13.Description</u>
<u>212399 All Other Nonmetallic Mineral Mining</u>	<u>1499 Miscellaneous Nonmetallic Minerals, Except Fuels (except bituminous limestone and bituminous sandstone)</u>	<u>40 CFR Part 436 Subpart H Lightweight Aggregates Subcategory</u> <u>40 CFR Part 436 Subpart X--Diatomite Subcategory</u>	<u>Coverage is provided for mining, quarrying, and on-site processing of perlite, pumice, or vermiculite.</u> <u>Coverage is provided for mining and on-site processing of diatomite or diatomaceous earth.</u>
<u>324121 Asphalt Paving Mixture and Block Manufacturing</u>	<u>2951 Asphalt Paving Mixtures and Blocks</u>	<u>40 CFR Part 443 Subpart B--Asphalt Concrete Subcategory</u>	<u>Coverage is provided for hot mix asphalt plants.</u>
<u>327320 Ready-Mix Concrete Manufacturing</u>	<u>3273 Ready-Mixed Concrete</u>		<u>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.</u>
<u>327331 Concrete Block and Brick Manufacturing</u>			<u>Coverage is provided for facilities engaged in manufacturing concrete blocks and bricks. This includes concrete: architectural block, patio block, plinth blocks, recast concrete block and bricks, and permeable pavers.</u>
<u>327332 Concrete Pipe Manufacturing</u>	<u>3272 Concrete Products, Except Block and Brick (concrete pipe)</u>		<u>Coverage is provided for facilities engaged in manufacturing concrete pipe. This includes concrete: conduits, culvert pipe, irrigation pipe, pressure pipe, and sewer pipe.</u>
<u>327390 Other Concrete Product Manufacturing</u>	<u>3272 Concrete Products, Except Block and Brick (concrete products, except dry mix concrete and pipe)</u>		<u>Coverage is provided for facilities engaged in manufacturing concrete products (except block, brick, and pipe). This includes concrete: furniture, vaults, tanks, girders, beams, statuary, poles, roofing tile, and ties.</u>
<u>327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing</u>	<u>3272 Concrete Products, Except Block and Brick (dry mixture concrete)</u>		<u>Coverage is provided for facilities engaged in manufacturing nonmetallic mineral products not covered by other NAICS codes. This includes dry mix concrete manufacturing.</u>
<u>ECY001 Asphalt Recycling</u>			
<u>ECY002 Concrete Recycling</u>			

Comment [CAG255]: Description to be determined.

Comment [CAG256]: Description to be determined.

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These definitions are for terms that are used, or relate, to this permit. -In other sections of the permit, defined terms appear in italics.

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

Comment [CAG257]: Relocated because it starts with a number.

Active Site means a location where current mining (including *site* preparation and reclamation) 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*.

Comment [CAG258]: Ecology proposes to delete this cross-reference because it has caused some confusion and is unnecessary.

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

Application means a formal request for coverage under this general permit using the electronic or paper form developed by the Washington State Department of Ecology for that purpose. Also called a Notice of Intent (NOI).

Comment [CAG259]: Ecology proposes this definition to clarify that the application for permit coverage can have an electronic or paper format. Also, to clarify the use of the term NOI on the forms and within the Water Quality Permitting Portal.

Applicable TMDL means a *TMDL* for *turbidity*, fine *sediment* or high *pH* which was completed and approved by EPA prior to the later effective date of this permit, or modification, or the date the operator’s complete application is received by Ecology.

Average monthly effluent limit means the highest allowable average of daily discharges over a calendar month. To calculate the discharge value to compare to the limit, you add the value of each daily discharge measured during a calendar month and divide this sum by the total number of daily discharges measured.

Average quarterly effluent limit means the highest allowable average of daily discharges over a quarter (3 months). To calculate the discharge value to compare to the limit, add the value of each daily discharge measured during a quarter and divide this sum by the total number of daily discharges measured.

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 BMPs 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

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expenditures for such modifications are incurred.

3. Concrete pads and dikes and appropriate pumping for collection of *stormwater*, *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 where all activities associated with permit coverage have been terminated with no intent to return to operation in the future. ~~Also see definitions for *Inactive Site* and *Active Site*.~~

Comment [CAG260]: Ecology proposes to delete this cross-reference because it has caused some confusion and is unnecessary.

Constructed Wetland means wetlands intentionally created for the primary purpose of *wastewater* or *stormwater* treatment and managed as such. *Constructed wetlands* are normally considered as part of the *stormwater* collection and treatment system. Wetlands constructed for treatment of *stormwater* are not be eligible for use as compensatory mitigation for authorized impacts to regulated wetland systems.

Critical Flows means the lowest *receiving water* flows at the time *wastewater* discharges occur. For process *wastewater* discharges which discharge from the *site* throughout the year, this is typically midsummer flow. For *stormwater* discharges this is the *receiving water* flow when significant *stormwater* begins to discharge from the *site*, typically early fall.

Current EPA-approved 303(d) list means the list which is in effect on the effective date of this permit, or the 303(d) list which is in effect at the date the Permittee's first *application for coverage* is received by Ecology, whichever is later.

Design Storm means the precipitation event that is used to design *stormwater* facilities, e.g. *10-year, 24-hour storm event*. Refer to Ecology's *Stormwater Management Manual* for specific information on requirements for determining *design storm volume* and flow rate appropriate for designing *stormwater* treatment systems.

Design Storm Volume means the volume of runoff predicted to occur from a specified storm event. The storm event includes a time interval (e.g. 24-hours) and frequency (e.g. 10-year). Volume-based *treatment BMPs* use the *design storm volume* as their design basis. Refer to the Ecology *Stormwater Management Manual* for storm event and additional information.

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

Discharge to Groundwater 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 *groundwater*. *Discharge to groundwater*, 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*.

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Discharge point means the location where a discharge leaves the Permittee's drainage system through the Permittee's treatment facilities/BMPs designed to infiltrate.

Comment [CAG261]: Ecology proposes to add this definition to add clarity to the monitoring and mapping requirements within the permit.

Disturbed Area means any area where activity has physically disrupted, compacted, moved, or otherwise altered the characteristics of soil, bedrock, vegetation, or existing topography. This includes activity in preparation for: a) surface mining, b) the construction of structures or, c) mobilization of processing equipment. *Stormwater* discharge from *disturbed areas* is considered *Type 2 Stormwater*.

Electronic Reporting Waiver means permission from Ecology to submit paper applications, submittals, and DMRs instead of submitting them electronically. Permittees must submit a completed "Electronic Reporting Waiver Request" form (ECY 070-381) to receive a waiver.

Comment [CAG262]: Definition added to clarify that only one waiver is required for an exemption from submitting electronic application, submittals, and DMRs.

Equivalent stormwater management documents means manuals of *BMPs* approved by Ecology and subject to public review and comment.

Erosion means the wearing away of the land surface by precipitation, running water, ice, wind or other geological agents, including processes such as gravitational creep. *Erosion* also means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

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*.

Erosion and Sediment Control Plan (ESCP) 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.

Existing Facility means a facility that begins activities that result in a discharge, or a potential discharge to *waters of the state*, prior to the effective date of the general permit.

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.

gpm means gallons per minute; the volume of fluid passing a point during a one minute interval.

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

Groundwater Discharges: If water puddles/collects and discharges to ground at multiple locations on *site*, it is unlikely that all locations must be sampled. Consider the source of the water. If all the water is coming from a gravel stockpile area it is likely that just one sampling point is required. However, if some discharge points receive runoff from a gravel stockpile area and others *receiving water* from a concrete batch area, two sample points are probably necessary.

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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.

~~Impoundment means a location designed to or used purposely to infiltrate. The area behind a check dam is not considered an impoundment.~~

Comment [CAG263]: Ecology proposes to define impoundment to reduce confusion and interpretation during compliance inspections.

Inactive Site means a location where 1) previous mining or processing operations (including, but not limited to, crushing, classifying, or operating a concrete or *hot mix asphalt plant*) has occurred; and has not been closed and restored; and 2) has no current mining or processing operations but may include stockpiles of raw materials or finished products; and 3) the Permittee has submitted an Operating Status Change Form (ECY 070-33) declaring the *site* inactive. The Permittee may add or withdraw raw materials or finished products from the stockpiles for transportation off *site* for processing, use, or sale and still be considered an *inactive site*, however monitoring may be required. ~~Also see definitions for Active Site and Closed Site.~~

Comment [CAG264]: Ecology proposes to delete this cross-reference because it has caused some confusion and is unnecessary.

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.

Major Modification of Coverage means a change of operation at a facility that is not a Minor Modification. Public notice is required for this modification.

Maximum daily effluent limit means the highest allowable daily discharge. The daily discharge means the discharge of a *pollutant* measured during a calendar day. For *pollutants* with limits expressed in units of mass, the daily discharge is calculated as the total mass of the *pollutant* discharged over the day. For other units of measurement, the daily discharge is the average measurement of the *pollutant* over the day. This does not apply to *pH*.

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 must also include wet pit overflows caused solely by direct rainfall and *groundwater* seepage. However, if a mine is used for treatment of process generated waste water, discharges of commingled water from the mine must be deemed discharges of process generated water.

Minor Modification of Coverage means a change of operation at a facility that does not substantially change the volume or nature of *pollutants*. No public notice or new Application for Coverage is required for this modification.

~~Monitoring Benchmark means a *pollutant* concentration used as a permit threshold, below which a *pollutant* is considered unlikely to cause a *water quality* violation. When *pollutant* concentrations exceed benchmarks, corrective action is required. Benchmark values are not *water quality standards* and are not numeric effluent limitations; they are indicator values~~

Comment [CAG265]: Ecology proposes to remove this obsolete term.

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

NAICS means North American Industry Classification System – see Appendix A.

Comment [CAG266]: Change made for clarity.

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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.

Natural Conditions means *surface water quality* that was present before any human-caused *pollution*. When estimating *natural conditions* in the headwaters of a disturbed watershed it may be necessary to use the less disturbed conditions of a neighboring or similar watershed as a reference condition.

New Facility means a facility which begins activities that result in a discharge, or a potential discharge to *waters of the state*, on or after the effective date of this general permit.

Non-delegated POTW means a *POTW* which has not been delegated to issue permits for industrial *dischargers* to its system. Ecology is the permitting authority for *non-delegated POTWs*.

Nonoperating means an inactive site that has reduced fees per WAC 173-224.

Comment [CAG267]: Ecology proposes this definition to clarify the difference between inactive for monitoring purposes versus inactive for fee purposes.

NTU means Nephelometric Turbidity Units, a measure of *turbidity*.

Outfall means a point where a discharge from a facility enters a receiving waterbody or receiving waters.

Comment [CAG268]: Ecology proposes to add this definition to clarify the monitoring requirements within the permit.

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 *waters of the state*. This term does not include return flows from irrigated agriculture.

Pollutant means 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.

Portable facility means a specific portable concrete batch plant, portable asphalt batch plant, or portable rock crusher.

Comment [CAG269]: Ecology proposes to add this term to remove some duplicative language within the Permit Application section of the permit. This definition was taken from the text in S9.B of the current permit.

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POTW means publically-owned treatment works. This is a sewage treatment plant and the collection system (40 CFR 122.2).

Process Water means any water that is used for or results from the production, clean-up, or use of any raw material, intermediate product, finished product, byproduct, or waste product. The term also means any waste water used in or results from the slurry transport of mined material, air emissions control, or processing exclusive of mining. ~~Also, see definitions for Type 1, 2, and 3 Stormwater.~~

Comment [CAG270]: Ecology proposes to delete this cross-reference because it has caused some confusion and is unnecessary.

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

~~Reclamation means the rehabilitation of disturbed areas resulting from surface or underground mining; typically per a Department of Natural Resources Reclamation plan.~~

Comment [CAG271]: Ecology proposes this definition for clarity.

Representative Sampling means collecting an array of samples to accurately represent the nature of the discharge for parameters of concern. Many factors contribute to variability of *pollutants* in a discharge including quantity of water, time and date of sampling, and physical events and location of discharge.

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.

Sedimentation means the depositing or formation of *sediment*.

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

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

Significant Process Change means a change in the nature of discharge with respect to increased volume and type or concentrations of *pollutants*. Examples include adding a batch plant at a *site*, etc.

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 *groundwater 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 *stormwater* or *process water* discharges.

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Silvicultural Point Sources are timber tract and logging activities (SIC codes 0811 and 2411) that produce mined materials for use in forest management. Additionally, *silvicultural point source* activities are limited to rock crushing or gravel washing operations that use a discernible, confined and discrete conveyance to discharge *pollutants to surface 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 *stormwater*. A few examples of *source control BMPs* are *erosion* control practices, maintenance of *stormwater* 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 *stormwater*. -Also called a storm drain.

Stormwater means rainfall and snowmelt runoff.

Stormwater Drainage System means constructed and natural features that function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, or divert *stormwater*.

Stormwater Management Manual (SWMM) means the technical manual prepared by Ecology for use by *local governments* that contains *BMPs* to prevent, control, or treat *pollution* in *stormwater*.

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

Substantial Change (Requiring a new application for coverage) - *Substantial change* of discharge for this industry group will be any modification of the facility that would change the characteristics of the discharge or include for coverage a new activity (SIC) that was not previously covered.

Surface Water Discharges: For all parameters required by this permit, a grab sample of instantaneous measurement will be considered representative. *Stormwater* sampling should occur within 24 hours of the initial discharge from a significant precipitation event (e.g. 0.25 inch/24 hr. precipitation event). *Process water* or *mine dewatering water* sampling should be timed to occur when the facility is operating at full capacity.

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

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~~10-year, 24-hour precipitation event means the maximum 24-hour precipitation event with a probable recurrence interval of once in 10 years.~~

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

Total Dissolved Solids (TDS) means those solids that are capable of passing through a glass fiber filter (1.0 – 1.5 µm) and dried to a constant weight at 180 degrees centigrade.

Total Suspended Solids (TSS) is the particulate material in an effluent that does not pass through a glass fiber filter. 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 *stormwater*. A few examples of *treatment BMPs* are detention ponds, oil/water separators, biofiltration, and *constructed wetlands*.

Turbidity means the clarity of water as expressed by *nephelometric turbidity units (NTU)* and measured with a calibrated turbidimeter.

Type 1 Stormwater means *stormwater* 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 portion thereof (if any) has been released.

Type 2 Stormwater means *stormwater* from: 1) portions of a *site* where mining has temporarily or permanently ceased; or 2) from portions of a *site* with exposed soils in areas cleared in preparation for mining or other industrial activity. When different types of *stormwater* commingle the water becomes the highest of the types which have commingled (i.e. when Type 1 and Type 2 *stormwater* commingle the *stormwater* becomes Type 2).

Type 3 Stormwater means *stormwater* discharges from:

1. Industrial plant yards;
2. Immediate access roads and rail lines 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;

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6. Shipping and receiving areas;
7. Storage areas for raw materials or intermediate and finished products at *active sites*; and
8. Areas where industrial activity has taken place in the past and *significant materials* remain and are exposed to *stormwater*.

USEPA means the United States Environmental Protection Agency.

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

Wastewater means water or liquid carried waste from industrial or commercial processes. These wastes may result from any process or activity of industry, manufacture, trade or business, or from the development of any natural resource. Examples include, but are not limited to, process water, mine dewatering water, and industrial stormwater (type 2 and 3 stormwater). The term includes contaminated stormwater.

Comment [CAG272]: Wastewater is a general term which includes not only contaminated stormwater but process water and mine dewatering water as well. Ecology proposes adding this examples for clarification.

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. This includes *groundwater*, lakes, rivers, ponds, streams, wetlands, inland 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.