

**PORT OF TACOMA  
TACOMA, WASHINGTON  
WAPATO CREEK BRIDGE AND CULVERT REMOVAL**

**PROJECT NO. 201070.01  
CONTRACT NO. 071198**

**Appendices A - H**

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Director, Engineering**

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**END OF SECTION**

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**END OF SECTION**

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Construction Stormwater General Permit (CSWGP)

# Stormwater Pollution Prevention Plan (SWPPP)

for  
**Wapato Creek Bridge at Parcel 15**

Prepared for:  
**The Washington State Department of Ecology**  
**Southwest Regional Office**

Permittee / Owner	Developer	Operator / Contractor
Port of Tacoma	Port of Tacoma	TBD

Project Site Location:  
**4215 SR 509 North Frontage Road**  
**Tacoma, WA 98421**

#### **Certified Erosion and Sediment Control Lead (CESCL)**

Name	Organization	Contact Phone Number
TBD	Contractor	TBD

#### **SWPPP Prepared By**

Name	Organization	Contact Phone Number
Steve Kingsley	KPFF	(253) 396-0150

#### **SWPPP Preparation Date**

08/14/2019

#### **Project Construction Dates**

Activity / Phase	Start Date	End Date
Construction	November 2019	June 2021

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## List of Acronyms and Abbreviations

Acronym / Abbreviation	Explanation
<b>303(d)</b>	Section of the Clean Water Act pertaining to Impaired Waterbodies
<b>BFO</b>	Bellingham Field Office of the Department of Ecology
<b>BMP(s)</b>	Best Management Practice(s)
<b>CESCL</b>	Certified Erosion and Sediment Control Lead
<b>CO<sub>2</sub></b>	Carbon Dioxide
<b>CRO</b>	Central Regional Office of the Department of Ecology
<b>CSWGP</b>	Construction Stormwater General Permit
<b>CWA</b>	Clean Water Act
<b>DMR</b>	Discharge Monitoring Report
<b>DO</b>	Dissolved Oxygen
<b>Ecology</b>	Washington State Department of Ecology
<b>EPA</b>	United States Environmental Protection Agency
<b>ERO</b>	Eastern Regional Office of the Department of Ecology
<b>ERTS</b>	Environmental Report Tracking System
<b>ESC</b>	Erosion and Sediment Control
<b>GULD</b>	General Use Level Designation
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NTU</b>	Nephelometric Turbidity Units
<b>NWRO</b>	Northwest Regional Office of the Department of Ecology
<b>pH</b>	Power of Hydrogen
<b>RCW</b>	Revised Code of Washington
<b>SPCC</b>	Spill Prevention, Control, and Countermeasure
<b>su</b>	Standard Units
<b>SWMMEW</b>	Stormwater Management Manual for Eastern Washington
<b>SWMMWW</b>	Stormwater Management Manual for Western Washington
<b>SWPPP</b>	Stormwater Pollution Prevention Plan
<b>TESC</b>	Temporary Erosion and Sediment Control
<b>SWRO</b>	Southwest Regional Office of the Department of Ecology
<b>TMDL</b>	Total Maximum Daily Load
<b>VFO</b>	Vancouver Field Office of the Department of Ecology
<b>WAC</b>	Washington Administrative Code
<b>WSDOT</b>	Washington Department of Transportation
<b>WWHM</b>	Western Washington Hydrology Model

## 1.0 Project Information

Project/Site Name: **Wapato Creek Bridge at Parcel 15**

Street/Location: **4215 SR 509 North Frontage Road**

City: **Tacoma** State: **WA** Zip code: **98421**

Receiving waterbody: **Wapato Creek**

This Stormwater Pollution Prevention Plan (SWPPP) has been prepared as part of the construction stormwater general permit requirements for the Wapato Creek Bridge at Parcel 15 construction project in Tacoma, Washington. The site is located on the northeast side of Tacoma, north and west of the State Route 509 (SR 509). The existing site is a 52.52-acre lot. The proposed development consists of the construction of a new driveway and bridge over Wapato Creek, removal of an existing driveway and culvert, creek restoration, asphalt paving, fencing, and stormwater improvements.

Construction activities will include demolition, excavation, grading, bridge construction, creek restoration, relocation of onsite services/utilities, fencing, and asphalt paving. The purpose of this SWPPP is to describe the proposed construction activities and all temporary and permanent erosion and sediment control (TESC) measures, pollution prevention measures, inspection/monitoring activities, and recordkeeping that will be implemented during the proposed construction project. The objectives of the SWPPP are to:

1. Implement Best Management Practices (BMPs) to prevent erosion and sedimentation, and to identify, reduce, eliminate or prevent stormwater contamination and water pollution from construction activity.
2. Prevent violations of surface water quality, ground water quality, or sediment management standards.
3. Prevent, during the construction phase, adverse water quality impacts including impacts on beneficial uses of the receiving water by controlling peak flow rates and volumes of stormwater runoff at the Permittee's outfalls and downstream of the outfalls.

This SWPPP was prepared based on the requirements set forth in the City of Tacoma Stormwater Management Manual (SWMM 2016). The report is divided into sections with several appendices that include stormwater related reference materials. The topics presented in each of the main sections are:

- Section 1 – PROJECT INFORMATION. This section provides a detailed description of the existing site conditions, proposed construction activities, and post-construction conditions.
- Section 2 – CONSTRUCTION BMPs. This section provides a detailed description of the BMPs to be implemented based on the 13 required elements of the SWPPP (SWMM 2016).
- Section 3 – POLLUTION PREVENTION TEAM. This section identifies the appropriate contact names (emergency and non-emergency), monitoring personnel, and the onsite temporary erosion and sedimentation control inspector
- Section 4 – MONITORING AND SAMPLING REQUIREMENTS. This section provides a description of the inspection and monitoring requirements such as the parameters of concern to be monitored, sample locations, sample frequencies, and sampling methods for all stormwater discharge locations from the site.
- Section 5 – DISCHARGE RESTRICTIONS. This section describes the requirements for discharges to waterbodies.
- Section 6 – REPORTING AND RECORDKEEPING. This section provides a description of reporting requirements and methods of logging information during construction.

Supporting documentation and standard forms are provided in the following Appendices:

Appendix A – Site Plans

Appendix B – Construction BMPs

Appendix C – General Permit

Appendix D – Site Log and Inspection Forms

## 1.1 Existing Conditions

The site is located on the northeast side of Tacoma, north and west of the State Route 509 (SR 509), south of East 4th Street, and east of Alexander Ave East. The existing site is a 52.52-acre lot. The existing Port of Tacoma Portac site is operated by Auto Warehousing. The entire site is currently accessed via an existing driveway entrance located off Alexander Ave East.

The existing topography of the site roughly flat, with slopes approximately 0.0% to 2.0% and is mainly asphalt with patches of gravel in the lower half and concrete pavement in the upper half of the site. Note, a large majority of this project falls under pavement maintenance due to the majority of the site already paved except for the portions of the site where existing buildings used to be located, which have since been demolished. The project site is underlain with fill material. Where existing buildings, which have been demolished for some time, were located, crushed concrete fill with silty fine to coarse sand and gravel that is also fill material. In the locations that did not have buildings, the fill material is silty fine to coarse sand. Underneath the sand is a layer of silt material which are natural tide flat deposits.

The entire project site drains to the Wapato Creek. The stormwater is collected via onsite catch basins then piped to Wapato Creek via a 36" pipe located north of the project. A small portion of the site drains into an existing drainage swale at the south end of the site, which discharges into the Wapato Creek. A portion of the driveway drains west, towards Alexander Ave East then south towards an existing catch basin that drains into Wapato Creek. All three of these discharge locations are within  $\frac{1}{4}$ -mile within each other. Wapato Creek ultimately discharges into the Blair Waterway.

The stormwater is currently routed through an oil/water separator located north of the project limits. Limited information is known about this oil/water separator.

No water from offsite locations enters or crosses the site. Also, no known historical drainage problems exist on the project site.

The project site is part of the Port of Tacoma tideland area and is mapped Zone C on the Flood Insurance Rate Map. Zone C represents an area of minimal flooding. Wapato Creek to the west of the project site is mapped Zone A (Zone A consists of areas of 100-year flood where base flood elevations and flood hazard factors have not been determined). There are no known unstabilized steep slopes. Wapato Creek runs north and south along the west side of the project limits, and has a 150 foot buffer along with steep slopes. Wapato Creek is a jurisdiction stream that was re-routed during legal fill activities and considered a fish bearing stream. The project will encroach and be within this buffer.

The entire project falls within an aquifer recharge area. One well exist to the east of the project but falls outside of the 100 foot limit. There are no known septic systems within 100 feet of the project limits, and no known existing fuel tanks within the project limits.

There are no Superfund areas within the project limits. The nearest Superfund area is the Sitzcum Cleanup located approximately 2.2 miles north of the project site. There are no Superfund areas that drain to or receive drainage from the site.

## 1.2 Proposed Construction Activities

### *Description of site development:*

The proposed project will replace an 8-foot wide by 6-foot tall corrugated metal pipe (CMP) arch culvert with a pile-supported bridge across Wapato Creek. The culvert located under the Pierce County Terminal (PCT) Truck Queue access road has deteriorated to the point of not having enough structural integrity to withstand applied loads. The CMP culvert is buckling from the top and from the west; the culvert is beyond repair and must be replaced. The Port proposes to replace the failing culvert with a new pile-supported bridge that will allow for better fish access and provide more water flow capacity during high-tide/high-flow events. The failing culvert and associated earthen road prism will be removed once the new bridge is installed. The replacement bridge will fully span the bank-full width of Wapato Creek and the piles will be located above mean higher high water (MHHW) (+11.8 feet mean lower low water [MLLW]). The project area is approximately 1.25 acres. Use of the facility will not change as a result of the project; the site will remain a queuing area for trucks waiting to enter PCT, a storage lot of imported vehicles and/or other marine cargo transport support functions.

A replacement driveway at Alexander Avenue and additional pavement on-site will be done to allow truck queuing operations to continue. An existing stormwater outfall in the project vicinity is broken due to scour of the Wapato Creek bank. This portion of the bank will be filled and the outfall restored as part of this project.

### *Description of construction activities:*

Construction activities will include installation of TESC BMPs which will involve dewatering measures for Wapato Creek. Demolition of the driveway will include removal of the temporary bridge structure, removal of the culvert, and cut and cap of utilities underneath the driveway. Excavation of soil beneath the existing driveway will be done to restore the creek to a more natural width. Some pavement removal and fence removal will be done as part of this project.

Proposed construction will include the construction of a new driveway and concrete span bridge crossing Wapato Creek to the south of the existing driveway for this site. New pavement and fencing will be installed to maintain the existing functions of the site. Restoration of the creek after removal of the existing driveway will be done to stabilize the disturbed bank and creek bed. An outfall pipe that has broken due to bank scour will be restored. New stormwater conveyance and treatment will be installed to the east of Wapato Creek.

### *Description of site drainage:*

The entire project site drains to the Wapato Creek. The stormwater is collected via onsite catch basins then piped to Wapato Creek via a 36" pipe located north of the project. A small portion of the site drains into an existing drainage swale at the south end of the site, which discharges into

the Wapato Creek. A portion of the existing driveway drains west, towards Alexander Ave East then south towards an existing catch basin that drains into Wapato Creek; this catch basin drains to a broken outfall to be repaired. All three of these discharge locations are within  $\frac{1}{4}$ -mile of each other. Wapato Creek ultimately discharges into the Blair Waterway.

A portion of the onsite stormwater is currently routed through a modular wetland system in nearly the center of the site. The modular wetland system treats approximately 1.79 acres of pollution generating impervious surface (PGIS).

No water from offsite locations enters or crosses the site. Also, no known historical drainage problems exist on the project site.

This project proposes new conveyance and a StormFilter catch basin will be installed to treat approximately 0.40 acres of pavement. This project does not propose any new outfalls to Wapato Creek.

*Contaminated Site Information:*

There are no known existing contaminated soils or groundwater.

## 2.0 Construction Stormwater BMPs

### 2.1 The BMP Elements

Certain BMPs have been identified for each of the following elements. However, the SWPPP should be updated with other BMPs from the Stormwater Management Manual for Western Washington as necessary to adequately address these elements if the listed BMPs are not sufficient during construction. The Contractor is responsible for implementing appropriate BMPs to adequately address these BMP elements.

#### 2.1.1 Element #1 – Mark Clearing Limits

To protect adjacent properties and to reduce the area of soil exposed to construction, the limits of construction will be clearly marked before land-disturbing activities begin. Trees that are to be preserved, as well as all sensitive areas and their buffers, shall be clearly delineated, both in the field and on the plans. In general, natural vegetation and native topsoil shall be retained in an undisturbed state to the maximum extent possible.

*List and describe BMPs:*

- BMP C101: Preserving Natural Vegetation
- BMP C102: Buffer Zones
- BMP C233: Silt Fence

Work below MHHW shall be limited to the work shown on plans to the maximum extent feasible. Proper flagging shall take place to identify the MHHW line and prevent unnecessary disturbance of vegetation or soil below this line.

*Installation Schedules:*

Clearing limit BMPs shall be properly implemented prior to performing site disturbing activities.

*Inspection and Maintenance plan:*

The site CESCL shall inspect and monitor the site and maintain proper delineation of buffers and project limits. All staking, flagging, and fencing should be routinely inspected and improved if there is any uncertainty regarding project limits or important buffers.

## **2.1.2 Element #2 – Establish Construction Access**

Construction access or activities occurring on unpaved areas shall be minimized, yet where necessary, access points shall be stabilized to minimize the tracking of sediment onto public roads. Wheel washing and street sweeping will be implemented as necessary to prevent sediment tracking onto public roads.

*List and describe BMPs:*

- BMP C105: Stabilized Construction Entrance

*Installation Schedules:*

A construction entrance shall be established prior to the commencement of construction.

*Inspection and Maintenance plan:*

Construction entrance and its ingress into Alexander Avenue shall be inspected for sediment tracking onto the pavement. Street sweeping shall be done as necessary to keep the road free of sediment. If sediment is not being prevented from tracking onto the pavement, a wheel wash may be used. The site should be monitored for any issues regarding unintended site ingress/egress locations. Flagging and signage shall be used to limit vehicle traffic to the construction entrance identified on the plans.

### **2.1.3 Element #3 – Control Flow Rates**

In order to protect the properties and waterways downstream of the project site, stormwater discharges from the site will be controlled.

*List and describe BMPs:*

- BMP C235: Wattles

*Installation Schedules:*

All wattle identified on plans shall be installed along with other TESC measures prior to commencement of construction. Additional wattle shall be installed as deemed necessary by CESCL.

*Inspection and Maintenance plan:*

Site walks shall be performed to identify areas where flow rate is a concern. Wattle shall be installed to dissipate energy and prevent erosion of slopes at natural flow lines. Any installed wattle shall be inspected for damage and repaired or replaced as necessary.

### **2.1.4 Element #4 – Install Sediment Controls**

All stormwater runoff from disturbed areas shall pass through an appropriate sediment removal BMP before leaving the construction site or prior to being discharged to an infiltration facility.

*List and describe BMPs:*

- BMP C220: Storm Drain Inlet Protection
- BMP C233: Silt Fence
- BMP C235: Wattles

*Installation Schedules:*

BMPs shall be installed prior the commencement of construction. All storm drain inlets within 500 feet of construction activities shall receive inlet protection.

*Inspection and Maintenance plan:*

BMPs shall be inspected routinely for damage or sediment build up. Damaged BMPs shall be repaired or replaced. Inlet protections shall be cleaned or replaced after storm events or inserts are more than a third full of sediment.

### **2.1.5 Element #5 – Stabilize Soils**

Exposed and unworked soils shall be stabilized with the application of effective BMPs to prevent erosion throughout the life of the project. From October 1 through April 30, no soils shall remain exposed and unworked for more than 2 days. From May 1 to September 30, no soils shall remain exposed and unworked for more than 7 days. This stabilization requirement applies to all soil as on site, whether at final grade or not. Land disturbing construction should be planned around schedule, weather forecasts, and other construction activities to best minimize exposure of soils.

*List and describe BMPs:*

- BMP C120: Temporary and Permanent Seeding
- BMP C122: Nets and Blankets
- BMP C123: Plastic Covering
- BMP C140: Dust Control

*Installation Schedules:*

Stabilization shall be implemented prior to any forecast weather conditions or anticipated construction delays that would lead to exposure beyond the thresholds listed above. Work should be staged to the maximum extent feasible so that permanent stabilization measures can be implemented immediately after soil has been worked to its finished grade. When stockpiling of soil is necessary, the stockpile shall be located so that BMPs can be easily and effectively applied to stabilize the soil.

*Inspection and Maintenance plan:*

CESCL and the Contractor shall communicate regarding any worked soil that is or will soon be left exposed. CESCL shall be responsible for determining when and what BMPs shall be used as they relate to duration of exposure and forecasted weather.

In general, cut and fill slopes will be stabilized as soon as possible and soil stockpiles will be temporarily covered with plastic sheeting. All stockpiled soils shall be stabilized from erosion, protected with sediment trapping measures, and where possible, be located away from storm drain inlets, waterways, and drainage channels.

### **2.1.6 Element #6 – Protect Slopes**

All cut and fill slopes will be designed, constructed, and protected in a manner that minimizes erosion. To the maximum extent feasible, work shall be staged to minimize the necessity for temporary slope protection and allow for permanent slope stabilization to be applied after soil has been worked to finished grade.

*List and describe BMPs:*

- BMP C120: Temporary and Permanent Seeding
- BMP C122: Nets and Blankets

*Installation Schedule:*

Work shall be staged in a manner that minimizes the exposure of unprotected slopes. When possible, slopes should be worked to their finished grade in a quick and timely manner that allows for immediate installation of permanent slope stabilization rather than temporary measures.

*Inspection and Maintenance plan:*

Inspect exposed slopes for erosion concerns and apply BMPs as determined by the CESCL.

**2.1.7 Element #7 – Protect Drain Inlets**

All storm drain inlets and culverts made operable during construction shall be protected to prevent unfiltered or untreated water from entering the drainage conveyance system. However, the first priority is to keep all access roads clean of sediment and keep street wash water separate from entering storm drains until treatment can be provided. Storm Drain Inlet Protection (BMP C220) will be implemented for all drainage inlets and culverts that could potentially be impacted by sediment-laden runoff on and near the project site.

*List and describe BMPs:*

- BMP C220: Storm Drain Inlet Protection

*Installation Schedule:*

Existing inlets within 500 feet of construction activities shall receive inlet protection prior to the commencement of construction. Proposed structures shall receive inlet protection after they have been installed. Inlet protection shall be maintained for the duration of the project at all structures.

*Inspection and Maintenance plan:*

Inlet protections shall be inspected routinely and after any storm events for damage or sediment build up. Catch basin inserts shall be cleaned when over a third of the insert is full of sediment.

**2.1.8 Element #8 – Stabilize Channels and Outlets**

Where site runoff is to be conveyed in channels, or discharged to a stream or some other natural drainage point, efforts will be taken to prevent downstream erosion.

*List and describe BMPs:*

- BMP C209: Outlet Protection

Outlet protection shall be installed at the repaired outfall. Slope shall be stabilized around the outfall to prevent further scour of the bank.

*Installation Schedule:*

Outfall protection shall be installed at the time the outfall repair is made.

### **2.1.9 Element #9 – Control Pollutants**

All pollutants, including waste materials and demolition debris, that occur onsite shall be handled and disposed of in a manner that does not cause contamination of stormwater. Good housekeeping and preventative measures will be taken to ensure that the site will be kept clean, well-organized, and free of debris. Whenever feasible, materials should be handled, stored, and contained at off-site facilities that are well equipped to deal with pollutants. In addition to these BMPs, the BMPs from other elements shall be implemented to prevent pollutants from leaving the site or contaminating stormwater.

*List and describe BMPs:*

- BMP C151: Concrete Handling
- BMP C152: Sawcutting and Surfacing Pollution Prevention
- BMP C153: Material Delivery, Storage, and Containment

*Installation Schedule:*

BMPs for concrete handling, sawcutting, or other pollution-generating activities should be ready prior to the commencement of those activities. Concrete washout shall be done offsite. When hazardous or pollution generating materials must be stored on-site. The Contractor shall utilize suitable areas for staging.

*Inspection and Maintenance plan:*

CESCL shall monitor pollution-generating activities and materials and implement BMPs listed above and/or alternate BMPs as necessary to properly control pollutants.

### **2.1.10 Element #10 – Control Dewatering**

Wapato Creek will be dewatered in order to perform work within the creek bed. This dewatering approach is outlined in the site plan figures attached as Appendix A of this document.

### **2.1.11 Element #11 – Maintain BMPs**

All temporary and permanent erosion and sediment control BMPs shall be maintained and repaired as needed to assure continued performance of their intended function. Maintenance and repair shall be conducted in accordance with each particular BMPs specifications (attached).

Visual monitoring of the BMPs will be conducted at least once every calendar week and within 24 hours of any stormwater or non-stormwater discharge from the site. If the site becomes inactive, and is temporarily stabilized, the inspection frequency will be reduced to once every month.

All temporary erosion and sediment control BMPs shall be removed within 30 days after the final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on site. Disturbed soil resulting from removal of BMPs or vegetation shall be permanently stabilized.

*List and describe BMPs:*

- BMP C150: Materials on Hand
- BMP C160: Erosion and Sedimentation Control Lead

*Installation Schedule:*

Contractor shall have materials readily available to address erosion and sediment concerns as they arise.

*Inspection and Maintenance plan:*

All BMPs should be regularly inspected to assure they are achieving their intended function.

### **2.1.12 Element #12 – Manage the Project**

*List and describe BMPs:*

- BMP C160: Erosion and Sedimentation Control Lead

Erosion and sediment control BMPs for this project have been designed based on the following principles:

- Design the project to fit the existing topography, soils, and drainage patterns.
- Emphasize erosion control rather than sediment control.
- Minimize the extent and duration of the area exposed.
- Keep runoff velocities low.
- Retain sediment on site.

- Thoroughly monitor site and maintain all ESC measures.

In addition, project management will incorporate the key components listed below:

As this project site is located west of the Cascade Mountain Crest, the project will be managed according to the following key project components:

#### Phasing of Construction

- The construction project is being phased to the extent practicable in order to prevent soil erosion, and, to the maximum extent possible, the transport of sediment from the site during construction.

#### Seasonal Work Limitations

- From October 1 through April 30, clearing, grading, and other soil disturbing activities shall only be permitted if shown to the satisfaction of the local permitting authority that silt-laden runoff will be prevented from leaving the site through a combination of the following:
  - Site conditions including existing vegetative coverage, slope, soil type, and proximity to receiving waters; and
  - Limitations on activities and the extent of disturbed areas; and
  - Proposed erosion and sediment control measures.
- Based on the information provided and/or local weather conditions, the local permitting authority may expand or restrict the seasonal limitation on site disturbance.
- The following activities are exempt from the seasonal clearing and grading limitations:
  - Routine maintenance and necessary repair of erosion and sediment control BMPs;
  - Routine maintenance of public facilities or existing utility structures that do not expose the soil or result in the removal of the vegetative cover to soil; and
  - Activities where there is 100 percent infiltration of surface water runoff within the site in approved and installed erosion and sediment control facilities.

## Tidal Influence

- Wapato Creek is a tidally influenced waterbody
  - Dewatering measures have been taken into account the tidal influence downstream of the project. Water levels vary not only due to storm events but also due to tide changes.
  - Contractor and CESCL should be aware of tide changes and extent of influence a particular tide will have on construction activities.

## Coordination with Utilities and Other Jurisdictions

- Care has been taken to coordinate with utilities, other construction projects, and the local jurisdiction in preparing this SWPPP and scheduling the construction work.

## Inspection and Monitoring

- All BMPs shall be inspected, maintained, and repaired as needed to assure continued performance of their intended function. Site inspections shall be conducted by a person who is knowledgeable in the principles and practices of erosion and sediment control. This person has the necessary skills to:
  - Assess the site conditions and construction activities that could impact the quality of stormwater, and
  - Assess the effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.
- A Certified Erosion and Sediment Control Lead shall be on-site or on-call at all times.
- Whenever inspection and/or monitoring reveals that the BMPs identified in this SWPPP are inadequate, due to the actual discharge of or potential to discharge a significant amount of any pollutant, appropriate BMPs or design changes shall be implemented as soon as possible.

## Maintaining an Updated Construction SWPPP

- This SWPPP shall be retained on-site or within reasonable access to the site.

- The SWPPP is not a static document; it shall be modified whenever there is a change in the design, construction, operation, or maintenance at the construction site that has, or could have, a significant effect on the discharge of pollutants to waters of the state.
- The SWPPP shall be modified if, during inspections or investigations conducted by the owner/operator, or the applicable local or state regulatory authority, it is determined that the SWPPP is ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the site. The SWPPP shall be modified as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the SWPPP shall be completed within seven (7) days following the inspection.

#### **2.1.13 Element #13 – Protect Permanent Stormwater BMPs**

*List and describe BMPs:*

- BMP C160: Erosion and Sedimentation Control Lead

Permanent facilities shall receive proper protection after their installation. Facilities within high traffic areas that are prone to damage from construction should be flagged, coned, or delineated in some way to prevent incidental damage during construction. Temporary construction BMPs shall be installed and protected in a way that prevents damage from construction activities. Damaged BMPs should be repaired or replaced.

### **3.0 Pollution Prevention Team**

Names and contact information for those identified as members of the pollution prevention team are provided in the following table.

Title	Name(s)	Phone Number
Certified Erosion and Sediment Control Lead (CESCL)	TBD	~
Resident Engineer	TBD	~
Emergency Ecology Contact	TBD	~
Emergency Owner Contact	TBD	~
Non-Emergency Ecology Contact	TBD	~
Monitoring Personnel	TBD	~

## 4.0 Monitoring and Sampling Requirements

Monitoring includes visual inspection, sampling for water quality parameters of concern, and documentation of the inspection and sampling findings in a site log book. A site log book will be maintained for all on-site construction activities and will include:

- A record of the implementation of the SWPPP and other permit requirements;
- Site inspections; and,
- Stormwater sampling data.

A blank site inspection form has been included as Appendix D of this SWPPP. This SWPPP may function as the site log book if desired, or the forms may be separated and included in a separate site log book. However, if separated, the site log book but must be maintained on-site or within reasonable access to the site and be made available upon request to Ecology or the local jurisdiction.

### 4.1 Site Inspection

All BMPs will be inspected, maintained, and repaired as needed to assure continued performance of their intended function. The inspector will be a Certified Erosion and Sediment Control Lead (CESCL) per BMP C160. The name and contact information for the CESCL shall be provided by the Contractor on the cover of this SWPPP and in Section 3.2.

Site inspection will occur in all areas disturbed by construction activities and at all stormwater discharge points. Stormwater will be examined for the presence of suspended sediment, turbidity, discoloration, and oily sheen. The site inspector will evaluate and document the effectiveness of the installed BMPs and determine if it is necessary to repair or replace any of the BMPs to improve the quality of stormwater discharges. All maintenance and repairs will be documented in the site log book or forms provided in this document. All new BMPs or design changes will be documented in the SWPPP as soon as possible.

#### 4.1.1 Site Inspection Frequency

Site inspections will be conducted at least once a week and within 24 hours following any discharge from the site. For sites with temporary stabilization measures, the site inspection frequency can be reduced to once every month.

#### 4.1.2 Site Inspection Documentation

The site inspector will record each site inspection using the site log inspection forms provided in Appendix E. The site inspection log forms may be separated from this SWPPP document, but

will be maintained on-site or within reasonable access to the site and be made available upon request to Ecology or the local jurisdiction.

## 4.2 Stormwater Quality Monitoring

**Cumulative soil disturbance is less than one (1) acre; therefore,** Discharge Monitoring Reports (DMRs) will not be submitted to Ecology because water quality sampling is not being conducted at the site.

## 5.0 Discharges to 303(d) or Total Maximum Daily Load (TMDL) Waterbodies

### 5.1 303(d) Listed Waterbodies

Wapato Creek is a 303(d) waterbody but is not impaired (Category 5) for turbidity, fine sediment, phosphorus, or pH.

### 5.2 TMDL Waterbodies

N/A

## 6.0 Reporting and Recordkeeping

### 6.1 Recordkeeping

#### 6.1.1 Site Log Book

A site log book will be maintained for all on-site construction activities and will include:

- A record of the implementation of the SWPPP and other permit requirements
- Site inspections; and,
- Sample logs.

For convenience, the inspection form and water quality monitoring forms included in this SWPPP include the required information for the site log book.

### **6.1.2 Records Retention**

Records will be retained during the life of the project and for a minimum of three (3) years following the termination of permit coverage in accordance with Special Condition S5.C of the CSWGP.

Permit documentation to be retained on-site:

- CSWGP
- Permit Coverage Letter
- SWPPP
- Site Log Book

Permit documentation will be provided within 14 days of receipt of a written request form Ecology. A copy of the SWPPP or access to the SWPPP will be provided when requested in writing in accordance with Special Condition S5.G.2.b of the CSWGP.

### **6.1.3 Updating the SWPPP**

The SWPPP will be modified if:

- Found ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the site.
- There is a change in design, construction, operation, or maintenance at the construction site that has, or could have, a significant effect on the discharge of pollutants to waters of the State.

The SWPPP will be modified within seven (7) days if inspection(s) or investigation(s) determine additional or modified BMPs are necessary for compliance. An updated timeline for BMP implementation will be prepared.

## **6.2 Reporting**

### **6.2.1 Discharge Monitoring Reports**

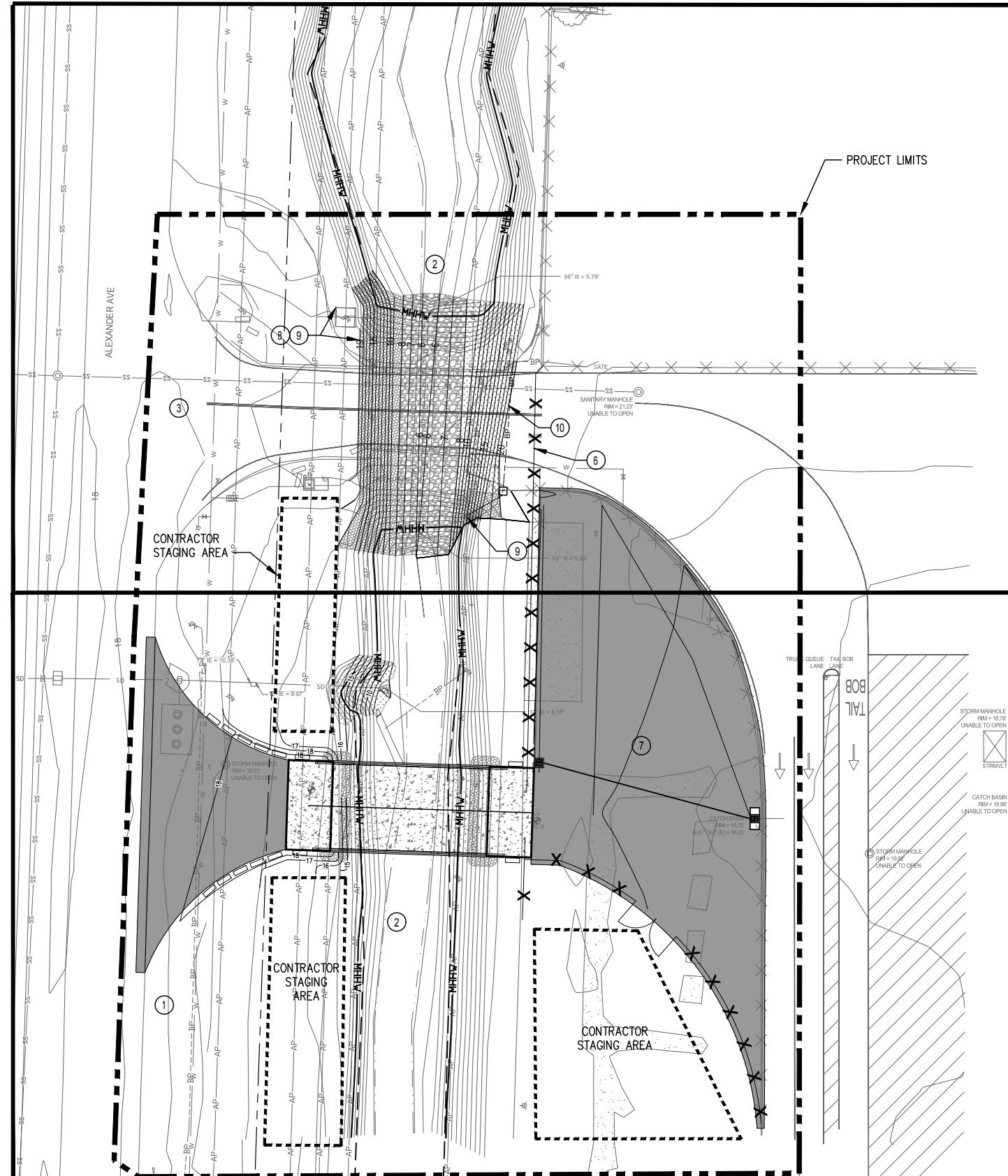
**Cumulative soil disturbance is less than one (1) acre; therefore,** Discharge Monitoring Reports (DMRs) will not be submitted to Ecology because water quality sampling is not being conducted at the site.

### **6.2.2 Notification of Noncompliance**

If any of the terms and conditions of the permit is not met, and it causes a threat to human health or the environment, the following steps will be taken:

1. Ecology will be notified within 24-hours of the failure to comply by calling the regional office (Southwest Region) ERTS phone number, (360) 407-6300.
2. Immediate action will be taken to prevent the discharge/pollution or otherwise stop or correct the noncompliance. If applicable, sampling and analysis of any noncompliance will be repeated immediately and the results submitted to Ecology within five (5) days of becoming aware of the violation.
3. A detailed written report describing the noncompliance will be submitted to Ecology within five (5) days, unless requested earlier by Ecology.

## **Appendix A – Site Plans**



0 30 60 90  
SCALE IN FEET

## SEQUENCING NOTES

- ESTABLISH AND MAINTAIN TEMPORARY CONSTRUCTION SITE ACCESS ENTRANCE.
- INSTALL NECESSARY TESC/DEWATERING MEASURES. KEEP WITHIN THE LIMITS OF WORK SHOWN.
- MINIMIZE IMPACT TO TRAFFIC AT EXISTING PORTAC DRIVEWAY. TRUCK TRAFFIC MUST CONTINUE UNINTERRUPTED DURING CONSTRUCTION.
- CONTRACTOR SHALL PREPARE AND EXECUTE A WORK PLAN TO COMPLETE AREA 2 WORK PRIOR TO DEMOLITION WITHIN AREA 1.
- COMPLETE DEMOLITION AS SHOWN ON SHEETS D1.1 AND D1.2.
- COMPLETE CONSTRUCTION OF ALL FENCE AND APPURNEANT COMPONENTS ALONG WITH AREA 2 WORK. MAINTAIN A SECURE SITE WITH RESTRICTED ACCESS TO PORTAC AT ALL STAGES OF CONSTRUCTION.
- COMPLETE SITE WORK AS SHOWN ON SHEETS C1.1-C2.2.
- RESTRICT CONSTRUCTION EQUIPMENT ACCESS NEAR EXISTING TRANSMISSION LINE.
- PROTECT TRANSMISSION LINE, EXISTING POWER POLE, AND STABILIZE CREEK BANK WITH RIPRAP.
- PROVIDE CREEK BANK RESTORATION AND PLANTING.

## LEGEND

- — — ORDINARY HIGH WATER MARK
- MHHW — MEAN HIGHER HIGH WATER
- — — PROPOSED HMA
- - - - - CONTRACTOR STAGING AREA

**G1.3**

**WAPATO CREEK BRIDGE AT PARCEL 15**

**CONSTRAINTS AND SEQUENCING PLAN**



**Port of Tacoma**

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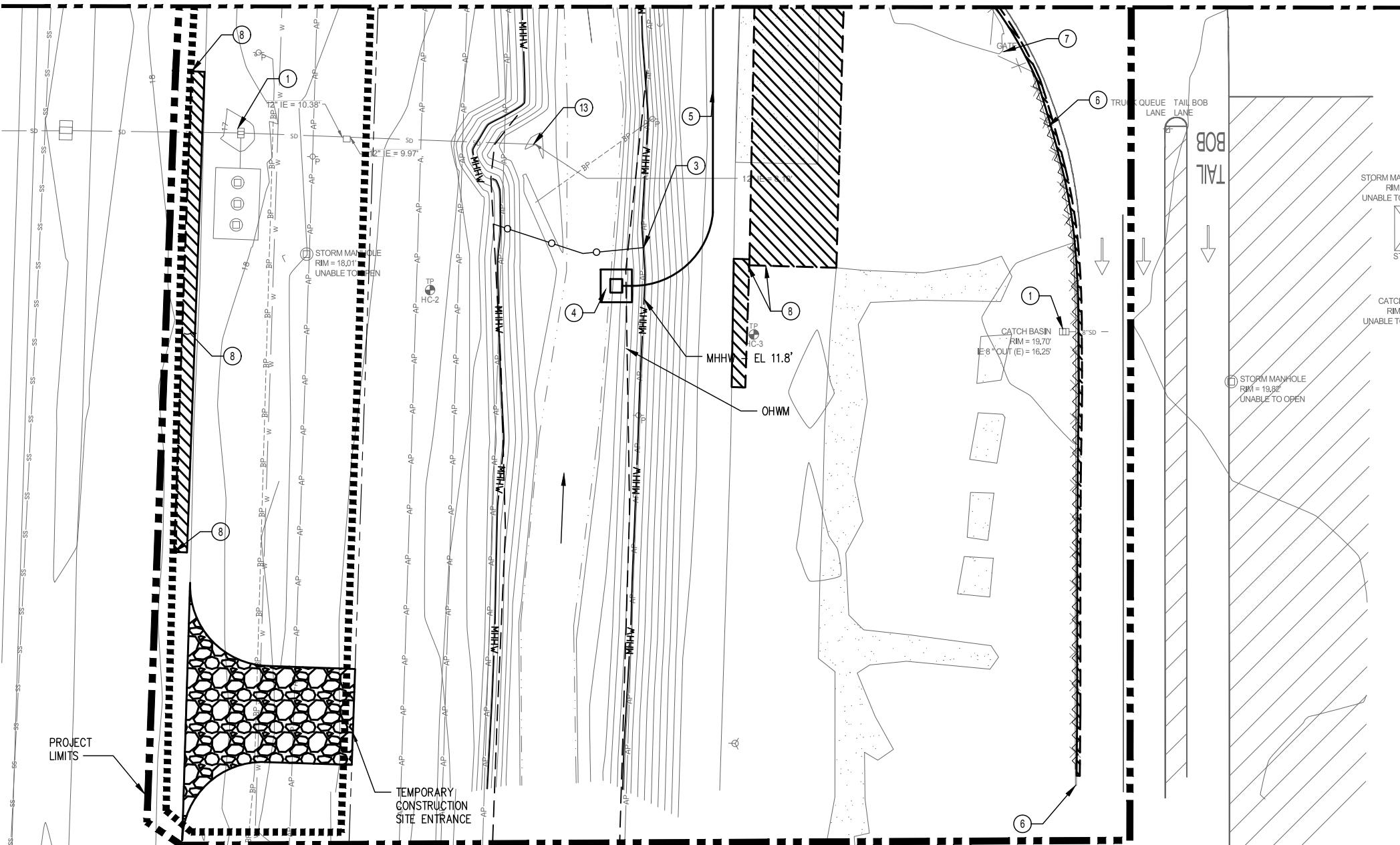
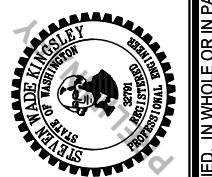
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**MATCH LINE SEE SHEET D1.1**

## DEMOLITION NOTES

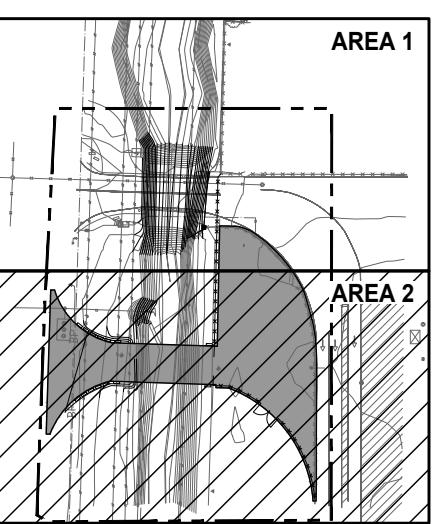
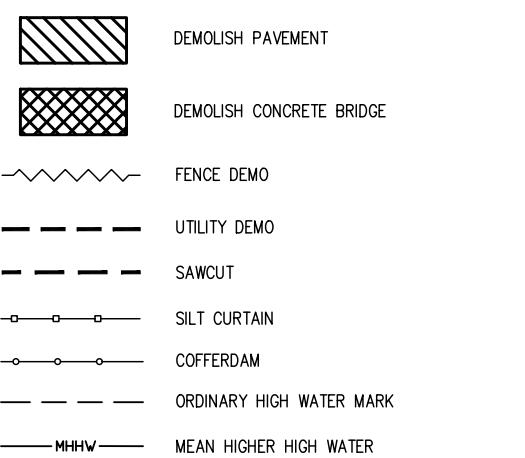
1. CONTRACTOR SHALL CALL FOR UTILITY LOCATES AND LOCATE EXISTING UTILITIES IN THE ROADWAY AND ON-SITE PRIOR TO BEGINNING ANY DEMOLITION OR EXCAVATION.
2. REFERENCE DOCUMENTS AND RECORD DRAWINGS HAVE BEEN MADE AVAILABLE AS PART OF THE CONTRACT SPECIFICATIONS. SEE REFERENCE DOCUMENTS FOR EXISTING CONDITIONS AND DETAIL FOR DEMOLITION OF THE EXISTING BRIDGE STRUCTURE ON TOP OF EXISTING CULVERT.
3. EXISTING CREEK SHALL NOT BE DISTURBED BEYOND THE LIMITS IDENTIFIED, OR AS DIRECTED BY THE PORT.
4. ALL EXISTING UTILITIES SHALL BE PROTECTED UNLESS OTHERWISE NOTED.
5. COORDINATE WITH PORT FOR ECOLOGY BLOCK STOCKPILE LOCATION.
6. EXISTING FENCE POSTS SHALL BE CUT AND GROUNDED TO EXISTING GRADE.
7. DEWATERING SEQUENCE SHOWN REPRESENTS A POSSIBLE CONSTRUCTION SEQUENCE. THE SEQUENCE IS FOR INFORMATION ONLY AND NOT INTENDED TO DICTATE METHODS OF STREAM DEWATERING. A DEWATERING PLAN SHALL BE DEVELOPED AND MAINTAINED BY CONTRACTOR WITHIN THE CONSTRAINTS IDENTIFIED ON G1.3, AND CURRENT TIDE INFORMATION. NO IN-WATER WORK SHALL BE PERFORMED WITHIN 2 DAYS OF A SIGNIFICANT RAIN EVENT TO LIMIT DEWATERING. WAPATO CREEK FLOWS: 10-YEAR FLOOD (10% ANNUAL CHANCE): 176 CFS
8. EXISTING 12"Ø OUTFALL TO BE REPAIRED. EXISTING PIPE APPEARS SOUND AND ADEQUATE FOR REINSTALLATION ALONG WITH BANK RESTORATION.



## KEYNOTES

① INSTALL INLET PROTECTION	⑨ DEMOLISH PAVEMENT
② INSTALL SILT CURTAIN	⑩ CUT AND CAP EXISTING UTILITIES
③ INSTALL WATER/GRAVEL FILLED COFFERDAM, SEE DETAIL 3 ON SHEET D1.3	⑪ REMOVE AND STOCKPILE ECOLOGY BLOCKS FOR REUSE
④ INSTALL SCREENED PUMP WITH SEDIMENT TRAP	⑫ DEMOLISH AND DISPOSE OF EXISTING 96"Ø CMP CULVERT
⑤ DEWATERING DISCHARGE LINE	⑬ REMOVE AND STOCKPILE EXISTING 12"Ø CONC PIPE
⑥ REMOVE EXISTING FENCE	⑭ REMOVE TRAFFIC SIGN AND SALVAGE
⑦ REMOVE EXISTING GATE	⑮ RELOCATE VAULT AND UNDERGROUND POWER, SEE C1.1
⑧ SAWCUT PAVEMENT	⑯ REMOVE EXISTING BRIDGE

## LEGEND:

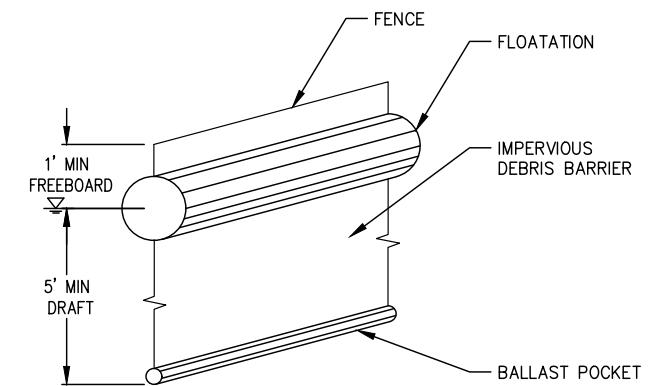


## KEY PLAN

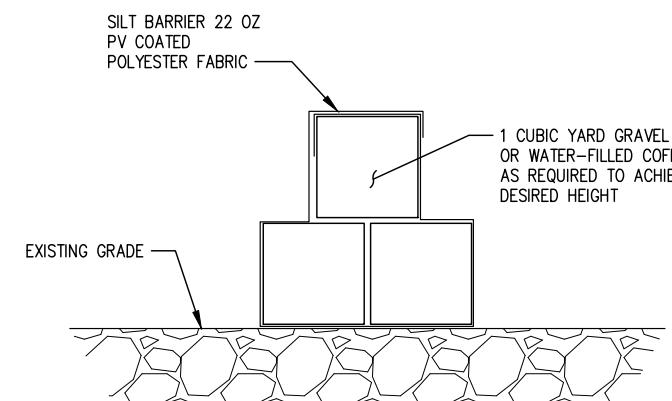
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## TEMPORARY EROSION AND SEDIMENT CONTROL (TESC) GENERAL NOTES:

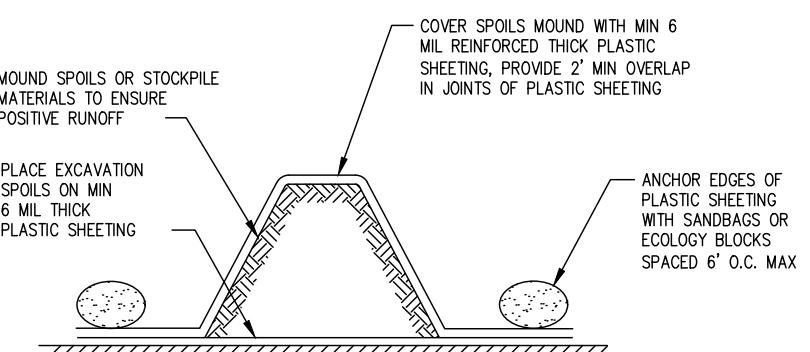
- THE IMPLEMENTATION OF THESE PLANS AND THE CONSTRUCTION, REGULAR REVIEW, MAINTENANCE, REPLACEMENT, AND CONSTRUCTION STORMWATER POLLUTION PREVENTION PLAN (SWPPP), AND UPGRADING THESE FACILITIES IS THE RESPONSIBILITY OF THE CONTRACTOR IN ACCORDANCE WITH PROJECT SPECIFICATIONS AND PLANS UNTIL ALL CONSTRUCTION IS APPROVED AND ACCEPTED BY THE ENGINEER.
- THE TESC FACILITIES SHOWN ON THIS PLAN SHALL BE CONSTRUCTED PRIOR TO ALL CLEARING AND DEMOLITION SO AS TO ENSURE THAT TRANSPORT OF SEDIMENT TO SURFACE WATERS, DRAINAGE SYSTEMS, AND ADJACENT PROPERTIES IS MINIMIZED. THE TYPICAL WET SEASON RUNS FROM OCTOBER 1 THROUGH APRIL 30, AND THE DRY SEASON FROM MAY 1 THROUGH SEPTEMBER 30.
- THE TESC FACILITIES SHALL BE INSPECTED DAILY BY THE TESC SUPERVISOR AND MAINTAINED TO ENSURE CONTINUED PROPER FUNCTIONING IN ACCORDANCE WITH THE SPECIFICATIONS. WRITTEN RECORDS SHALL BE KEPT OF TESC INSPECTIONS WEEKLY DURING THE WET SEASON AND MONTHLY DURING THE DRY SEASON.
- CONTRACTOR SHALL MAINTAIN EROSION CONTROL MEASURES SHALL BE MAINTAINED AT ALL TIMES TO THE REQUIREMENTS OF THE PERMITS, SPECIFICATIONS AND MINIMUM REQUIREMENTS SHOWN IN PLANS.
- THE TESC MEASURES SHOWN ON THESE PLANS ARE MINIMUM REQUIREMENTS. SHOULD TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES, AS SHOWN ON THE PLANS BECOME INADEQUATE, THE CONTRACTOR SHALL INSTALL BMPs AND/OR FACILITIES AS NECESSARY TO PROTECT ADJACENT PROPERTIES, WATERBODIES, CITY OF TACOMA DRAINAGE SYSTEM, AND EXISTING PORT DRAINAGE SYSTEMS MEETING THE APPROVAL OF THE ENGINEER.
- AS A GENERAL RULE, ANY AREAS OF EXPOSED SOILS, INCLUDING EMBANKMENTS, THAT WILL NOT BE DISTURBED FOR TWO DAYS DURING THE WET SEASON OR SEVEN DAYS DURING THE DRY SEASON SHALL BE IMMEDIATELY STABILIZED WITH THE APPROVED TESC BMP METHODS.
- INLET PROTECTION SHALL BE INSPECTED AFTER EACH STORM EVENT AND CLEANED OR REPLACED WHEN  $\frac{1}{3}$  FULL.
- THE CONTRACTOR SHALL PROTECT STOCKPILE AND EXCAVATION AREAS FROM THE RELEASE OF SEDIMENT. STOCKPILES SHALL BE COVERED AT ALL TIMES WHILE NOT IN USE TO KEEP THE STORED MATERIAL DRY, AS SHOWN IN DETAIL.
- ALL NON-SALVAGED MATERIAL REMOVED FROM THE SITE SHALL BE PLACED OR DISPOSED OF AT A PERMITTED SITE. CONTRACTOR SHALL OBTAIN CHARACTERIZATION DOCUMENTATION FROM THE ENGINEER FOR ALL MATERIAL PRIOR TO HAUL AND DISPOSAL.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR FULL COMPLIANCE WITH THE WASHINGTON STATE DROPPING LOAD OR OTHER MATERIALS COVERING LAWS (RCW 46.51.655.3/4).
- PAVED AREAS SHALL BE SWEEPED AS NECESSARY TO PREVENT SEDIMENT AND DUST TRACKING ONTO THE PAVED AREAS.
- PREVENTATIVE MEASURES TO MINIMIZE THE WIND TRANSPORT OF SOIL SHALL BE TAKEN WHEN SEDIMENT TRANSPORTED BY THE WIND IS LIKELY TO BE DEPOSITED IN DRAINAGE WAYS, WATER RESOURCES, OR NON-PORT PROPERTY.
- ALL TESC MEASURES SHALL BE REMOVED AND DISPOSED OF AT AN APPROVED SITE UPON PROJECT COMPLETION.



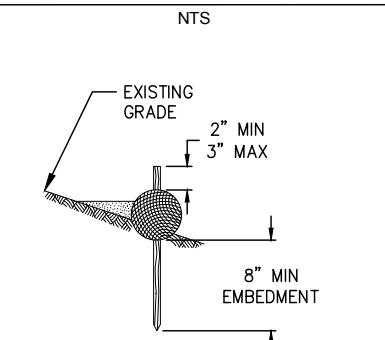
1 SILT CURTAIN NTS



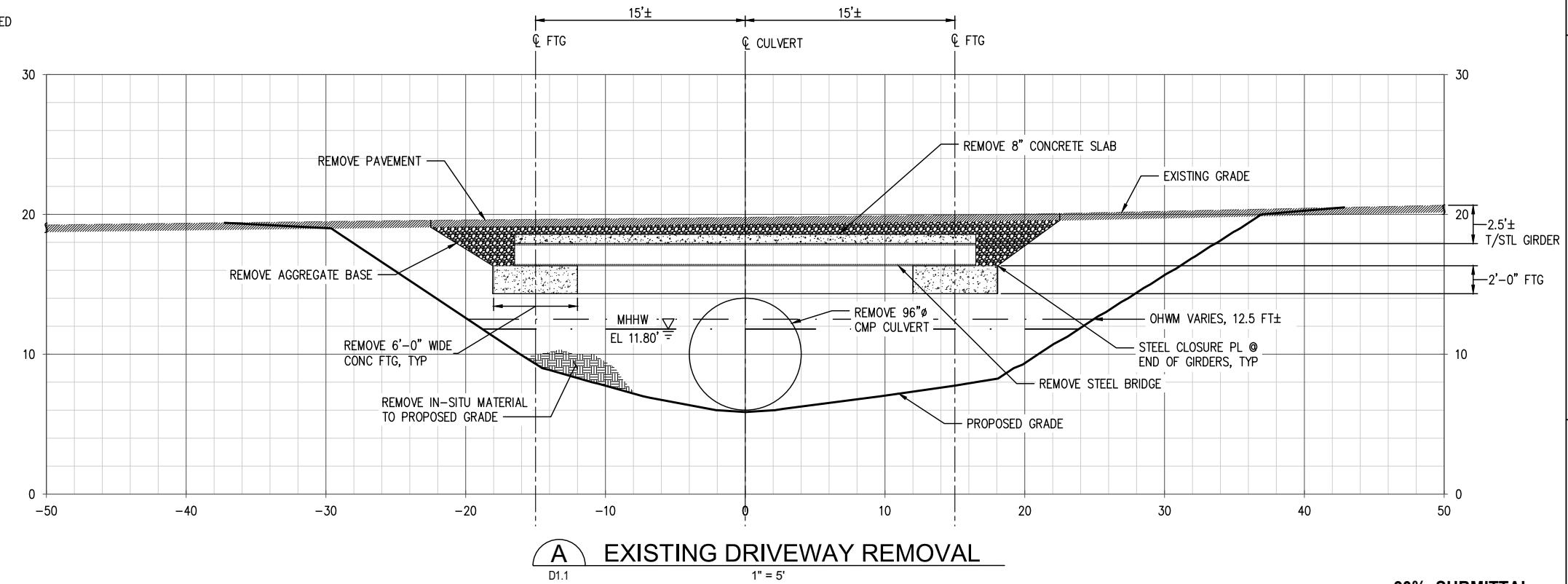
NOTE:  
COFFERDAMS SHALL BE COMPLETELY SEALED TO PREVENT CONCRETE OR OTHER DELETERIOUS PRODUCTS FROM LEACHING INTO THE STREAM. UPON COMPLETION OF THE PROJECT, ALL COFFERDAM MATERIALS SHALL BE REMOVED. HEIGHT TO WIDTH RATIO SHALL BE NO GREATER THAN 2:1.



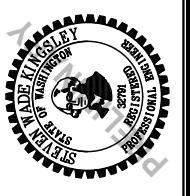
2 STOCKPILE PROTECTION DETAIL NTS



4 STRAW WATTLE DETAIL NTS



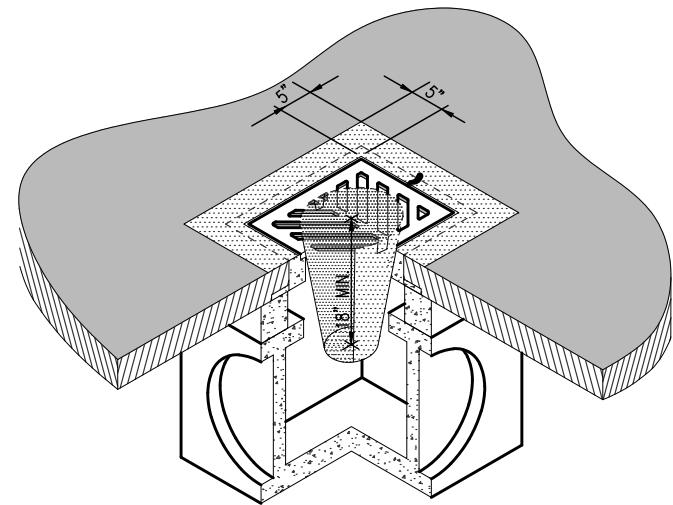
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BY: _____	APPR: _____
DATE: _____	DATE: _____

KPF	
2407 North 21st Street, Suite 100 (253) 396-0150 Fax (253) 396-0162	P.O. Box 1857 TACOMA, WA 98401-1857
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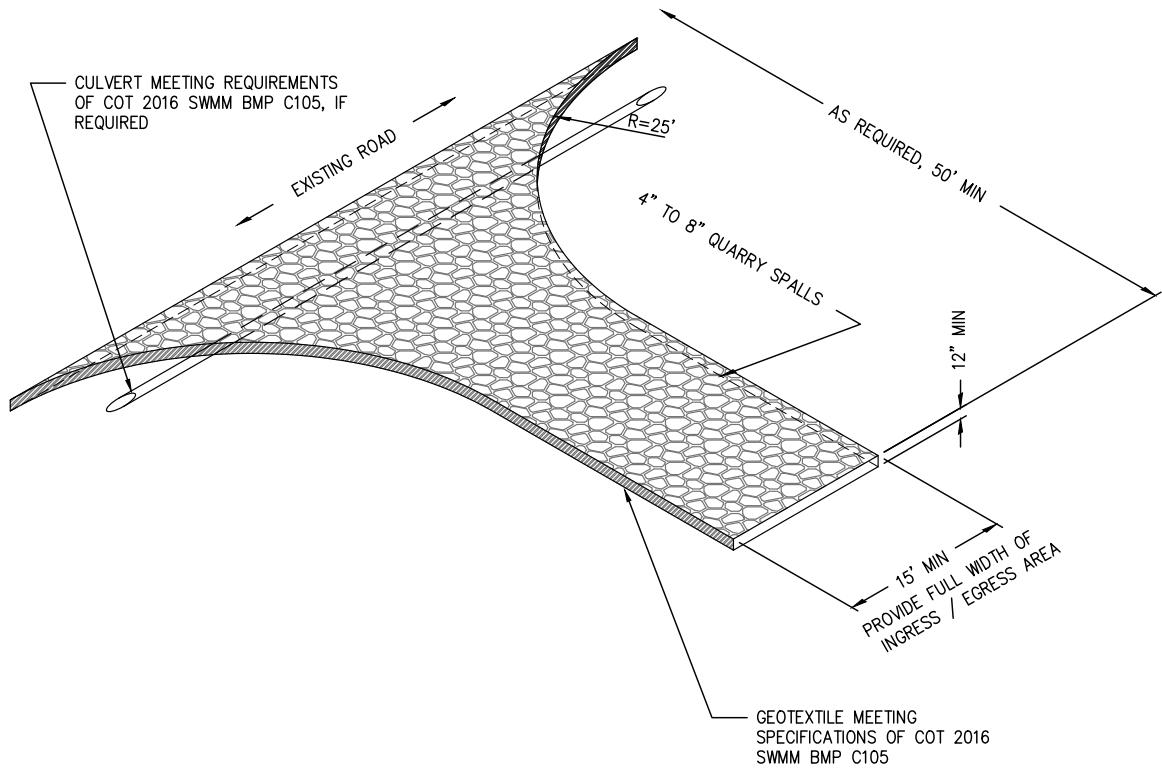


### NOTES:

1. INSERT SHALL BE INSTALLED IN ALL OPERATIONAL CATCH BASINS WITHIN 500 FEET OF WORK LIMITS PRIOR TO CLEARING AND GRADING ACTIVITY, OR UPON PLACEMENT OF A NEW CATCH BASIN.
2. FILTERS SHALL BE INSPECTED AFTER EACH STORM EVENT AND CLEANED OR REPLACED WHEN IT IS 1/3 FULL.
3. SEDIMENT REMOVAL SHALL BE ACCOMPLISHED BY REMOVING THE INSERT, EMPTYING INTO APPROPRIATE DISPOSAL LOCATION, AND REINSERTING IT INTO THE CATCH BASIN.

### 1 INLET PROTECTION DETAIL

NTS



### 2 CONSTRUCTION ENTRANCE

NTS

### MAINTENANCE STANDARDS:

1. QUARRY SPALLS SHALL BE ADDED IF THE PAD IS NO LONGER IN ACCORDANCE WITH THE SPECIFICATIONS.
2. IF THE ENTRANCE IS NOT PREVENTING SEDIMENT FROM BEING TRACKED ONTO PAVEMENT, THEN ALTERNATIVE MEASURES TO KEEP THE STREETS FREE OF SEDIMENT SHALL BE USED. THIS MAY INCLUDE STREET SWEEPING, AN INCREASE IN THE DIMENSIONS OF THE ENTRANCE, OR THE INSTALLATION OF A WHEEL WASH. IF WASHING IS USED, IT SHALL BE DONE ON AN AREA COVERED WITH CRUSHED ROCK, AND WASH WATER SHALL DRAIN TO A SEDIMENT TRAP OR POND.
3. ANY SEDIMENT THAT IS TRACKED ONTO PAVEMENT SHALL BE REMOVED IMMEDIATELY BY SWEEPING. THE SEDIMENT COLLECTED BY SWEEPING SHALL BE REMOVED OR STABILIZED ON-SITE. THE PAVEMENT SHALL NOT BE CLEANED BY WASHING DOWN THE STREET, EXCEPT WHEN SWEEPING IS INEFFECTIVE AND THERE IS A THREAT TO PUBLIC SAFETY. IF IT IS NECESSARY TO WASH THE STREETS, THE CONSTRUCTION OF A SMALL SUMP SHALL BE CONSIDERED. THE SEDIMENT WOULD THEN BE WASHED INTO THE SUMP.
4. ANY QUARRY SPALLS THAT ARE LOOSENED FROM THE PAD AND END UP ON THE ROADWAY SHALL BE REMOVED IMMEDIATELY.
5. IF VEHICLES ARE ENTERING OR EXITING THE SITE AT POINTS OTHER THAN THE CONSTRUCTION ENTRANCE(S), FENCING SHALL BE INSTALLED TO CONTROL TRAFFIC.

90% SUBMITTAL

<b>D1.4</b>		<b>WAPATO CREEK BRIDGE AT PARCEL 15</b>		APPROVED:	CMB 08/02/19	CHECKED BY	DATE
		EROSION CONTROL AND DEMOLITION		SWK	08/02/19	PROJ. ENGR	DATE
9 OF 33		NOTES AND DETAILS		DIRECTOR ENG. DATE	PRINTED BY:		
CONT/CONS: XXXXXX	TOWNSHIP: 20N	RANGE: 03E	SECTION: 01	TEImons Aug 02, 2019	PORT ADDRESS: ONE SITCUM PLAZA		
M. ID: 201070	DAI-HRZ: WA83-SF	MLLW 19.18 @ TIDE 22/1933	VERT: 15	DRAWING SCALE: AS SHOWN	TACOMA, WA 98401-1837		
90% DESIGN	PARCEL: 15						
PHASE:							

*WAPATO CREEK BRIDGE AT PARCEL 15*

*EROSION CONTROL AND DEMOLITION*

*NOTES AND DETAILS*

*SECTION: 01*

*DAI-HRZ: WA83-SF*

*MLLW 19.18 @ TIDE 22/1933*

*VERT: 15*

*DRAWING SCALE: AS SHOWN*

*TACOMA, WA 98401-1837*

*APPR: DATE*

*MARK: REVISION: BY: APPR: DATE*

*P.O. BOX 1837 TACOMA, WA 98401-1837*

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*(253) 396-0150 fax (253) 396-0162*

*Port of Tacoma*

*20181800249 POT PCT Culvert Repair Drawing Current 201070 - D13-D14 (DEMO AND TESC NOTES & DETAILS)*

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## **Appendix B – Construction BMPs**

BMP or Element Name	Element #1 Preserve Vegetation /Mark Clearing Limits	Element #2 Establish Construction Access	Element #5 Stabilize Soils	Element #6 Protect Slopes	Element #8 Stabilize Channel and Outlets	Element #9 Control Pollution	Element #11 Maintain BMP	Element #12 Manage the Project	Element #13 Protect BMPs
BMP C130 Surface Roughening			X	X					
BMP C131 Gradient Terraces			X	X					
BMP C140 Dust Control			X						
BMP C150 Materials on Hand							X	X	
BMP C151 Concrete Handling						X			
BMP C152 Sawcutting and Surfacing Pollution Prevention						X			
BMP C153 Material Delivery, Storage, and Containment						X			
BMP C154 Concrete Washout Area						X			
BMP C160 Certified Erosion and Sediment Control Lead							X	X	
BMP C162 Scheduling								X	
BMP C233 Silt Fence	X								

### **3.1.1 BMP C101: Preserving Natural Vegetation**

#### **3.1.1.1 Purpose**

The purpose of preserving natural vegetation is to reduce erosion wherever practicable. Limiting site disturbance is the single most effective method for reducing erosion. For example, conifers

can hold up to about 50 percent of all rain that falls during a storm. Up to 20-30 percent of this rain may never reach the ground but is taken up by the tree or evaporates. Another benefit is that the rain held in the tree can be released slowly to the ground after the storm.

### **3.1.1.2 Conditions of Use**

Natural vegetation should be preserved on steep slopes, near perennial and intermittent watercourses or swales, in wooded areas, and any other location practicable.

Phase construction to preserve natural vegetation on the project site for as long as possible during construction.

### **3.1.1.3 Design and Installation Specifications**

Natural vegetation can be preserved in natural clumps or as individual trees, shrubs and vines.

The preservation of individual plants is more difficult because heavy equipment is generally used to remove unwanted vegetation. The points to remember when attempting to save individual plants are:

- Is the plant worth saving? Consider the location, species, size, age, vigor, and the work involved. The City of Tacoma encourages the preservation of native vegetation and trees, where practicable.
- Existing trees to be preserved shall be fenced and protected during construction activities per Tacoma Municipal Code 9.18.030, according to industry standards (ANSI A300 Part 5) and the International Society of Arboriculture's Best Management Practices – Managing Trees During Construction.

Trees and vegetation should be protected during construction per Tacoma Municipal Code 9.18.030, according to industry standards (ANSI A300 Part 5) and the International Society of Arboriculture's Best Management Practices – Managing Trees from Construction. Described below are the most common types of injury that occur to trees. The language is adapted from the International Society of Arboriculture's Best Management Practices – Managing Trees from Construction.

- Root cutting or damage which can be caused by excavation equipment, trenching equipment, burial of debris, fill over roots, and alterations made to the water table by grade changes.
- Soil compaction resulting from vehicle, equipment and foot traffic. Compacted soils permit less root growth and biological activity as a result of aeration, higher mechanical resistance to root penetration and slowed water movement.
- Mechanical injury to the tree. Trunks, roots, and tree crowns can be damaged by construction equipment. Injury can affect the ability of the tree or plant to transport water and nutrients, and removes the ability for the plant to protect against pathogens.
- Fill placed near the root collar can facilitate infection and encourage stem-girdling which will affect the long-term longevity of the tree or plant

### **3.1.1.4 Maintenance Standards**

- Inspect flagged and/or fenced areas regularly to make sure flagging or fencing has not been removed or damaged. If the flagging or fencing has been damaged or visibility reduced, it shall be repaired or replaced immediately and visibility restored.
- If tree roots have been exposed or injured, prune cleanly with an appropriate pruning saw or loppers directly above the damaged roots and recover with native soils.

### **3.1.2 BMP C102: Buffer Zone**

#### **3.1.2.1 Purpose**

An undisturbed area or strip of natural vegetation or an established suitable planting that will provide a living filter to reduce soil erosion and runoff velocities.

#### **3.1.2.2 Conditions of Use**

Natural buffer zones are used along streams, wetlands and other bodies of water that need protection from erosion and sedimentation. Vegetative buffer zones can be used to protect natural swales and can be incorporated into the natural landscaping of an area.

Critical-areas buffer zones should not be used as sediment treatment areas. Do not disturb critical area buffers. The City may expand the buffer widths temporarily to allow the use of the expanded area for removal of sediment.

#### **3.1.2.3 Design and Installation Specifications**

- Preserve natural vegetation or plantings in clumps, blocks, or strips as this is generally the easiest and most successful method. However, single specimen trees and plants should also be preserved.
- Leave all unstable slopes in their natural, undisturbed state.
- Mark clearing limits and keep all equipment and construction debris out of the natural areas. Steel construction fencing is the most effective method of protecting sensitive areas and buffers. Alternatively, wire-backed silt fence on steel posts is marginally effective. Flagging alone is typically not effective and will not be allowed.
- Keep all excavations and material storage areas outside the dripline of trees and shrubs.
- Do not push debris or extra soil into the buffer zone area because it will cause damage from burying and smothering.
- Vegetative buffer zones for streams, lakes or other waterways shall be established by the City or other state or federal permits or approvals.

#### **3.1.2.4 Maintenance Standards**

- Inspect the area frequently to make sure flagging and fencing remains in place and the area remains undisturbed.

### **3.1.3 BMP C103: High Visibility Fence**

#### **3.1.3.1 Purpose**

Fencing is intended to:

- Restrict clearing to approved limits.
- Prevent disturbance of sensitive areas, their buffers, and other areas required to be left undisturbed.
- Limit construction traffic to designated construction entrances or roads.
- Protect areas where marking with survey tape or flagging may not provide adequate protection.

#### **3.1.3.2 Conditions of Use**

To establish clearing limits, plastic or metal fence may be used:

- At the boundary of sensitive areas, their buffers, and other areas required to be left uncleared.
- As necessary to control vehicle access to and on the site.

### **3.1.3.3 Design and Installation Specifications**

- High visibility plastic fence shall be composed of a high-density polyethylene material and shall be at least four feet in height. Posts for the fencing shall be steel or wood and placed every 6 feet on center (maximum) or as needed to ensure rigidity. The fencing shall be fastened to the post every six inches with a polyethylene tie. On long continuous lengths of fencing, a tension wire or rope shall be used as a top stringer to prevent sagging between posts. The fence color shall be high visibility orange. The fence tensile strength shall be 360 lbs./ft. using the ASTM D4595 testing method.
- If appropriate, install fabric silt fence in accordance with BMP C233 to act as high visibility fence. Silt fence shall be at least 3 feet high and must be highly visible to meet the requirement of this BMP.
- Design and install metal fences according to the manufacturer's specifications.
- Metal fences shall be at least 3 feet high and must be highly visible.
- Do not wire or staple fences to trees.

### **3.1.3.4 Maintenance Standards**

- If the fence has been damaged or its visibility reduced, it shall be repaired or replaced immediately and visibility restored.

## **3.1.4 BMP C105: Stabilized Construction Entrance/Exit**

### **3.1.4.1 Purpose**

Construction entrances are stabilized to reduce the amount of sediment transported onto paved roads by vehicles or equipment by constructing a stabilized pad of quarry spalls at entrances and exits to construction sites.

### **3.1.4.2 Conditions of Use**

Construction entrances shall be stabilized wherever traffic will be leaving a construction site and traveling on paved roads or other paved areas within 1,000 feet of the site.

Construction vehicle ingress and egress shall be limited to one route. Additional routes may be allowed for very large projects or linear projects.

For residential construction provide stabilized construction entrances/exits for each residence. Stabilized surfaces shall be of sufficient length/width to provide vehicle access/parking based upon lot size and configuration. See Figure 2 - 2.

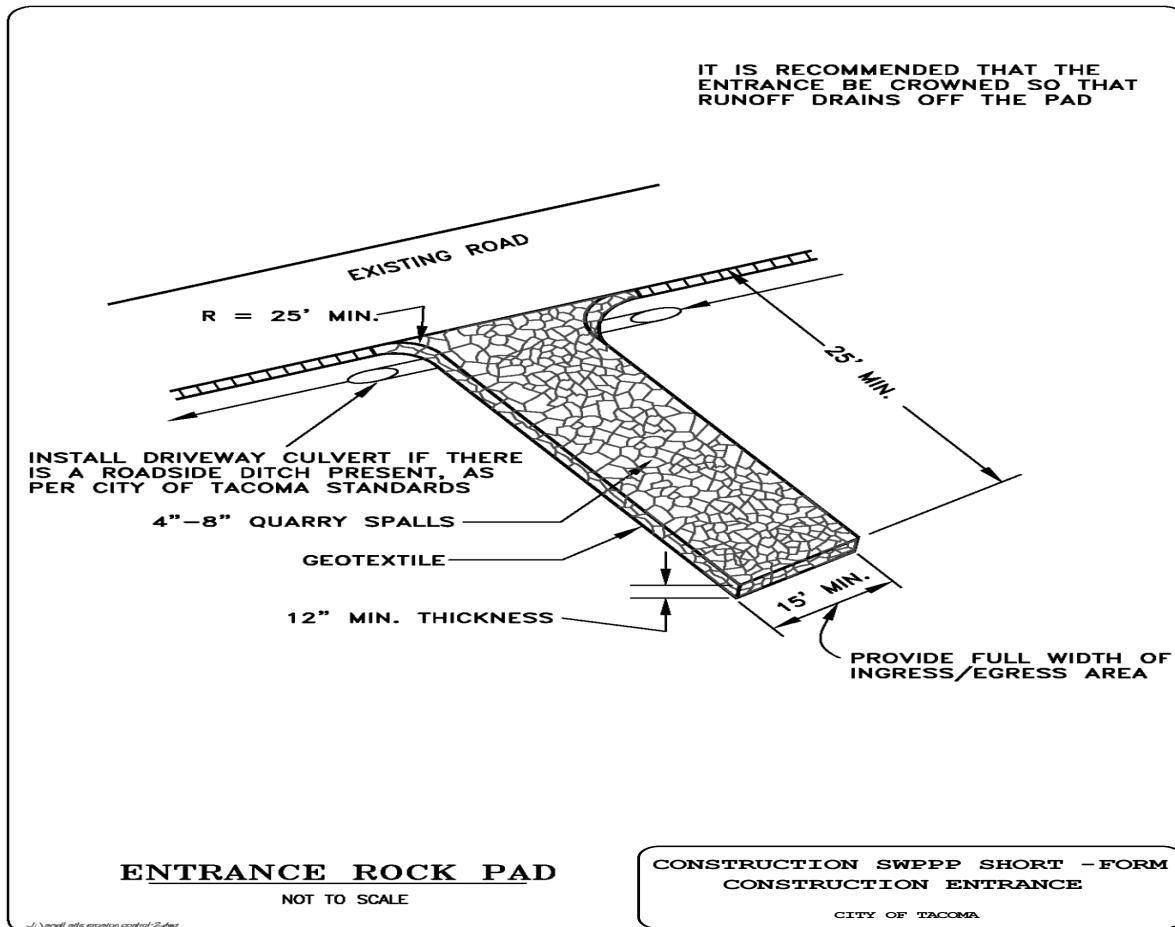
### **3.1.4.3 Design and Installation Specifications**

- See Figure 2 - 1 and Figure 2 - 2 for details. Reduce the length of the entrance to the maximum practicable size when the size or configuration of the site does not allow the full 100-foot length. Consult with the Erosion and Sediment Control Lead (ESCL) to determine if reducing the length of the entrance is acceptable.
- Construct stabilized construction entrance with a 12-inch thick pad of 4-inch to 8-inch quarry spalls, a 4-inch course of asphalt treated base (ATB), or using existing pavement. Protect permeable pavement surfaces per Element #13 as applicable. Do not use crushed concrete, cement, or calcium chloride for construction entrances stabilization.

- Place a separation geotextile under the spalls to prevent fine sediment from pumping up into the rock pad. The geotextile shall meet the following standards:
  - Grab Tensile Strength (ASTM D4751) – 200 psi min.
  - Grab Tensile Elongation (ASTM D4632) – 30% max.
  - Mullen Burst Strength (ASTM D3786-80a) – 400 psi min.
  - AOS (ASTM D4751) – 20 to 45 (U.S. standard sieve size)
- Consider early installation of the first lift of asphalt or extra concrete in areas that will be paved; this can be used as a stabilized entrance.
- Install fencing (see BMPs C103) as necessary to restrict traffic to the construction entrance.
- Whenever possible, construct the entrance on a firm, compacted subgrade. This can substantially increase the effectiveness of the pad and reduce the need for maintenance.
- If possible, install the stabilized construction entrance on the uphill side of the site so that stormwater will not pond near the stabilized construction entrance.
- Construction entrance should avoid crossing existing sidewalks if possible. If a construction entrance must cross a sidewalk, the sidewalk must be covered and protected from sediment leaving the site.

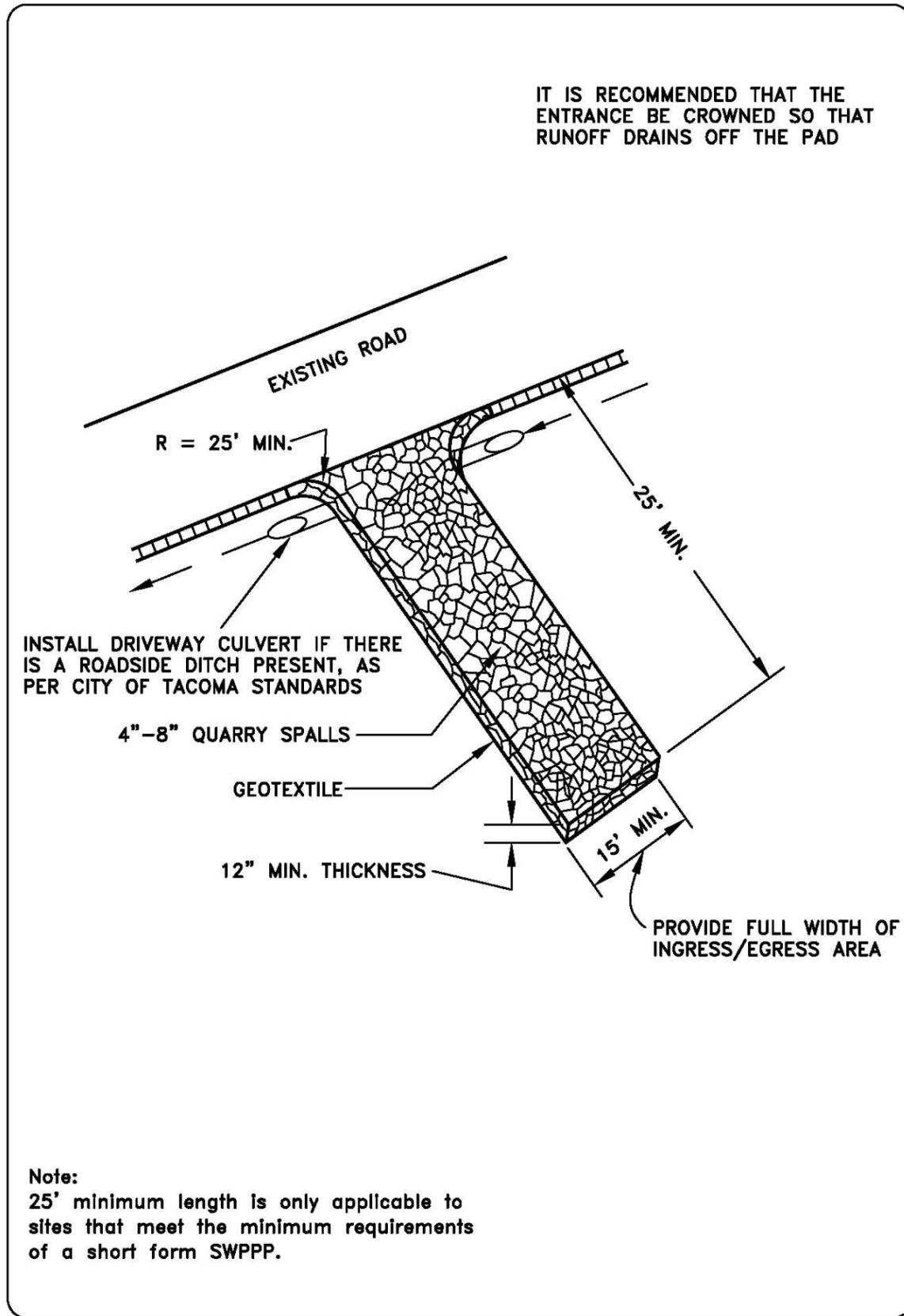
#### **3.1.4.4 Maintenance Standards**

- Add quarry spalls if the pad is no longer in accordance with the specifications.
- If the entrance is not preventing sediment from being tracked onto pavement, then alternative measures to keep the streets free of sediment shall be used. This may include street sweeping, an increase in the dimensions of the entrance, or the installation of a wheel wash.
- No tracking of sediment onto the roadway is allowed. If sediment is tracked onto the road, immediately clean the road thoroughly by shoveling or pickup sweeping. Transport sediment to a controlled sediment disposal area.
- Perform street sweeping by hand or with a high efficiency sweeper. Do not use a non-high efficiency mechanical sweeper because this creates dust and throws soils into storm systems or conveyance ditches.
- Keep streets clean at ALL times. Clean tracked sediment immediately.
- Street washing of sediment to the storm drain system is not allowed.
- If sediment is discharged to the stormwater system it is the responsibility of the applicant to clean the downstream system.
- Immediately remove any quarry spalls that are loosened from the pad and end up on the roadway.
- Install fencing if vehicles are entering or exiting the site at points other than the construction entrance(s).
- Upon project completion and site stabilization, permanently stabilize all construction accesses intended as permanent access for maintenance.



**Figure 2 - 1. Stabilized Construction Entrance**

Figure 2 - 2 shows a small site, stabilized construction entrance.



### **3.1.5 BMP C106: Wheel Wash**

#### **3.1.5.1 Purpose**

Wheel washes reduce the amount of sediment transported onto paved roads by motor vehicles.

#### **3.1.5.2 Conditions of Use**

- Can be used when a stabilized construction entrance (see BMP C105) is not preventing sediment from being tracked onto pavement.
- Wheel washing is generally an effective BMP when installed with careful attention to topography. For example, a wheel wash can be detrimental if installed at the top of a slope abutting a right-of-way where the water from the dripping truck can run unimpeded into the street.
- Pressure washing combined with an adequately sized and surfaced pad with direct drainage to a large 10-foot x 10-foot sump can be very effective.
- Discharge wheel wash or tire bath wastewater to a separate onsite treatment system that prevents discharge to surface water or to the wastewater system with a City of Tacoma Special Approved Discharge permit.
- Wheel wash or tire bath wastewater shall not include wastewater from concrete washout areas.

#### **3.1.5.3 Design and Installation Specifications**

- Suggested details are shown in Figure 2 - 3. The City may allow other designs. A minimum of 6 inches of asphalt treated base (ATB) over crushed base material or 8 inches over a good subgrade is recommended to pave the wheel wash.
- Use a low clearance truck to test the wheel wash before paving. Either a belly dump or lowboy will work well to test clearance.
- Keep the water level from 12 to 14 inches deep to avoid damage to truck hubs and filling the truck tongues with water.
- Midpoint spray nozzles are only needed in extremely muddy conditions.
- Design wheel wash systems with a small grade change, 6 to 12 inches for a 10-foot-wide pond, to allow sediment to flow to the low side of pond to help prevent re-suspension of sediment. A drainpipe with a 2- to 3-foot riser should be installed on the low side of the pond to allow for easy cleaning and refilling. Polymers may be used to promote coagulation and flocculation in a closed-loop system. Polyacrylamide (PAM) added to the wheel wash water at a rate of 0.25 - 0.5 pounds per 1,000 gallons of water increases effectiveness and reduces cleanup time. If PAM is already being used for dust or erosion control and is being applied by a water truck, the same truck can be used to change the wash water.

#### **3.1.5.4 Maintenance Standards**

- The wheel wash should start out the day with fresh water.
- The wash water should be changed as necessary with a minimum of once per day. On large earthwork jobs where more than 10-20 trucks per hour are expected, the wash water will need to be changed more often.
- Wheel wash or tire bath wastewater shall be discharged to a separate onsite treatment system, such as closed-loop recirculation or land application, or to the sanitary sewer with a City of Tacoma Special Approved Discharge permit.

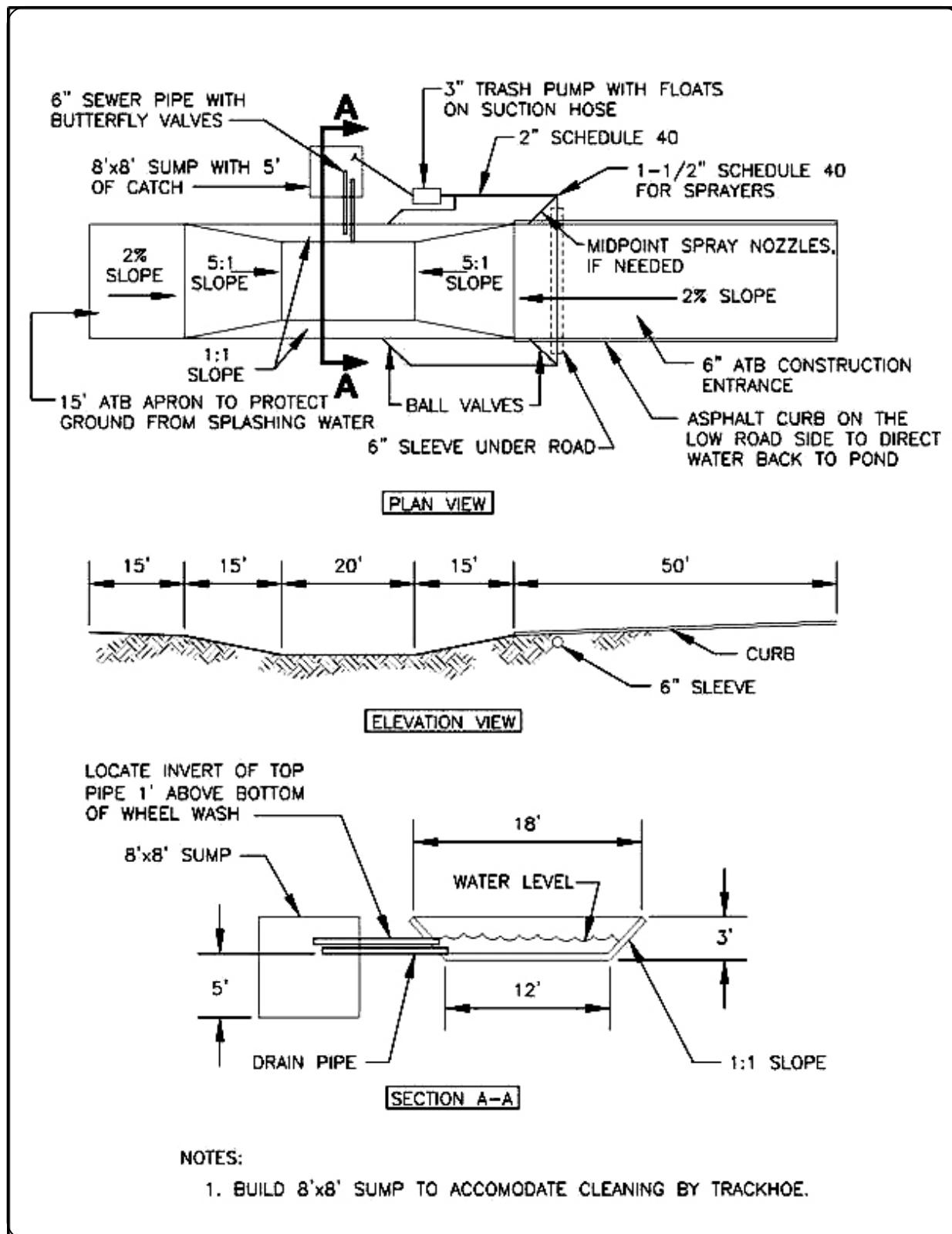


Figure 2 - 3. Wheel Wash

### **3.1.6.4 Maintenance Standards**

- Inspect stabilized areas regularly, especially after large storm events.
- Add crushed rock, gravel base, hog fuel, etc. as required to maintain a stable driving surface and to stabilize any eroded areas.
- Following construction, restore all areas to preconstruction condition or better to prevent future erosion.
- No tracking of sediment onto the roadway is allowed. If sediment is tracked onto road, clean the road thoroughly by shoveling or pickup sweeping.

### **3.1.7 BMP C120: Temporary and Permanent Seeding**

#### **3.1.7.1 Purpose**

Seeding reduces erosion by stabilizing exposed soils. A well-established vegetative cover is one of the most effective methods of reducing erosion.

#### **3.1.7.2 Conditions of Use**

- Seeding may be used throughout the project on disturbed areas that have reached final grade or that will remain unworked.
- Channels that will be vegetated should be installed before major earthwork and hydroseeded with a Bonded Fiber Matrix. The vegetation should be well established (i.e., 75 percent cover) before water is allowed to flow in the ditch. With channels that will have high flows, install erosion control blankets over the hydroseed. If vegetation cannot be established from seed before water is allowed in the ditch, sod should be installed in the bottom of the ditch over hydromulch and blankets.
- Seed detention ponds as required.
- Mulch is required at all times because it protects seeds from heat, moisture loss, and transport due to runoff.

Mulch can be applied on top of the seed or simultaneously by hydroseeding. See BMP C121: Mulching for specifications.

- All disturbed areas shall be reviewed in late August to early September and all seeding shall be completed by the end of September. Otherwise, vegetation will not establish itself enough to provide more than average protection.
- At final site stabilization, seed and mulch all disturbed areas not otherwise vegetated or stabilized. Final stabilization means the completion of all soil disturbing activities at the site and the establishment of a permanent vegetative cover, or equivalent permanent stabilization measures (such as pavement, riprap, gabions or geotextiles) which will prevent erosion.

#### **3.1.7.3 Design and Installation Specifications**

- Seed during seasons most conducive to plant growth.
  - The optimum seeding windows for western Washington are April 1 through June 30 and September 1 through October 1.
  - Seeding that occurs between July 1 and August 30 will require irrigation until 75 percent grass cover is established.

- Seeding that occurs between October 1 and March 30 will require a mulch or straw cover until 75 percent grass cover is established.
- Deviation from these specifications will be allowed if alternatives are developed by a licensed Landscape Professional and approved by the City.
- To prevent seed from being washed away, confirm that all required surface water control measures have been installed.
- The seedbed should be firm and rough. All soil should be roughened no matter what the slope. If compaction is required for engineering purposes, track walk slopes before seeding. Backblading or smoothing of slopes greater than 4:1 is not allowed if they are to be seeded.
- New and more effective restoration-based landscape practices rely on deeper incorporation than that provided by a simple single-pass rototilling treatment. Wherever practical, the subgrade should be initially ripped to improve long-term permeability, infiltration, and water inflow qualities. At a minimum for permanent areas, use soil amendments to achieve organic matter and permeability performance defined in engineered soil/landscape systems. For systems that are deeper than 8 inches, complete the rototilling process in multiple lifts, or prepare the soil system properly and then place it to achieve the specified depth.
- The use of fertilizers is discouraged. Fertilizers should only be used where necessary to ensure growth. Amending soils per BMPL613 should be considered (and may be required for permanent lawn and landscaped areas) as the first measure for ensuring vegetation growth. If fertilization is necessary, naturally-derived fertilizers should be chosen over chemically-derived fertilizers. Apply fertilizers per manufacturer's direction. Always use slow-release fertilizers.
- Hydroseed applications shall include a minimum of 1,500 pounds per acre of mulch with 3 percent tackifier. See BMP C121: Mulching for specifications.
- On steep slopes, Bonded Fiber Matrix (BFM) or Mechanically Bonded Fiber Matrix (MBFM) products should be used. BFM/MBFM products are applied at a minimum rate of 3,000 pounds per acre of mulch with approximately 10 percent tackifier. Application is made so that a minimum of 95 percent soil coverage is achieved. Numerous products are available commercially and should be installed per manufacturer's instructions. Most products require 24-36 hours to cure before a rainfall and cannot be installed on wet or saturated soils. Generally, these products come in 40-50 pound bags and include all necessary ingredients except for seed and fertilizer.
- BFMs and MBFMs have some advantages over blankets:
  - No surface preparation required;
  - Can be installed via helicopter in remote areas;
  - On slopes steeper than 2.5:1, blanket installers may need to be roped and harnessed for safety;
- In most cases, the shear strength of blankets is not a factor when used on slopes, only when used in channels. BFMs and MBFMs are good alternatives to blankets in most situations where vegetation establishment is the goal.
- When installing seed via hydroseeding operations, only about 1/3 of the seed actually ends up in contact with the soil surface. This reduces the ability to establish a good stand of grass quickly. One way to overcome this is to increase seed quantities by up to 50 percent.

- Vegetation establishment can also be enhanced by dividing the hydromulch operation into two phases:
  - Phase 1- Install all seed and fertilizer with 25-30 percent mulch and tackifier onto soil in the first lift;
  - Phase 2- Install the rest of the mulch and tackifier over the first lift.
- An alternative is to install the mulch, seed, fertilizer, and tackifier in one lift. Then, spread or blow straw over the top of the hydromulch at a rate of about 800-1000 pounds per acre. Hold straw in place with a standard tackifier. Both of these approaches will increase cost moderately but will greatly improve and enhance vegetative establishment. The increased cost may be offset by the reduced need for:
  - Irrigation
  - Reapplication of mulch
  - Repair of failed slope surfaces
  - This technique works with standard hydromulch (1,500 pounds per acre minimum) and BFM/MBFMs (3,000 pounds per acre minimum).
- Provide a healthy topsoil to areas to be permanently landscaped. This will reduce the need for fertilizers, improve overall topsoil quality, provide for better vegetal health and vitality, improve hydrologic characteristics, and reduce the need for irrigation. See the Post-Construction Soil Quality and Depth BMP in Volume 6 for more information. Compost shall meet specification in Volume 5, Appendix E. City of Tacoma Tagro Potting Soil can be used as an alternative to the compost component. Areas that will be seeded only and not landscaped may need compost or meal-based mulch included in the hydroseed in order to establish vegetation. Replace native topsoil on the disturbed soil surface before application.
- Seed that is installed as a temporary measure may be installed by hand if it will be covered by straw, mulch, or topsoil. Seed that is installed as a permanent measure may be installed by hand on small areas (usually less than 1 acre) that will be covered with mulch, topsoil, or erosion blankets.
- The seed mixes listed below include recommended mixes for both temporary and permanent seeding. These mixes, with the exception of the wetland mix, shall be applied at a rate of 120 pounds per acre. This rate can be reduced if soil amendments or slow-release fertilizers are used. Local suppliers or the local conservation district should be consulted for their recommendations because the appropriate mix depends on a variety of factors, including location, exposure, soil type, slope, and expected foot traffic. Alternative seed mixes approved by the City of Tacoma may be used.
- Table 2 - 2 represents the standard mix for those areas where just a temporary vegetative cover is required.
- Table 2 - 3 provides one recommended possibility for landscaping seed.
- The turf seed mix in Table 2 - 4 is for dry situations. The advantage is that this mix requires very little maintenance.
- Table 2 - 5 presents a mix recommended for bioswales and other intermittently wet areas.
- The seed mix shown in Table 2 - 6 is a recommended low-growing, relatively non-invasive seed mix appropriate for very wet areas that are not regulated wetlands. Other mixes may be appropriate, depending on the soil type and hydrology of the area. Recent

research suggests that bentgrass (*Agrostis* sp.) should be emphasized in wet-area seed mixes. Apply this mixture at a rate of 60 pounds per acre.

- The meadow seed mix in Table 2 - 7 is recommended for areas that will be maintained infrequently or not at all and where colonization by native plants is desirable. Likely applications include rural road and utility right-of-way. Seeding should take place in September or very early October in order to obtain adequate establishment prior to the winter months. The appropriateness of clover in the mix may need to be considered, as this can be a fairly invasive species. If the soil is amended, the addition of clover may not be necessary.

#### 3.1.7.4 Maintenance Standards

- Reseed any seeded areas that fail to establish at least 80 percent cover within 6 weeks from the initial seeding (100 percent cover for areas that receive sheet or concentrated flows). If reseeding is ineffective, use an alternate method, such as sodding, mulching, or nets/blankets. If winter weather prevents adequate grass growth, this time limit may be relaxed at the discretion of the City.
- After adequate cover is achieved, reseed and protect with mulch any areas that experience erosion. If the erosion problem is drainage related, the problem shall be fixed and the eroded area reseeded and protected by mulch.
- Water seeded areas if necessary. Watering shall not cause runoff.

**Table 2 - 2: Temporary Erosion Control Seed Mix**

	% Weight	% Purity	% Germination
Chewings or annual bluegrass <i>Festuca rubra</i> var. <i>commutata</i> or <i>Poa anna</i>	40	98	90
Perennial rye <i>Lolium perenne</i>	50	98	90
Redtop or colonial bentgrass <i>Agrostis alba</i> or <i>Agrostis tenuis</i>	5	92	85
White Dutch clover <i>Trifolium repens</i>	5	98	90

**Table 2 - 3: Landscaping Seed Mix**

	% Weight	% Purity	% Germination
Perennial rye <i>Lolium perenne</i>	70	98	90
Chewings and red fescue blend <i>Festuca rubra</i> var. <i>commutata</i> or <i>Festuca rubra</i>	30	98	90

**Table 2 - 4: Low-Growing Turf Seed Mix**

	% Weight	% Purity	% Germination
Dwarf tall fescue (several varieties) <i>Festuca arundinacea</i> var.	45	98	90
Dwarf perennial rye (Barclay) <i>Lolium perenne</i> var. <i>barclay</i>	30	98	90
Red fescue <i>Festuca rubra</i>	20	98	90
Colonial bentgrass <i>Agrostis tenuis</i>	5	98	90

**Table 2 - 5: Bioswale Seed Mix<sup>a</sup>**

	% Weight	% Purity	% Germination
Tall or meadow fescue <i>Festuca arundinacea</i> or <i>Festuca elatior</i>	75-80	98	90
Seaside/Creeping bentgrass <i>Agrostis palustris</i>	10-15	92	95
Redtop bentgrass <i>Agrostis alba</i> or <i>Agrostis gigantea</i>	5-10	90	90

a. Modified Briargreen, Inc. Hydroseeding Guide Wetlands Seed Mix

**Table 2 - 6: Wet Area Seed Mix**

	% Weight	% Purity	% Germination
Tall or meadow fescue <i>Festuca arundinacea</i> or <i>Festuca elatior</i>	60-70	98	90
Seaside/Creeping bentgrass <i>Agrostis palustris</i>	10-15	98	85
Meadow foxtail <i>Alepocterus pratensis</i>	10-15	90	80
Alsike clover <i>Trifolium hybridum</i>	1-6	98	90
Redtop bentgrass <i>Agrostis alba</i> or <i>Agrostis gigantea</i>	1-6	92	85

**Table 2 - 7: Meadow Seed Mix**

	% Weight	% Purity	% Germination
Redtop or Oregon bentgrass <i>Agrostis alba</i> or <i>Agrostis oregonensis</i>	20	92	85
Red fescue <i>Festuca rubra</i>	70	98	90
White Dutch clover <i>Trifolium repens</i>	10	98	90

### **3.1.8 BMP C121: Mulching**

#### **3.1.8.1 Purpose**

The purpose of mulching soils is to provide immediate temporary protection from erosion. Mulch also enhances plant establishment by conserving moisture, holding fertilizer, seed, and topsoil in place, and moderating soil temperatures. Only the most common types are discussed in this section.

#### **3.1.8.2 Conditions of Use**

As a temporary cover measure, mulch should be used:

- On disturbed areas that require cover measures for less than 30 days.
- As a cover for seed.
- During the wet season on slopes steeper than 3H:1V with more than 10 feet of vertical relief.
- Mulch may be applied at any time of the year and must be refreshed periodically.

#### **3.1.8.3 Design and Installation Specifications**

- Mulch shall be compost, chipped site vegetation, hydro-mulch, wood-based mulch or wood straw, wood strand mulch, or straw. The City of Tacoma may also accept products approved as equivalent by the Washington State Department of Ecology - <http://www.ecy.wa.gov/programs/wq/stormwater/newtech/> and those listed on the WSDOT Qualified Product List that meet the specifications below. See Table 2 - 8 for specifications, application rates, and additional information.
- A minimum of 2" of mulch is required. Increase the mulch thickness until the ground is 95% covered (not visible under the mulch). Thickness may need to increase for disturbed areas in or near sensitive or other areas susceptible to erosion.
- Mulch used within the ordinary high-water mark of surface waters should be selected to minimize potential flotation of organic matter. Compost has a higher specific gravities (densities) than straw, wood, or chipped material.

#### **3.1.8.4 Maintenance Standards**

- The thickness of the cover must be maintained.
- Remulch and/or protect with a net or blanket any areas that experience erosion. If the erosion problem is drainage related, then fix the problem and remulch the eroded area.

### **3.1.9 BMP C122: Nets and Blankets**

#### **3.1.9.1 Purpose**

Erosion control nets and blankets are intended to prevent erosion and hold seed and mulch in place on steep slopes and in channels so that vegetation can become well established. In addition, some nets and blankets can be used to permanently reinforce turf to protect drainage ways during high flows. Nets (commonly called matting) are strands of material woven into an open, but high-tensile strength net (for example, coconut fiber matting). Blankets are strands of material that are not tightly woven, but instead form a layer of interlocking fibers, typically held together by a biodegradable or photodegradable netting (for example, excelsior or straw blankets). They generally have lower tensile strength than nets, but cover the ground more completely. Coir (coconut fiber) fabric comes as both nets and blankets.

#### **3.1.9.2 Conditions of Use**

Erosion control nets and blankets should be used:

- To aid permanent vegetated stabilization of slopes 2H:1V or greater and with more than 10 feet of vertical relief.
- For drainage ditches and swales (highly recommended). The application of appropriate netting or blanket to drainage ditches and swales can protect bare soil from channelized runoff while vegetation is established. Nets and blankets also can capture a great deal of sediment due to their open, porous structure. Synthetic nets and blankets can be used to permanently stabilize channels and may provide a cost-effective, environmentally preferable alternative to riprap. 100 percent synthetic blankets manufactured for use in ditches may be easily reused as temporary ditch liners.
- Disadvantages of blankets include:
  - Surface preparation required;
  - On slopes steeper than 2.5:1, blanket installers may need to be roped and harnessed for safety;
- Advantages of blankets include:
  - Can be installed without mobilizing special equipment;
  - Can be installed by anyone with minimal training;
  - Can be installed in stages or phases as the project progresses;
  - Seed and fertilizer can be hand-placed by the installers as they progress down the slope;
  - Can be installed in any weather;
  - There are numerous types of blankets that can be designed with various parameters in mind. Those parameters include: fiber blend, mesh strength, longevity, biodegradability, cost, and availability.

#### **3.1.9.3 Design and Installation Specifications**

- See Figure 2 - 4 and Figure 2 - 5 for typical orientation and installation of blankets used in channels and as slope protection. Note: these are typical only; all blankets must be installed per manufacturer's installation instructions.

- Installation is critical to the effectiveness of these products. If good ground contact is not achieved, runoff can concentrate under the product, resulting in significant erosion.

***Installation of Blankets on Slopes:***

- Complete final grade and track walk up and down the slope.
- Slope surface shall be free of rocks, clods, sticks and grass. Nets/blankets shall have good contact with the soil.
- Apply permanent seeding per BMP C120 or mulching per BMP C121 before placing net/blanket.
- Dig a small trench, approximately 12 inches wide by 6 inches deep along the top of the slope. Cover with soil to secure.
- Install the leading edge of the blanket into the small trench, backfill the trench with soil and staple approximately every 18 inches. Staples are metal. "U"-shaped, and a minimum of 6 inches long. Longer staples are used in sandy soils. Biodegradable stakes are also available and should be used where applicable.
- Roll the blanket slowly down the slope as the installer walks backwards. The blanket rests against the installer's legs. Staples are installed as the blanket is unrolled. It is critical that the proper staple pattern is used for the blanket being installed. The blanket should not be allowed to roll down the slope on its own as this stretches the blanket, making it impossible to maintain soil contact. In addition, no one should be allowed to walk on the blanket after it is in place.
- If the blanket is not long enough to cover the entire slope length, the trailing edge of the upper blanket should overlap the leading edge of the lower blanket and be stapled. On steeper slopes, this overlap should be installed in a small trench, covered with soil and stapled.
- With the variety of products available, it is impossible to cover all the details of appropriate use and installation. Therefore, it is critical that the design engineer consults the manufacturer's information and that a site visit takes place in order to ensure that the product specified is appropriate. Information is also available at the WSDOT website:

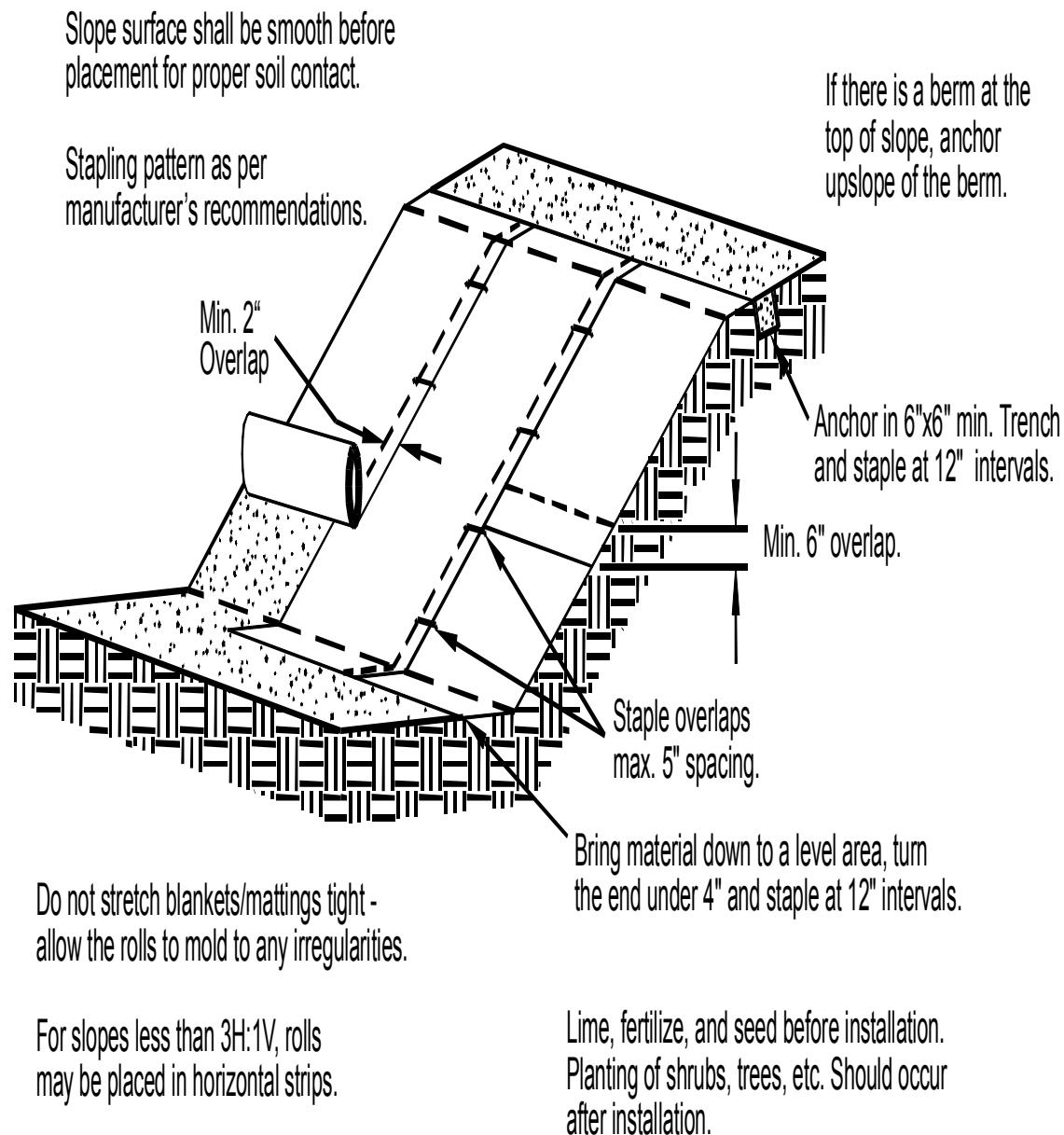
<http://www.wsdot.wa.gov/environment/>

- Jute matting must be used in conjunction with mulch (BMP C121). Excelsior, woven straw blankets, and coir (coconut fiber) blankets may be installed without mulch. There are many other types of erosion control nets and blankets on the market that may be appropriate in certain circumstances.
- In general, most nets (e.g., jute matting) require mulch in order to prevent erosion because they have a fairly open structure. Blankets typically do not require mulch because they usually provide complete protection of the surface.
- Extremely steep, unstable, wet, or rocky slopes are often appropriate candidates for use of synthetic blankets, as are riverbanks, beaches, and other high-energy environments. If synthetic blankets are used, the soil should be hydromulched first.
- 100 percent biodegradable blankets are available for use in sensitive areas. These organic blankets are usually held together with a paper or fiber mesh and stitching which may last up to a year.
- Most netting used with blankets is photodegradable, meaning it will break down under sunlight (not UV stabilized). However, this process can take months or years even under bright sun. Once vegetation is established, sunlight does not reach the mesh. It is not

uncommon to find non-degraded netting still in place several years after installation. This can be a problem if maintenance requires the use of mowers or ditch cleaning equipment. In addition, birds and small animals can become trapped in the netting.

#### **3.1.9.4 Maintenance Standards**

- Good contact with the ground must be maintained, and erosion must not occur beneath the net or blanket.
- Repair or staple any areas of the net or blanket that are damaged or not in close contact with the ground.
- If erosion occurs due to poorly controlled drainage, fix the problem and protect the eroded area.



**Figure 2 - 4. Nets and Blankets – Slope Installation**

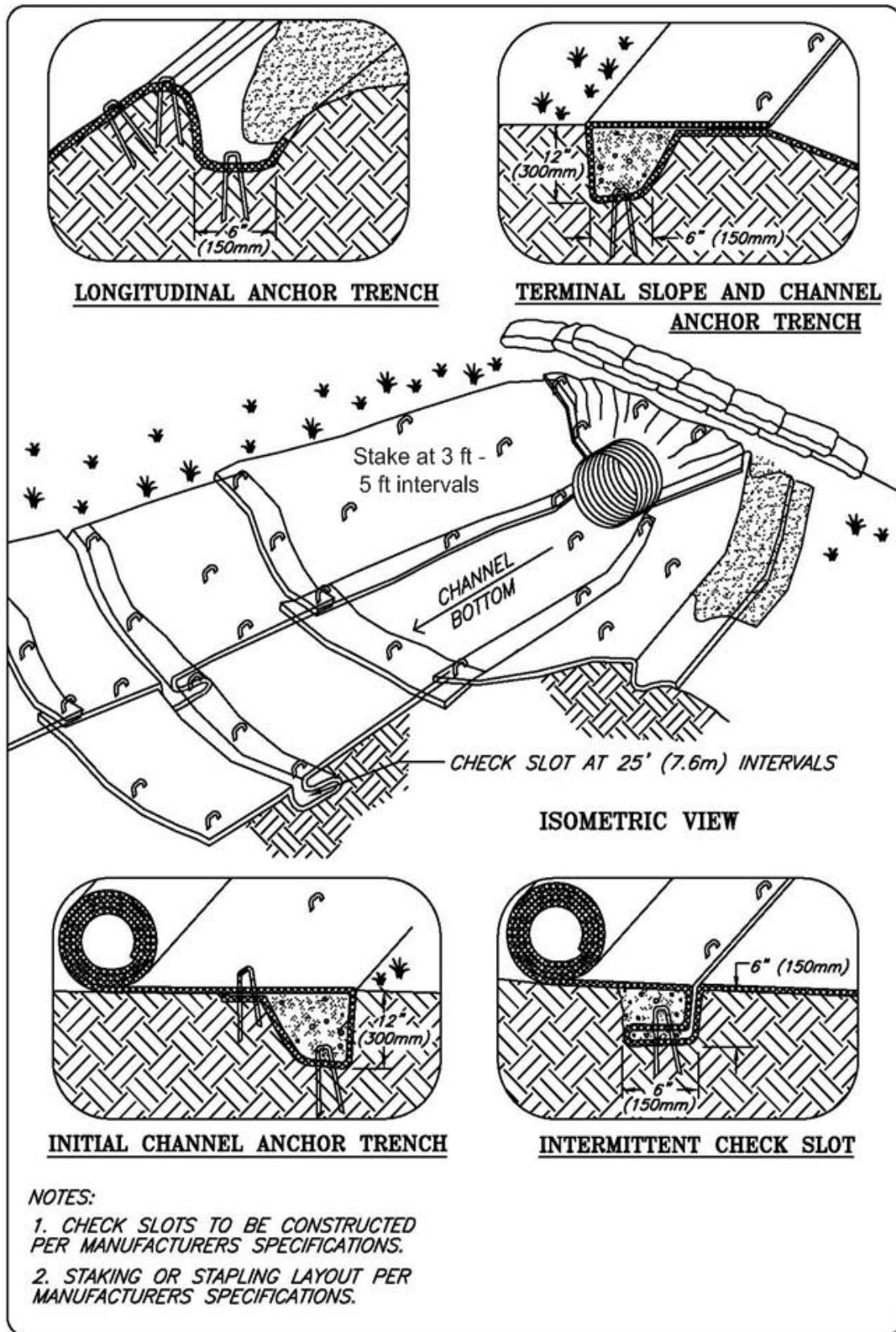


Figure 2 - 5. Nets and Blankets – Channel Installation

### **3.1.10 BMP C123: Plastic Covering**

#### **3.1.10.1 Purpose**

Plastic covering provides immediate, short-term erosion protection to slopes and disturbed areas.

#### **3.1.10.2 Conditions of Use**

- Plastic covering may be used on disturbed areas that require cover measures for less than 30 days, except as stated below.
- Plastic is particularly useful for protecting cut and fill slopes and stockpiles.
- The relatively rapid breakdown of most polyethylene sheeting makes it unsuitable for long-term (greater than six months) applications.
- Clear plastic sheeting can be used over newly-seeded areas to create a greenhouse effect and encourage grass growth if the hydroseed was installed too late in the season to establish 75 percent grass cover, or if the wet season started earlier than normal. Clear plastic should not be used for this purpose during the summer months because the resulting high temperatures can kill the grass.
- Due to rapid runoff caused by plastic covering, this method shall not be used upslope of areas that might be adversely impacted by concentrated runoff. Such areas include steep and/or unstable slopes.
- Whenever plastic is used to protect slopes, water collection measures must be installed at the base of the slope. These measures include plastic-covered berms, channels, and pipes used to convey clean rainwater away from bare soil and disturbed areas. At no time is clean runoff from a plastic covered slope to be mixed with dirty runoff from a project.
- Other uses for plastic include:
  - Temporary ditch liner;
  - Pond liner in temporary sediment pond;
  - Liner for bermed temporary fuel storage area if plastic is not reactive to the type of fuel being stored;
  - Emergency slope protection during heavy rains; and
  - Temporary drainpipe (“elephant trunk”) used to direct water.

#### **3.1.10.3 Design and Installation Specifications**

See Figure 3.1.11.

Plastic slope cover must be installed as follows:

- Run plastic up and down slope, not across slope.
- Plastic may be installed perpendicular to a slope if the slope length is less than 10 feet.
- Minimum of 8-inch overlap at seams.
- On long or wide slopes, or slopes subject to wind, all seams should be taped.
- Place plastic into a small (12-inch wide by 6-inch deep) slot trench at the top of the slope and backfill with soil to keep water from flowing underneath.

- Place sand filled burlap or geotextile bags every 3 to 6 feet along seams and pound a wooden stake through each to hold them in place. Alternative options for holding plastic in place exist and may be considered with COT approval.
- Inspect plastic for rips, tears, and open seams regularly and repair immediately. This prevents high velocity runoff from contacting bare soil, which causes extreme erosion;
- Plastic sheeting shall have a minimum thickness of 6 mil.
- If erosion at the toe of a slope is likely, a gravel berm, riprap, or other suitable protection shall be installed at the toe of the slope in order to reduce the velocity of runoff.

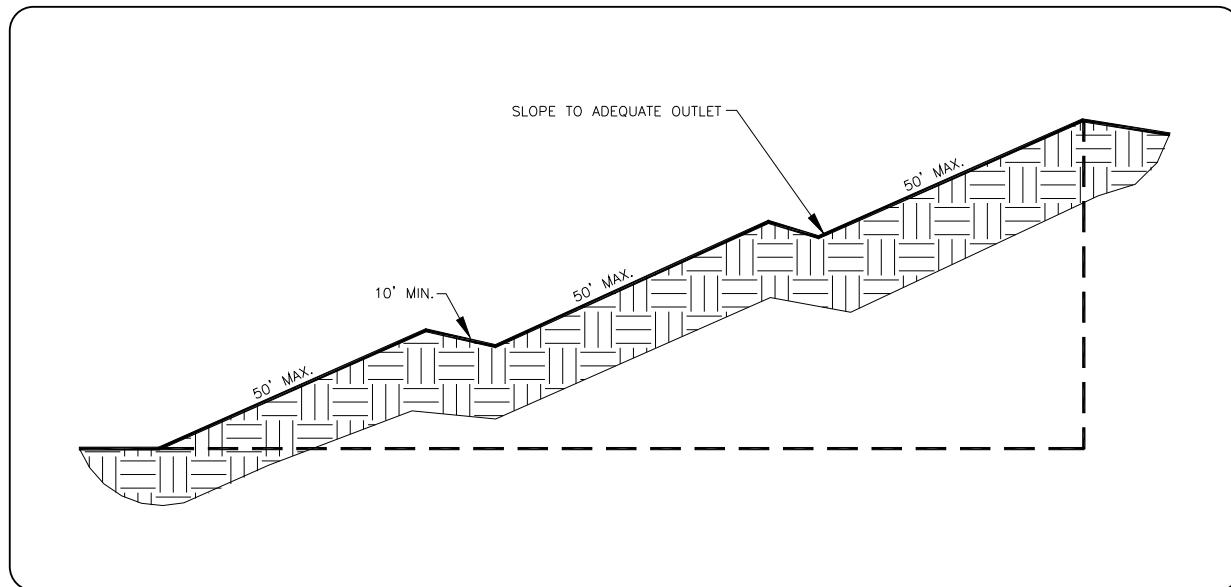
#### **3.1.10.4 Maintenance Standards**

- Torn sheets must be replaced and open seams repaired.
- If the plastic begins to deteriorate due to ultraviolet radiation, it must be completely removed and replaced.
- When the plastic is no longer needed, it shall be completely removed.
- Properly dispose of products used to weigh down covering.

slopes from 5 to 8 percent, and 6 square feet for slopes steeper than 8 percent. The terrace can be constructed wide enough to be maintained using a small cat.

### 3.1.16.4 Maintenance Standards

Maintenance should be performed as needed. Terraces should be inspected regularly, at least once a year, and after large storm events.



*Figure 2 - 7. Gradient Terraces*

### 3.1.17 BMP C140: Dust Control

#### 3.1.17.1 Purpose

Dust control prevents wind transport of dust from disturbed soil surfaces onto roadways, drainage ways, and surface waters.

#### 3.1.17.2 Conditions of Use

Use dust control practices in areas (including roadways) subject to surface and air movement of dust where onsite and offsite impacts to roadways, drainage ways, or surface waters are likely.

#### 3.1.17.3 Design and Installation Specifications

- Vegetate or mulch areas that will not receive vehicle traffic. In areas where planting, mulching, or paving is impractical, apply gravel or landscaping rock.
- Limit dust generation by clearing only to those areas where immediate activity will take place, leaving the remaining area(s) in the original condition, if stable. Maintain the original ground cover as long as practical.
- Construct natural or artificial windbreaks or windscreens. These may be designed as enclosures for small dust sources.
- Sprinkle the site with water until surface is wet. Repeat as needed. To prevent carryout of mud onto street, refer to Stabilized Construction Entrance (BMP C105).

- Irrigation water can be used for dust control. Install irrigation systems as a first step on sites where dust control is a concern.
- Spray exposed soil areas with a dust palliative, following the manufacturer's instructions and cautions regarding handling and application. Used oil is prohibited from use as a dust suppressant. The City may approve other dust palliatives such as calcium chloride or PAM.
- PAM (BMP C127) added to water at a rate of 2/3 pounds per 1,000 gallons of water per acre and applied from a water truck is more effective than water alone. This is due to the increased infiltration of water into the soil and reduced evaporation. In addition, small soil particles are bonded together and are not as easily transported by wind. Adding PAM may actually reduce the quantity of water needed for dust control. There are concerns with the proper use of PAM, refer to BMP C127 for more information on PAM application. PAM use requires COT approval.
- Lower speed limits. High vehicle speed increases the amount of dust stirred up from unpaved roads and lots.
- Upgrade the road surface strength by improving particle size, shape, and mineral types that make up the surface and base materials.
- Add surface gravel to reduce the source of dust emission. Limit the amount of fine particles to 10 to 20 percent.
- Use geotextile fabrics to increase the strength of new roads or roads undergoing reconstruction.
- Encourage the use of alternate, paved routes, if available.
- Restrict use of paved roadways by tracked vehicles and heavy trucks to prevent damage to road surfaces and bases.
- Apply chemical dust suppressants using the admix method, blending the product with the top few inches of surface material. Suppressants may also be applied as surface treatments.
- Pave unpaved permanent roads and other trafficked areas.
- Use vacuum street sweepers.
- Remove mud and other dirt promptly so it does not dry and then turn into dust.
- Limit dust-causing work on windy days.
- Contact the Puget Sound Clean Air Agency for guidance and training on other dust control measures. Compliance with the Puget Sound Clean Air Agency's recommendations/requirements constitutes compliance with this BMP.

### **3.1.17.4 Maintenance Standards**

Evaluate the potential for dust generation frequently during dry periods. Complete the actions outlined above as needed to limit the dust.

Any dust which leaves the site must be cleaned immediately.

### **3.1.18 BMP C150: Materials On Hand**

#### **3.1.18.1 Purpose**

Quantities of erosion prevention and sediment control materials should be kept on the project site at all times to be used for regular maintenance and emergency situations such as unexpected

heavy summer rains. Having these materials onsite reduces the time needed to implement BMPs when inspections indicate that existing BMPs are not meeting the Construction SWPPP requirements.

### **3.1.18.2 Conditions of Use**

Construction projects of any size or type can benefit from having materials on hand. A small commercial development project could have a roll of plastic and some gravel available for immediate protection of bare soil and temporary berm construction. A large earthwork project, such as highway construction, might have several tons of straw, several rolls of plastic, flexible pipe, sandbags, geotextile fabric, and steel "T" posts.

- Materials are stockpiled and readily available before any site clearing, grubbing, or earthwork begins. A large contractor or developer could keep a stockpile of materials that are available to be used on several projects.
- If storage space at the project site is at a premium, the contractor could maintain the materials at a location less than one hour from the project site.

### **3.1.18.3 Design and Installation Specifications**

Depending on project type, size, complexity, and length, materials and quantities will vary. Table 2 - 9 provides a good minimum that will cover numerous situations.

**Table 2 - 9: Materials on Hand**

Material	Measure	Quantity
Clear Plastic, 6 mil	100 foot roll	1-2
Drainpipe, 6 or 8 inch diameter	25 foot section	4-6
Sandbags, filled	each	25-50
Quarry Spalls	ton	2-4
Washed Gravel	cubic yard	2-4
Geotextile Fabric	100 foot roll	1-2
Catch Basin Inserts	each	2-4
Steel "T" Posts	each	12-24

### **3.1.18.4 Maintenance Standards**

- All materials with the exception of the quarry spalls, steel "T" posts, and gravel should be kept covered and out of both sun and rain.
- Re-stock materials used as needed.

## **3.1.19 BMP C151: Concrete Handling**

### **3.1.19.1 Purpose**

Concrete work can generate process water and slurry that contain fine particles and high pH, both of which can violate water quality standards in the receiving water. This BMP is intended to minimize and eliminate concrete, concrete process water and concrete slurry from entering waters of the state.

### **3.1.19.2 Conditions of Use**

Utilize these management practices any time concrete is used.

Concrete construction projects include, but are not limited to, the following:

- Curbs
- Sidewalks
- Roads
- Bridges
- Foundations
- Floors
- Runways

### **3.1.19.3 Design and Installation Specifications**

- Concrete trucks, chutes, pumps, and internals shall be washed out only at an approved offsite location or in designated washout areas.
- Unused concrete remaining in the truck and pump shall be returned to the originating batch plant for recycling.
- Hand tools shall be washed off only into formed areas awaiting installation of concrete or asphalt.
- Equipment that cannot be easily moved, such as concrete pavers, shall only be washed in areas that do not directly drain to natural or constructed stormwater conveyances.
- Washdown from areas such as concrete aggregate driveways shall not drain directly to natural or constructed stormwater conveyances.
- Do not wash out concrete trucks onto the ground, or into storm drains, open ditches, streets, or streams. Refer to BMP C151 for information concerning concrete handling and BMP C154 for information concerning concrete washout areas.
- Always use forms or solid barriers for concrete pours within 15-feet of surface waters.
- Refer to BMPs C252 and C253 for pH adjustment requirements.
- Refer to the Construction Stormwater General Permit for pH monitoring requirements if the project involves one of the following activities:
  - Significant concrete work (greater than 1,000 cubic yards poured concrete or recycled concrete used over the life of a project).
  - The use of engineered soils amended with (but not limited to) Portland cement-treated base, cement kiln dust or fly ash.
  - Discharging stormwater to segments of water bodies on the 303(d) list (Category 5) for high pH.

### **3.1.19.4 Maintenance Standards**

Containers shall be checked for holes in the liner daily during concrete pours and repaired the same day.

### **3.1.20 BMP C152: Sawcutting and Surfacing Pollution Prevention**

#### **3.1.20.1 Purpose**

Sawcutting and surfacing operations generate slurry and process water that contains fine particles and high pH (concrete cutting), both of which can violate water quality standards in the receiving water. This BMP is intended to minimize and eliminate process water and slurry from entering waters of the State

#### **3.1.20.2 Conditions of Use**

Anytime sawcutting or surfacing operations take place, use these management practices. Sawcutting and surfacing operations include, but are not limited to, the following:

- Sawing
- Coring
- Grinding
- Roughening
- Hydro-demolition
- Bridge and road surfacing

#### **3.1.20.3 Design and Installation Specifications**

- Vacuum slurry and cuttings during cutting and surfacing operations.
- Do not leave slurry and cuttings on permanent concrete or asphalt pavement overnight.
- Do not drain slurry and cuttings to any natural or constructed drainage conveyance.
- Dispose of collected slurry and cuttings in a manner that does not violate groundwater or surface water quality standards.
- Do not drain process water that is generated during hydro-demolition, surface roughening, or similar operations to any natural or constructed drainage conveyance. Dispose of process water in a manner that does not violate groundwater or surface water quality standards.
- Handle and dispose of cleaning waste material and demolition debris in a manner that does not cause contamination of water. If the area is swept with a pick-up sweeper, haul the material out of the area to an appropriate disposal site.

#### **3.1.20.4 Maintenance Standards**

Continually monitor operations to determine whether slurry, cuttings, or process water could enter waters of the state. If inspections show that a violation of water quality standards could occur, stop operations and immediately implement preventive measures such as berms, barriers, secondary containment, and vacuum trucks.

### **3.1.21 BMP C153: Material Delivery, Storage and Containment**

#### **3.1.21.1 Purpose**

Prevent, reduce, or eliminate the discharge of pollutants from material delivery and storage to the stormwater system or watercourses by minimizing the storage of hazardous materials onsite, storing materials in a designated area, and installing secondary containment.

### **3.1.21.2 Conditions of Use**

These procedures are suitable for use at all construction sites with delivery and storage of the following materials:

- Petroleum products such as fuel, oil, and grease
- Soil stabilizers and binders (e.g. Polyacrylamide)
- Fertilizers, pesticides, and herbicides
- Detergents
- Asphalt and concrete compounds
- Hazardous chemicals such as acids, lime, adhesives, paints, solvents, and curing compounds
- Any other material that may be detrimental if released to the environment

### **3.1.21.3 Design and Installation Specifications**

The following steps should be taken to minimize risk:

- Locate temporary storage area away from vehicular traffic, near the construction entrance(s), and away from waterways or storm drains.
- Supply Material Safety Data Sheets (MSDS) for all materials stored. Keep chemicals in their original labeled containers.
- Surrounding materials with earth berms is an option for temporary secondary containment.
- Minimize hazardous material storage onsite.
- Handle hazardous materials as infrequently as possible.
- During the wet weather season (October 1 through April 30), consider storing materials in a covered area.
- Store materials in secondary containment, such as an earthen dike, a horse trough, or a children's wading pool for non-reactive materials such as detergents, oil, grease, and paints. "Bus boy" trays or concrete mixing trays may be used as secondary containment for small amounts of material.
- Do not store chemicals, drums, or bagged materials directly on the ground. Place these items on a pallet and, when possible, in secondary containment.
- If drums cannot be stored under a roof, domed plastic covers are inexpensive and snap to the top of drums, preventing water from collecting.

### **3.1.21.4 Material Storage Areas and Secondary Containment Practices:**

- Store liquids, petroleum products, and substances listed in 40 CFR Parts 110, 117, or 302 in approved containers and drums and do not overfill the containers or drums. Store containers and drums in temporary secondary containment facilities.
- Temporary secondary containment facilities shall provide for a spill containment volume able to contain precipitation from a 25 year, 24 hour storm event plus 10% of the total enclosed container volume of all containers, or 110% of the capacity of the largest container within its boundary, whichever is greater.

- Secondary containment facilities shall be impervious to the materials stored therein for a minimum contact time of 72 hours.
- Secondary containment facilities shall be maintained free of accumulated rainwater and spills. In the event of spills or leaks, collect accumulated rainwater and spills and place into drums. Handle these liquids as hazardous waste unless testing determines them to be non-hazardous. Dispose of all wastes properly.
- Provide sufficient separation between stored containers to allow for spill cleanup and emergency response access.
- During the wet weather season (October 1 through April 30), cover each secondary containment facility during non-working days, prior to and during rain events.
- Keep material storage areas clean, organized, and equipped with an ample supply of appropriate spill clean-up material.
- The spill kit should include, at a minimum:
  - 1 water resistant nylon bag
  - 3 oil absorbent socks (3-inches by 4-feet)
  - 2 oil absorbent socks (3-inches by 10-feet)
  - 12 oil absorbent pads (17-inches by 19-inches)
  - 1 pair splash resistant goggles
  - 3 pairs nitrile gloves
  - 10 disposable bags with ties
  - Instructions

### **3.1.21.5 Maintenance**

Any stormwater within the material storage area shall be pumped or otherwise discharged after each rain event. Before pumping, the stormwater must be evaluated to determine if it must go to treatment or can be discharged without treatment. If stormwater is contaminated, direct the discharge to appropriate treatment.

## **3.1.22 BMP C154: Concrete Washout Area**

### **3.1.22.1 Purpose**

Prevent or reduce the discharge of pollutants to stormwater from concrete waste by conducting washout offsite, or performing onsite washout in a designated area to prevent pollutants from entering surface waters or groundwater.

### **3.1.22.2 Conditions of Use**

Use concrete washout best management practices on construction projects where:

- It is not possible to dispose of all concrete wastewater and washout offsite (ready mix plant, etc.)
- Concrete trucks, puffers, or other concrete coated equipment are washed onsite.

**NOTE:** If less than 3 concrete trucks or pumbers need to be washed onsite, the washwater may be disposed of in a formed area awaiting concrete. Do not allow dirty water to enter storm drains, open ditches, or any waterbody.

### **3.1.22.3 Implementation**

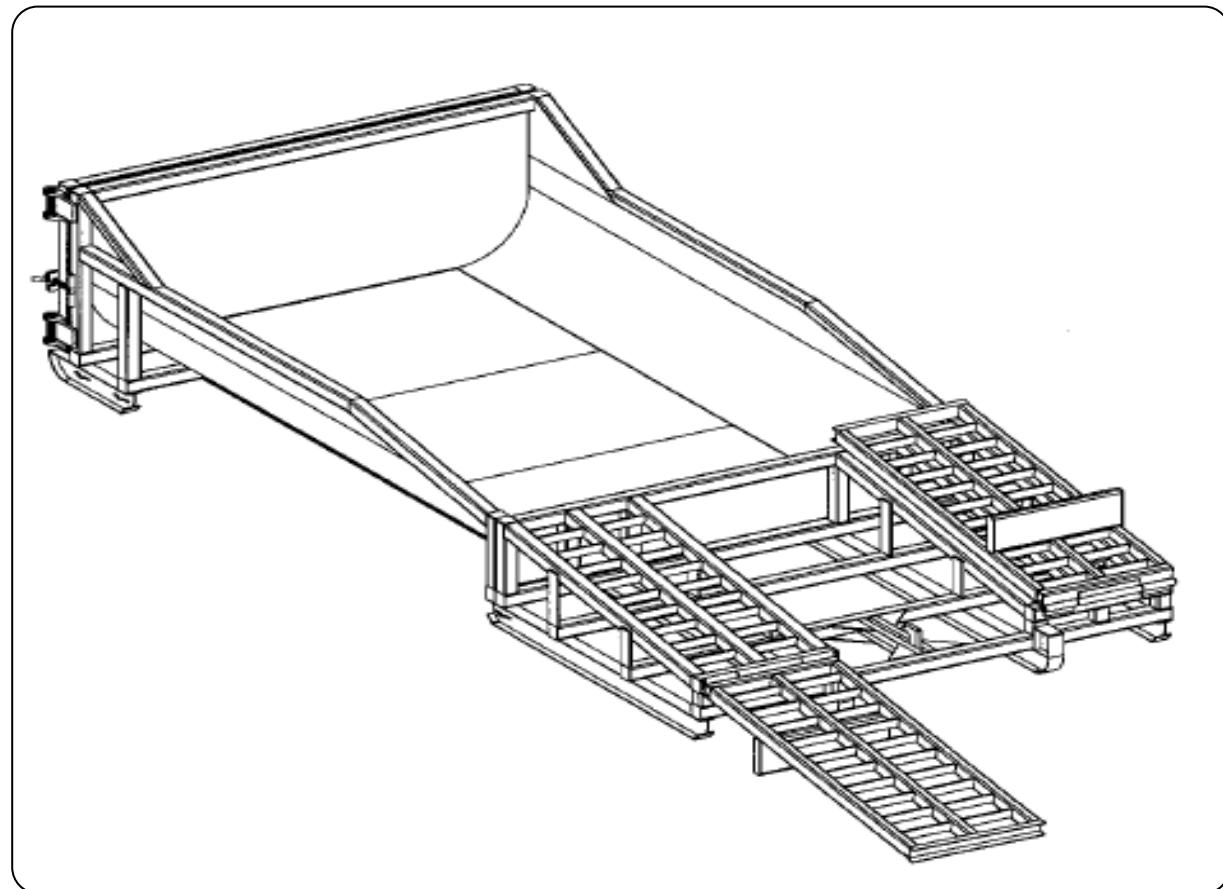
- Perform washout of concrete trucks offsite or in designated concrete washout areas only.
- Do not wash out concrete trucks onto the ground, or into storm drains, open ditches, streets, or streams.
- Do not allow excess concrete to be dumped onsite, except in designated concrete washout areas.
- Concrete washout areas may be prefabricated concrete washout containers, or self-installed structures (above-grade or below-grade).
  - Prefabricated containers are most resistant to damage and protect against spills and leaks. Companies may offer delivery service and provide regular maintenance and disposal of solid and liquid waste.
  - If self-installed concrete washout areas are used, below-grade structures are preferred over above-grade structures because they are less prone to spills and leaks.
  - Self-installed above-grade structures should only be used if excavation is not practical.
- Identify concrete washout area on the TESC plan.

### **3.1.22.4 Education**

- Discuss the concrete management techniques described in this BMP with the ready-mix concrete supplier before any deliveries are made.
- Educate employees and subcontractors on the concrete waste management techniques described in this BMP.
- Install a sign adjacent to each temporary concrete washout facility to inform concrete equipment operators to utilize the proper facilities.

### **3.1.22.5 Location and Placement Considerations:**

- Locate washout area or temporary concrete washout facilities at least 50 feet from sensitive areas such as storm drains, open ditches, or water bodies, including wetlands.
- Allow convenient access for concrete trucks, preferably near the area where the concrete is being poured.
- If trucks need to leave a paved area to access washout, prevent track-out with a pad of rock or quarry spalls ([BMP C105](#)). These areas should be far enough away from other construction traffic to reduce the likelihood of accidental damage and spills.
- The washout area volume installed should depend on the expected demand for storage capacity.
- On large sites with extensive concrete work, washouts may be placed in multiple locations for ease of use by concrete truck drivers.



*Figure 2 - 9. Prefabricated Concrete Washout Container with Ramp*

### **3.1.23 BMP C160: Erosion and Sediment Control Lead**

#### **3.1.23.1 Purpose**

The project proponent designates at least one person as the responsible representative in charge of erosion and sediment control (ESC) and water quality protection. The designated person shall be the erosion and sediment control (ESC) lead, who is responsible for ensuring compliance with all local, state, and federal erosion and sediment control and water quality requirements.

#### **3.1.23.2 Conditions of Use**

- An erosion and sediment control contact is required for all project sites.
- A certified erosion and sediment control lead (CESCL) or certified professional in erosion and sediment control (CPESC) is required on projects that include, but are not limited to:
  - Construction activity that disturbs one acre of land or more.
  - Construction activity that disturbs less than one acre of land, but is part of a larger common plan of development or sale that will ultimately disturb one acre of land or more.

- Heavy construction of roads, bridges, highways, airports, buildings.
- Projects near wetlands and sensitive or critical areas.
- Projects in or over water.
- Projects disturbing less than one acre must have an Erosion Sediment Control Lead (ESC) conduct inspections. The ESC Lead does not have to have CESCL or CPESC certification.
- The CESCL, CPESC, or ESC Lead shall be identified in the SWPPP and shall be onsite or on-call at all times.
- The CESCL, CPESC, or ESC Lead must be knowledgeable in the principles and practices of erosion and sediment control and have the skills to assess:
  - Site conditions and construction activities that could impact the quality of stormwater.
  - Effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.

### **3.1.23.3 Specifications**

- The CESCL lead shall:
  - Have a current certified erosion and sediment control lead (CESCL) certificate proving attendance in an erosion and sediment control training course that meets the minimum ESC training and certification requirements established by Ecology. Ecology will maintain a list of ESC training and certification providers at: [www.ecy.wa.gov/programs/wq/stormwater](http://www.ecy.wa.gov/programs/wq/stormwater).
- For additional information concerning the Certified Professional in Erosion and Sediment Control program please go to [www.cpesc.net](http://www.cpesc.net).
- The ESC lead shall have authority to act on behalf of the contractor or developer and shall be available, on call, 24 hours per day throughout the period of construction.
- The Construction SWPPP shall include the name, telephone number, email, and address of the designated ESC lead.
- An ESC lead may provide inspection and compliance services for multiple construction projects in the same geographic region.
- Duties and responsibilities of the ESC lead shall include, but are not limited to, the following:
  - Inspecting all areas disturbed by construction activities, all BMPs and all stormwater discharge points at least once every calendar week and within 24 hours of any discharge from the site. The ESC lead may reduce the inspection frequency for temporary stabilized, inactive sites to monthly.
  - Examining stormwater visually for the presence of suspended sediment, turbidity, discoloration, and oil sheen.
  - Evaluating the effectiveness of BMPs.
  - Maintaining a permit file on site at all times which includes the SWPPP and any associated permits and plans.
  - Directing BMP installation, inspection, maintenance, modification, and removal.

- Updating all project drawings and the Construction SWPPP with changes made.
- Keeping daily logs and inspection reports. Inspection reports should include:
  - Inspection date/time.
  - Weather information, general conditions during inspection, and approximate amount of precipitation since the last inspection.
  - A summary or list of all BMPs implemented, including observations of all erosion/sediment control structures or practices. The following shall be noted:
    - Locations of BMPs inspected,
    - Locations of BMPs that need maintenance,
    - Locations of BMPs that failed to operate as designed or intended, and
    - Locations where additional or different BMPs are required.
  - Visual monitoring results, including a description of discharged stormwater. The presence of suspended sediment, turbid water, discoloration, and oil sheen shall be noted, as applicable.
  - Any water quality monitoring performed during inspection.
  - General comments and notes, including a brief description of any BMP repairs, maintenance, or installations made as a result of the inspection.
- Facilitate, participate in, and take corrective actions resulting from inspections performed by outside agencies or the owner.
- Keep an inventory of equipment onsite.

### **3.1.24 BMP C161: Payment of Erosion Control Work**

#### **3.1.24.1 Purpose**

As with any construction operation, the contractor should be paid for erosion control work. Address payment for erosion control during project development and design. Identify the method of payment in the SWPPP.

Erosion control work should never be “incidental” to the contract as it is extremely difficult for the contractor to bid the work.

### **3.1.25 BMP C162: Scheduling**

#### **3.1.25.1 Purpose**

Sequencing a construction project reduces the amount and duration of soil exposed to erosion by wind, rain, runoff, and vehicle tracking.

#### **3.1.25.2 Conditions of Use**

The construction sequence schedule is an orderly listing of all major land-disturbing activities together with the necessary erosion and sedimentation control measures planned for the project.

### **3.2.3 BMP C202: Channel Lining**

#### **3.2.3.1 Purpose**

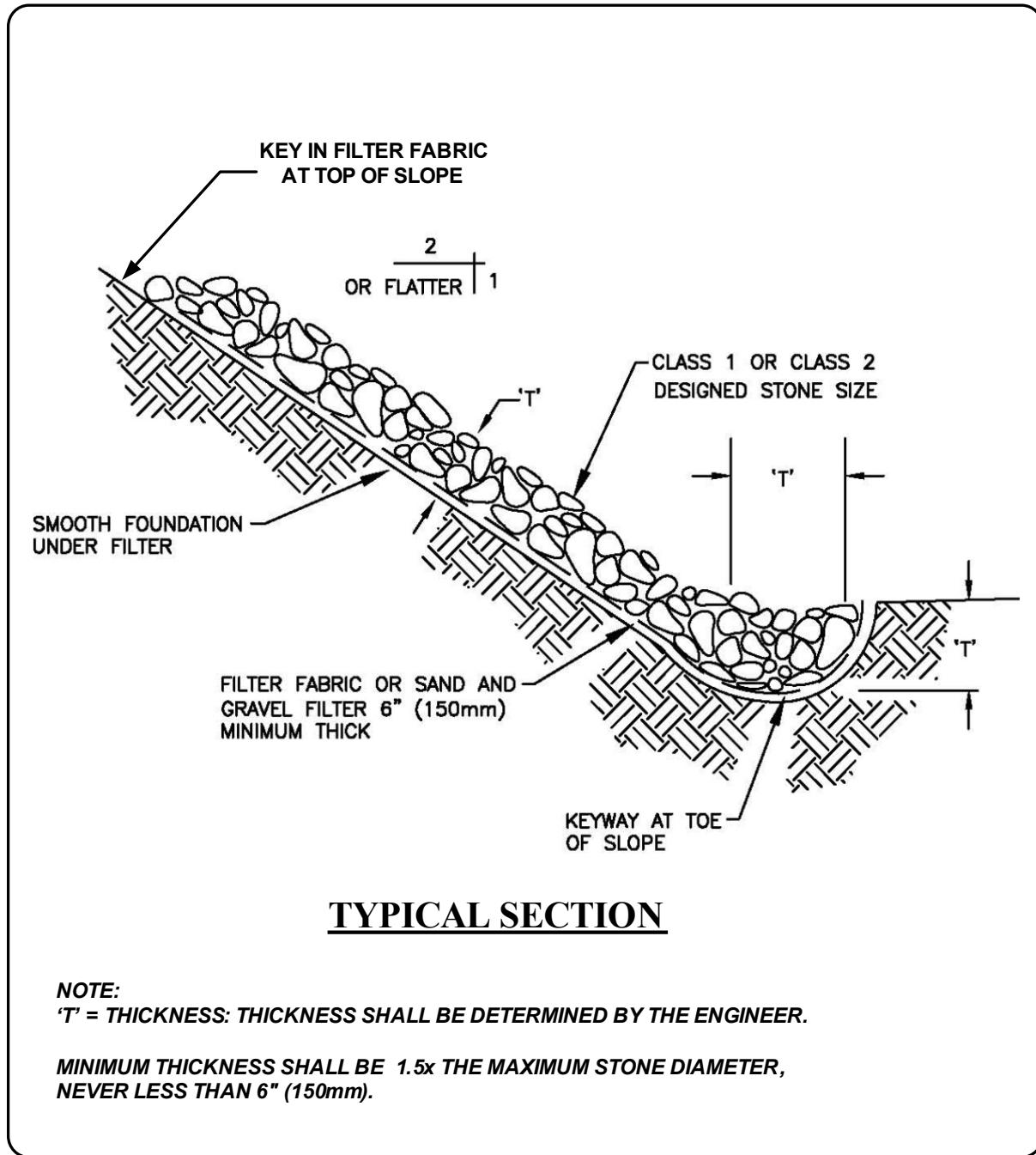
To protect erodible channels by providing a channel liner using either blankets or riprap.

#### **3.2.3.2 Conditions of Use**

- When natural soils or vegetated stabilized soils in a channel are not adequate to prevent channel erosion.
- When a permanent ditch or pipe system is to be installed and a temporary measure is needed.
- In almost all cases, synthetic and organic coconut blankets are more effective than riprap for protecting channels from erosion. Blankets can be used with and without vegetation. Blanketed channels can be designed to handle any expected flow and longevity requirement. Some synthetic blankets have a predicted life span of 50 years or more, even in sunlight.
- The Federal Highway Administration recommends not using flexible liners whenever the slope exceeds 10 percent or the shear stress exceeds 8 pounds per square foot.

#### **3.2.3.3 Design and Installation Specifications**

- See BMP C122 for information on blankets.
- Since riprap is used where erosion potential is high, construction must be sequenced so the riprap is put in place with the minimum possible delay (see Figure 2 - 12).
- Only disturb areas where riprap is to be placed if final preparation and placement of the riprap can immediately follow the initial disturbance. Where riprap is used for outlet protection, place the riprap before or in conjunction with the construction of the pipe or channel so it is in place when the pipe or channel begins to operate.
- The designer, after determining the appropriate riprap size for stabilization, shall consider that size to be a minimum size and then, based on riprap gradations actually available in the area, select the size or sizes that equal or exceed the minimum size. Consider the possibility of drainage structure damage by children when selecting a riprap size, especially if there is nearby water or a gully in which to toss the stones. See Volume 3, Section 3.4 for additional channel protection guidance.
- Use field stone or quarry stone of approximately rectangular shape for the riprap. The stone shall be hard and angular and of such quality that it will not disintegrate on exposure to water or weathering and shall be suitable in all respects for the purpose intended.
- Rubble concrete may be used, provided it has a density of at least 150 pounds per cubic foot and otherwise meets the requirement of this standard and specification.
- Place a lining of engineering filter fabric (geotextile) between the riprap and the underlying soil surface to prevent soil movement into or through the riprap. The geotextile should be keyed in at the top of the bank.
- Do not use filter fabric on slopes steeper than 1-1/2H:1V as slippage may occur. It should be used in conjunction with a layer of coarse aggregate (granular filter blanket) when the riprap to be placed is 12 inches and larger.



*Figure 2 - 12. Soil Erosion Protection – Rip Rap Protection*

### 3.2.4 BMP C203: Water Bars

#### 3.2.4.1 Purpose

A small ditch or ridge of material is constructed diagonally across a road or right-of-way to divert stormwater runoff from the road surface, wheel tracks, or a shallow road ditch.

### **3.2.10 BMP C209: Outlet Protection**

#### **3.2.10.1 Purpose**

Outlet protection prevents scour at conveyance outlets and minimizes the potential for downstream erosion by reducing the velocity of concentrated stormwater flows.

#### **3.2.10.2 Conditions of Use**

Outlet protection is required at the outlets of all ponds, pipes, ditches, or other conveyances, and where runoff is conveyed to a natural or manmade drainage feature such as a stream, wetland, lake, or ditch.

#### **3.2.10.3 Design and Installation Specifications**

- Protect the receiving channel at the outlet of a culvert from erosion by rock lining a minimum of 6 feet downstream and extending rock lining up the channel sides a minimum of 1-foot above the maximum tailwater elevation or 1-foot above the crown, whichever is higher. For large pipes (more than 18 inches in diameter), the outlet protection lining of the channel is lengthened to four times the diameter of the culvert.
- See Volume 3, Chapter 11 for permanent outlet protection.
- Organic or synthetic erosion blankets, with or without vegetation, may be, cheaper, and easier to install than rock. Materials can be chosen using manufacturer product specifications. ASTM test results are available for most products and the designer can choose the correct material for the expected flow.
- With low flows, vegetation (including sod) can be effective.
- Use the following guidelines for riprap outlet protection:
  - If the discharge velocity at the outlet is less than 5 feet per second (pipe slope less than 1 percent), use 2-inch to 8-inch riprap. Minimum thickness is 1-foot.
  - For 5 to 10 feet per second discharge velocity at the outlet (pipe slope less than 3 percent), use 24-inch to 4-foot riprap. Minimum thickness is 2 feet.
  - For outlets at the base of steep slope pipes (pipe slope greater than 10 percent), an engineered energy dissipater shall be used.
- Always use filter fabric or erosion control blankets under riprap to prevent scour and channel erosion.
- New pipe outfalls can provide an opportunity for low-cost fish habitat improvements. For example, an alcove of low-velocity water can be created by constructing the pipe outfall and associated energy dissipater back from the stream edge and digging a channel, over-widened to the upstream side, from the outfall. Overwintering juvenile and migrating adult salmonids may use the alcove as shelter during high flows. Bank stabilization, bioengineering, and habitat features may be required for disturbed areas. See Volume 3 for more information on outfall system design.

#### **3.2.10.4 Maintenance Standards**

- Inspect and repair as needed.
- Add rock as needed to maintain the intended function.
- Clean energy dissipater if sediment builds up.

### 3.2.11 BMP C220: Storm Drain Inlet Protection

#### 3.2.11.1 Purpose

To prevent coarse sediment from entering drainage systems prior to permanent stabilization of the disturbed area.

#### 3.2.11.2 Conditions of Use

- Where storm drain inlets are to be made operational before permanent stabilization of the disturbed drainage area.
- Provide protection for all storm drain inlets downslope and within 500 feet of a disturbed or construction area, unless the runoff that enters the catch basin will be conveyed to a sediment pond or trap. Inlet protection may be used anywhere to protect the drainage system. It is likely that the drainage system will still require cleaning.
- Table 2 - 11 lists several options for inlet protection. All of the methods for storm drain inlet protection are prone to plugging and require a high frequency of maintenance. Drainage areas should be limited to 1 acre or less. Emergency overflows may be required where stormwater ponding would cause a hazard. If an emergency overflow is provided, additional end-of-pipe treatment may be required.
- Only bag filter type catch basin filters (per Section 3.2.11.3) are allowed within the right of way.

*Table 2 - 11: Storm Drain Inlet Protection*

Type of Inlet Protection	Emergency Overflow	Applicable for Paved/Earthen Surfaces	Conditions of Use
Excavated drop inlet protection	Yes, temporary flooding will occur	Earthen	Applicable for heavy flows. Easy to maintain. Large area requirement: 30' x 30' per acre.
Block and gravel drop filter	Yes	Paved or earthen	Applicable for heavy concentrated flows. Will not pond.
Gravel and mesh filter	No	Paved	Applicable for heavy concentrated flows. Will pond. Can withstand traffic.
Catch basin filters	Yes	Paved or earthen	Frequent maintenance required.
Curb inlet protection with a wooden weir	Small capacity overflow	Paved	Used for sturdy, more compact installation.
Block and gravel curb inlet protection	Yes	Earthen	Sturdy, but limited filtration.
Culvert inlet sediment trap			18-month expected life.

#### 3.2.11.3 Design and Installation Specifications

##### *Excavated Drop Inlet Protection*

- An excavated impoundment around the storm drain. Sediment settles out of the stormwater prior to entering the storm drain.

- Provide depth of 1 to 2 feet, as measured from the crest of the inlet structure.
- Slope sides of excavation no steeper than 2H:1V.
- Minimum volume of excavation 35 cubic yards.
- Shape basin to fit site with longest dimension oriented toward the longest inflow area.
- Install provisions for draining to prevent standing water problems.
- Clear the area of all debris.
- Grade the approach to the inlet uniformly.
- Drill weep holes into the side of the inlet.
- Protect weep holes with screen wire and washed aggregate.
- Seal weep holes when removing structure and stabilizing area.
- It may be necessary to build a temporary dike to the down slope side of the structure to prevent bypass flow.

### ***Block and Gravel Filter***

- A barrier formed around the storm drain inlet with standard concrete blocks and gravel. See Figure 2 - 18.
- Provide a height 1 to 2 feet above inlet.
- Recess the first row 2 inches into the ground for stability.
- Support subsequent courses by placing a piece of 2x4 lumber through the block opening.
- Do not use mortar.
- Lay some blocks in the bottom row on their side for dewatering the pool.
- Place hardware cloth or comparable wire mesh with  $\frac{1}{2}$ -inch openings over all block openings.
- Place gravel just below the top of blocks on slopes of 2H:1V or flatter.
- An alternative design is a gravel donut.
- Provide an inlet slope of 3H:1V.
- Provide an outlet slope of 2H:1V.
- Provide a 1-foot wide level stone area between the structure and the inlet.
- Use inlet slope stones 3 inches in diameter or larger.
- For outlet slope use gravel  $\frac{1}{2}$ - to  $\frac{3}{4}$ -inch at a minimum thickness of 1-foot.

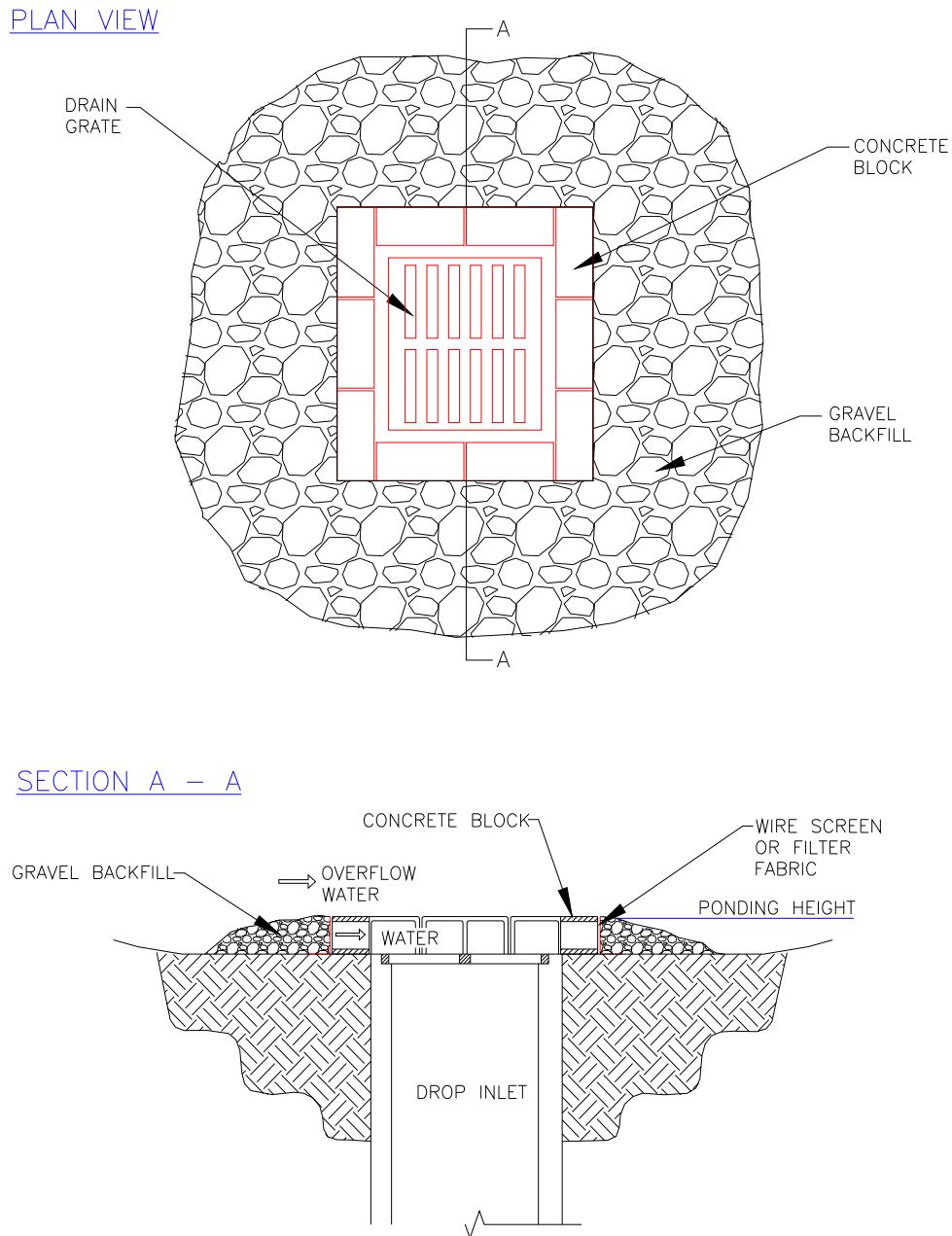
### ***Gravel and Wire Mesh Filter***

- A gravel barrier placed over the top of the inlet (see Figure 2 - 19). This structure does not provide an overflow.
- Use hardware cloth or comparable wire mesh with  $\frac{1}{2}$ -inch openings.
- Use coarse aggregate.
- Place wire mesh over the drop inlet so that the wire extends a minimum of 1-foot beyond each side of the inlet structure.
- If more than one strip of mesh is necessary, overlap the strips.

- Place coarse aggregate over the wire mesh.
- The depth of the gravel should be at least 12 inches over the entire inlet opening and extend at least 18 inches on all sides.

***Catchbasin Filters***

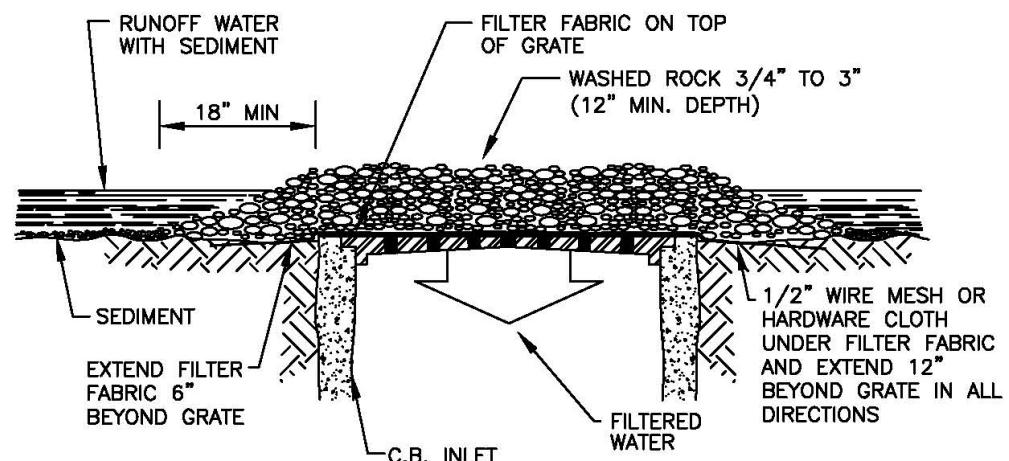
- Inserts (Figure 2 - 20) shall be designed by the manufacturer for use at construction sites. The limited sediment storage capacity increases the frequency of inspection and maintenance required, which may be daily for heavy sediment loads. The maintenance requirements can be reduced by combining a catchbasin filter with another type of inlet protection. This type of inlet protection provides flow bypass without overflow and therefore may be a better method for inlets located along active rights-of-way.
- Provide a minimum of 5 cubic feet of storage.
- Requires dewatering provisions.
- Provide a high-flow bypass that will not clog under normal use at a construction site.
- The catchbasin filter is inserted in the catchbasin just below the grating.
- Only bag filter type catch basin filters are allowed in the City right-of-way.



NOTE:

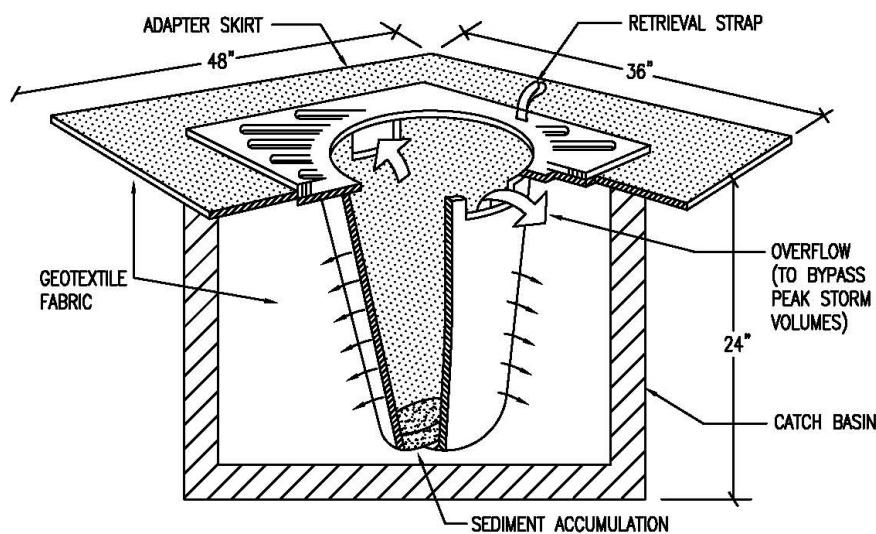
1. DROP INLET SEDIMENT BARRIERS ARE TO BE USED FOR SMALL, NEARLY LEVEL DRAINAGE AREAS. (LESS THAN 5%)
2. EXCAVATE A BASIN OF SUFFICIENT SIZE ADJACENT TO THE INLET.
3. THE TOP OF THE STRUCTURE (POND HEIGHT) MUST BE WELL BELOW THE GROUND ELEVATION DOWNSLOPE TO PREVENT RUNOFF FROM BYPASSING THE INLET. A TEMPORARY DIKE MAY BE NECESSARY ON THE DOWNSLOPE SIDE OF THE STRUCTURE.

**Figure 2 - 18. Drop Inlet with Block and Gravel Filter**



WARNING: DO NOT USE IN STREET OR R.O.W.

**Figure 2 - 19. Gravel and Wire Mesh Filter**



**INLET PROTECTION NOTES:**

1. FILTERS SHALL BE INSPECTED AFTER EACH STORM EVENT AND CLEANED OR REPLACED WHEN 1/3 FULL.

**BAG FILTER**

NOT TO SCALE

*Figure 2 - 20. Catchbasin Filter*

***Curb Inlet Protection with Wooden Weir***

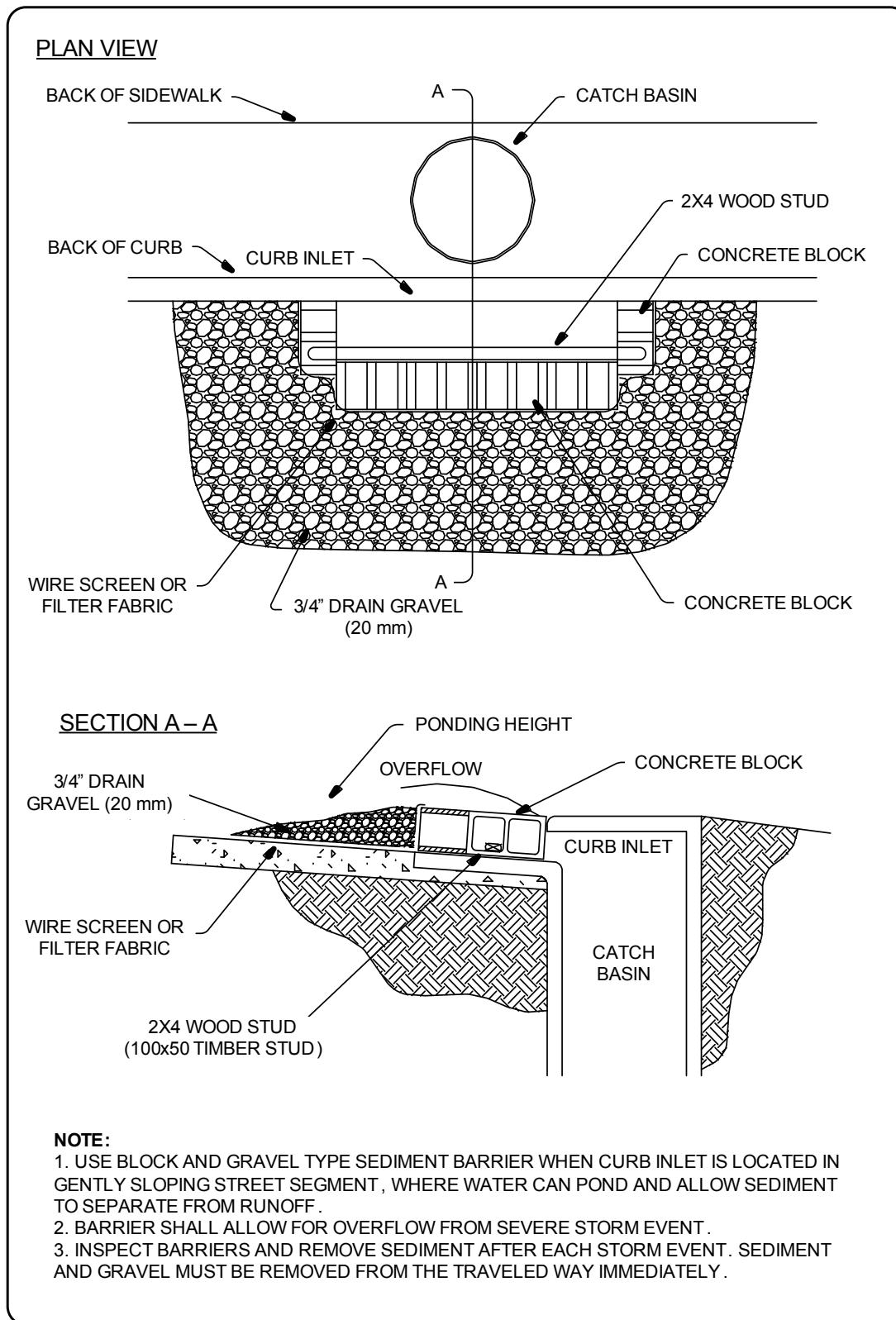
Barrier formed around a curb inlet with a wooden frame and gravel.

- Use wire mesh with ½-inch openings.
- Use extra strength filter cloth.
- Construct a frame.
- Attach the wire and filter fabric to the frame.
- Pile coarse washed aggregate against the wire and fabric.
- Place weight on frame anchors.

***Block and Gravel Curb Inlet Protection***

Barrier formed around an inlet with concrete blocks and gravel. See Figure 2 - 21.

- Use wire mesh with ½-inch openings.
- Place two concrete blocks on their sides abutting the curb at either side of the inlet opening. These are spacer blocks.
- Place a 2x4 stud through the outer holes of each spacer block to align the front blocks.
- Place blocks on their sides across the front of the inlet and abutting the spacer blocks.
- Place wire mesh over the outside vertical face.
- Pile coarse aggregate against the wire to the top of the barrier.



**Figure 2 - 21. Block and Gravel Curb Inlet Protection**

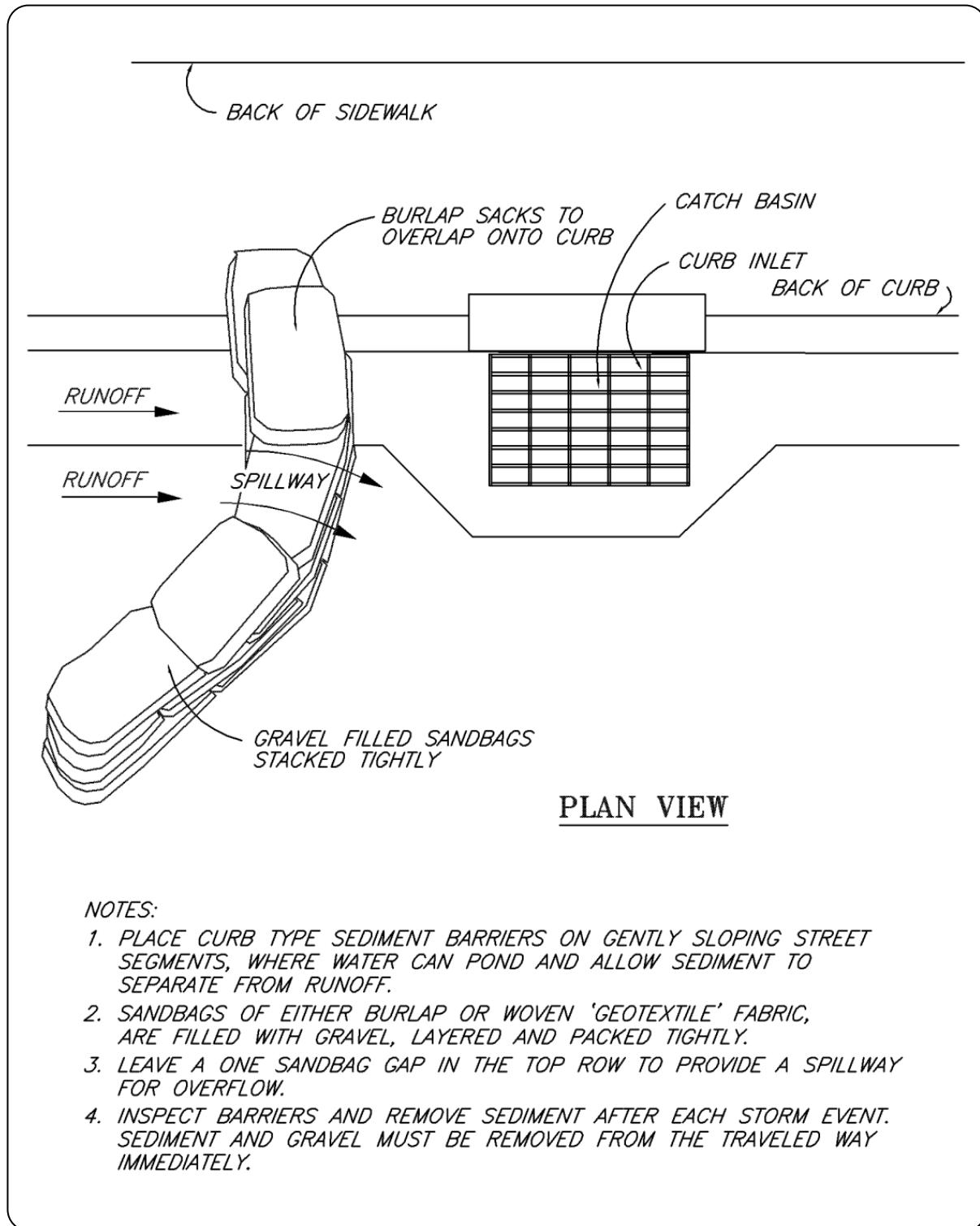
***Curb and Gutter Sediment Barrier***

Sandbag or rock berm (riprap and aggregate) 3 feet high and 3 feet wide in a horseshoe shape. See Figure 2 - 22.

- Construct a horseshoe shaped berm, faced with coarse aggregate if using riprap, 3 feet high and 3 feet wide, at least 2 feet from the inlet.
- Construct a horseshoe shaped sedimentation trap on the outside of the berm sized to sediment trap standards for protecting a culvert inlet.
- Sandbag must be gravel filled.

**3.2.11.4 Maintenance Standards**

- Inspect catch basin filters frequently, especially after storm events. If the insert becomes clogged, clean or replace it.
- For systems using stone filters: If the stone filter becomes clogged with sediment, the stones must be pulled away from the inlet and cleaned or replaced. Since cleaning of gravel at a construction site may be difficult, an alternative approach would be to use the clogged stone as fill and put fresh stone around the inlet.
- Do not wash sediment into storm drains while cleaning. Spread all excavated material evenly over the surrounding land area or stockpile and stabilize as appropriate.
- Do not allow accumulated sediment to enter the storm drain system.
- Inlet protection shall be removed when area is fully stabilized and erosion and sediment controls are no longer needed.



**Figure 2 - 22. Curb and Gutter Sediment Barrier**

- Every 100 feet on slopes greater than 10 percent
- Berm dimensions:
  - 1 foot high with 3:1 side slopes
  - 8 linear feet per 1 cubic foot per second runoff based on the 10-year, 24-hour design storm event assuming a Type 1A rainfall distribution (3.0-inches)

### **3.2.13.4 Maintenance Standards**

Regular inspection is required. Remove sediment and replace filter material as needed.

## **3.2.14 BMP C233: Silt Fence**

### **3.2.14.1 Purpose**

Use of a silt fence reduces the transport of coarse sediment from a construction site by providing a temporary physical barrier to sediment and reducing the runoff velocities of overland flow. See Figure 2 - 24 for details on silt fence construction.

### **3.2.14.2 Conditions of Use**

- Silt fence may be used downslope of all disturbed areas.
- Silt fence shall prevent soil carried by runoff water from going beneath, through, or over the top of the silt fence, but shall allow the water to pass through the fence.
- Silt fence is not intended to treat concentrated flows, nor is it intended to treat substantial amounts of overland flow. Convey any concentrated flows through the drainage system to a sediment pond. The only circumstance in which overland flow can be treated solely by a silt fence is when the area draining to the fence is one acre or less and flow rates are less than 0.5 cfs.
- Do not construct silt fences in streams or use them in V-shaped ditches. They are not an adequate method of silt control for anything deeper than sheet or overland flow.

### **3.2.14.3 Design and Installation Specifications**

- Drainage area of 1 acre or less or in combination with appropriate sediment removal BMPs on larger sites.
- Maximum slope steepness (perpendicular to fence line) 1H:1V.
- Maximum sheet or overland flowpath length to the fence of 100 feet.
- No flows greater than 0.5 cubic feet per second.

- The geotextile used shall meet the following standards. All geotextile properties listed below are minimum average roll values (i.e., the test result for any sampled roll in a lot shall meet or exceed the values shown in Table 2 - 12).

**Table 2 - 12: Geotextile Standards**

Standard	Description
Polymeric Mesh AOS (ASTM D4751)	0.60 mm maximum for silt film wovens (#30 sieve). 0.30 mm maximum for all other geotextile types (#50 sieve). 0.15 mm minimum for all fabric types (#100 sieve).
Water Permittivity (ASTM D4491)	0.02 sec <sup>-1</sup> minimum
Grab Tensile Strength (ASTM D4632)	180 lbs. minimum for extra strength fabric. 100 lbs. minimum for standard strength fabric.
Grab Tensile Strength (ASTM D4632)	30% maximum
Ultraviolet Resistance (ASTM D4355)	70% minimum

- Support standard strength fabrics with wire mesh, chicken wire, 2-inch x 2-inch wire, safety fence, or jute mesh to increase the strength of the fabric. Silt fence materials are available that have synthetic mesh backing attached.
- Silt fence material shall contain ultraviolet ray inhibitors and stabilizers to provide a minimum of six months of expected usable construction life at a temperature range of 0° to 120° Fahrenheit.
- 100 percent biodegradable silt fence is available that is strong and long lasting.
- The following are standard design and installation methods. Refer to Figure 2 - 24 for standard silt fence details.
  - Install and maintain temporary silt fences at the locations shown in the plans. Install the silt fences in the areas of clearing, grading, or drainage prior to starting those activities. Do not consider a silt fence temporary if the silt fence must function beyond the life of the contract. The silt fence shall prevent soil carried by runoff water from going beneath, through, or over the top of the silt fence, but shall allow the water to pass through the fence.
  - The minimum height of the top of silt fence shall be 2 feet and the maximum height shall be 2½ feet above the original ground surface.
  - Sew the silt fence fabric together at the point of manufacture, or at an approved location as determined by the Engineer, to form lengths as required. Locate all sewn seams at a support post. Alternatively, two sections of silt fence can be overlapped, provided the Contractor can demonstrate, to the satisfaction of the Engineer, that the overlap is long enough and adjacent fence sections are close enough together to prevent silt laden water from escaping through the fence at the overlap.
  - Attach the silt fence fabric on the up-slope side of the posts and support system with staples, wire, or in accordance with the manufacturer's recommendations. Attach the silt fence fabric to the posts in a manner that reduces the potential for geotextile tearing at the staples, wire, or other connection device. Silt fence back-up support for the fabric in the form of a wire or plastic mesh is dependent on the properties of the fabric selected for use. If wire or plastic back-up mesh is used, fasten the mesh

securely to the up-slope of the posts with the fabric being up-slope of the mesh back-up support.

- Bury the fabric at the bottom of the fence in a trench to a minimum depth of 4 inches below the ground surface. Backfill the trench and tamp the soil in place over the buried portion of the fabric, such that no flow can pass beneath the fence and scouring can not occur. When wire or polymeric back-up support mesh is used, the wire or polymeric mesh shall extend into the trench a minimum of 3 inches.
- Drive fence posts in to a minimum depth of 18 inches. A minimum depth of 12 inches is allowed if topsoil or other soft subgrade soil is not present and a minimum depth of 18 inches cannot be reached. Increase fence post depths by 6 inches if the fence is located on slopes of 3H:1V or steeper and the slope is perpendicular to the fence. If required post depths cannot be obtained, adequately secure the posts by bracing or guying to prevent overturning of the fence due to sediment loading.
- Locate the silt fences on contour as much as possible, except at the ends of the fence, where the fence shall be turned uphill such that the silt fence captures the runoff water and prevents water from flowing around the end of the fence.
- If the fence must cross contours, with the exception of the ends of the fence, place gravel check dams perpendicular to the back of the fence to minimize concentrated flow and erosion along the back of the fence. The gravel check dams shall be approximately 1-foot deep at the back of the fence and be perpendicular to the fence at the same elevation until the top of the check dam intercepts the ground surface behind the fence. The gravel check dams shall consist of crushed surfacing base course, gravel backfill for walls, or shoulder ballast. Locate the gravel check dams every 10 feet along the fence where the fence must cross contours. The slope of the fence line where contours must be crossed shall not be steeper than 3H:1V.
- Use wood, steel or equivalent posts. Wood posts shall have minimum dimensions of 2 inches by 2 inches, minimum by 3 feet minimum length, and shall be free of defects such as knots, splits, or gouges. Steel posts shall consist of either size No. 6 rebar or larger; ASTM A120 steel pipe with a minimum diameter of 1-inch; U, T, L, or C shape steel posts with a minimum weight of 1.35 pounds per foot; or other steel posts having equivalent strength and bending resistance to the post sizes listed. The spacing of the support posts shall be a maximum of 6 feet.
- Fence back-up support, if used, shall consist of steel wire with a maximum mesh spacing of 2 inches, or a prefabricated polymeric mesh. The strength of the wire or polymeric mesh shall be equivalent to or greater than 180 pounds grab tensile strength. The polymeric mesh must be as resistant to ultraviolet radiation as the geotextile it supports.
- Specification details for silt fence installation using the slicing method follow. Refer to Figure 2 - 25 for slicing method details.
  - The base of both end posts must be at least 2 to 4 inches above the top of the silt fence fabric on the middle posts for ditch checks to drain properly. Use a hand level or string level, if necessary, to mark base points before installation.
  - Install posts 3 to 4 feet apart in critical retention areas and a maximum of 6 feet apart in standard applications. If wire backing is used, post spacing may be increased to 8-foot maximum.

- Install posts 24 inches deep on the downstream side of the silt fence, and as close as possible to the fabric, enabling posts to support the fabric from upstream water pressure.
- Install posts with the nipples facing away from the silt fence fabric.
- Attach the fabric to each post with three ties, all spaced within the top 8 inches of the fabric. Attach each tie diagonally 45 degrees through the fabric, with each puncture at least 1 inch vertically apart. In addition, each tie should be positioned to hang on a post nipple when tightening to prevent sagging.
- Wrap approximately 6 inches of fabric around the end posts and secure with 3 ties.
- No more than 24 inches of a 36-inch fabric is allowed above ground level.
- The installation should be checked and corrected for any deviation before compaction. Use a flat-bladed shovel to tuck fabric deeper into the ground, if necessary.
- Compaction is vitally important for effective results. Compact the soil immediately next to the silt fence fabric with the front wheel of a tractor, skid steer, or roller exerting at least 60 pounds per square inch. Compact the upstream side first and then each side twice for a total of four trips.

### **3.2.14.4 Maintenance Standards**

- Repair any damage immediately.
- If concentrated flows are evident uphill of the fence, intercept and convey them to a sediment pond.
- It is important to check the uphill side of the fence for signs of the fence clogging, acting as a barrier to flow, and then causing channelization of flows parallel to the fence. If this occurs, replace the fence or remove the trapped sediment.
- Remove sediment deposits when the deposit reaches approximately one-third the height of the silt fence, or install a second silt fence.
- If the filter fabric (geotextile) has deteriorated due to ultraviolet breakdown, replace it.

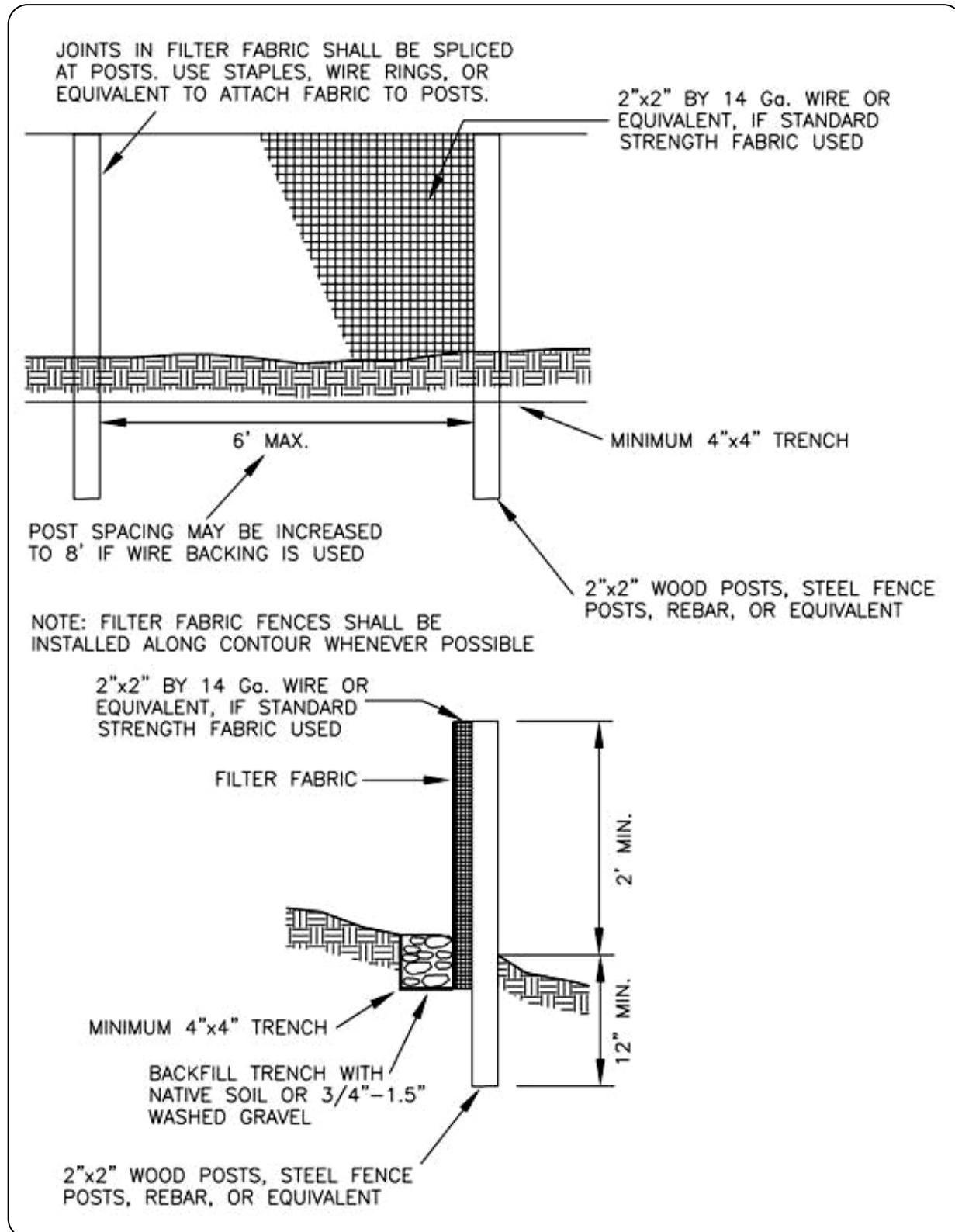
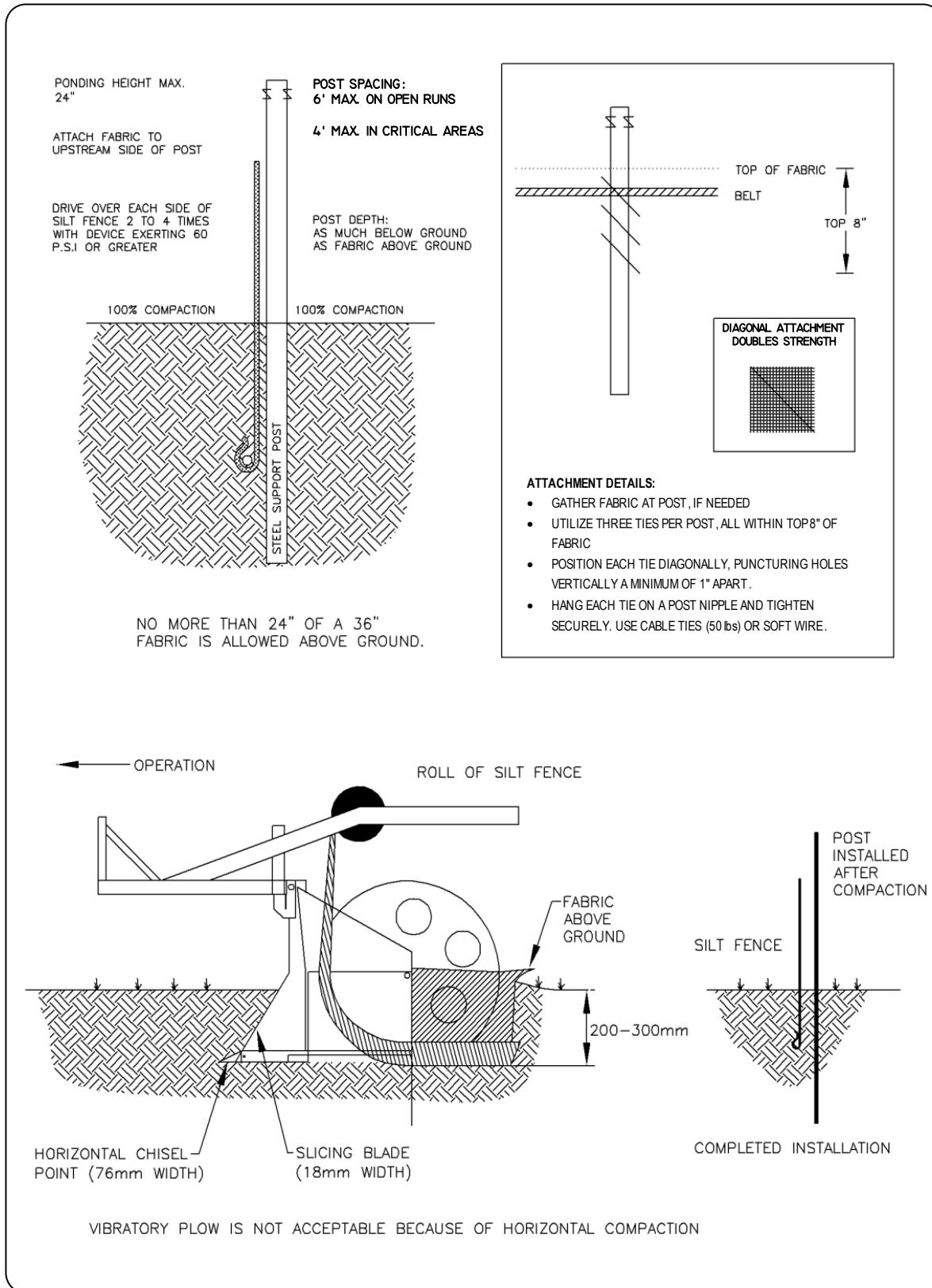


Figure 2 - 24. Silt Fence



**Figure 2 - 25. Silt Fence Installation by Slicing**

### **3.2.15 BMP C234: Vegetated Strip**

#### **3.2.15.1 Purpose**

Vegetated strips reduce the transport of coarse sediment from a construction site by providing a temporary physical barrier to sediment and reducing the runoff velocities of overland flow.

#### **3.2.15.2 Conditions of Use**

Vegetated strips may be used downslope of all disturbed areas.

Vegetated strips are not intended to treat concentrated flows, nor are they intended to treat substantial amounts of overland flow. Convey any concentrated flows through the drainage system to a sediment pond. The only circumstance in which overland flow can be treated solely by a strip, rather than by a sediment pond, is when the criteria shown in Table 2 - 13 are met.

**Table 2 - 13: Vegetated Strips**

Average Slope	Slope Percent	Flowpath Length
1.5H:1V or less	67% or less	100 feet
2H:1V or less	50% or less	115 feet
4H:1V or less	25% or less	150 feet
6H:1V or less	16.7% or less	200 feet
10H:1V or less	10% or less	250 feet

#### **3.2.15.3 Design and Installation Specifications**

- The vegetated strip shall consist of a minimum of a 25-foot wide continuous strip of dense vegetation with permeable topsoil. Grass-covered, landscaped areas are generally not adequate because the volume of sediment overwhelms the grass. Ideally, vegetated strips shall consist of undisturbed native growth with a well-developed soil that allows for infiltration of runoff.
- The slope within the strip shall not exceed 4H:1V.
- Delineate the uphill boundary of the vegetated strip with clearing limits.

#### **3.2.15.4 Maintenance Standards**

- Seed any areas damaged by erosion or construction activity immediately and protect with mulch.
- If more than 5 feet of the original vegetated strip width has had vegetation removed or is being eroded, install sod.
- If there are indications that concentrated flows are traveling across the vegetated strip, surface water controls must be installed to reduce the flows entering the vegetated strip, or install additional perimeter protection.

### **3.2.16 BMP C235: Wattles**

#### **3.2.16.1 Purpose**

Wattles are temporary erosion and sediment control barriers consisting of straw, compost or other material that is wrapped in biodegradable tubular plastic or similar encasing material. They

reduce the velocity and can spread the flow of rill and sheet runoff, and can capture and retain sediment. Wattles are typically 8 to 10 inches in diameter and 25 to 30 feet in length. The wattles are placed in shallow trenches and staked along the contour of disturbed or newly constructed slopes. See Figure 2 - 26 for typical construction details.

### **3.2.16.2 Conditions of Use**

- Use wattles
  - In disturbed areas that require immediate erosion protection.
  - On exposed soils during the period of short construction delays.
  - On slopes requiring stabilization until permanent vegetation can be established.
- Wattles are typically effective for one to two seasons.
- If conditions are appropriate, wattles can be staked to the ground using live cuttings for added revegetation.

### **3.2.16.3 Design Criteria**

- It is critical that wattles are installed perpendicular to the flow direction and parallel to the slope contour.
- Dig narrow trenches across the slope on contour to a depth of 3 to 5 inches on clay soils and soils with gradual slopes. On loose soils, steep slopes, and areas with high rainfall, dig the trenches to a depth of 5 to 7 inches, or 1/2 to 2/3 of the thickness of the wattle.
- Start building trenches and installing wattles from the base of the slope and work up. Excavated material should be spread evenly along the uphill slope and compacted using hand tamping or other methods.
- Construct trenches at contour intervals of 3 to 30 feet apart depending on the steepness of the slope, soil type, and rainfall. The steeper the slope, the closer together the trenches shall be.
- Install the wattles snugly into the trenches and abut tightly end to end. Do not overlap the ends. Rilling can occur beneath wattles if not properly entrenched, and water can pass between wattles if not tightly abutted.
- Install stakes at each end of the wattle, and at 4-foot centers along entire length of wattle.
- If required, install pilot holes for the stakes using a straight bar to drive holes through the wattle and into the soil.
- At a minimum, wooden stakes should be approximately 3/4 x 3/4 x 24 inches, minimum. Live cuttings or 3/8-inch rebar can also be used for stakes.
- Stakes should be driven through the middle of the wattle, leaving 2 to 3 inches of the stake protruding above the wattle.
- Compost wattles shall comply with BMP C125: Compost.

### **3.2.16.4 Maintenance Standards**

- Wattles may require maintenance to ensure they are in contact with soil and thoroughly entrenched, especially after significant rainfall on steep sandy soils.
- Inspect the slope after significant storms and repair any areas where wattles are not tightly abutted or water has scoured beneath the wattles.

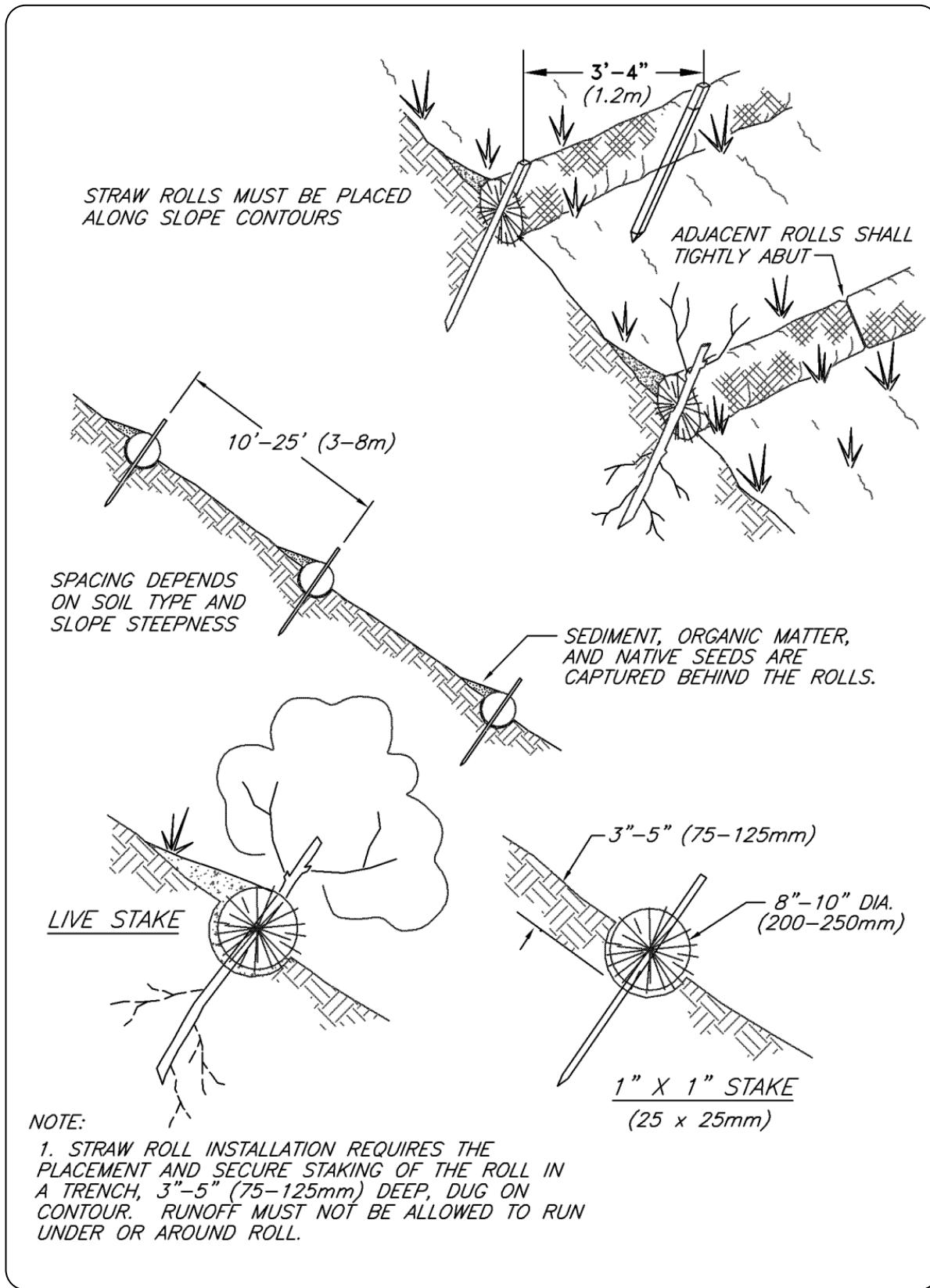


Figure 2 - 26. Straw Wattles

## **Appendix C – General Permit**

Issuance Date: November 18, 2015  
Effective Date: January 1, 2016  
Expiration Date: December 31, 2020

Modification Issuance Date: March 22, 2017  
Modification Effective Date: May 5, 2017

# **CONSTRUCTION STORMWATER GENERAL PERMIT**

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

**State of Washington  
Department of Ecology  
Olympia, Washington 98504**

In compliance with the provisions of  
Chapter 90.48 Revised Code of Washington  
(State of Washington Water Pollution Control Act)

and

Title 33 United States Code, Section 1251 et seq.  
The Federal Water Pollution Control Act (The Clean Water Act)

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 that follow.



Heather R. Bartlett  
Water Quality Program Manager  
Washington State Department of Ecology

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## SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions within this permit for additional submittal requirements. Appendix A provides a list of definitions. Appendix B provides a list of acronyms.

**Table 1: Summary of Required Submittals**

Permit Section	Submittal	Frequency	First Submittal Date
<a href="#">S5.A</a> and <a href="#">S8</a>	High Turbidity/Transparency Phone Reporting	As Necessary	Within 24 hours
<a href="#">S5.B</a>	Discharge Monitoring Report	Monthly*	Within 15 days following the end of each month
<a href="#">S5.F</a> and <a href="#">S8</a>	Noncompliance Notification – Telephone Notification	As necessary	Within 24-hours
<a href="#">S5.F</a>	Noncompliance Notification – Written Report	As necessary	Within 5 Days of non-compliance
<a href="#">S9.C</a>	Request for Chemical Treatment Form	As necessary	Written approval from Ecology is required prior to using chemical treatment (with the exception of dry ice or CO <sub>2</sub> to adjust pH)
<a href="#">G2</a>	Notice of Change in Authorization	As necessary	
<a href="#">G6</a>	Permit Application for Substantive Changes to the Discharge	As necessary	
<a href="#">G8</a>	Application for Permit Renewal	1/permit cycle	No later than 180 days before expiration
<a href="#">G9</a>	Notice of Permit Transfer	As necessary	
<a href="#">G20</a>	Notice of Planned Changes	As necessary	
<a href="#">G22</a>	Reporting Anticipated Non-compliance	As necessary	

SPECIAL NOTE: \*Permittees must submit electronic Discharge Monitoring Reports (DMRs) to the Washington State Department of Ecology monthly, regardless of site discharge, for the full duration of permit coverage. Refer to Section S5.B of this General Permit for more specific information regarding DMRs.

**Table 2: Summary of Required On-site Documentation**

Document Title	Permit Conditions
Permit Coverage Letter	See Conditions <a href="#">S2</a> , <a href="#">S5</a>
Construction Stormwater General Permit	See Conditions <a href="#">S2</a> , <a href="#">S5</a>
Site Log Book	See Conditions <a href="#">S4</a> , <a href="#">S5</a>
Stormwater Pollution Prevention Plan (SWPPP)	See Conditions <a href="#">S9</a> , <a href="#">S5</a>

## **SPECIAL CONDITIONS**

### **S1. PERMIT COVERAGE**

#### **A. Permit Area**

This Construction Stormwater General Permit (CSWGP) covers all areas of Washington State, except for federal operators and Indian Country as specified in Special Condition S1.E.3.

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

1. Operators of the following construction activities are required to seek coverage under this CSWGP:
  - a. Clearing, grading and/or excavation that results in the disturbance of one or more acres (including off-site disturbance acreage authorized in S1.C.2) and discharges stormwater to surface waters of the State; and clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the State.
    - i. This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, and discharge to surface waters of the State (that is, forest practices that prepare a site for construction activities); and
  - b. Any size construction activity discharging stormwater to waters of the State that the Washington State Department of Ecology (Ecology):
    - i. Determines to be a significant contributor of pollutants to waters of the State of Washington.
    - ii. Reasonably expects to cause a violation of any water quality standard.
2. Operators of the following activities are not required to seek coverage under this CSWGP (unless specifically required under Special Condition S1.B.1.b. above):
  - a. Construction activities that discharge all stormwater and non-stormwater to ground water, sanitary sewer, or combined sewer, and have no point source discharge to either surface water or a storm sewer system that drains to surface waters of the State.
  - b. Construction activities covered under an Erosivity Waiver (Special Condition S2.C.).
  - c. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

C. Authorized Discharges:

1. *Stormwater Associated with Construction Activity.* Subject to compliance with the terms and conditions of this permit, Permittees are authorized to discharge stormwater associated with construction activity to surface waters of the State or to a storm sewer system that drains to surface waters of the State. (Note that “surface waters of the State” may exist on a construction site as well as off site; for example, a creek running through a site.)
2. *Stormwater Associated with Construction Support Activity.* This permit also authorizes stormwater discharge from support activities related to the permitted construction site (for example, an on-site portable rock crusher, off-site equipment staging yards, material storage areas, borrow areas, etc.) provided:
  - a. The support activity relates directly to the permitted construction site that is required to have an NPDES permit; and
  - b. The support activity is not a commercial operation serving multiple unrelated construction projects, and does not operate beyond the completion of the construction activity; and
  - c. Appropriate controls and measures are identified in the Stormwater Pollution Prevention Plan (SWPPP) for the discharges from the support activity areas.
3. *Non-Stormwater Discharges.* The categories and sources of non-stormwater discharges identified below are authorized conditionally, provided the discharge is consistent with the terms and conditions of this permit:
  - a. Discharges from fire-fighting activities.
  - b. Fire hydrant system flushing.
  - c. Potable water, including uncontaminated water line flushing.
  - d. Hydrostatic test water.
  - e. Uncontaminated air conditioning or compressor condensate.
  - f. Uncontaminated ground water or spring water.
  - g. Uncontaminated excavation dewatering water (in accordance with S9.D.10).
  - h. Uncontaminated discharges from foundation or footing drains.
  - i. Uncontaminated or potable water used to control dust. Permittees must minimize the amount of dust control water used.
  - j. Routine external building wash down that does not use detergents.
  - k. Landscape irrigation water.

The SWPPP must adequately address all authorized non-stormwater discharges, except for discharges from fire-fighting activities, and must comply with Special Condition S3.

At a minimum, discharges from potable water (including water line flushing), fire hydrant system flushing, and pipeline hydrostatic test water must undergo the following: dechlorination to a concentration of 0.1 parts per million (ppm) or less, and pH adjustment to within 6.5 – 8.5 standard units (su), if necessary.

**D. Prohibited Discharges:**

The following discharges to waters of the State, including ground water, are prohibited.

1. Concrete wastewater.
2. Wastewater from washout and clean-up of stucco, paint, form release oils, curing compounds and other construction materials.
3. Process wastewater as defined by 40 Code of Federal Regulations (CFR) 122.2 (see Appendix A of this permit).
4. Slurry materials and waste from shaft drilling, including process wastewater from shaft drilling for construction of building, road, and bridge foundations unless managed according to Special Condition S9.D.9.j.
5. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
6. Soaps or solvents used in vehicle and equipment washing.
7. Wheel wash wastewater, unless managed according to Special Condition S9.D.9.
8. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed according to Special Condition S9.D.10.

**E. Limits on Coverage**

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

The following stormwater discharges are not covered by this permit:

1. Post-construction stormwater discharges that originate from the site after completion of construction activities and the site has undergone final stabilization.
2. Non-point source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance, from which there is natural runoff as excluded in 40 CFR Subpart 122.
3. Stormwater from any federal operator.

4. Stormwater from facilities located on “Indian Country” as defined in 18 U.S.C. §1151, except portions of the Puyallup Reservation as noted below.

Indian Country includes:

- a. 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.
- b. All off-reservation Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.
- c. All off-reservation federal trust lands held for Native American Tribes.

Puyallup Exception: Following the *Puyallup Tribes of Indians Land Settlement Act of 1989*, 25 U.S.C. §1773; the permit does apply to land within the Puyallup Reservation except for discharges to surface water on land held in trust by the federal government.

5. Stormwater from any site covered under an existing NPDES individual permit in which stormwater management and/or treatment requirements are included for all stormwater discharges associated with construction activity.
6. Stormwater from a site where an applicable Total Maximum Daily Load (TMDL) requirement specifically precludes or prohibits discharges from construction activity.

## **S2. APPLICATION REQUIREMENTS**

### **A. Permit Application Forms**

1. Notice of Intent Form/Timeline
  - a. Operators of new or previously unpermitted construction activities must submit a complete and accurate permit application (Notice of Intent, or NOI) to Ecology.
  - b. Operators must apply using the electronic application form (NOI) available on Ecology’s website <http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html>. Permittees unable to submit electronically (for example, those who do not have an internet connection) must contact Ecology to request a waiver and obtain instructions on how to obtain a paper NOI.

Department of Ecology  
Water Quality Program - Construction Stormwater  
PO Box 47696  
Olympia, Washington 98504-7696

- c. The operator must submit the NOI at least 60 days before discharging stormwater from construction activities and must submit it on or before the date of the first public notice (see Special Condition S2.B below for details). The 30-day public comment period begins on the publication date of the second public notice. Unless Ecology responds to the complete application in writing, based on public comments, or any other relevant factors, coverage under the general permit will automatically commence on the thirty-first day following receipt by Ecology of a completed NOI, or the issuance date of this permit, whichever is later; unless Ecology specifies a later date in writing as required by WAC173-226-200(2).
- d. If an applicant intends to use a Best Management Practice (BMP) selected on the basis of Special Condition S9.C.4 (“demonstrably equivalent” BMPs), the applicant must notify Ecology of its selection as part of the NOI. In the event the applicant selects BMPs after submission of the NOI, it must provide notice of the selection of an equivalent BMP to Ecology at least 60 days before intended use of the equivalent BMP.
- e. Permittees must notify Ecology regarding any changes to the information provided on the NOI by submitting an updated NOI. Examples of such changes include, but are not limited to:
  - i. Changes to the Permittee’s mailing address,
  - ii. Changes to the on-site contact person information, ***and***
  - iii. Changes to the area/acreage affected by construction activity.
- f. Applicants must notify Ecology if they are aware of contaminated soils and/or groundwater associated with the construction activity. Provide detailed information with the NOI (as known and readily available) on the nature and extent of the contamination (concentrations, locations, and depth), as well as pollution prevention and/or treatment BMPs proposed to control the discharge of soil and/or groundwater contaminants in stormwater. Examples of such detail may include, but are not limited to:
  - i. List or table of all known contaminants with laboratory test results showing concentration and depth,
  - ii. Map with sample locations,
  - iii. Temporary Erosion and Sediment Control (TESC) plans,
  - iv. Related portions of the Stormwater Pollution Prevention Plan (SWPPP) that address the management of contaminated and potentially contaminated construction stormwater and dewatering water,
  - v. Dewatering plan and/or dewatering contingency plan.

2. Transfer of Coverage Form

The Permittee can transfer current coverage under this permit to one or more new operators, including operators of sites within a Common Plan of Development, provided the Permittee submits a Transfer of Coverage Form in accordance with General Condition G9. Transfers do not require public notice.

B. Public Notice

For new or previously unpermitted construction activities, the applicant must publish a public notice at least one time each week for two consecutive weeks, at least 7 days apart, in a newspaper with general circulation in the county where the construction is to take place. The notice must contain:

1. A statement that “The applicant is seeking coverage under the Washington State Department of Ecology’s Construction Stormwater NPDES and State Waste Discharge General Permit”.
2. The name, address and location of the construction site.
3. The name and address of the applicant.
4. The type of construction activity that will result in a discharge (for example, residential construction, commercial construction, etc.), and the number of acres to be disturbed.
5. The name of the receiving water(s) (that is, the surface water(s) to which the site will discharge), or, if the discharge is through a storm sewer system, the name of the operator of the system.
6. The statement: “Any persons desiring to present their views to the Washington State Department of Ecology regarding this application, or interested in Ecology’s action on this application, may notify Ecology in writing no later than 30 days of the last date of publication of this notice. Ecology reviews public comments and considers whether discharges from this project would cause a measurable change in receiving water quality, and, if so, whether the project is necessary and in the overriding public interest according to Tier II antidegradation requirements under WAC 173-201A-320. Comments can be submitted to: Department of Ecology, PO Box 47696, Olympia, Washington 98504-7696 Attn: Water Quality Program, Construction Stormwater.”

### C. Erosivity Waiver

Construction site operators may qualify for an erosivity waiver from the CSWGP if the following conditions are met:

1. The site will result in the disturbance of fewer than 5 acres and the site is not a portion of a common plan of development or sale that will disturb 5 acres or greater.
2. Calculation of Erosivity “R” Factor and Regional Timeframe:
  - a. The project’s rainfall erosivity factor (“R” Factor) must be less than 5 during the period of construction activity, as calculated (see the CSWGP homepage <http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html> for a link to the EPA’s calculator and step by step instructions on computing the “R” Factor in the EPA Erosivity Waiver Fact Sheet). The period of construction activity starts when the land is first disturbed and ends with final stabilization. In addition:
    - b. The entire period of construction activity must fall within the following timeframes:
      - i. For sites west of the Cascades Crest: June 15 – September 15.
      - ii. For sites east of the Cascades Crest, excluding the Central Basin: June 15 – October 15.
      - iii. For sites east of the Cascades Crest, within the Central Basin: no additional timeframe restrictions apply. The Central Basin is defined as the portions of Eastern Washington with mean annual precipitation of less than 12 inches. For a map of the Central Basin (Average Annual Precipitation Region 2), refer to <http://www.ecy.wa.gov/programs/wq/stormwater/construction/resourcesguidance.html>.
3. Construction site operators must submit a complete Erosivity Waiver certification form at least one week before disturbing the land. Certification must include statements that the operator will:
  - a. Comply with applicable local stormwater requirements; **and**
  - b. Implement appropriate erosion and sediment control BMPs to prevent violations of water quality standards.
4. This waiver is not available for facilities declared significant contributors of pollutants as defined in Special Condition S1.B.1.b. or for any size construction activity that could reasonably expect to cause a violation of any water quality standard as defined in Special Condition S1.B.1.b.ii.
5. This waiver does not apply to construction activities which include non-stormwater discharges listed in Special Condition S1.C.3.

6. If construction activity extends beyond the certified waiver period for any reason, the operator must either:
  - a. Recalculate the rainfall erosivity "R" factor using the original start date and a new projected ending date and, if the "R" factor is still under 5 *and* the entire project falls within the applicable regional timeframe in Special Condition S2.C.2.b, complete and submit an amended waiver certification form before the original waiver expires; *or*
  - b. Submit a complete permit application to Ecology in accordance with Special Condition S2.A and B before the end of the certified waiver period.

### **S3. COMPLIANCE WITH STANDARDS**

- A. Discharges must not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), sediment management standards (Chapter 173-204 WAC), and human health-based criteria in the National Toxics Rule (40 CFR Part 131.36). Discharges not in compliance with these standards are not authorized.
- B. Prior to the discharge of stormwater and non-stormwater to waters of the State, the Permittee must apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate SWPPP, with all appropriate BMPs installed and maintained in accordance with the SWPPP and the terms and conditions of this permit.
- C. Ecology presumes that a Permittee complies with water quality standards unless discharge monitoring data or other site-specific information demonstrates that a discharge causes or contributes to a violation of water quality standards, when the Permittee complies with the following conditions. The Permittee must fully:
  1. Comply with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions.
  2. Implement stormwater BMPs contained in stormwater management manuals published or approved by Ecology, or BMPs that are demonstrably equivalent to BMPs contained in stormwater technical manuals published or approved by Ecology, including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs for on-site pollution control. (For purposes of this section, the stormwater manuals listed in Appendix 10 of the Phase I Municipal Stormwater Permit are approved by Ecology.)
- D. Where construction sites also discharge to ground water, the ground water discharges must also meet the terms and conditions of this CSWGP. Permittees who discharge to ground water through an injection well must also comply with any applicable requirements of the Underground Injection Control (UIC) regulations, Chapter 173-218 WAC.

## **S4. MONITORING REQUIREMENTS, BENCHMARKS AND REPORTING TRIGGERS**

### **A. Site Log Book**

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

### **B. Site Inspections**

The Permittee's site inspections must include all areas disturbed by construction activities, all BMPs, and all stormwater discharge points under the Permittee's operational control. (See Special Conditions S4.B.3 and B.4 below for detailed requirements of the Permittee's Certified Erosion and Sediment Control Lead [CESCL].)

Construction sites one acre or larger that discharge stormwater to surface waters of the State must have site inspections conducted by a certified CESCL. Sites less than one acre may have a person without CESCL certification conduct inspections.

1. The Permittee must examine stormwater visually for the presence of suspended sediment, turbidity, discoloration, and oil sheen. The Permittee must evaluate the effectiveness of BMPs and determine if it is necessary to install, maintain, or repair BMPs to improve the quality of stormwater discharges.

Based on the results of the inspection, the Permittee must correct the problems identified by:

- a. Reviewing the SWPPP for compliance with Special Condition S9 and making appropriate revisions within 7 days of the inspection.
  - b. Immediately beginning the process of fully implementing and maintaining appropriate source control and/or treatment BMPs as soon as possible, addressing the problems no later than within 10 days of the inspection. If installation of necessary treatment BMPs is not feasible within 10 days, Ecology may approve additional time when an extension is requested by a Permittee within the initial 10-day response period.
  - c. Documenting BMP implementation and maintenance in the site log book.
2. The Permittee must inspect all areas disturbed by construction activities, all BMPs, and all stormwater discharge points at least once every calendar week and within 24 hours of any discharge from the site. (For purposes of this condition, individual discharge events that last more than one day do not require daily inspections. For example, if a stormwater pond discharges continuously over the course of a week, only one inspection is required that week.) The Permittee may reduce the inspection frequency for temporarily stabilized, inactive sites to once every calendar month.

3. The Permittee must have staff knowledgeable in the principles and practices of erosion and sediment control. The CESCL (sites one acre or more) or inspector (sites less than one acre) must have the skills to assess the:
  - a. Site conditions and construction activities that could impact the quality of stormwater, **and**
  - b. Effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.
4. The SWPPP must identify the CESCL or inspector, who must be present on site or on-call at all times. The CESCL must obtain this certification through an approved erosion and sediment control training program that meets the minimum training standards established by Ecology (see BMP C160 in the manual referred to in Special Condition S9.C.1 and 2).
5. The Permittee must summarize the results of each inspection in an inspection report or checklist and enter the report/checklist into, or attach it to, the site log book. At a minimum, each inspection report or checklist must include:
  - a. Inspection date and time.
  - b. Weather information, the general conditions during inspection and the approximate amount of precipitation since the last inspection, and precipitation within the last 24 hours.
  - c. A summary or list of all implemented BMPs, including observations of all erosion/sediment control structures or practices.
  - d. A description of the locations:
    - i. Of BMPs inspected;
    - ii. Of BMPs that need maintenance and why;
    - iii. Of BMPs that failed to operate as designed or intended; **and**
    - iv. Where additional or different BMPs are needed, and why.
  - e. A description of stormwater discharged from the site. The Permittee must note the presence of suspended sediment, turbidity, discoloration, and oil sheen, as applicable.
  - f. Any water quality monitoring performed during inspection.
  - g. General comments and notes, including a brief description of any BMP repairs, maintenance or installations made following the inspection.
  - h. A summary report and a schedule of implementation of the remedial actions that the Permittee plans to take if the site inspection indicates that the site is out of compliance. The remedial actions taken must meet the requirements of the SWPPP and the permit.

- i. The name, title, and signature of the person conducting the site inspection, a phone number or other reliable method to reach this person, and the following statement: "I certify that this report is true, accurate, and complete to the best of my knowledge and belief."

**Table 3: Summary of Primary Monitoring Requirements**

<b>Size of Soil Disturbance<sup>1</sup></b>	<b>Weekly Site Inspections</b>	<b>Weekly Sampling w/ Turbidity Meter</b>	<b>Weekly Sampling w/ Transparency Tube</b>	<b>Weekly pH Sampling<sup>2</sup></b>	<b>CESCL Required for Inspections?</b>
Sites that disturb less than 1 acre, but are part of a larger Common Plan of Development	Required	Not Required	Not Required	Not Required	No
Sites that disturb 1 acre or more, but fewer than 5 acres	Required	Sampling Required – either method <sup>3</sup>		Required	Yes
Sites that disturb 5 acres or more	Required	Required	Not Required <sup>4</sup>	Required	Yes

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<sup>1</sup> Soil disturbance is calculated by adding together all areas that will be affected by construction activity. Construction activity means clearing, grading, excavation, and any other activity that disturbs the surface of the land, including ingress/egress from the site.

<sup>2</sup> If construction activity results in the disturbance of 1 acre or more, and involves significant concrete work (1,000 cubic yards of poured concrete or recycled concrete over the life of a project) or the use of engineered soils (soil amendments including but not limited to Portland cement-treated base [CTB], cement kiln dust [CKD], or fly ash), and stormwater from the affected area drains to surface waters of the State or to a storm sewer stormwater collection system that drains to other surface waters of the State, the Permittee must conduct pH sampling in accordance with Special Condition S4.D.

<sup>3</sup> Sites with one or more acres, but fewer than 5 acres of soil disturbance, must conduct turbidity or transparency sampling in accordance with Special Condition S4.C.

<sup>4</sup> Sites equal to or greater than 5 acres of soil disturbance must conduct turbidity sampling using a turbidity meter in accordance with Special Condition S4.C.

## C. Turbidity/Transparency Sampling Requirements

### 1. Sampling Methods

- a. If construction activity involves the disturbance of 5 acres or more, the Permittee must conduct turbidity sampling per Special Condition S4.C.
- b. If construction activity involves 1 acre or more but fewer than 5 acres of soil disturbance, the Permittee must conduct either transparency sampling **or** turbidity sampling per Special Condition S4.C.

### 2. Sampling Frequency

- a. The Permittee must sample all discharge points at least once every calendar week when stormwater (or authorized non-stormwater) discharges from the site or enters any on-site surface waters of the state (for example, a creek running through a site); sampling is not required on sites that disturb less than an acre.
- b. Samples must be representative of the flow and characteristics of the discharge.
- c. Sampling is not required when there is no discharge during a calendar week.
- d. Sampling is not required outside of normal working hours or during unsafe conditions.
- e. If the Permittee is unable to sample during a monitoring period, the Permittee must include a brief explanation in the monthly Discharge Monitoring Report (DMR).
- f. Sampling is not required before construction activity begins.
- g. The Permittee may reduce the sampling frequency for temporarily stabilized, inactive sites to once every calendar month.

### 3. Sampling Locations

- a. Sampling is required at all points where stormwater associated with construction activity (or authorized non-stormwater) is discharged off site, including where it enters any on-site surface waters of the state (for example, a creek running through a site).
- b. The Permittee may discontinue sampling at discharge points that drain areas of the project that are fully stabilized to prevent erosion.
- c. The Permittee must identify all sampling point(s) on the SWPPP site map and clearly mark these points in the field with a flag, tape, stake or other visible marker.
- d. Sampling is not required for discharge that is sent directly to sanitary or combined sewer systems.

- e. The Permittee may discontinue sampling at discharge points in areas of the project where the Permittee no longer has operational control of the construction activity.

4. Sampling and Analysis Methods

- a. The Permittee performs turbidity analysis with a calibrated turbidity meter (turbidimeter) either on site or at an accredited lab. The Permittee must record the results in the site log book in nephelometric turbidity units (NTUs).
- b. The Permittee performs transparency analysis on site with a 1 $\frac{3}{4}$ -inch-diameter, 60-centimeter (cm)-long transparency tube. The Permittee will record the results in the site log book in centimeters (cm).

**Table 4: Monitoring and Reporting Requirements**

Parameter	Unit	Analytical Method	Sampling Frequency	Benchmark Value	Phone Reporting Trigger Value
Turbidity	NTU	SM2130	Weekly, if discharging	25 NTUs	250 NTUs
Transparency	cm	Manufacturer instructions, or Ecology guidance	Weekly, if discharging	33 cm	6 cm

5. Turbidity/Transparency Benchmark Values and Reporting Triggers

The benchmark value for turbidity is 25 NTUs or less. The benchmark value for transparency is 33 centimeters (cm). Note: Benchmark values do not apply to discharges to segments of water bodies on Washington State's 303(d) list (Category 5) for turbidity, fine sediment, or phosphorus; these discharges are subject to a numeric effluent limit for turbidity. Refer to Special Condition S8 for more information.

a. Turbidity 26 – 249 NTUs, or Transparency 32 – 7 cm:

If the discharge turbidity is 26 to 249 NTUs; or if discharge transparency is less than 33 cm, but equal to or greater than 6 cm, the Permittee must:

- i. Review the SWPPP for compliance with Special Condition S9 and make appropriate revisions within 7 days of the date the discharge exceeded the benchmark.
- ii. Immediately begin the process to fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, addressing the problems within 10 days of the date the discharge exceeded the benchmark. If installation of necessary treatment BMPs is not feasible within 10 days, Ecology may approve additional time when the Permittee requests an extension within the initial 10-day response period.

- iii. Document BMP implementation and maintenance in the site log book.
- b. Turbidity 250 NTUs or greater, or Transparency 6 cm or less:

If a discharge point's turbidity is 250 NTUs or greater, or if discharge transparency is less than or equal to 6 cm, the Permittee must complete the reporting and adaptive management process described below.

  - i. Telephone or submit an electronic report to the applicable Ecology Region's Environmental Report Tracking System (ERTS) number (or through Ecology's Water Quality Permitting Portal [WQWebPortal] – Permit Submittals when the form is available) within 24 hours, in accordance with Special Condition S5.A.
    - **Central Region** (Okanogan, Chelan, Douglas, Kittitas, Yakima, Klickitat, Benton): (509) 575-2490
    - **Eastern Region** (Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman): (509) 329-3400
    - **Northwest Region** (Kitsap, Snohomish, Island, King, San Juan, Skagit, Whatcom): (425) 649-7000
    - **Southwest Region** (Grays Harbor, Lewis, Mason, Thurston, Pierce, Clark, Cowlitz, Skamania, Wahkiakum, Clallam, Jefferson, Pacific): (360) 407-6300

Links to these numbers and the ERTS reporting page are located on the following web site:

<http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html>.

- ii. Review the SWPPP for compliance with Special Condition S9 and make appropriate revisions within 7 days of the date the discharge exceeded the benchmark.
  - iii. Immediately begin the process to fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, addressing the problems within 10 days of the date the discharge exceeded the benchmark. If installation of necessary treatment BMPs is not feasible within 10 days, Ecology may approve additional time when the Permittee requests an extension within the initial 10-day response period.
  - iv. Document BMP implementation and maintenance in the site log book.
  - v. Sample discharges daily until:
    - a) Turbidity is 25 NTUs (or lower); **or**
    - b) Transparency is 33 cm (or greater); **or**

- c) The Permittee has demonstrated compliance with the water quality limit for turbidity:
  - 1) No more than 5 NTUs over background turbidity, if background is less than 50 NTUs, **or**
  - 2) No more than 10% over background turbidity, if background is 50 NTUs or greater; **or**
- d) The discharge stops or is eliminated.

#### D. pH Sampling Requirements – Significant Concrete Work or Engineered Soils

If construction activity results in the disturbance of 1 acre or more, **and** involves significant concrete work (significant concrete work means greater than 1000 cubic yards poured concrete or recycled concrete used over the life of a project) or the use of engineered soils (soil amendments including but not limited to Portland cement-treated base [CTB], cement kiln dust [CKD], or fly ash), and stormwater from the affected area drains to surface waters of the State or to a storm sewer system that drains to surface waters of the State, the Permittee must conduct pH sampling as set forth below. Note: In addition, discharges to segments of water bodies on Washington State's 303(d) list (Category 5) for high pH are subject to a numeric effluent limit for pH; refer to Special Condition S8.

1. For sites with significant concrete work, the Permittee must begin the pH sampling period when the concrete is first poured and exposed to precipitation, and continue weekly throughout and after the concrete pour and curing period, until stormwater pH is in the range of 6.5 to 8.5 (su).
2. For sites with recycled concrete where monitoring is required, the Permittee must begin the weekly pH sampling period when the recycled concrete is first exposed to precipitation and must continue until the recycled concrete is fully stabilized with the stormwater pH in the range of 6.5 to 8.5 (su).
3. For sites with engineered soils, the Permittee must begin the pH sampling period when the soil amendments are first exposed to precipitation and must continue until the area of engineered soils is fully stabilized.
4. During the applicable pH monitoring period defined above, the Permittee must obtain a representative sample of stormwater and conduct pH analysis at least once per week.
5. The Permittee must sample pH in the sediment trap/pond(s) or other locations that receive stormwater runoff from the area of significant concrete work or engineered soils before the stormwater discharges to surface waters.
6. The benchmark value for pH is 8.5 standard units. Anytime sampling indicates that pH is 8.5 or greater, the Permittee must either:

- a. Prevent the high pH water (8.5 or above) from entering storm sewer systems or surface waters; **or**
- b. If necessary, adjust or neutralize the high pH water until it is in the range of pH 6.5 to 8.5 (su) using an appropriate treatment BMP such as carbon dioxide (CO<sub>2</sub>) sparging or dry ice. The Permittee must obtain written approval from Ecology before using any form of chemical treatment other than CO<sub>2</sub> sparging or dry ice.

7. The Permittee must perform pH analysis on site with a calibrated pH meter, pH test kit, or wide range pH indicator paper. The Permittee must record pH sampling results in the site log book.

## **S5. REPORTING AND RECORDKEEPING REQUIREMENTS**

### **A. High Turbidity Reporting**

Anytime sampling performed in accordance with Special Condition S4.C indicates turbidity has reached the 250 NTUs or more (or transparency less than or equal to 6 cm) high turbidity reporting level, the Permittee must either call the applicable Ecology Region's Environmental Report Tracking System (ERTS) number by phone within 24 hours of analysis or submit an electronic ERTS report (or submit an electronic report through Ecology's Water Quality Permitting Portal (WQWebPortal) – Permit Submittals when the form is available). See the CSWGP web site for links to ERTS and the WQWebPortal: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html>. Also, see phone numbers in Special Condition S4.C.5.b.i.

### **B. Discharge Monitoring Reports (DMRs)**

Permittees required to conduct water quality sampling in accordance with Special Conditions S4.C (Turbidity/Transparency), S4.D (pH), S8 (303[d]/TMDL sampling), and/or G13 (Additional Sampling) must submit the results to Ecology.

Permittees must submit monitoring data using Ecology's WQWebDMR web application accessed through Ecology's Water Quality Permitting Portal. To find out more information and to sign up for WQWebDMR go to: <http://www.ecy.wa.gov/programs/wq/permits/paris/portal.html>.

Permittees unable to submit electronically (for example, those who do not have an internet connection) must contact Ecology to request a waiver and obtain instructions on how to obtain a paper copy DMR at:

Department of Ecology  
Water Quality Program - Construction Stormwater  
PO Box 47696  
Olympia, Washington 98504-7696

Permittees who obtain a waiver not to use WQWebDMR must use the forms provided to them by Ecology; submittals must be mailed to the address above. Permittees shall

submit DMR forms to be received by Ecology within 15 days following the end of each month.

If there was no discharge during a given monitoring period, all Permittees must submit a DMR as required with "no discharge" entered in place of the monitoring results. DMRs are required for the full duration of permit coverage (from issuance date to termination). For more information, contact Ecology staff using information provided at the following web site: [www.ecy.wa.gov/programs/wq/permits/paris/contacts.html](http://www.ecy.wa.gov/programs/wq/permits/paris/contacts.html).

#### C. Records Retention

The Permittee must retain records of all monitoring information (site log book, sampling results, inspection reports/checklists, etc.), Stormwater Pollution Prevention Plan, copy of the permit coverage letter (including Transfer of Coverage documentation), and any other documentation of compliance with permit requirements for the entire life of the construction project and for a minimum of three years following the termination of permit coverage. Such information must include all calibration and maintenance records, and records of all data used to complete the application for this permit. This period of retention must be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.

#### D. Recording Results

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

1. Date, place, method, and time of sampling or measurement.
2. The first and last name of the individual who performed the sampling or measurement.
3. The date(s) the analyses were performed.
4. The first and last name of the individual who performed the analyses.
5. The analytical techniques or methods used.
6. The results of all analyses.

#### E. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Special Condition S4 of this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Permittee's DMR.

#### F. Noncompliance Notification

In the event the Permittee is unable to comply with any part of the terms and conditions of this permit, and the resulting noncompliance may cause a threat to human health or the environment (such as but not limited to spills of fuels or other materials, catastrophic pond or slope failure, and discharges that violate water quality standards), or exceed

numeric effluent limitations (see S8. Discharges to 303(d) or TMDL Waterbodies), the Permittee must, upon becoming aware of the circumstance:

1. Notify Ecology within 24-hours of the failure to comply by calling the applicable Regional office ERTS phone number (refer to Special Condition S4.C.5.b.i. or [www.ecy.wa.gov/programs/wq/stormwater/construction/turbidity.html](http://www.ecy.wa.gov/programs/wq/stormwater/construction/turbidity.html) for Regional ERTS phone numbers).
2. Immediately take action to prevent the discharge/pollution, or otherwise stop or correct the noncompliance, and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to Ecology within five (5) days of becoming aware of the violation.
3. Submit a detailed written report to Ecology within five (5) days, of the time the Permittee becomes aware of the circumstances, unless requested earlier by Ecology. The report must be submitted using Ecology's Water Quality Permitting Portal (WQWebPortal) - Permit Submittals, unless a waiver from electronic reporting has been granted according to S5.B. The report must contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Permittee must report any unanticipated bypass and/or upset that exceeds any effluent limit in the permit in accordance with the 24-hour reporting requirement contained in 40 C.F.R. 122.41(l)(6).

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply. Upon request of the Permittee, Ecology may waive the requirement for a written report on a case-by-case basis, if the immediate notification is received by Ecology within 24 hours.

#### G. Access to Plans and Records

1. The Permittee must retain the following permit documentation (plans and records) on site, or within reasonable access to the site, for use by the operator or for on-site review by Ecology or the local jurisdiction:
  - a. General Permit
  - b. Permit Coverage Letter
  - c. Stormwater Pollution Prevention Plan (SWPPP)
  - d. Site Log Book
2. The Permittee must address written requests for plans and records listed above (Special Condition S5.G.1) as follows:

- a. The Permittee must provide a copy of plans and records to Ecology within 14 days of receipt of a written request from Ecology.
- b. The Permittee must provide a copy of plans and records to the public when requested in writing. Upon receiving a written request from the public for the Permittee's plans and records, the Permittee must either:
  - i. Provide a copy of the plans and records to the requester within 14 days of a receipt of the written request; **or**
  - ii. Notify the requester within 10 days of receipt of the written request of the location and times within normal business hours when the plans and records may be viewed; and provide access to the plans and records within 14 days of receipt of the written request; **or**
  - iii. Within 14 days of receipt of the written request, the Permittee may submit a copy of the plans and records to Ecology for viewing and/or copying by the requester at an Ecology office, or a mutually agreed location. If plans and records are viewed and/or copied at a location other than at an Ecology office, the Permittee will provide reasonable access to copying services for which a reasonable fee may be charged. The Permittee must notify the requester within 10 days of receipt of the request where the plans and records may be viewed and/or copied.

## **S6. PERMIT FEES**

The Permittee must pay permit fees assessed by Ecology. Fees for stormwater discharges covered under this permit are established by Chapter 173-224 WAC. Ecology continues to assess permit fees until the permit is terminated in accordance with Special Condition S10 or revoked in accordance with General Condition G5.

## **S7. SOLID AND LIQUID WASTE DISPOSAL**

The Permittee must handle and dispose of solid and liquid wastes generated by construction activity, such as demolition debris, construction materials, contaminated materials, and waste materials from maintenance activities, including liquids and solids from cleaning catch basins and other stormwater facilities, in accordance with:

- A. Special Condition S3, Compliance with Standards
- B. WAC 173-216-110
- C. Other applicable regulations

## **S8. DISCHARGES TO 303(d) OR TMDL WATERBODIES**

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

1. Permittees who discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorus, must conduct water quality sampling according to the requirements of this section, and Special Conditions S4.C.2.b-f and S4.C.3.b-d, and must comply with the applicable numeric effluent limitations in S8.C and S8.D.
2. All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current listing by Ecology of impaired waters (Category 5) that exists on January 1, 2016, or the date when the operator's complete permit application is received by Ecology, whichever is later.

**B. Limits on Coverage for New Discharges to TMDL or 303(d)-listed Waters**

Operators of construction sites that discharge to a TMDL or 303(d)-listed waterbody are not eligible for coverage under this permit *unless* the operator:

1. Prevents exposing stormwater to pollutants for which the waterbody is impaired, and retains documentation in the SWPPP that details procedures taken to prevent exposure on site; *or*
2. Documents that the pollutants for which the waterbody is impaired are not present at the site, and retains documentation of this finding within the SWPPP; *or*
3. Provides Ecology with data indicating the discharge is not expected to cause or contribute to an exceedance of a water quality standard, and retains such data on site with the SWPPP. The operator must provide data and other technical information to Ecology that sufficiently demonstrate:
  - a. For discharges to waters without an EPA-approved or -established TMDL, that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; *or*
  - b. For discharges to waters with an EPA-approved or -established TMDL, that there is sufficient remaining wasteload allocation in the TMDL to allow construction stormwater discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards.

Operators of construction sites are eligible for coverage under this permit if Ecology issues permit coverage based upon an affirmative determination that the *discharge will not cause or contribute to the existing impairment*.

**C. Sampling and Numeric Effluent Limits for Discharges to Water Bodies on the 303(d) List for Turbidity, Fine Sediment, or Phosphorus**

1. Permittees who discharge to segments of water bodies on the 303(d) list (Category 5) for turbidity, fine sediment, or phosphorus must conduct turbidity sampling in accordance with Special Condition S4.C.2 and comply with either of the numeric effluent limits noted in Table 5 below.

2. As an alternative to the 25 NTUs effluent limit noted in Table 5 below (applied at the point where stormwater [or authorized non-stormwater] is discharged off-site), Permittees may choose to comply with the surface water quality standard for turbidity. The standard is: no more than 5 NTUs over background turbidity when the background turbidity is 50 NTUs or less, or no more than a 10% increase in turbidity when the background turbidity is more than 50 NTUs. In order to use the water quality standard requirement, the sampling must take place at the following locations:
  - a. Background turbidity in the 303(d)-listed receiving water immediately upstream (upgradient) or outside the area of influence of the discharge.
  - b. Turbidity at the point of discharge into the 303(d)-listed receiving water, inside the area of influence of the discharge.
3. Discharges that exceed the numeric effluent limit for turbidity constitute a violation of this permit.
4. Permittees whose discharges exceed the numeric effluent limit shall sample discharges daily until the violation is corrected and comply with the non-compliance notification requirements in Special Condition S5.F.

**Table 5: Turbidity, Fine Sediment & Phosphorus Sampling and Limits for 303(d)-Listed Waters**

Parameter identified in 303(d) listing	Parameter Sampled	Unit	Analytical Method	Sampling Frequency	Numeric Effluent Limit <sup>1</sup>
<ul style="list-style-type: none"> <li>• Turbidity</li> <li>• Fine Sediment</li> <li>• Phosphorus</li> </ul>	Turbidity	NTU	SM2130	Weekly, if discharging	<p>25 NTUs, at the point where stormwater is discharged from the site; OR</p> <p>In compliance with the surface water quality standard for turbidity (S8.C.2.a)</p>

<sup>1</sup>Permittees subject to a numeric effluent limit for turbidity may, at their discretion, choose either numeric effluent limitation based on site-specific considerations including, but not limited to, safety, access and convenience.

**D. Discharges to Water Bodies on the 303(d) List for High pH**

1. Permittees who discharge to segments of water bodies on the 303(d) list (Category 5) for high pH must conduct pH sampling in accordance with the table below, and comply with the numeric effluent limit of pH 6.5 to 8.5 su (Table 6).

**Table 6: pH Sampling and Limits for 303(d)-Listed Waters**

Parameter identified in 303(d) listing	Parameter Sampled/Units	Analytical Method	Sampling Frequency	Numeric Effluent Limit
High pH	pH /Standard Units	pH meter	Weekly, if discharging	In the range of 6.5 – 8.5

2. At the Permittee's discretion, compliance with the limit shall be assessed at one of the following locations:
  - a. Directly in the 303(d)-listed waterbody segment, inside the immediate area of influence of the discharge; or
  - b. Alternatively, the Permittee may measure pH at the point where the discharge leaves the construction site, rather than in the receiving water.
3. Discharges that exceed the numeric effluent limit for pH (outside the range of 6.5 – 8.5 su) constitute a violation of this permit.
4. Permittees whose discharges exceed the numeric effluent limit shall sample discharges daily until the violation is corrected and comply with the non-compliance notification requirements in Special Condition S5.F.

E. Sampling and Limits for Sites Discharging to Waters Covered by a TMDL or Another Pollution Control Plan

1. Discharges to a waterbody that is subject to a Total Maximum Daily Load (TMDL) for turbidity, fine sediment, high pH, or phosphorus must be consistent with the TMDL. Refer to <http://www.ecy.wa.gov/programs/wq/tmdl/TMDLsbyWria/TMDLbyWria.html> for more information on TMDLs.
  - a. Where an applicable TMDL sets specific waste load allocations or requirements for discharges covered by this permit, discharges must be consistent with any specific waste load allocations or requirements established by the applicable TMDL.
    - i. The Permittee must sample discharges weekly or as otherwise specified by the TMDL to evaluate compliance with the specific waste load allocations or requirements.
    - ii. Analytical methods used to meet the monitoring requirements must conform to the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136. Turbidity and pH methods need not be accredited or registered unless conducted at a laboratory which must otherwise be accredited or registered.
  - b. Where an applicable TMDL has established a general waste load allocation for construction stormwater discharges, but has not identified specific requirements,

compliance with Special Conditions S4 (Monitoring) and S9 (SWPPPs) will constitute compliance with the approved TMDL.

- c. Where an applicable TMDL has not specified a waste load allocation for construction stormwater discharges, but has not excluded these discharges, compliance with Special Conditions S4 (Monitoring) and S9 (SWPPPs) will constitute compliance with the approved TMDL.
- d. Where an applicable TMDL specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.

2. Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus that is completed and approved by EPA before January 1, 2016, or before the date the operator's complete permit application is received by Ecology, whichever is later. TMDLs completed after the operator's complete permit application is received by Ecology become applicable to the Permittee only if they are imposed through an administrative order by Ecology, or through a modification of permit coverage.

## **S9. STORMWATER POLLUTION PREVENTION PLAN**

The Permittee must prepare and properly implement an adequate Stormwater Pollution Prevention Plan (SWPPP) for construction activity in accordance with the requirements of this permit beginning with initial soil disturbance and until final stabilization.

**A. The Permittee's SWPPP must meet the following objectives:**

- 1. To implement best management practices (BMPs) to prevent erosion and sedimentation, and to identify, reduce, eliminate or prevent stormwater contamination and water pollution from construction activity.
- 2. To prevent violations of surface water quality, ground water quality, or sediment management standards.
- 3. To control peak volumetric flow rates and velocities of stormwater discharges.

**B. General Requirements**

- 1. The SWPPP must include a narrative and drawings. All BMPs must be clearly referenced in the narrative and marked on the drawings. The SWPPP narrative must include documentation to explain and justify the pollution prevention decisions made for the project. Documentation must include:
  - a. Information about existing site conditions (topography, drainage, soils, vegetation, etc.).
  - b. Potential erosion problem areas.
  - c. The 13 elements of a SWPPP in Special Condition S9.D.1-13, including BMPs used to address each element.

- d. Construction phasing/sequence and general BMP implementation schedule.
- e. The actions to be taken if BMP performance goals are not achieved—for example, a contingency plan for additional treatment and/or storage of stormwater that would violate the water quality standards if discharged.
- f. Engineering calculations for ponds, treatment systems, and any other designed structures. When a treatment system requires engineering calculations, these calculations must be included in the SWPPP. Engineering calculations do not need to be included in the SWPPP for treatment systems that do not require such calculations.

2. The Permittee must modify the SWPPP if, during inspections or investigations conducted by the owner/operator, or the applicable local or state regulatory authority, it is determined that the SWPPP is, or would be, ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the site. The Permittee must then:
  - a. Review the SWPPP for compliance with Special Condition S9 and make appropriate revisions within 7 days of the inspection or investigation.
  - b. Immediately begin the process to fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, addressing the problems no later than 10 days from the inspection or investigation. If installation of necessary treatment BMPs is not feasible within 10 days, Ecology may approve additional time when an extension is requested by a Permittee within the initial 10-day response period.
  - c. Document BMP implementation and maintenance in the site log book.

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

#### C. Stormwater Best Management Practices (BMPs)

BMPs must be consistent with:

1. Stormwater Management Manual for Western Washington (most current approved edition at the time this permit was issued), for sites west of the crest of the Cascade Mountains; **or**
2. Stormwater Management Manual for Eastern Washington (most current approved edition at the time this permit was issued), for sites east of the crest of the Cascade Mountains; **or**
3. Revisions to the manuals listed in Special Condition S9.C.1. & 2., or other stormwater management guidance documents or manuals which provide an equivalent level of pollution prevention, that are approved by Ecology and incorporated into this permit in accordance with the permit modification requirements of WAC 173-226-230; **or**

4. Documentation in the SWPPP that the BMPs selected provide an equivalent level of pollution prevention, compared to the applicable Stormwater Management Manuals, including:
  - a. The technical basis for the selection of all stormwater BMPs (scientific, technical studies, and/or modeling) that support the performance claims for the BMPs being selected.
  - b. An assessment of how the selected BMP will satisfy AKART requirements and the applicable federal technology-based treatment requirements under 40 CFR part 125.3.

#### D. SWPPP – Narrative Contents and Requirements

The Permittee must include each of the 13 elements below in Special Condition S9.D.1-13 in the narrative of the SWPPP and implement them unless site conditions render the element unnecessary and the exemption from that element is clearly justified in the SWPPP.

1. Preserve Vegetation/Mark Clearing Limits
  - a. Before beginning land-disturbing activities, including clearing and grading, clearly mark all clearing limits, sensitive areas and their buffers, and trees that are to be preserved within the construction area.
  - b. Retain the duff layer, native topsoil, and natural vegetation in an undisturbed state to the maximum degree practicable.
2. Establish Construction Access
  - a. Limit construction vehicle access and exit to one route, if possible.
  - b. Stabilize access points with a pad of quarry spalls, crushed rock, or other equivalent BMPs, to minimize tracking sediment onto roads.
  - c. Locate wheel wash or tire baths on site, if the stabilized construction entrance is not effective in preventing tracking sediment onto roads.
  - d. If sediment is tracked off site, clean the affected roadway thoroughly at the end of each day, or more frequently as necessary (for example, during wet weather). Remove sediment from roads by shoveling, sweeping, or pickup and transport of the sediment to a controlled sediment disposal area.
  - e. Conduct street washing only after sediment removal in accordance with Special Condition S9.D.2.d. Control street wash wastewater by pumping back on site or otherwise preventing it from discharging into systems tributary to waters of the State.
3. Control Flow Rates
  - a. Protect properties and waterways downstream of development sites from erosion and the associated discharge of turbid waters due to increases in the

velocity and peak volumetric flow rate of stormwater runoff from the project site, as required by local plan approval authority.

- b. Where necessary to comply with Special Condition S9.D.3.a, construct stormwater retention or detention facilities as one of the first steps in grading. Assure that detention facilities function properly before constructing site improvements (for example, impervious surfaces).
- c. If permanent infiltration ponds are used for flow control during construction, protect these facilities from siltation during the construction phase.

#### 4. Install Sediment Controls

The Permittee must design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, the Permittee must design, install and maintain such controls to:

- a. Construct sediment control BMPs (sediment ponds, traps, filters, infiltration facilities, etc.) as one of the first steps in grading. These BMPs must be functional before other land disturbing activities take place.
- b. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.
- c. Direct stormwater runoff from disturbed areas through a sediment pond or other appropriate sediment removal BMP, before the runoff leaves a construction site or before discharge to an infiltration facility. Runoff from fully stabilized areas may be discharged without a sediment removal BMP, but must meet the flow control performance standard of Special Condition S9.D.3.a.
- d. Locate BMPs intended to trap sediment on site in a manner to avoid interference with the movement of juvenile salmonids attempting to enter off-channel areas or drainages.
- e. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible.
- f. Where feasible, design outlet structures that withdraw impounded stormwater from the surface to avoid discharging sediment that is still suspended lower in the water column.

#### 5. Stabilize Soils

- a. The Permittee must stabilize exposed and unworked soils by application of effective BMPs that prevent erosion. Applicable BMPs include, but are not limited to: temporary and permanent seeding, sodding, mulching, plastic covering, erosion control fabrics and matting, soil application of polyacrylamide

(PAM), the early application of gravel base on areas to be paved, and dust control.

- b. The Permittee must control stormwater volume and velocity within the site to minimize soil erosion.
- c. The Permittee must control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion.
- d. Depending on the geographic location of the project, the Permittee must not allow soils to remain exposed and unworked for more than the time periods set forth below to prevent erosion:

West of the Cascade Mountains Crest

During the dry season (May 1 - September 30): 7 days

During the wet season (October 1 - April 30): 2 days

East of the Cascade Mountains Crest, except for Central Basin\*

During the dry season (July 1 - September 30): 10 days

During the wet season (October 1 - June 30): 5 days

The Central Basin\*, East of the Cascade Mountains Crest

During the dry season (July 1 - September 30): 30 days

During the wet season (October 1 - June 30): 15 days

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

- e. The Permittee must stabilize soils at the end of the shift before a holiday or weekend if needed based on the weather forecast.
- f. The Permittee must stabilize soil stockpiles from erosion, protected with sediment trapping measures, and where possible, be located away from storm drain inlets, waterways, and drainage channels.
- g. The Permittee must minimize the amount of soil exposed during construction activity.
- h. The Permittee must minimize the disturbance of steep slopes.
- i. The Permittee must minimize soil compaction and, unless infeasible, preserve topsoil.

## 6. Protect Slopes

- a. The Permittee must design and construct cut-and-fill slopes in a manner to minimize erosion. Applicable practices include, but are not limited to, reducing continuous length of slope with terracing and diversions, reducing slope steepness, and roughening slope surfaces (for example, track walking).

- b. The Permittee must divert off-site stormwater (run-on) or ground water away from slopes and disturbed areas with interceptor dikes, pipes, and/or swales. Off-site stormwater should be managed separately from stormwater generated on the site.
- c. At the top of slopes, collect drainage in pipe slope drains or protected channels to prevent erosion.
  - i. West of the Cascade Mountains Crest: Temporary pipe slope drains must handle the peak 10-minute flow rate from a Type 1A, 10-year, 24-hour frequency storm for the developed condition. Alternatively, the 10-year, 1-hour flow rate predicted by an approved continuous runoff model, increased by a factor of 1.6, may be used. The hydrologic analysis must use the existing land cover condition for predicting flow rates from tributary areas outside the project limits. For tributary areas on the project site, the analysis must use the temporary or permanent project land cover condition, whichever will produce the highest flow rates. If using the Western Washington Hydrology Model (WWHM) to predict flows, bare soil areas should be modeled as "landscaped area."
  - ii. East of the Cascade Mountains Crest: Temporary pipe slope drains must handle the expected peak flow rate from a 6-month, 3-hour storm for the developed condition, referred to as the short duration storm.
- d. Place excavated material on the uphill side of trenches, consistent with safety and space considerations.
- e. Place check dams at regular intervals within constructed channels that are cut down a slope.

## 7. Protect Drain Inlets

- a. Protect all storm drain inlets made operable during construction so that stormwater runoff does not enter the conveyance system without first being filtered or treated to remove sediment.
- b. Clean or remove and replace inlet protection devices when sediment has filled one-third of the available storage (unless a different standard is specified by the product manufacturer).

## 8. Stabilize Channels and Outlets

- a. Design, construct and stabilize all on-site conveyance channels to prevent erosion from the following expected peak flows:
  - i. West of the Cascade Mountains Crest: Channels must handle the peak 10-minute flow rate from a Type 1A, 10-year, 24-hour frequency storm for the developed condition. Alternatively, the 10-year, 1-hour flow rate indicated by an approved continuous runoff model, increased by a factor of 1.6, may be used. The hydrologic analysis must use the existing land

cover condition for predicting flow rates from tributary areas outside the project limits. For tributary areas on the project site, the analysis must use the temporary or permanent project land cover condition, whichever will produce the highest flow rates. If using the WWHM to predict flows, bare soil areas should be modeled as "landscaped area."

- ii. East of the Cascade Mountains Crest: Channels must handle the expected peak flow rate from a 6-month, 3-hour storm for the developed condition, referred to as the short duration storm.
- b. Provide stabilization, including armoring material, adequate to prevent erosion of outlets, adjacent stream banks, slopes, and downstream reaches at the outlets of all conveyance systems.

## 9. Control Pollutants

Design, install, implement and maintain effective pollution prevention measures to minimize the discharge of pollutants. The Permittee must:

- a. Handle and dispose of all pollutants, including waste materials and demolition debris that occur on site in a manner that does not cause contamination of stormwater.
- b. Provide cover, containment, and protection from vandalism for all chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment. On-site fueling tanks must include secondary containment. Secondary containment means placing tanks or containers within an impervious structure capable of containing 110% of the volume contained in the largest tank within the containment structure. Double-walled tanks do not require additional secondary containment.
- c. Conduct maintenance, fueling, and repair of heavy equipment and vehicles using spill prevention and control measures. Clean contaminated surfaces immediately following any spill incident.
- d. Discharge wheel wash or tire bath wastewater to a separate on-site treatment system that prevents discharge to surface water, such as closed-loop recirculation or upland land application, or to the sanitary sewer with local sewer district approval.
- e. Apply fertilizers and pesticides in a manner and at application rates that will not result in loss of chemical to stormwater runoff. Follow manufacturers' label requirements for application rates and procedures.
- f. Use BMPs to prevent contamination of stormwater runoff by pH-modifying sources. The sources for this contamination include, but are not limited to: bulk cement, cement kiln dust, fly ash, new concrete washing and curing waters, recycled concrete stockpiles, waste streams generated from concrete grinding and sawing, exposed aggregate processes, dewatering concrete vaults, concrete

pumping and mixer washout waters. (Also refer to the definition for "concrete wastewater" in Appendix A--Definitions.)

- g. Adjust the pH of stormwater or authorized non-stormwater if necessary to prevent an exceedance of groundwater and/or surface water quality standards.
- h. Assure that washout of concrete trucks is performed off-site or in designated concrete washout areas only. Do not wash out concrete truck drums or concrete handling equipment onto the ground, or into storm drains, open ditches, streets, or streams. Washout of concrete handling equipment may be disposed of in a designated concrete washout area or in a formed area awaiting concrete where it will not contaminate surface or ground water. Do not dump excess concrete on site, except in designated concrete washout areas. Concrete spillage or concrete discharge directly to groundwater or surface waters of the State is prohibited. Do not wash out to formed areas awaiting LID facilities.
- i. Obtain written approval from Ecology before using any chemical treatment, with the exception of CO<sub>2</sub> or dry ice used to adjust pH.
- j. Uncontaminated water from water-only based shaft drilling for construction of building, road, and bridge foundations may be infiltrated provided the wastewater is managed in a way that prohibits discharge to surface waters. Prior to infiltration, water from water-only based shaft drilling that comes into contact with curing concrete must be neutralized until pH is in the range of 6.5 to 8.5 (su).

## 10. Control Dewatering

- a. Permittees must discharge foundation, vault, and trench dewatering water, which have characteristics similar to stormwater runoff at the site, into a controlled conveyance system before discharge to a sediment trap or sediment pond.
- b. Permittees may discharge clean, non-turbid dewatering water, such as well-point ground water, to systems tributary to, or directly into surface waters of the State, as specified in Special Condition S9.D.8, provided the dewatering flow does not cause erosion or flooding of receiving waters. Do not route clean dewatering water through stormwater sediment ponds. Note that "surface waters of the State" may exist on a construction site as well as off site; for example, a creek running through a site.
- c. Other dewatering treatment or disposal options may include:
  - i. Infiltration.
  - ii. Transport off site in a vehicle, such as a vacuum flush truck, for legal disposal in a manner that does not pollute state waters.

- iii. Ecology-approved on-site chemical treatment or other suitable treatment technologies (see S9.D.9.i. regarding chemical treatment written approval).
- iv. Sanitary or combined sewer discharge with local sewer district approval, if there is no other option.
- v. Use of a sedimentation bag with discharge to a ditch or swale for small volumes of localized dewatering.

d. Permittees must handle highly turbid or contaminated dewatering water separately from stormwater.

11. Maintain BMPs

- a. Permittees must maintain and repair all temporary and permanent erosion and sediment control BMPs as needed to assure continued performance of their intended function in accordance with BMP specifications.
- b. Permittees must remove all temporary erosion and sediment control BMPs within 30 days after achieving final site stabilization or after the temporary BMPs are no longer needed.

12. Manage the Project

- a. Phase development projects to the maximum degree practicable and take into account seasonal work limitations.
- b. Inspection and monitoring – Inspect, maintain and repair all BMPs as needed to assure continued performance of their intended function. Conduct site inspections and monitoring in accordance with Special Condition S4.
- c. Maintaining an updated construction SWPPP – Maintain, update, and implement the SWPPP in accordance with Special Conditions S3, S4 and S9.

13. Protect Low Impact Development (LID) BMPs

The primary purpose of LID BMPs/On-site LID Stormwater Management BMPs is to reduce the disruption of the natural site hydrology. LID BMPs are permanent facilities.

- a. Permittees must protect all Bioretention and Rain Garden facilities from sedimentation through installation and maintenance of erosion and sediment control BMPs on portions of the site that drain into the Bioretention and/or Rain Garden facilities. Restore the facilities to their fully functioning condition if they accumulate sediment during construction. Restoring the facility must include removal of sediment and any sediment-laden Bioretention/Rain Garden soils, and replacing the removed soils with soils meeting the design specification.

- b. Permittees must maintain the infiltration capabilities of Bioretention and Rain Garden facilities by protecting against compaction by construction equipment and foot traffic. Protect completed lawn and landscaped areas from compaction due to construction equipment.
- c. Permittees must control erosion and avoid introducing sediment from surrounding land uses onto permeable pavements. Do not allow muddy construction equipment on the base material or pavement. Do not allow sediment-laden runoff onto permeable pavements.
- d. Permittees must clean permeable pavements fouled with sediments or no longer passing an initial infiltration test using local stormwater manual methodology or the manufacturer's procedures.
- e. Permittees must keep all heavy equipment off existing soils under LID facilities that have been excavated to final grade to retain the infiltration rate of the soils.

#### E. SWPPP – Map Contents and Requirements

The Permittee's SWPPP must also include a vicinity map or general location map (for example, a USGS quadrangle map, a portion of a county or city map, or other appropriate map) with enough detail to identify the location of the construction site and receiving waters within one mile of the site.

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

1. The direction of north, property lines, and existing structures and roads.
2. Cut and fill slopes indicating the top and bottom of slope catch lines.
3. Approximate slopes, contours, and direction of stormwater flow before and after major grading activities.
4. Areas of soil disturbance and areas that will not be disturbed.
5. Locations of structural and nonstructural controls (BMPs) identified in the SWPPP.
6. Locations of off-site material, stockpiles, waste storage, borrow areas, and vehicle/equipment storage areas.
7. Locations of all surface water bodies, including wetlands.
8. Locations where stormwater or non-stormwater discharges off-site and/or to a surface waterbody, including wetlands.
9. Location of water quality sampling station(s), if sampling is required by state or local permitting authority.

10. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.
11. Location or proposed location of LID facilities.

## **S10. NOTICE OF TERMINATION**

- A. The site is eligible for termination of coverage when it has met any of the following conditions:
  1. The site has undergone final stabilization, the Permittee has removed all temporary BMPs (except biodegradable BMPs clearly manufactured with the intention for the material to be left in place and not interfere with maintenance or land use), and all stormwater discharges associated with construction activity have been eliminated; ***or***
  2. All portions of the site that have not undergone final stabilization per Special Condition S10.A.1 have been sold and/or transferred (per General Condition G9), and the Permittee no longer has operational control of the construction activity; ***or***
  3. For residential construction only, the Permittee has completed temporary stabilization and the homeowners have taken possession of the residences.
- B. When the site is eligible for termination, the Permittee must submit a complete and accurate Notice of Termination (NOT) form, signed in accordance with General Condition G2, to:

Department of Ecology  
Water Quality Program – Construction Stormwater  
PO Box 47696  
Olympia, Washington 98504-7696

When an electronic termination form is available, the Permittee may choose to submit a complete and accurate Notice of Termination (NOT) form through the Water Quality Permitting Portal rather than mailing a hardcopy as noted above.

The termination is effective on the thirty-first calendar day following the date Ecology receives a complete NOT form, unless Ecology notifies the Permittee that the termination request is denied because the Permittee has not met the eligibility requirements in Special Condition S10.A.

Permittees are required to comply with all conditions and effluent limitations in the permit until the permit has been terminated.

Permittees transferring the property to a new property owner or operator/Permittee are required to complete and submit the Notice of Transfer form to Ecology, but are not required to submit a Notice of Termination form for this type of transaction.

## GENERAL CONDITIONS

### **G1. DISCHARGE VIOLATIONS**

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

### **G2. SIGNATORY REQUIREMENTS**

- A. All permit applications must bear a certification of correctness to be signed:
  1. In the case of corporations, by a responsible corporate officer;
  2. In the case of a partnership, by a general partner of a partnership;
  3. In the case of sole proprietorship, by the proprietor; *or*
  4. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by Ecology (including NOIs, NOTs, and Transfer of Coverage forms) 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.
- C. Changes to authorization. If an authorization under paragraph G2.B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph G2.B.2 above 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.”

### **G3. 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 are kept under the terms and conditions of this permit.
- B. To have access to and copy – at reasonable times and at reasonable cost – any records required to be kept under the terms and conditions of this permit.
- C. To inspect – at reasonable times – any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor – at reasonable times – any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

### **G4. GENERAL PERMIT MODIFICATION AND REVOCATION**

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

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

### **G5. REVOCATION OF COVERAGE UNDER THE PERMIT**

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

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

- C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- D. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- E. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations.
- F. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and Chapter 173-224 WAC.
- G. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable.

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

## **G6. REPORTING A CAUSE FOR MODIFICATION**

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

## **G7. COMPLIANCE WITH OTHER LAWS AND STATUTES**

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

## **G8. DUTY TO REAPPLY**

The Permittee must apply for permit renewal at least 180 days prior to the specified expiration date of this permit. The Permittee must reapply using the electronic application form (NOI) available on Ecology's website. Permittees unable to submit electronically (for example, those who do not have an internet connection) must contact Ecology to request a waiver and obtain instructions on how to obtain a paper NOI.

Department of Ecology  
Water Quality Program - Construction Stormwater  
PO Box 47696  
Olympia, Washington 98504-7696

## **G9. TRANSFER OF GENERAL PERMIT COVERAGE**

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

- A. A written agreement (Transfer of Coverage Form) between the current discharger (Permittee) and new discharger, signed by both parties and containing a specific date for transfer of permit responsibility, coverage, and liability (including any Administrative Orders associated with the Permit) is submitted to the Director; and
- B. The Director does not notify the current discharger and new discharger of the Director's intent to revoke coverage under the general permit. If this notice is not given, the transfer is effective on the date specified in the written agreement.

When a current discharger (Permittee) transfers a portion of a permitted site, the current discharger must also submit an updated application form (NOI) to the Director indicating the remaining permitted acreage after the transfer.

## **G10. REMOVED SUBSTANCES**

The Permittee must not re-suspend or reintroduce collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of stormwater to the final effluent stream for discharge to state waters.

## **G11. DUTY TO PROVIDE INFORMATION**

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

## **G12. OTHER REQUIREMENTS OF 40 CFR**

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

## **G13. ADDITIONAL MONITORING**

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

## **G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

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

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

#### **G15. UPSET**

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

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

A Permittee who wishes to establish the affirmative defense of upset 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 Special Condition S5.F, and; 4) the Permittee complied with any remedial measures required under this permit.

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

#### **G16. PROPERTY RIGHTS**

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

#### **G17. DUTY TO COMPLY**

The Permittee 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.

#### **G18. 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.

## **G19. PENALTIES FOR TAMPERING**

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

## **G20. REPORTING PLANNED CHANGES**

The Permittee must, as soon as possible, give notice to Ecology of planned physical alterations, modifications or additions to the permitted construction activity. The Permittee should be aware that, depending on the nature and size of the changes to the original permit, a new public notice and other permit process requirements may be required. Changes in activities that require reporting to Ecology include those that will result in:

- A. The permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b).
- B. A significant change in the nature or an increase in quantity of pollutants discharged, including but not limited to: for sites 5 acres or larger, a 20% or greater increase in acreage disturbed by construction activity.
- C. A change in or addition of surface water(s) receiving stormwater or non-stormwater from the construction activity.
- D. A change in the construction plans and/or activity that affects the Permittee's monitoring requirements in Special Condition S4.

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

## **G21. REPORTING OTHER INFORMATION**

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

## **G22. REPORTING ANTICIPATED NON-COMPLIANCE**

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

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

## **G23. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER THE PERMIT**

Any discharger authorized by this permit may request to be excluded from coverage under the general permit by applying for an individual permit. The discharger 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. These reasons will fully document how an individual permit will apply to the applicant in a way that the general permit cannot. Ecology may make specific requests for information to support 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 the construction stormwater general permit, the applicability of the construction stormwater general permit to that Permittee is automatically terminated on the effective date of the individual permit.

## **G24. APPEALS**

- A. The terms and conditions of this general permit, as they apply to the appropriate class of dischargers, are subject to appeal by any person within 30 days of issuance of this general permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.
- B. The terms and conditions of this general permit, as they apply to an individual discharger, are appealable in accordance with Chapter 43.21B RCW within 30 days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or nonapplicability to that individual discharger.
- C. The appeal of general permit coverage of an individual discharger does not affect any other dischargers covered under this general permit. If the terms and conditions of this general permit are found to be inapplicable to any individual discharger(s), the matter shall be remanded to Ecology for consideration of issuance of an individual permit or permits.

## **G25. SEVERABILITY**

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

## **G26. BYPASS PROHIBITED**

### **A. Bypass Procedures**

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

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

1. Bypass of stormwater is consistent with the design criteria and part of an approved management practice in the applicable stormwater management manual.
2. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

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

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

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
- c. Ecology is properly notified of the bypass as required in Special Condition S5.F of this permit.

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

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

- a. A description of the bypass and its cause.
- b. An analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing.
- c. A cost-effectiveness analysis of alternatives including comparative resource damage assessment.
- d. The minimum and maximum duration of bypass under each alternative.
- e. A recommendation as to the preferred alternative for conducting the bypass.

- f. The projected date of bypass initiation.
- g. A statement of compliance with SEPA.
- h. A request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated.
- i. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

5. For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above must be considered during preparation of the Stormwater Pollution Prevention Plan (SWPPP) 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 before issuing an administrative order for this type bypass:

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

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve, conditionally 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.

## B. Duty to Mitigate

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

## APPENDIX A – DEFINITIONS

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

**Applicable TMDL** means a TMDL for turbidity, fine sediment, high pH, or phosphorus, which was completed and approved by EPA before January 1, 2016, or before the date the operator’s complete permit application is received by Ecology, whichever is later.

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

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

**Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters of the State. BMPs include treatment systems, operating procedures, and practices to control: *stormwater* associated with construction activity, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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

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

**Calendar Day** A period of 24 consecutive hours starting at 12:00 midnight and ending the following 12:00 midnight.

**Calendar Week** (same as **Week**) means a period of seven consecutive days starting at 12:01 a.m. (0:01 hours) on Sunday.

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

**Chemical Treatment** means the addition of chemicals to *stormwater* and/or authorized non-stormwater prior to filtration and discharge to surface waters.

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

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

**Common Plan of Development or Sale** means a site where multiple separate and distinct *construction activities* may be taking place at different times on different schedules and/or by different contractors, but still under a single plan. Examples include: 1) phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g., a development where lots are sold to separate builders); 2) a development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; 3) projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility; and 4) linear projects such as roads, pipelines, or utilities. If the project is part of a common plan of development or sale, the disturbed area of the entire plan must be used in determining permit requirements.

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

**Concrete Wastewater** means any water used in the production, pouring and/or clean-up of concrete or concrete products, and any water used to cut, grind, wash, or otherwise modify concrete or concrete products. Examples include water used for or resulting from concrete truck/mixer/pumper/tool/chute rinsing or washing, concrete saw cutting and surfacing (sawing, coring, grinding, roughening, hydro-demolition, bridge and road surfacing). When *stormwater* comes with concrete wastewater, the resulting water is considered concrete wastewater and must be managed to prevent discharge to *waters of the State*, including *ground water*.

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

**Contaminant** means any hazardous substance that does not occur naturally or occurs at greater than natural background levels. See definition of "*hazardous substance*" and WAC 173-340-200.

**Contaminated Groundwater** means groundwater which contains *contaminants, pollutants, or hazardous substances* that do not occur naturally or occur at levels greater than natural background.

**Contaminated Soil** means soil which contains *contaminants, pollutants, or hazardous substances* that do not occur naturally or occur at levels greater than natural background.

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

1. The method and reasons for choosing the stormwater BMPs selected.

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

**Department** means the Washington State Department of Ecology.

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

**Dewatering** means the act of pumping *ground water* or *stormwater* away from an active construction site.

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

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

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

**Ecology** means the Washington State Department of Ecology.

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

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

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

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

**Federal Operator** is an entity that meets the definition of “*Operator*” in this permit and is either any department, agency or instrumentality of the executive, legislative, and judicial branches of

the Federal government of the United States, or another entity, such as a private contractor, performing construction activity for any such department, agency, or instrumentality.

**Final Stabilization** (same as **fully stabilized** or **full stabilization**) means the establishment of a permanent vegetative cover, or equivalent permanent stabilization measures (examples of permanent non-vegetative stabilization methods include, but are not limited to riprap, gabions or geotextiles) which prevents erosion.

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

**Hazardous Substance** means any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6), or any dangerous or extremely dangerous waste as designated by rule under chapter 70.105 RCW; any hazardous substance as defined in RCW 70.105.010(10) or any hazardous substance as defined by rule under chapter 70.105 RCW; any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C., Sec. 9601(14); petroleum or petroleum products; and any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment. The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.

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

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

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

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

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

**Operator** means any party associated with a construction project that meets either of the following two criteria:

- The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

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

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

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

**pH Monitoring Period** means the time period in which the pH of *stormwater* runoff from a site must be tested a minimum of once every seven days to determine if *stormwater* pH is between 6.5 and 8.5.

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

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

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

**Process Wastewater** means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. If *stormwater* commingles with process wastewater, the commingled water is considered process wastewater.

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

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

**Responsible Corporate Officer** for the purpose of signatory authority means: (i) 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 (ii) 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 (40 CFR 122.22).

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

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

**Sedimentation** means the depositing or formation of sediment.

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

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

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

**Significant Concrete Work** means greater than 1000 cubic yards poured concrete or recycled concrete used over the life of a project.

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

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

**Source Control BMPs** means physical, structural or mechanical devices or facilities that are intended to prevent *pollutants* from entering *stormwater*. A few examples of source control

**BMPs** are erosion control practices, maintenance of stormwater facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the *sanitary sewer* or a dead end sump.

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

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

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

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

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

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

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

**Temporary Stabilization** means the exposed ground surface has been covered with appropriate materials to provide temporary stabilization of the surface from water or wind erosion. Materials include, but are not limited to, mulch, riprap, erosion control mats or blankets and temporary cover crops. Seeding alone is not considered stabilization. Temporary stabilization is not a substitute for the more permanent "*final stabilization*."

**Total Maximum Daily Load (TMDL)** means a calculation of the maximum amount of a *pollutant* that a waterbody can receive and still meet state water quality standards. Percentages of the total maximum daily load are allocated to the various pollutant sources. A TMDL is the sum of the allowable loads of a single *pollutant* from all contributing point and nonpoint sources. The TMDL calculations 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 reasonable variation in water quality.

**Transfer of Coverage (TOC)** means a request for transfer of coverage under this general permit as specified by General Condition G9 of this permit.

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

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

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

**Uncontaminated** means free from any contaminant. See definition of “*contaminant*” and WAC 173-340-200.

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

**Water-only Based Shaft Drilling** is a shaft drilling process that uses water only and no additives are involved in the drilling of shafts for construction of building, road, or bridge foundations.

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

**Waters of the State** includes those waters as defined as "waters of the United States" in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State and "waters of the State" as defined in Chapter 90.48 RCW, which include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

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

**Wheel Wash Wastewater** means any water used in, or resulting from the operation of, a tire bath or wheel wash (BMP C106: Wheel Wash), or other structure or practice that uses water to physically remove mud and debris from vehicles leaving a construction site and prevent track-out onto roads. When *stormwater* comes into contact with wheel wash wastewater, the resulting water is considered wheel wash wastewater and must be managed according to Special Condition S9.D.9.

## APPENDIX B – ACRONYMS

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

## Appendix D – Site Inspection Forms (and Site Log)

The results of each inspection shall be summarized in an inspection report or checklist that is entered into or attached to the site log book. It is suggested that the inspection report or checklist be included in this appendix to keep monitoring and inspection information in one document, but this is optional. However, it is mandatory that this SWPPP and the site inspection forms be kept onsite at all times during construction, and that inspections be performed and documented as outlined below.

At a minimum, each inspection report or checklist shall include:

- a. Inspection date/times
- b. Weather information: general conditions during inspection, approximate amount of precipitation since the last inspection, and approximate amount of precipitation within the last 24 hours.
- c. A summary or list of all BMPs that have been implemented, including observations of all erosion/sediment control structures or practices.
- d. The following shall be noted:
  - i. locations of BMPs inspected,
  - ii. locations of BMPs that need maintenance,
  - iii. the reason maintenance is needed,
  - iv. locations of BMPs that failed to operate as designed or intended, and
  - v. locations where additional or different BMPs are needed, and the reason(s) why
- e. A description of stormwater discharged from the site. The presence of suspended sediment, turbid water, discoloration, and/or oil sheen shall be noted, as applicable.
- f. A description of any water quality monitoring performed during inspection, and the results of that monitoring.
- g. General comments and notes, including a brief description of any BMP repairs, maintenance or installations made as a result of the inspection.
- h. A statement that, in the judgment of the person conducting the site inspection, the site is either in compliance or out of compliance with the terms and conditions of the SWPPP and the NPDES permit. If the site inspection indicates that the site is out of compliance, the inspection report shall include a summary of the

remedial actions required to bring the site back into compliance, as well as a schedule of implementation.

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

When the site inspection indicates that the site is not in compliance with any terms and conditions of the NPDES permit, the Permittee shall take immediate action(s) to: stop, contain, and clean up the unauthorized discharges, or otherwise stop the noncompliance; correct the problem(s); implement appropriate Best Management Practices (BMPs), and/or conduct maintenance of existing BMPs; and achieve compliance with all applicable standards and permit conditions. In addition, if the noncompliance causes a threat to human health or the environment, the Permittee shall comply with the Noncompliance Notification requirements in Special Condition S5.F of the permit.

# Construction Stormwater Site Inspection Form

Project Name \_\_\_\_\_ Permit # \_\_\_\_\_ Inspection Date \_\_\_\_\_ Time \_\_\_\_\_

Name of Certified Erosion Sediment Control Lead (CESCL) or qualified inspector if *less than one acre*

Print Name: \_\_\_\_\_

Approximate rainfall amount since the last inspection (in inches): \_\_\_\_\_

Approximate rainfall amount in the last 24 hours (in inches): \_\_\_\_\_

Current Weather Clear  Cloudy  Mist  Rain  Wind  Fog

**A. Type of inspection:** Weekly  Post Storm Event  Other

**B. Phase of Active Construction (check all that apply):**

Pre Construction/installation of erosion/sediment controls	<input type="checkbox"/>	Clearing/Demo/Grading	<input type="checkbox"/>	Infrastructure/storm/roads	<input type="checkbox"/>
Concrete pours	<input type="checkbox"/>	Vertical Construction/buildings	<input type="checkbox"/>	Utilities	<input type="checkbox"/>
Offsite improvements	<input type="checkbox"/>	Site temporary stabilized	<input type="checkbox"/>	Final stabilization	<input type="checkbox"/>

**C. Questions:**

1. Were all areas of construction and discharge points inspected? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Did you observe the presence of suspended sediment, turbidity, discoloration, or oil sheen Yes \_\_\_\_\_ No \_\_\_\_\_
3. Was a water quality sample taken during inspection? (refer to permit conditions S4 & S5) Yes \_\_\_\_\_ No \_\_\_\_\_
4. Was there a turbid discharge 250 NTU or greater, or Transparency 6 cm or less?\* Yes \_\_\_\_\_ No \_\_\_\_\_
5. If yes to #4 was it reported to Ecology? Yes \_\_\_\_\_ No \_\_\_\_\_
6. Is pH sampling required? pH range required is 6.5 to 8.5. Yes \_\_\_\_\_ No \_\_\_\_\_

If answering yes to a discharge, describe the event. Include when, where, and why it happened; what action was taken, and when.

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\*If answering yes to # 4 record NTU/Transparency with continual sampling daily until turbidity is 25 NTU or less/ transparency is 33 cm or greater.

Sampling Results: \_\_\_\_\_ Date: \_\_\_\_\_

Parameter	Method (circle one)	Result			Other/Note
		NTU	cm	pH	
Turbidity	tube, meter, laboratory				
pH	Paper, kit, meter				

# Construction Stormwater Site Inspection Form

D. Check the observed status of all items. Provide "Action Required" details and dates.

Element #	Inspection	BMPs Inspected			BMP needs maintenance	BMP failed	Action required (describe in section F)
		yes	no	n/a			
1 Clearing Limits	Before beginning land disturbing activities are all clearing limits, natural resource areas (streams, wetlands, buffers, trees) protected with barriers or similar BMPs? (high visibility recommended)						
2 Construction Access	Construction access is stabilized with quarry spills or equivalent BMP to prevent sediment from being tracked onto roads?						
	Sediment tracked onto the road way was cleaned thoroughly at the end of the day or more frequent as necessary.						
3 Control Flow Rates	Are flow control measures installed to control stormwater volumes and velocity during construction and do they protect downstream properties and waterways from erosion?						
	If permanent infiltration ponds are used for flow control during construction, are they protected from siltation?						
4 Sediment Controls	All perimeter sediment controls (e.g. silt fence, wattles, compost socks, berms, etc.) installed, and maintained in accordance with the Stormwater Pollution Prevention Plan (SWPPP).						
	Sediment control BMPs (sediment ponds, traps, filters etc.) have been constructed and functional as the first step of grading.						
	Stormwater runoff from disturbed areas is directed to sediment removal BMP.						
5 Stabilize Soils	Have exposed un-worked soils been stabilized with effective BMP to prevent erosion and sediment deposition?						

# Construction Stormwater Site Inspection Form

Element #	Inspection	BMPs Inspected			BMP needs maintenance	BMP failed	Action required (describe in section F)
		yes	no	n/a			
5 Stabilize Soils Cont.	Are stockpiles stabilized from erosion, protected with sediment trapping measures and located away from drain inlet, waterways, and drainage channels?						
	Have soils been stabilized at the end of the shift, before a holiday or weekend if needed based on the weather forecast?						
6 Protect Slopes	Has stormwater and ground water been diverted away from slopes and disturbed areas with interceptor dikes, pipes and or swales?						
	Is off-site storm water managed separately from stormwater generated on the site?						
	Is excavated material placed on uphill side of trenches consistent with safety and space considerations?						
	Have check dams been placed at regular intervals within constructed channels that are cut down a slope?						
7 Drain Inlets	Storm drain inlets made operable during construction are protected.						
	Are existing storm drains within the influence of the project protected?						
8 Stabilize Channel and Outlets	Have all on-site conveyance channels been designed, constructed and stabilized to prevent erosion from expected peak flows?						
	Is stabilization, including armoring material, adequate to prevent erosion of outlets, adjacent stream banks, slopes and downstream conveyance systems?						
9 Control Pollutants	Are waste materials and demolition debris handled and disposed of to prevent contamination of stormwater?						
	Has cover been provided for all chemicals, liquid products, petroleum products, and other material?						
	Has secondary containment been provided capable of containing 110% of the volume?						
	Were contaminated surfaces cleaned immediately after a spill incident?						
	Were BMPs used to prevent contamination of stormwater by a pH modifying sources?						

# Construction Stormwater Site Inspection Form

Element #	Inspection	BMPs Inspected			BMP needs maintenance	BMP failed	Action required (describe in section F)
		yes	no	n/a			
9 Cont.	Wheel wash wastewater is handled and disposed of properly.						
10 Control Dewatering	Concrete washout in designated areas. No washout or excess concrete on the ground.						
	Dewatering has been done to an approved source and in compliance with the SWPPP.						
	Were there any clean non turbid dewatering discharges?						
11 Maintain BMP	Are all temporary and permanent erosion and sediment control BMPs maintained to perform as intended?						
12 Manage the Project	Has the project been phased to the maximum degree practicable?						
	Has regular inspection, monitoring and maintenance been performed as required by the permit?						
	Has the SWPPP been updated, implemented and records maintained?						
13 Protect LID	Is all Bioretention and Rain Garden Facilities protected from sedimentation with appropriate BMPs?						
	Is the Bioretention and Rain Garden protected against over compaction of construction equipment and foot traffic to retain its infiltration capabilities?						
	Permeable pavements are clean and free of sediment and sediment laden-water runoff. Muddy construction equipment has not been on the base material or pavement.						
	Have soiled permeable pavements been cleaned of sediments and pass infiltration test as required by stormwater manual methodology?						
	Heavy equipment has been kept off existing soils under LID facilities to retain infiltration rate.						

**E. Check all areas that have been inspected. ✓**

All in place BMPs  All disturbed soils  All concrete wash out area  All material storage areas   
 All discharge locations  All equipment storage areas  All construction entrances/exits

# Construction Stormwater Site Inspection Form

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F. Elements checked "Action Required" (section D) describe corrective action to be taken. List the element number; be specific on location and work needed. Document, initial, and date when the corrective action has been completed and inspected.

Element #	Description and Location	Action Required	Completion Date	Initials

*Attach additional page if needed*

**Sign the following certification:**

"I certify that this report is true, accurate, and complete, to the best of my knowledge and belief"

Inspected by: (print) \_\_\_\_\_ (Signature) \_\_\_\_\_ Date: \_\_\_\_\_  
Title/Qualification of Inspector: \_\_\_\_\_

## Appendix B - Covid 19 Job Site Requirements

# Phase 1 Construction Restart

## COVID-19 Job Site Requirements

### **Phase 1: Low-risk construction work resumes.**

***Any existing construction projects complying with the points below may resume only those work activities that do not require workers to be closer than six-feet together. If a work activity requires workers to be closer than six-feet, it is not considered low-risk and is not authorized. Adherence to the physical distancing requirement and the health and safety points below will be strictly enforced.***

Prior to recommencing work all contractors are required to develop and post at each job site a comprehensive COVID-19 exposure control, mitigation, and recovery plan. The plan must include policies regarding the following control measures: PPE utilization; on-site social distancing; hygiene; sanitation; symptom monitoring; incident reporting; site decontamination procedures; COVID-19 safety training; exposure response procedures; and a post-exposure incident project wide recovery plan. A copy of the plan must be available on each job site during any construction activities and available for inspection by state and local authorities. Failure to meet posting requirements will result in sanctions up to and including the job being shut down.

**All Contractors are required to post at each job site written notice to employees, subcontractors and government officials the Phase 1 work that will be performed at that job site and signed commitment to adhere to the requirements listed in this document.**

All contractors have a general obligation to keep a safe and healthy worksite in accordance with state and **federal law**. Failure to follow these requirements will be considered a violation of these duties and be penalized accordingly. Under RCW 49.17.060, “each employer shall furnish to each of their employees a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to his or her employees and shall comply with the rules, regulations, and orders promulgated under this chapter.” The Washington State Department of Labor and Industries’ Division of Occupational Safety and Health (DOSH) is responsible for workplace safety and health, including inspections and enforcement, consultation, technical assistance, training, education and grants.

All contractors are also required to comply with the following COVID-19 worksite-specific safety practices, as outlined in Gov. Jay Inslee’s “Stay Home, Stay Healthy” Proclamation 20-25, and in accordance with the Washington State Department of Labor and Industries General Coronavirus Prevention Under Stay Home-Stay Healthy Order (DOSH Directive 1.70: <https://www.lni.wa.gov/safety-health/safety-rules/enforcement-policies/DD170.pdf>) and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>:

### **COVID-19 Site Supervisor**

1. A site-specific COVID-19 Supervisor shall be designated by the contractor at every job site to monitor the health of employees and enforce the COVID-19 job site safety plan. A designated COVID-19 Supervisor must be present at all times during construction activities, except this requirement only applies on single-family residential job sites whenever there are 7 or more people on the site.

### **COVID-19 Safety Training**

2. A Safety Stand-Down/toolbox talk/tailgate training must be conducted on all job sites on the first day of returning to work, and weekly thereafter, to explain the protective measures in place for all workers. Social distancing must be maintained at all gatherings.
3. Attendance will be communicated verbally and the trainer will sign in each attendee.
4. COVID-19 safety requirements shall be visibly posted on each jobsite.

### **Social Distancing**

5. Social distancing of at least 6 feet of separation must be maintained by every person on the worksite at all times.
6. Gatherings of any size must be precluded by taking breaks and lunch in shifts. Any time two or more persons must meet, ensure minimum 6 feet of separation.
7. Identify “choke points” and “high-risk areas” on job sites where workers typically congregate and control them so social distancing is always maintained.
8. Minimize interactions when picking up or delivering equipment or materials, ensure minimum 6-foot separation.
9. To the extent practical allow only one trade/subcontractor at a time on a jobsite and maintain 6-foot separation social distancing for each member of that trade. If more than one trade/subcontractor must be on the job to complete the job then at a minimum all trades and subcontractors must maintain social distancing policies in accordance with this guidance.

### **Personal Protective Equipment (PPE) – Employer Provided**

10. Provide personal protective equipment (PPE) such as gloves, goggles, face shields and face masks as appropriate, or required, for the activity being performed.
11. Masks, in accordance with Washington Department of Health guidelines (<https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/ClothFacemasks.pdf>), or as required by Washington Department of Labor and Industries (L&I) safety rules, must be worn at all times by every employee on the worksite.
12. Eye protection must be worn at all times by every employee while on worksite.

13. Gloves must be worn at all times by every employee while on worksite. The type of glove worn should be appropriate to the task. If gloves are not typically required for the task, then any type of glove is acceptable, including latex gloves.
14. If appropriate PPE cannot be provided, the worksite must be shut down.

### **Sanitation and Cleanliness**

15. Soap and running water shall be abundantly provided on all job sites for frequent handwashing. Workers should be encouraged to leave their workstations to wash their hands regularly, before and after going to the bathroom, before and after eating and after coughing, sneezing or blowing their nose.
16. When running water is not available, portable washing stations, with soap, are required, per WAC 296-155-140 2(a) – (f). Alcohol-based hand sanitizers with greater than 60% ethanol or 70% isopropanol can also be used, but are not a replacement for the water requirement.
17. Post, in areas visible to all workers, required hygienic practices, including not to touch face with unwashed hands or with gloves; washing hands often with soap and water for at least 20 seconds; use hand sanitizer with at least 60% alcohol; cleaning and disinfecting frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs; covering the mouth and nose when coughing or sneezing as well as other hygienic recommendations by the U.S. Centers for Disease Control (CDC).
18. Make disinfectants available to workers throughout the worksite and ensure cleaning supplies are frequently replenished.
19. Frequently clean and disinfect high-touch surfaces on job sites and in offices, such as shared tools, machines, vehicles and other equipment, handrails, doorknobs, and portable toilets. If these areas cannot be cleaned and disinfected frequently, the jobsite shall be shut down until such measures can be achieved and maintained.
20. When the worksite is an occupied home, workers should sanitize work areas upon arrival, throughout the workday and immediately before they leave, and occupants should keep a personal distance of at least 10 feet.
21. If an employee reports feeling sick and goes home, the area where that person worked should be immediately disinfected.

### **Employee Health/Symptoms**

22. Create policies which encourage workers to stay home or leave the worksite when feeling sick or when they have been in close contact with a confirmed positive case. If they develop symptoms of acute respiratory illness, they must seek medical attention and inform their employer.
23. Have employees inform their supervisors if they have sick family member at home with COVID-19. If an employee has a family member sick with COVID-19, that employee must follow the isolation/quarantine requirements as established by the State Department of Health.

24. Screen all workers at the beginning of their shift by taking their temperature and asking them if they have a fever, cough, shortness of breath, fatigue, muscle aches, or new loss of taste or smell. Thermometers used shall be 'no touch' or 'no contact' to the greatest extent possible. If a 'no touch' or 'no contact' thermometer is not available, the thermometer must be properly sanitized between each use. Any worker with a temperature of 100.4°F or higher is considered to have a fever and must be sent home.
25. Instruct workers to report to their supervisor if they develop symptoms of COVID-19 (e.g., fever, cough, shortness of breath, fatigue, muscle aches, or new loss of taste or smell). If symptoms develop during a shift, the worker should be immediately sent home. If symptoms develop while the worker is not working, the worker should not return to work until they have been evaluated by a healthcare provider.
26. Failure of employees to comply will result in employees being sent home during the emergency actions.
27. Employees who do not believe it is safe to work shall be allowed to remove themselves from the worksite and employers must follow the expanded family and medical leave requirements included in the Families First Coronavirus Response Act or allow the worker to use unemployment benefits, paid time off, or any other available form of paid leave available to the worker at the workers discretion.
28. Any worker coming to work on a construction site in Washington from any state that is not contiguous to Washington must self-quarantine for 14 days to become eligible to work on a job site in Washington.
29. If an employee is confirmed to have COVID-19 infection, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). The employer should instruct fellow employees about how to proceed based on the CDC [Public Health Recommendations for Community-Related Exposure](#).

#### **Job Site Visitors**

30. A daily attendance log of all workers and visitors must be kept and retained for at least four weeks. The log must include the name, phone number, and email address of all workers and visitors.

**Failure to comply with these requirements, or to provide the materials, schedules and equipment required to comply, will result in shutting down operations on the worksite until the contractor can meet and maintain all requirements.**

All contractors shall post on each job site written compliance with these requirements prior to performing any work. Under the authority of the Washington Industrial Safety and Health Act (WISHA), L&I's Division of Occupational Safety and Health (DOSH) will enforce these COVID-19 jobsite safety and health requirements. Complaints may be submitted to the L&I Call Center (1-800-423-7233) or via e-mail to Linda Adame at [adag235@lni.wa.gov](mailto:adag235@lni.wa.gov).

These Phase 1 COVID-19 job site safety practices are required as long as the “Stay Home, Stay Healthy” Gubernatorial Proclamation 20-25 is in effect or if adopted as rules by a federal, state or local regulatory agency.

## Appendix C - State Environmental Policy Act (SEPA) Determination of Non-Significance

**DETERMINATION OF NON-SIGNIFICANCE (DNS)**  
**WAC 197-11-970**

**Project Name:** PCT Truck Queue Wapato Creek Culvert Replacement Project

**Proponent:** Port of Tacoma

**Proposal:**

The proposed project will replace an 8-foot wide by 6-foot tall corrugated metal pipe (CMP) arch culvert with a pile-supported bridge across Wapato Creek. The culvert located under the Pierce County Terminal (PCT) Truck Queue access road has deteriorated to the point of not having enough structural integrity to withstand applied loads. The CMP culvert is buckling from the top and from the west; the culvert is beyond repair and must be replaced. The Port proposes to replace the failing culvert with a new pile-supported bridge that will allow for better fish access and provide more water flow capacity during high-tide/high-flow events. The failing culvert and associated earthen road prism will be removed once the new bridge is installed. The replacement bridge will fully span the bank-full width of Wapato Creek and the piles will be located above mean higher high water (MHHW) (+11.8 feet mean lower low water [MLLW]). The project area is approximately 1.25 acres. Use of the facility will not change as a result of the project; the site will remain a queuing area for trucks waiting to enter PCT, a storage lot of imported vehicles and/or other marine cargo transport support functions.

**Location:**

4215 SR 509 North Frontage Road, Tacoma, Pierce County, Washington, 98421  
Pierce County Tax Parcel 5000350150; Section 01, Township 20N, Range 03E of the Willamette Meridian

**Lead Agency:** Port of Tacoma

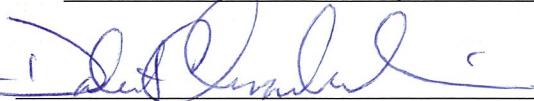
The lead agency for this Proposal has determined that the Proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under Revised Code of Washington (RCW) 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. The DNS as well as well as other State Environmental Policy Act (SEPA) information is available upon request at the Port of Tacoma's Administration building, located at One Sitcum Plaza, Tacoma, WA 98421 or at the Port's website at <http://www.portoftacoma.com/community/environment/sepa>. The lead agency's SEPA policy can be found at <http://www.portoftacoma.com/sites/default/files/2016-06-PT-SEPA-10-20-16.pdf>.

**Comments and Request for Reconsideration:** This Determination of Non-Significance DNS is issued under Chapter 197-11-340 Washington Administrative Code (WAC). Pursuant to Port policy, all interested parties shall have 14 calendar days to comment on the proposed SEPA threshold determination. Only those who commented within the 14-day comment period shall have standing to file a Request for Reconsideration. Any challenge to a SEPA threshold determination shall be initiated by filing a Request for Reconsideration with the Responsible Official or designee no later

than close of business (5:00 PM) within 7 calendar days following the end of the 14-day comment period for the SEPA determination. The lead agency will not act on this Proposal during the 14-day comment period or any valid reconsideration request/administrative appeal period. Comments shall be submitted to the Port of Tacoma, Environmental Programs, C/O Jenn Stebbings at One Sitcum Plaza, Tacoma, WA 98421 or at the Port's website at <http://www.portoftacoma.com/sepa>.

**Responsible Official:** Dakota Chamberlain

**Position/Title:** Chief Facilities Development Officer

**Signature:**  **Date:** 5/24/2019

**Comment Start Date:** May 28, 2019

**Comment End Date:** June 11, 2019

**Request for Reconsideration End Date:** June 18, 2019

## Appendix D - City of Tacoma Shoreline Substantial Development Permit Exemption



City of Tacoma  
Planning and Development Services

January 24, 2020

Port of Tacoma  
Attn: Jenn Stebbings  
P.O. Box 1837  
Tacoma, WA 98401

*via email: jstebbings@portoftacoma.com*

RE: Shoreline Substantial Development Permit Exemption  
File No. LU19-0240 – Wapato Creek Bridge

Dear Ms. Stebbings,

You have requested a Shoreline Substantial Development Permit Exemption to replace a culvert with a full-span pile-supported bridge. The culvert conveys Wapato Creek under an access road from Alexander Ave. to Parcel 15. Parcel 15 is used as a truck queue and short-term parking for the Port of Tacoma (POT).

The deteriorated culvert cannot be repaired and must be replaced. POT has chosen to replace the culvert with a full-span pile supported bridge that will improve fish passage as the existing culvert is a partial fish barrier. Wapato Creek is classified as a Type F - fish bearing stream. The project will also repair a broken stormwater outlet pipe. Restoration of the stream bank will include native vegetation and the project includes enhanced stormwater treatment.

This portion of Wapato Creek is tidally influenced and a Shoreline of the State. State waters and lands extending 200-feet from the Ordinary High Water Mark (OHWM) are regulated under the City of Tacoma's *Shoreline Master Program* (SMP) codified in the Tacoma Municipal Code (TMC) Title 19. TMC 19.2.3.3 allows for an exemption from the permitting process for the maintenance of existing structure and developments.

The POT structures being maintained are lawfully established structures located in the S-13 Marine Waters of the State and S-10 Port Industrial zoning districts. Replacement of a structure can be authorized as repair when replacement is the common method of repair and the replacement structure or development is comparable and does not have adverse effects to the shoreline environment.

The culvert cannot be repaired and must be replaced and the replacement bridge will be located in the same location as the deteriorated culvert. Adverse impacts will be temporary and limited during active construction. Appropriate BMPs such as fish exclusion protocols are required to protect Wapato Creek. Permanent impacts are not anticipated and replacement of the culvert with the bridge will improve fish access and the shoreline environment.

The proposed maintenance has been determined to be consistent with the City's SMP policies and exemption criteria in TMC 19.2.3.3 to prevent a decline, lapse, or cessation from a lawfully established condition.

Therefore, the Shoreline Exemption request is **Approved**, subject to the following conditions:

1. The applicant shall follow all proposed installation and construction methods and best management practices for minimizing unintended impacts during the repair and maintenance.
2. Appropriate best management practices will be used to prevent any runoff or deleterious material from entering Wapato Creek.
3. Construction material or debris shall promptly removed and disposed of in an appropriate upland location.
4. The applicant shall notify the City of Tacoma and pertinent state or federal agencies in the event of an unexpected spill of fuel or other chemical into the waterway.
5. The repair work must conform to state and federal in-water work windows and accompanying conditions.
6. The POT will provide copies of approvals from WDFW and USACE prior to the City's issuance of permits to construct.

Pursuant to WAC 197-11-800, subsection (3) and the City of Tacoma's SEPA Procedures, this proposed action is categorically exempt from the Threshold Determination and Environmental Impact Statement requirements of SEPA.

The applicant is also advised of the following:

- This permit is only applicable to the proposed project as described above and based upon the information submitted by the applicant. Future activities or development within regulated state waters or the 200-foot shoreline jurisdiction may be subject to further review and additional permits or exemptions as required in accordance with Tacoma Municipal Code (TMC) Title 19.
- We are issuing this letter of exemption per the provisions of Tacoma's *Shoreline Master Program* and TMC Title 19 to comply with the requirements of WAC 173-27-050 and WAC 173-27-040. Should you have any further questions or requests please do not hesitate to contact me at 253-591-5482.

Sincerely,



Shannon Brenner  
Environmental Specialist

cc via electronic mail:

Washington Department of Ecology, Shorelands & Environmental Assistance Program, Zach Meyer,  
SWRO, P.O. Box 47775, Olympia, WA 98504-7775 (zmey461@ecy.wa.gov)  
Washington Department of Fish and Wildlife, Liz Bockstiegel, 600 Capitol Way N., Olympia, WA  
98501-1091(elizabeth.bockstiegel@dfw.wa.gov)  
U.S. Army Corps of Engineers, Attn: Regulatory Branch, CENWS-OD-RG Attn: Halie Endicott, P.O.  
Box C-3755, Seattle, WA 98124 (halie.endicott@usace.army.mil)  
U.S. Fish & Wildlife Service, Attn: Judy Lantor, 510 Desmond Drive SE #102, Lacey, WA 98503  
(jusdy\_lantor@fws.gov)

# Appendix E - WDFW Hydraulic Project Approval



Washington Department of  
FISH and WILDLIFE

# HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: March 04, 2020

Permit Number: 2020-6-105+01

Project End Date: February 15, 2025

FPA/Public Notice Number: N/A

Application ID: 19788

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Port of Tacoma  ATTENTION: Jennifer Stebbings  PO Box 1837  Tacoma, WA 98401-1837	

**Project Name:** Parcel 15 Wapato Creek Culvert Replacement Bridge Project

**Project Description:** The proposed project is to replace a failing CMP arch culvert with a full-span pile-supported bridge. The new bridge will be located entirely above OHWM. Repairs to an existing outfall, restoration of the streambed where the culvert will be removed, and recontouring and restoration of the slopes along Wapato Creek are also included as part of the project. The project will also reestablish an existing outfall, and place rounded material for an energy dissipation pad.

## PROVISIONS

### AUTHORIZED WORK TIMES

1. TIMING LIMITATION: To protect fish and shellfish habitats at the job site, work below the ordinary high water line must occur from July 15 through December 31 and January 1 through February 15 of any year.

2. APPROVED PLANS: Work must be accomplished per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled "20200225\_Wapato Creek Bridge\_JARPA Drawings1", uploaded February 25, 2020, and outfall plan entitled, "20200225\_WapatoCreek Bridge\_Outfall Repair", uploaded on February 25, 2020, except as modified by this Hydraulic Project Approval. You must have a copy of these plans available on site during all phases of the project construction.

### NOTIFICATION

3. PRE- AND POST-CONSTRUCTION NOTIFICATION: You, your agent, or contractor must contact the Washington Department of Fish and Wildlife by e-mail at HPAApplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting work, and again within seven days after completing the work. The notification must include the permittee's name, project location, starting date for work or date the work was completed, and the permit number. The Washington Department of Fish and Wildlife may conduct inspections during and after construction; however, the Washington Department of Fish and Wildlife will notify you or your agent before conducting the inspection.

4. FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION: If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Military Department Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.

### STAGING, JOB SITE ACCESS AND EQUIPMENT

5. Establish the staging area (used for activities such as equipment storage, vehicle storage, fueling, servicing, and



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hazardous material storage) in a location and manner that will prevent contaminants like petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.

6. Limit the removal of native bankline vegetation to the minimum amount needed to construct the project.
7. Retain all natural habitat features on the beach larger than twelve inches in diameter including trees, stumps, logs, and large rocks. These natural habitat features may be moved during construction but they must be placed near the preproject location before leaving the job site.
8. Check equipment daily for leaks and complete any required repairs before using the equipment in or near the water.
9. Lubricants composed of biodegradable base oils such as vegetable oils, synthetic esters, and polyalkylene glycols are recommended for use in equipment operated in or near water.
10. Do not stockpile construction material waterward of the OHWL.

## CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

11. Prevent contaminants from the project, such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.
12. Use tarps or other methods to prevent treated wood, sawdust, trimmings, drill shavings and other debris from contacting the bed or waters of the state.

## CONSTRUCTION MATERIALS

13. To prevent leaching, construct forms to contain any wet concrete. Place impervious material over any exposed wet concrete that will come in contact with waters of the state. Forms and impervious materials must remain in place until the concrete is cured.
14. Do not use wood treated with oil-type preservative (creosote, pentachlorophenol) in any hydraulic project. Wood treated with waterborne preservative chemicals (ACZA, ACQ) may be used if the Western Wood Preservers Institute has approved the waterborne chemical for use in the aquatic environment. The manufacturer must follow the Western Wood Preservers Institute guidelines and the best management practices to minimize the preservative migrating from treated wood into aquatic environments. To minimize leaching, wood treated with a preservative by someone other than a manufacturer must follow the field treating guidelines. These guidelines and best management practices are available at [www.wwpinstiute.org](http://www.wwpinstiute.org).

## IN-WATER WORK AREA ISOLATION USING A TEMPORARY BYPASS

15. Isolate fish from the work area by using either a total or partial bypass or cofferdam.
16. Provide fish passage during times of the year when fish are expected to migrate.
17. Sequence the work to minimize the duration of dewatering.
18. Use the least-impacting feasible method to temporarily bypass water from the work area and isolate the work area. Consider the physical characteristics of the site and the anticipated volume of water flowing through the work area.
19. The hydraulic capacity of the stream bypass must be equal to or greater than the peak flow event expected when the bypass will be operated.
20. Design the temporary bypass to minimize the length of the dewatered stream channel.
21. During all phases of bypass installation and decommissioning, maintain flows downstream of the project site to ensure survival of all downstream fish.
22. Install the temporary bypass before starting other construction work in the wetted perimeter using the a bypass method approved by the Washington Department of Fish and Wildlife.



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23. Install a cofferdam or similar device at the upstream and downstream end of the bypass to prevent backwater from entering the work area.

24. Return diverted water to the channel immediately downstream of the work area. Dissipate flow energy from the diversion to prevent scour or erosion of the channel and bank.

25. If the diversion inlet is a gravity diversion that provides fish passage, place the diversion outlet where it facilitates gradual and safe reentry of fish into the stream channel.

26. If the bypass is a pumped diversion, once started it must run continuously until it is no longer necessary to bypass flows. This requires back-up pumps on-site and twenty-four-hour monitoring for overnight operation.

27. If the diversion inlet is a pump diversion in a fish-bearing stream, the pump intake structure must have a fish screen installed, operated, and maintained in accordance with RCW 77.57.010 and 77.57.070. Screen the pump intake with one of the following:

- a) Perforated plate: 0.094 inch (maximum opening diameter);
- b) Profile bar: 0.069 inch (maximum width opening); or
- c) Woven wire: 0.087 inch (maximum opening in the narrow direction).

The minimum open area for all types of fish screens is twenty-seven percent. The screened intake facility must have enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second. Maintain fish screens to prevent injury or entrapment of fish.

28. The fish screen must remain in place whenever water is withdrawn from the stream through the pump intake.

29. Remove fish screens on dewatering pumps in the isolated work area only after all fish are safe and excluded from the work area.

30. Isolate pump hose intakes with block nets so that fish cannot get near the intake.

## OUTFALL

31. Remove any riprap scattered, or abandoned outside the original design footprint from the bed and deposit it in an upland area above the limits of extreme high tidal water.

32. Ensure all catch basins, culverts, energy dissipation devices, and pipeline outfalls are free of obstructions for the life of the project to ensure proper functioning of the stormwater management system.

33. Locate the waterward face of the energy dissipation pad as shown in the approved plans.

34. Rock for the splash pad must be composed of clean, rounded material, maximum 12-inch diameter cobbles/stones. The dissipation pad must be only 8-feet beyond the pipe outfall, as shown in the approved plans. The depth of the energy dissipation pad must be 12-inches.

35. Prior to tidal inundation, backfill all trenches, depressions, or holes created during construction waterward of the ordinary high water line.

36. Cover all exposed slopes must be covered with natural fiber mesh and re-vegetate with native vegetation.

37. Install an inline check valve within the outfall pipe to prevent fish from entering the stormwater pipe.

## BRIDGE INSTALLATION & CULVERT REMOVAL

38. The bridge must be a 69 foot 10-inch bridge, with the distance between abutments that is 61 feet 6-inches, as shown in the approved plans.

39. Locate the waterward face of all bridge elements including abutments, piers, pilings, sills, foundations, aprons, wing walls, and approach material landward of the mean higher high water line (MHHW).

40. If excavation or other construction activities take place waterward of the ordinary high water line, isolate the work area from the stream flow (if present) by using a cofferdam, bypass, or similar structure.

41. Use material for the approaches that is structurally stable and that will not harm fish life if it erodes into the water.



## HYDRAULIC PROJECT APPROVAL

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42. Install biotechnical slope protection outside the bridge shadow as shown in the approved plans.

43. Remove the culvert in the dry or in isolation from the stream flow by using a bypass channel or culvert, or by pumping the stream flow around the work area.

44. Route the construction water (wastewater) from the project to an upland area above the limits of anticipated floodwater. Remove fine sediment and other contaminants before discharging the construction water to waters of the state.

45. Dismantle and mechanically remove the existing culvert and fill materials.

### STREAM BANK PROTECTION & STREAM RESTORATION

46. Use clean angular rock to construct the bank protection at the power pole. The rock must be large enough and installed to withstand the 100-year peak flow. Only 15 cubic yards of rip-rap can be placed for this project.

47. Place bank protection or shoreline stabilization material and biodegradable filter blanket material from the bank.

48. Reslope the banks to a 1.5 foot horizontal and 1 foot vertical slope or less.

49. Place geotextile cloth or biodegradable filter blanket material on the bank before placing the bank protection material.

50. Size streambed material to mimic the gradation found in nearby reference channel reaches, it must be 3-inch minus streambed material. The material must be well-graded (includes all size classes), non-porous, with 5-10% fines with sieve size U.S. No. 200 to prevent subsurface flow.

### LARGE WOODY MATERIAL

51. Use fir, cedar, or other coniferous species to construct the log or rootwad fish habitat structure(s). Six pieces of large woody debris must be placed as shown on the approved plans.

52. Place large wood or other materials consistent with natural stream processes waterward of the ordinary high water line as shown in the approved plans.

### DEMOBILIZATION/CLEANUP

53. Remove all trash and unauthorized fill in the project area, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, floating debris, and paper, that is waterward of the ordinary high water line and deposit upland.

54. Remove all debris or deleterious material resulting from construction from the bed and prevent from entering waters of the state.

55. Plant riparian vegetation during the first dormant season (late fall through late winter) after project completion. Maintain plantings for at least three years to ensure at least eighty percent of the plantings survive. Failure to achieve the eighty percent survival in year three will require you to submit a plan with follow-up measures to achieve requirements or reasons to modify requirements.

LOCATION #1:	Site Name: Parcel 15 Wapato Creek 4215 SR 509 North Frontage Road, Tacoma, WA 98421		
WORK START:	March 4, 2020	WORK END:	February 15, 2025
WRIA	<u>Waterbody:</u>	<u>Tributary to:</u>	
10 - Puyallup - White	Wapato Creek	Port Industrial Waterway	



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: March 04, 2020

Permit Number: 2020-6-105+01

Project End Date: February 15, 2025

FPA/Public Notice Number: N/A

Application ID: 19788

<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
NW 1/4	01	20 N	03 E	47.2512	-122.3726	Pierce
<u>Location #1 Driving Directions</u>						
From I-5: Take exit 136 for Port of Tacoma Road Turn left onto SR 509 North Turn left onto Alexander Avenue E Continue 0.25 mile to arrive at the site						

### APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in civil action against you, including, but not limited to, a stop work order or notice to comply, and/or a gross misdemeanor criminal charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: March 04, 2020

Permit Number: 2020-6-105+01

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FPA/Public Notice Number: N/A

Application ID: 19788

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**MINOR MODIFICATIONS TO THIS HPA:** You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to [HPAApplications@dfw.wa.gov](mailto:HPAApplications@dfw.wa.gov). You should allow up to 45 days for the department to process your request.

**MAJOR MODIFICATIONS TO THIS HPA:** You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send your written request by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You may email your request for a major modification to [HPAApplications@dfw.wa.gov](mailto:HPAApplications@dfw.wa.gov). You should allow up to 45 days for the department to process your request.

### APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.

**A. INFORMAL APPEALS:** WAC 220-660-460 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: March 04, 2020

Permit Number: 2020-6-105+01

Project End Date: February 15, 2025

FPA/Public Notice Number: N/A

Application ID: 19788

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAApplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee may conduct an informal hearing or review and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-660-470 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.

Habitat Biologist elizabeth.bockstiegel@dfw.wa.gov

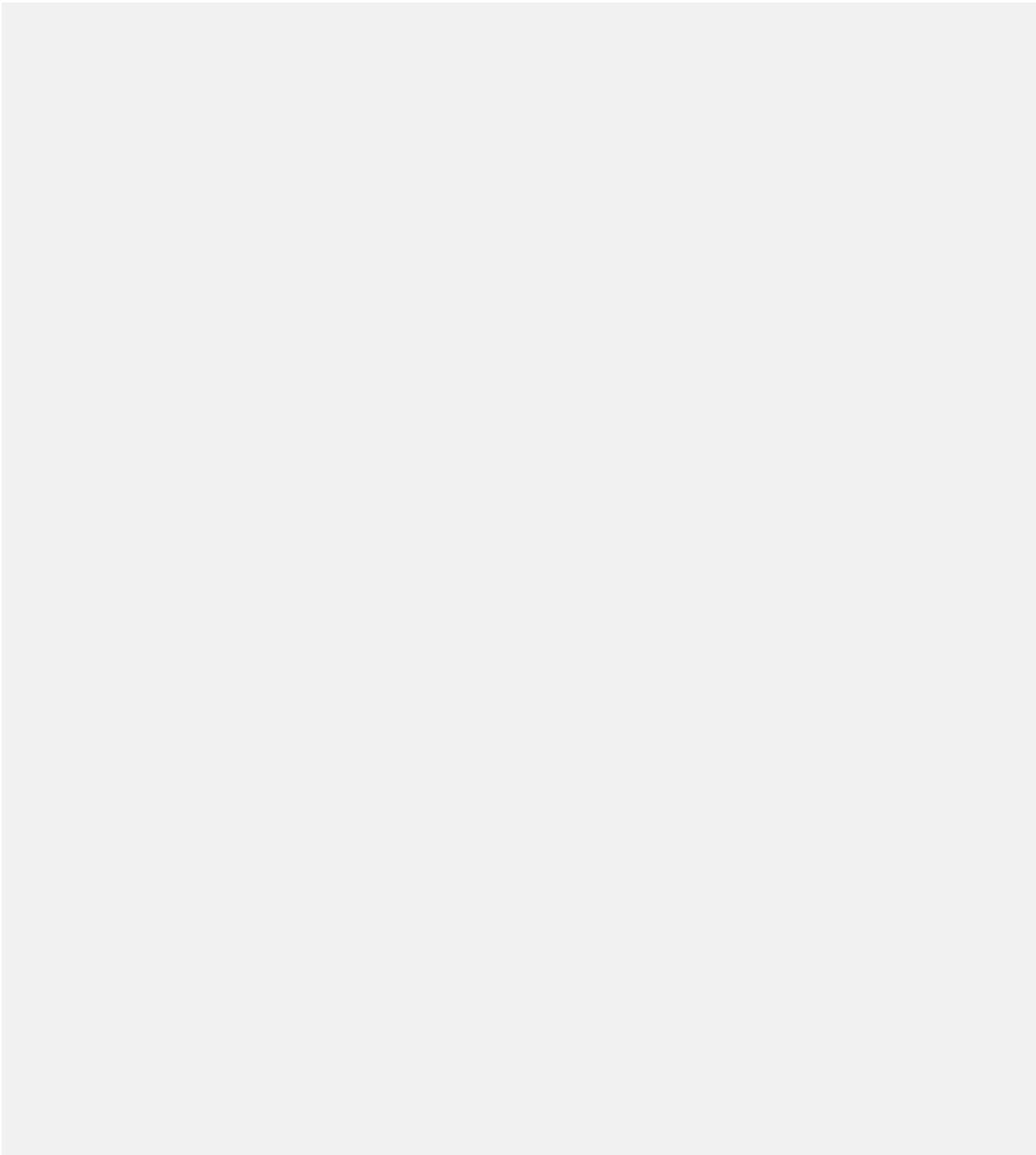
## for Director

Elizabeth Bockstiegel 360-480-2908

El Bawji

WDEW

## Appendix F - USACE Nationwide Permit #3 and #15





DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, SEATTLE DISTRICT  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

March 10, 2020

Ms. Jenn Stebbings  
Port of Tacoma  
P.O. Box 1837  
Tacoma, Washington 98401

Reference: NWS-2019-946-WRD  
Tacoma, Port of  
(Culvert Removal and  
Bridge Construction)

Dear Ms. Stebbings:

We have reviewed your application to place fill in up to 7,000 square feet to remove a culvert and road prism, create a streambed, construct a bridge, and repair an outfall in Wapato Creek at Tacoma, Washington. Based on the information you provided to us, Nationwide Permit (NWP) 15, *U.S. Coast Guard Approved Bridges*, and NWP 3, *Maintenance* (Federal Register January 6, 2017, Vol. 82, No. 4), authorizes your proposal as depicted on the enclosed drawings dated February 25, 2020.

In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 15*, and *NWP 3, Terms and Conditions* and the following special condition:

- a. By accepting this permit, the permittee agrees to accept such potential liability for response costs, response activity and natural resource damages as the permittee would have under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq. (CERCLA) or the Model Toxics Control Act, R.C.W. 70.105 (MTCA) absent the issuance of this permit. Further, the permittee agrees that this permit does not provide the permittee with any defense from liability under the CERCLA or the MTCA. Additionally, the permittee shall be financially responsible for any incremental response costs attributable under CERCLA or MTCA to the permittee's activities under this permit.

We have reviewed your project pursuant to the requirements of the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act and the National Historic

Preservation Act. We have determined this project complies with the requirements of these laws provided you comply with all of the permit general and special conditions.

The authorized work complies with the Washington State Department of Ecology's (Ecology) Water Quality Certification (WQC) requirements and Coastal Zone Management (CZM) consistency determination response for this NWP. No further coordination with Ecology for WQC and CZM is required.

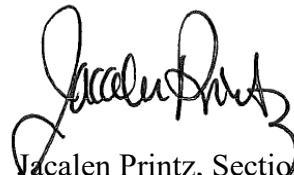
You have not requested a jurisdictional determination for this proposed project. If you believe the U.S. Army Corps of Engineers does not have jurisdiction over all or portions of your project you may request a preliminary or approved jurisdictional determination (JD). If one is requested, please be aware that we may require the submittal of additional information to complete the JD and work authorized in this letter may not occur until the JD has been completed.

Our verification of this NWP authorization is valid until March 18, 2022, unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work has not been completed by that date and you have commenced or are under contract to commence this activity before March 18, 2022, you will have until March 18, 2023, to complete the activity under the enclosed terms and conditions of this NWP. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. You must also obtain all local, State, and other Federal permits that apply to this project.

You are cautioned that any change in project location or plans will require that you submit a copy of the revised plans to this office and obtain our approval before you begin work. Deviating from the approved plans could result in the assessment of criminal or civil penalties.

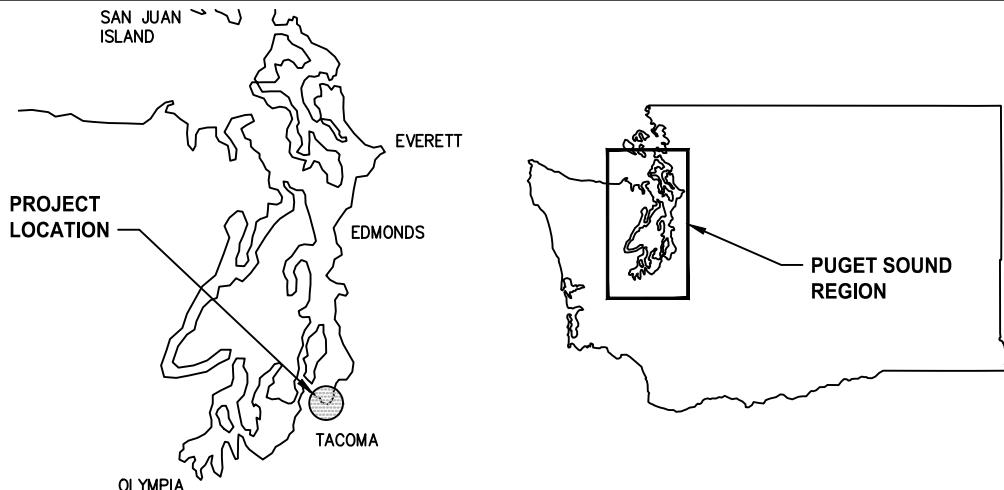
Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit*. Thank you for your cooperation during the permitting process. We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey. These documents and information about our program are available on our website at [www.nws.usace.army.mil](http://www.nws.usace.army.mil), select “Regulatory Branch, Permit Information” and then “Contact Us.” If you have any questions, please contact me at [jason.t.sweeney@usace.army.mil](mailto:jason.t.sweeney@usace.army.mil) or (206) 764-3450.

Sincerely,

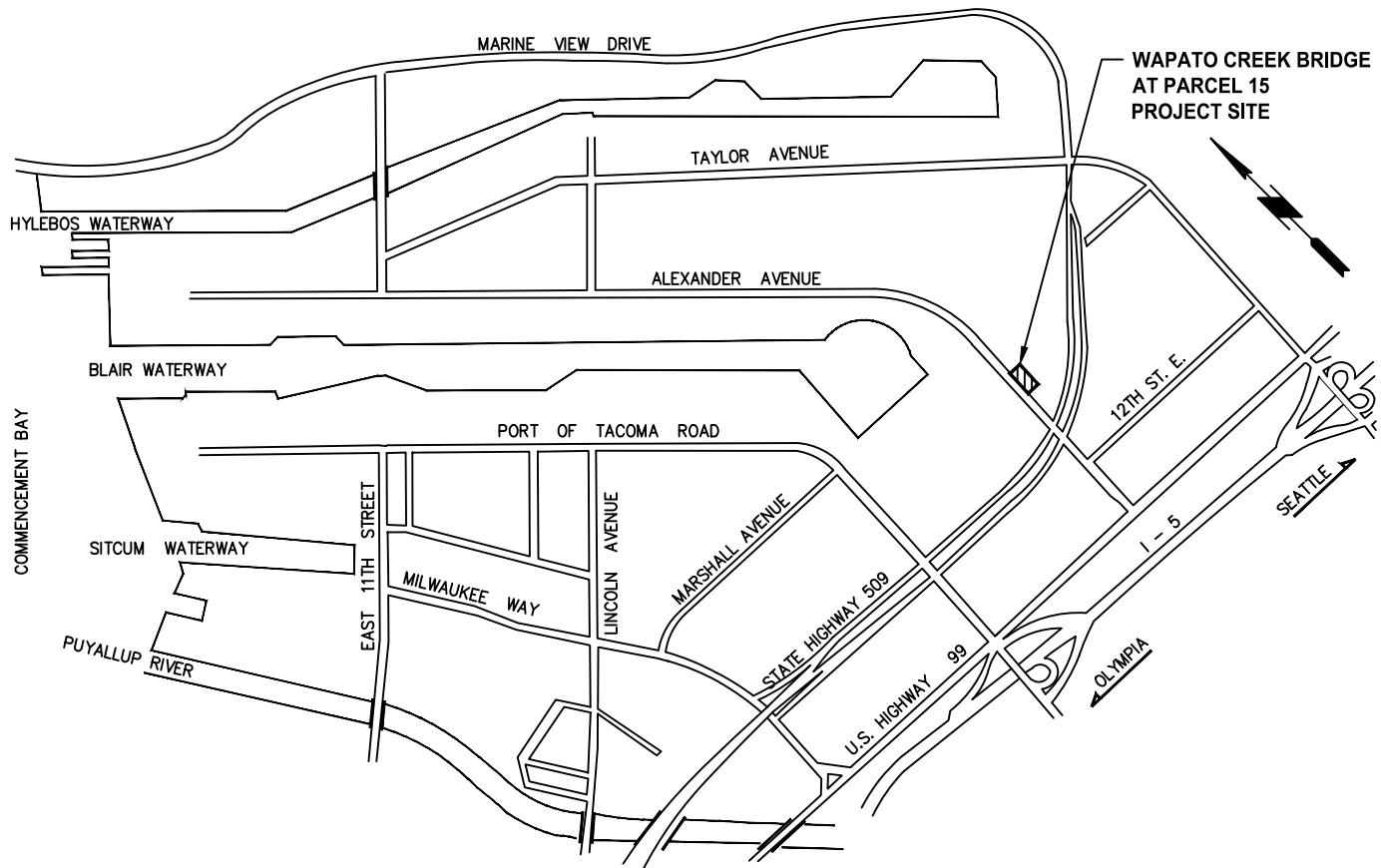


Jacalen Printz, Section Chief  
Regulatory Branch

Enclosures



PUGET SOUND REGION MAP



VICINITY MAP

NO SCALE

PORT OF TACOMA

REFERENCE # NWS-2019-946-WRD

PURPOSE: REPLACEMENT OF FAILING  
CULVERT IN WAPATO CREEK

DATUM: PORT OF TACOMA DATUM  
MLLW - ELEVATION 0.0'  
MHHW - ELEVATION 11.8'

ADJACENT PROPERTY OWNERS:  
PORT OF TACOMA

**FIGURE 1 - VICINITY MAP**

APPLICATION BY: PORT OF TACOMA

PROJECT: WAPATO CREEK BRIDGE AT PARCEL 15

ADDRESS: 4215 SR 509 N FRONTAGE RD,  
TACOMA, WA 98421

LAT/LONG: 47.250652°N / 122.372438°W

SECT/TOWN/RANGE: S01 T20N R3E

IN: WAPATO CREEK - CITY OF TACOMA

COUNTY OF: PIERCE

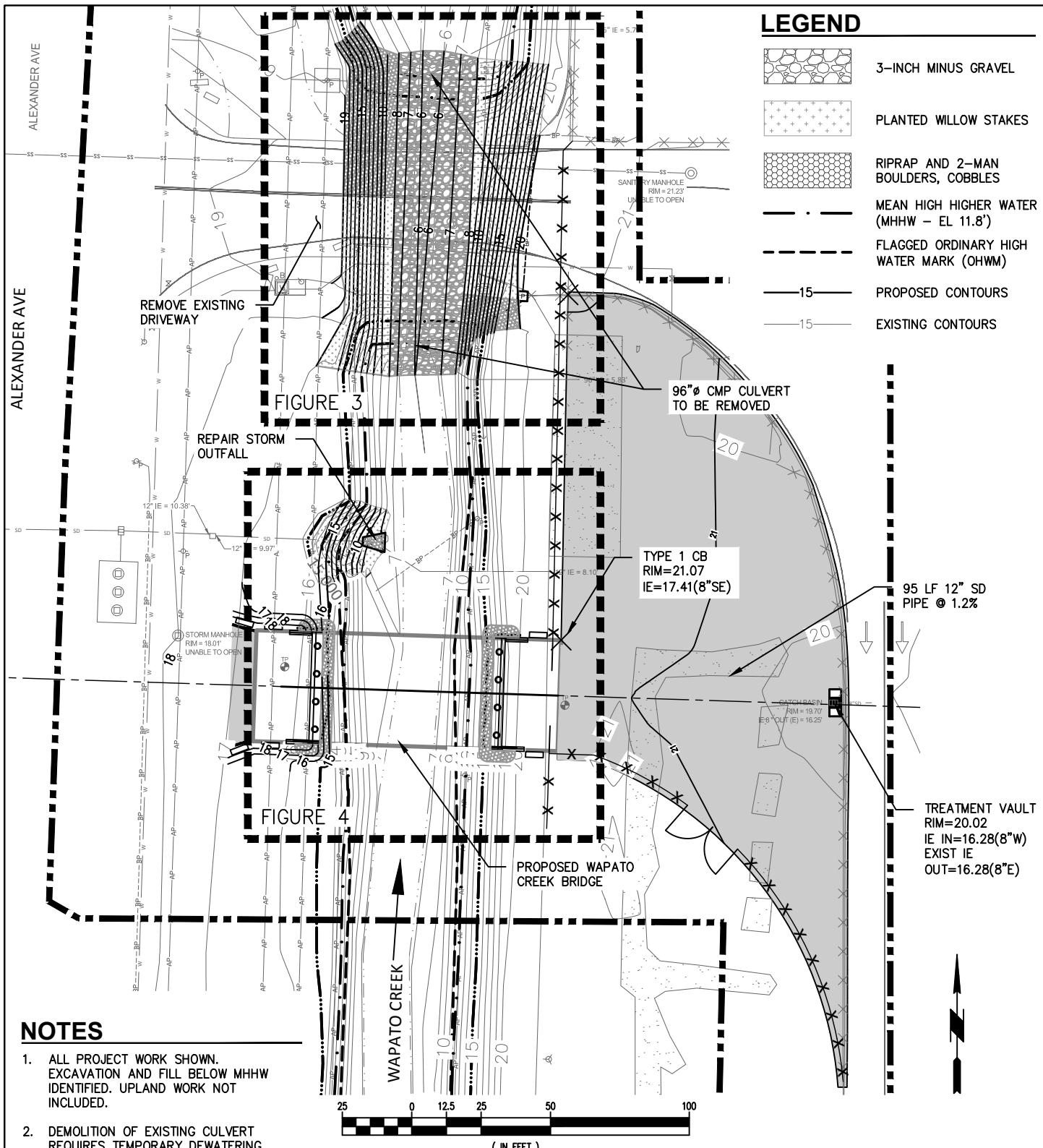
STATE OF: WA

APPLICATION BY: PORT OF TACOMA

Sheet 1 of 7

2/25/2020

FEBRUARY 2020



REFERENCE # NWS-2019-946-WRD

PURPOSE: REPLACEMENT OF FAILING CULVERT IN WAPATO CREEK

DATUM: PORT OF TACOMA DATUM  
MLLW - ELEVATION 0.0'  
MHHW - ELEVATION 11.8'

ADJACENT PROPERTY OWNERS:  
PORT OF TACOMA

**FIGURE 2 - SITE PLAN**

APPLICATION BY: PORT OF TACOMA

PROJECT: WAPATO CREEK BRIDGE AT PARCEL 15

ADDRESS: 4215 SR 509 N FRONTAGE RD,  
TACOMA, WA 98421

LAT/LONG: 47.250652°N / 122.372438°W

SECT/TOWN/RANGE: S01 T20N R3E

IN: WAPATO CREEK - CITY OF TACOMA

COUNTY OF: PIERCE

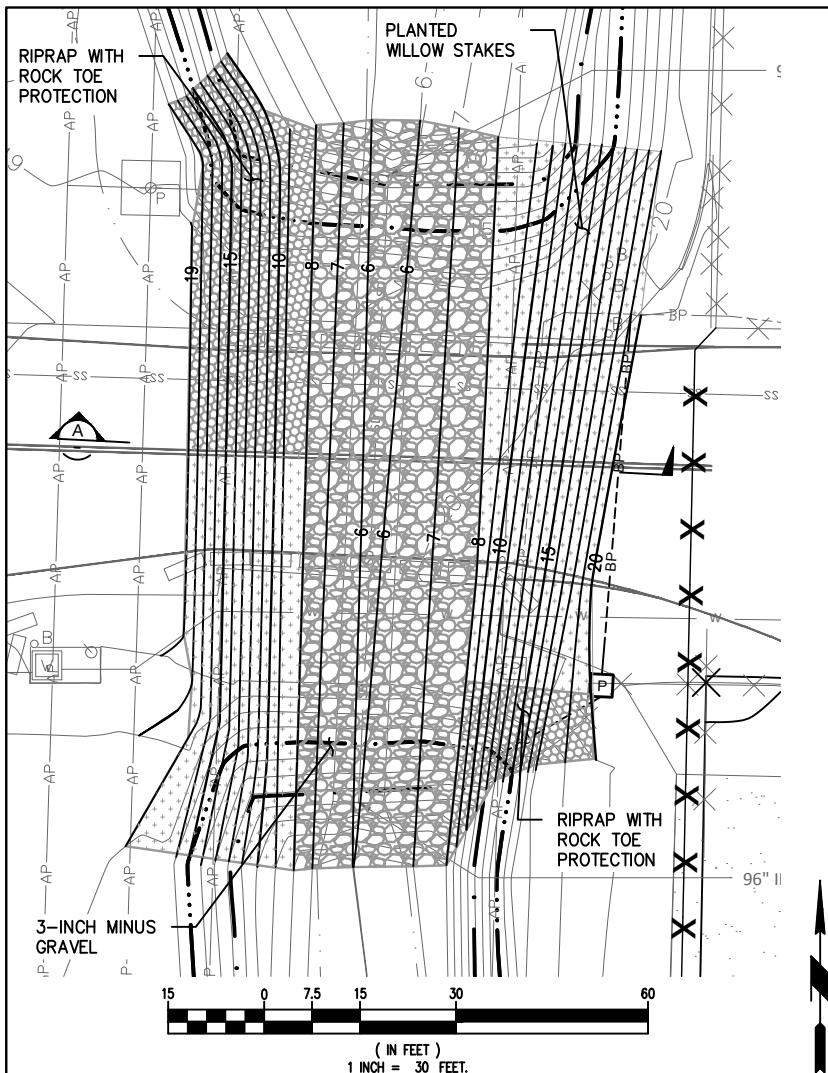
STATE OF: WA

APPLICATION BY: PORT OF TACOMA

**Sheet 2 of 7**

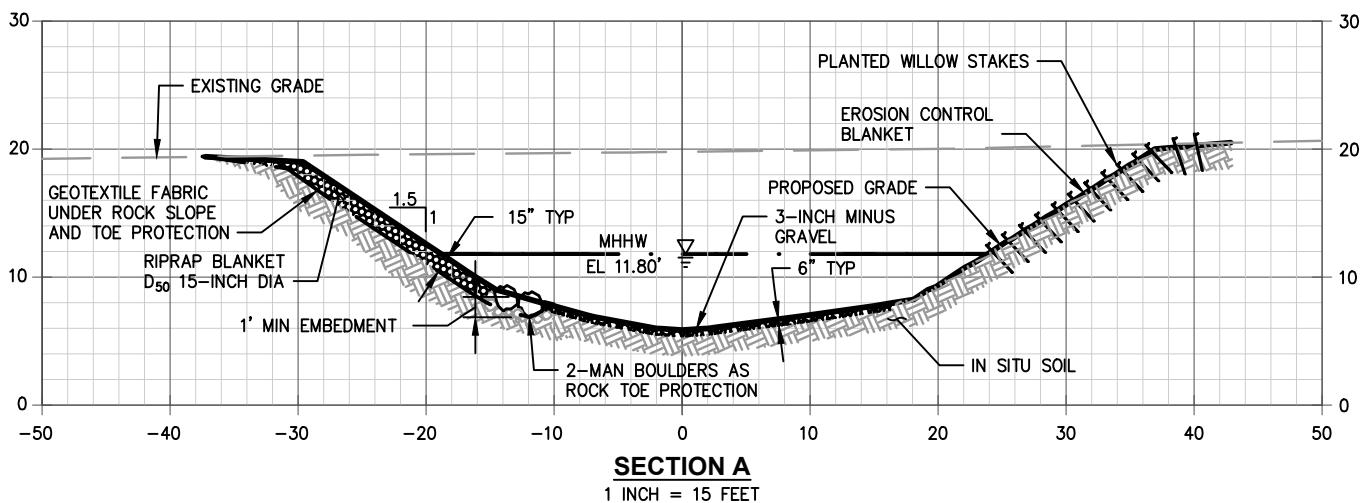
**2/25/2020**

**FEBRUARY 2020**



## TOTAL PROJECT EARTHWORK BELOW MHHW

	SF	CY
EXCAVATION	—	1019
EARTH EMBANKMENT FILL	—	41
3-INCH MINUS GRAVEL	3127	58
RIPRAP	226	13



REFERENCE # NWS-2019-946-WRD

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DATUM: PORT OF TACOMA DATUM  
MLLW - ELEVATION 0.0'  
MHHW - ELEVATION 11.8'

ADJACENT PROPERTY OWNERS:  
PORT OF TACOMA

**FIGURE 3 - CREEK RESTORATION AT CULVERT REMOVAL**

APPLICATION BY: PORT OF TACOMA

PROJECT: WAPATO CREEK BRIDGE AT PARCEL 15

ADDRESS: 4215 SR 509 N FRONTAGE RD,

TACOMA,

WA

98421 LAT/LONG: 47.250652°N / 122.372438°W

SECT/TOWN/RANGE: S01 T20N R3E

IN: WAPATO CREEK - CITY OF TACOMA

COUNTY OF: PIERCE

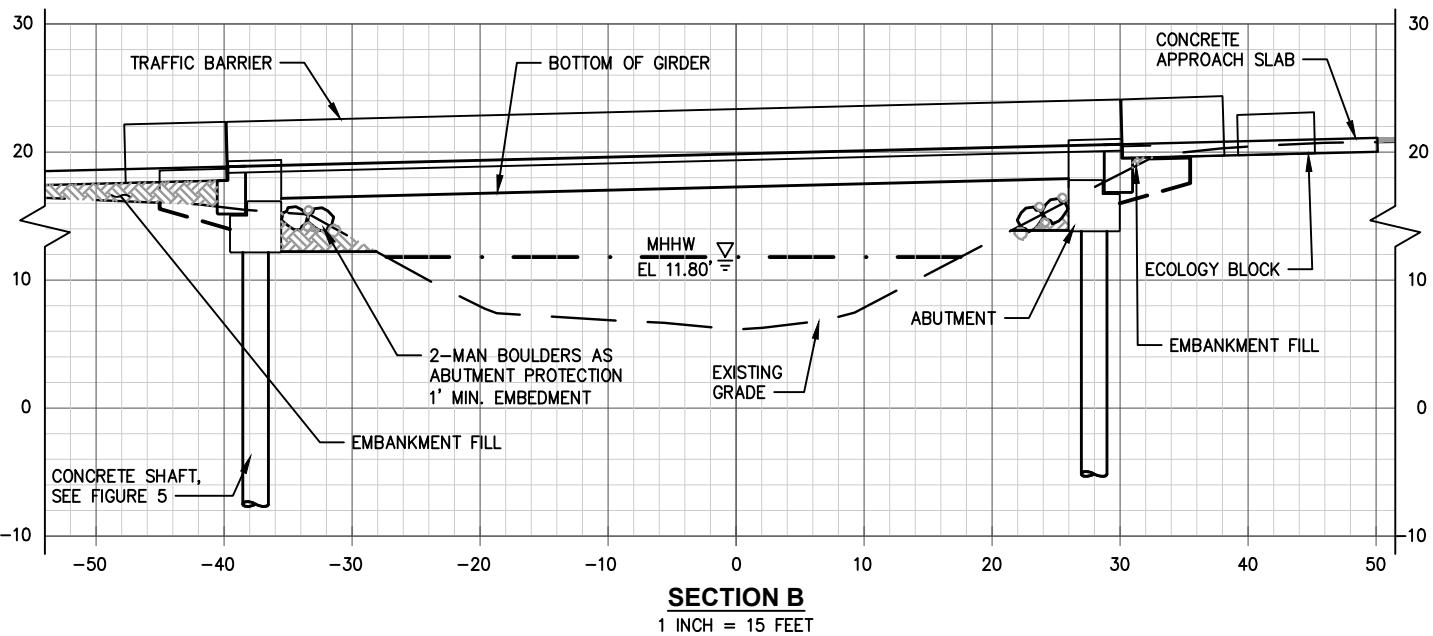
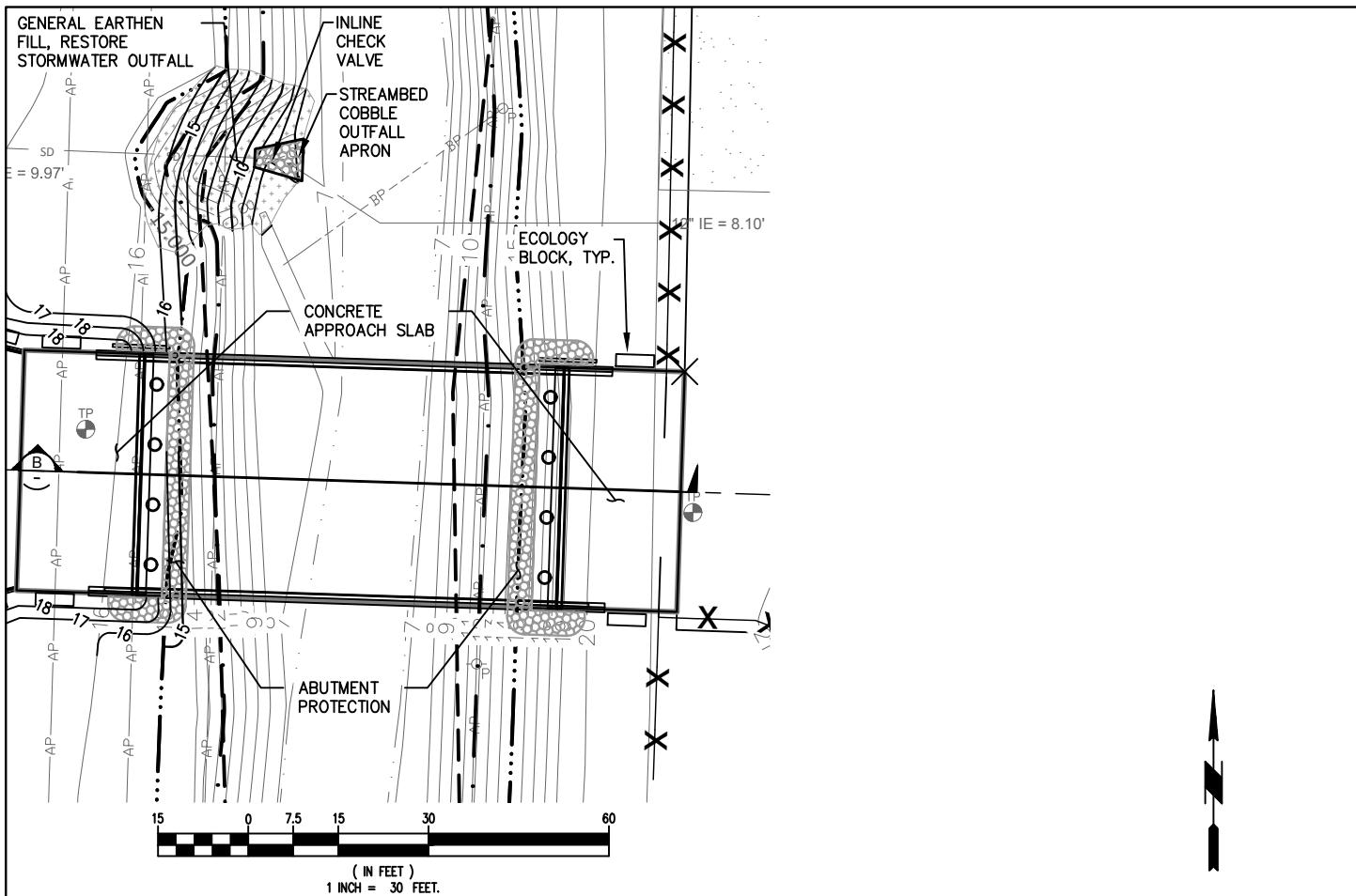
STATE OF: WA

APPLICATION BY: PORT OF TACOMA

Sheet 3 of 7

2/25/2020

-FEBRUARY-2020



REFERENCE # NWS-2019-946-WRD

PURPOSE: REPLACEMENT OF FAILING CULVERT IN WAPATO CREEK

DATUM: PORT OF TACOMA DATUM  
MLLW - ELEVATION 0.0'  
MHHW - ELEVATION 11.8'

ADJACENT PROPERTY OWNERS:  
PORT OF TACOMA

#### FIGURE 4 - BRIDGE SECTION

APPLICATION BY: PORT OF TACOMA

PROJECT: WAPATO CREEK BRIDGE AT PARCEL 15

ADDRESS: 4215 SR 509 N FRONTAGE RD,  
TACOMA, WA 98421

LAT/LONG: 47.250652°N / 122.372438°W

SECT/TOWN/RANGE: S01 T20N R3E

IN: WAPATO CREEK - CITY OF TACOMA

COUNTY OF: PIERCE

STATE OF: WA

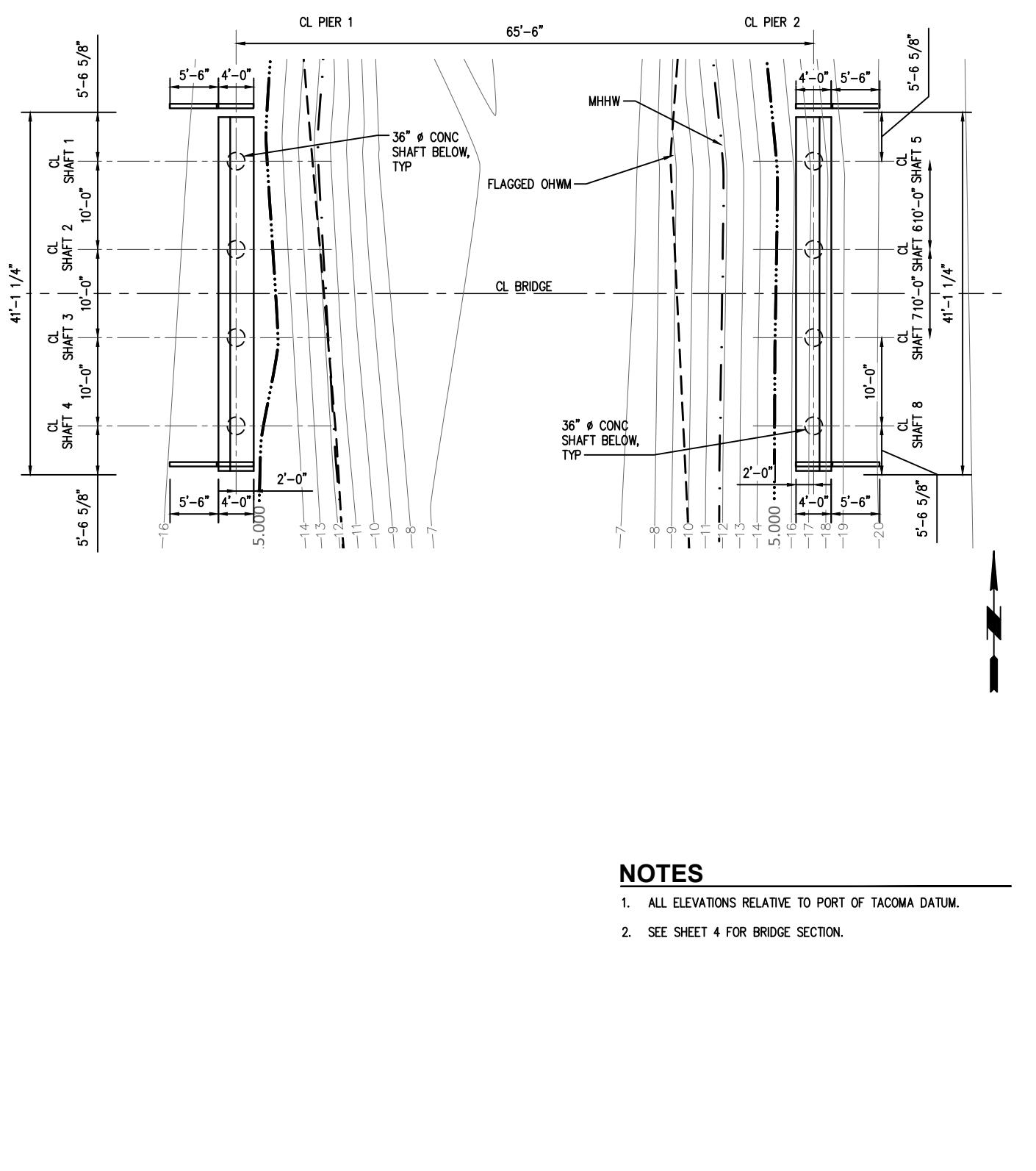
APPLICATION BY: PORT OF TACOMA

Sheet 4 of 7

2/25/2020

--FEBRUARY 2020

SHEET 4 OF 6



### FIGURE 5 - BRIDGE PLAN

REFERENCE # NWS-2019-946-WRD

**PURPOSE: REPLACEMENT OF FAILING  
CULVERT IN WAPATO CREEK**

DATUM: PORT OF TACOMA DATUM  
MLLW - ELEVATION 0.0'  
MHHW - ELEVATION 11.8'

ADJACENT PROPERTY OWNERS:  
PORT OF TACOMA

PROJECT: WAPATO CREEK BRIDGE AT PARCEL 15

ADDRESS: 4215 SR 509 N FRONTAGE RD,

TACOMA, WA 98421

LAT/LONG: 47.250652°N / 122.372438°W

SECT/TOWN/RANGE:  
IN WARATAH GREEK

IN: WAPATO CR  
COUNTY OF: RIC

COUNTY OF: PIERCE  
STATE OF: WA

STATE OF: WA  
APPLICATION BY: PORT OF TACOMA

AFFILIATION BT: PORT OF TACOMA

Sheet 5 of 7

111-112

-SHEET 5 OF 6- **FEBRUARY 2020**



## NOTES

1. Large woody material (LWM) locations are approximate.

REFERENCE # NWS-2019-946-WRD

PURPOSE: REPLACEMENT OF FAILING CULVERT IN WAPATO CREEK

DATUM: PORT OF TACOMA DATUM  
MLLW - ELEVATION 0.0'  
MHHW - ELEVATION 11.8'

ADJACENT PROPERTY OWNERS:  
PORT OF TACOMA

**FIGURE 6 - LARGE WOODY MATERIAL**

APPLICATION BY: PORT OF TACOMA

PROJECT: WAPATO CREEK BRIDGE AT PARCEL 15  
ADDRESS: 4215 SR 509 N FRONTAGE RD,  
TACOMA, WA 98421

LAT/LONG: 47.250652°N / 122.372438°W

SECT/TOWN/RANGE: S01 T20N R3E

IN: WAPATO CREEK - CITY OF TACOMA

COUNTY OF: PIERCE

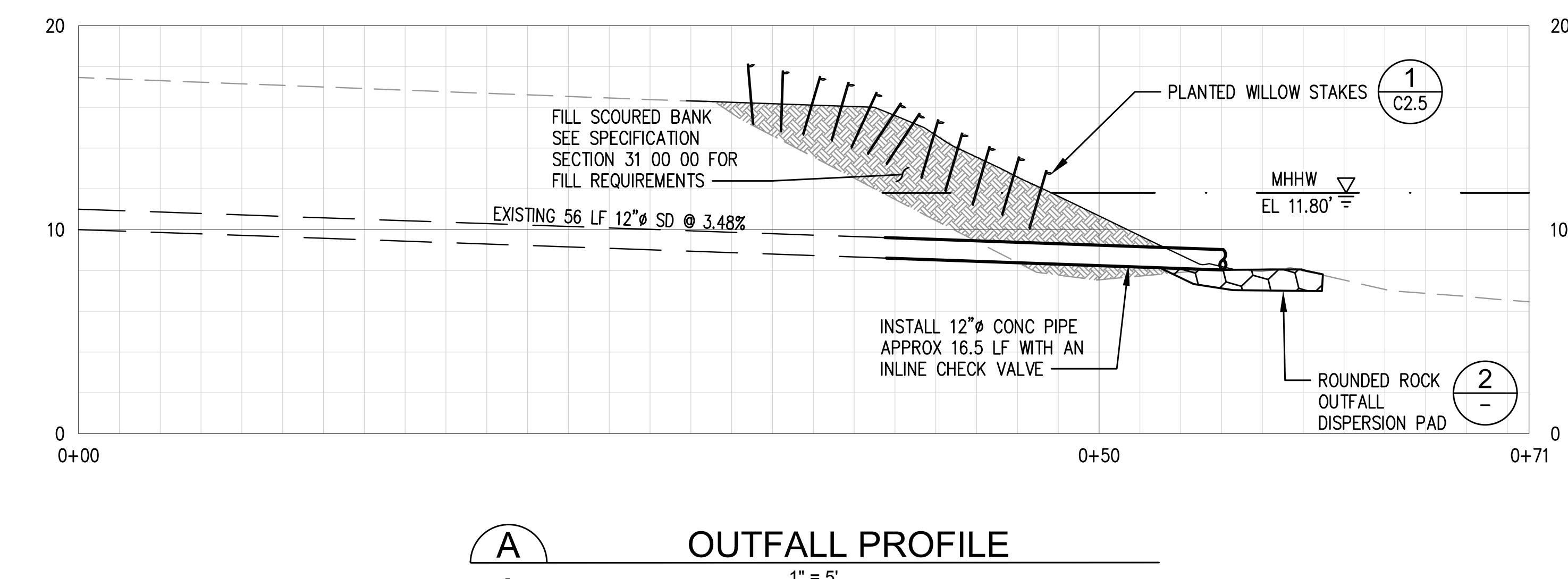
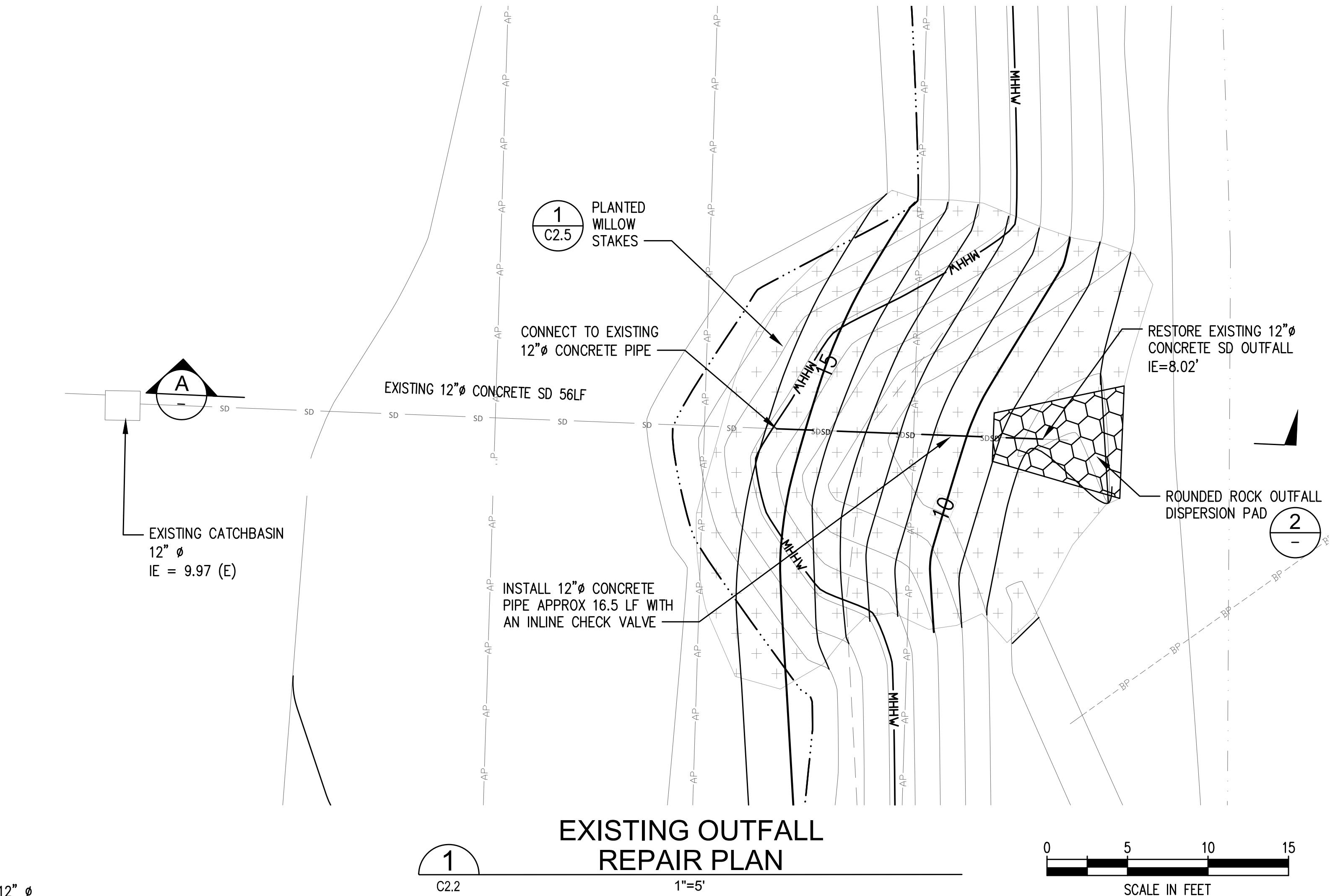
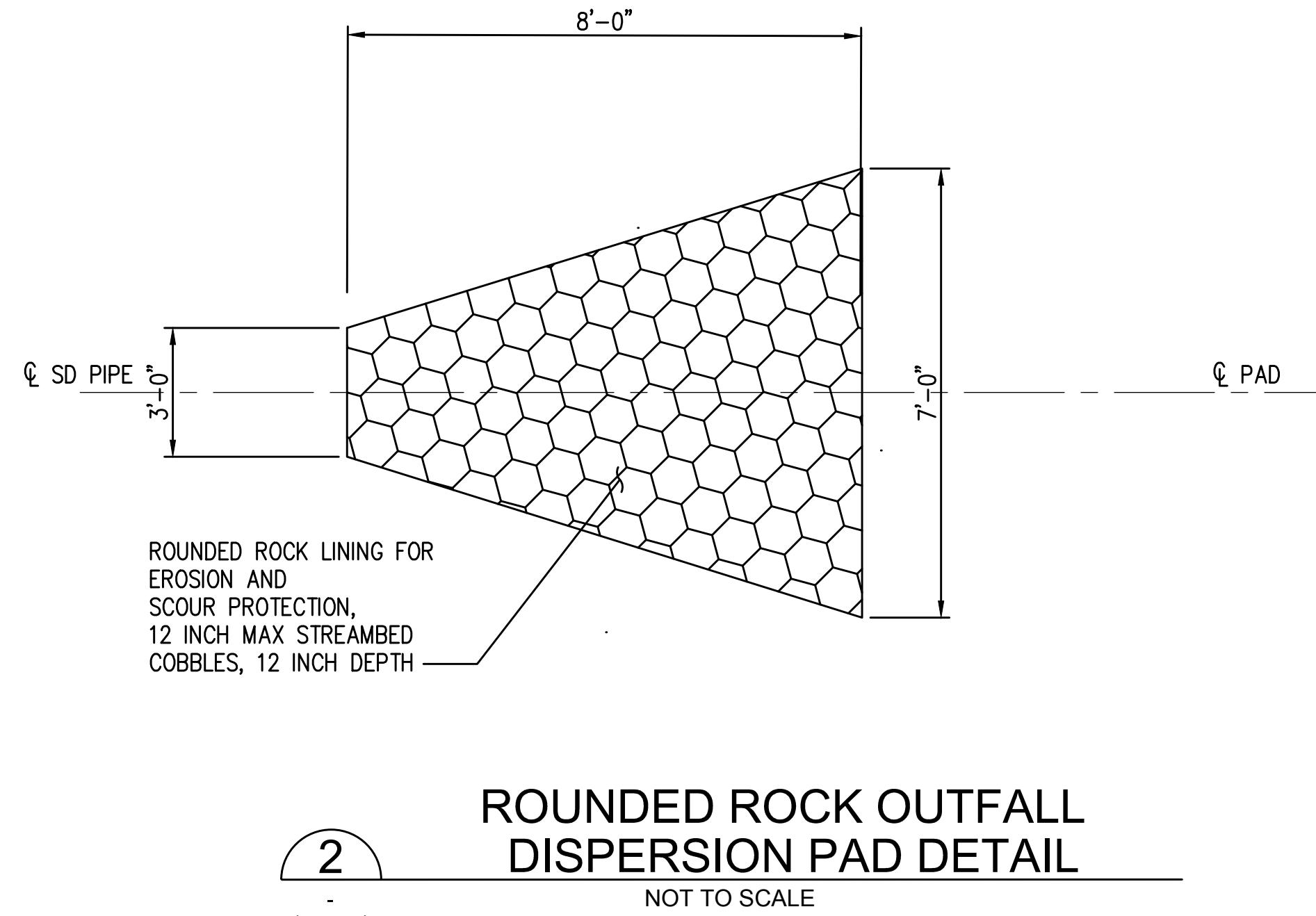
STATE OF: WA

APPLICATION BY: PORT OF TACOMA

**Sheet 6 of 7**

**SHEET 6 OF 6**

2/25/2020



Sheet 7 of 7

2/25/2020

NOT FOR CONSTRUCTION

C2.4		APPROVED:	CMB	02/25/20
		CHECKED BY	SWK	02/25/20
		DATE	PROJ. ENGR	DATE
16 OF 33		PRINTED BY:	ramber	Feb 25, 2020
CONT/CONS: 071198 M. ID: 201070.01		TOWNSHIP: 20N RANGE: 03E SECTION: 01	PORT ADDRESS: ONE SITCUM PLAZA	TACOMA, WA 98401-1837
PHASE:		VERT: MLLW 19.18 @ TIDE 22/1933	DRAWING SCALE: AS SHOWN	
THIS DRAWING IS THE PROPERTY OF THE PORT OF TACOMA AND SHALL NOT BE USED ON OTHER WORK, DISCLOSED, COPIED, IN WHOLE OR IN PART, WITHOUT WRITTEN PERMISSION				

**kpff**  
Port of  
Tacoma

2407 North 31st Street, Suite 100  
Tacoma, Washington 98402  
(253) 396-0150 Fax: (253) 396-0162  
P.O. Box 1851 Tacoma, WA 98441 (253) 394-9441

MARK: REVISION: BY: APPR: DATE:



US Army Corps  
of Engineers®  
Seattle District

## CERTIFICATE OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT



Permit Number: NWS-

Name of Permittee: \_\_\_\_\_

Date of Issuance: \_\_\_\_\_

Upon completion of the activity authorized by this permit, please check the applicable boxes below, date and sign this certification, and return it to the following address:

Department of the Army  
U.S. Army Corps of Engineers  
Seattle District, Regulatory Branch  
Post Office Box 3755  
Seattle, Washington 98124-3755

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of your authorization, your permit may be subject to suspension, modification, or revocation.

<input type="checkbox"/>	<p>The work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of this permit.</p> <p>Date work complete: _____</p> <p><input type="checkbox"/> Photographs and as-built drawings of the authorized work (OPTIONAL, unless required as a Special Condition of the permit).</p>
<input type="checkbox"/>	<p>If applicable, the mitigation required (e.g., construction and plantings) in the above-referenced permit has been completed in accordance with the terms and conditions of this permit (not including future monitoring).</p> <p>Date work complete: _____ <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Photographs and as-built drawings of the mitigation (OPTIONAL, unless required as a Special Condition of the permit).</p>
<input type="checkbox"/>	<p>Provide phone number/email for scheduling site visits (must have legal authority to grant property access).</p> <p>Printed Name: _____</p> <p>Phone Number: _____ Email: _____</p>

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



US Army Corps  
of Engineers®  
Seattle District

# NATIONWIDE PERMIT 3

## Terms and Conditions



Effective Date: March 19, 2017

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- A. Description of Authorized Activities
- B. U.S. Army Corps of Engineers (Corps) National General Conditions for all NWPs
- C. Corps Seattle District Regional General Conditions
- D. Corps Regional Specific Conditions for this NWP
- E. Washington Department of Ecology (Ecology) Section 401 Water Quality Certification (401 Certification): General Conditions
- F. Ecology 401 Certification: Specific Conditions for this NWP
- G. Coastal Zone Management Consistency Response for this NWP

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In addition to any special condition that may be required on a case-by-case basis by the District Engineer, the following terms and conditions must be met, as applicable, for a Nationwide Permit (NWP) authorization to be valid in Washington State.

### A. DESCRIPTION OF AUTHORIZED ACTIVITIES

Maintenance. (a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays. (b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. (c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction

sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate. (d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects. Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. Authorities: Section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act (Sections 10 and 404)) Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act section 404(f) exemption for maintenance.

## B. CORPS NATIONAL GENERAL CONDITIONS FOR ALL NWPs

To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.
3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. (b) If a proposed NWP

activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status. (c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur. (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs. (e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word

“harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required. (g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. (b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity

has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. (d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (AHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the AHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment. (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal: (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site). (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal. (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)). (e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses. (f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation. (2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)). (3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation. (4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer

before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). (5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided. (6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs. (h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management. (i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: “When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

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(Transferee)

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(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include: (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions; (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and (c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will

request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is

large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals. (d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal. (2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes. (3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse

environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act. (5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

District Engineer's Decision: 1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre. 2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns. 3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or

for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer. 4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

Further Information: 1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP. 2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law. 3. NWPs do not grant any property rights or exclusive privileges. 4. NWPs do not authorize any injury to the property or rights of others. 5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

**C. CORPS SEATTLE DISTRICT REGIONAL GENERAL CONDITIONS:** The following conditions apply to all NWPs for the Seattle District in Washington State, unless specified.

**1. Project Drawings:** Drawings must be submitted with pre-construction notification (PCN). Drawings must provide a clear understanding of the proposed project, and how waters of the U.S. will be affected. Drawings must be originals and not reduced copies of large-scale plans. Engineering drawings are not required. Existing and proposed site conditions (manmade and landscape features) must be drawn to scale.

**2. Aquatic Resources Requiring Special Protection:** Activities resulting in a loss of waters of the United States in mature forested wetlands, bogs and peatlands, aspen-dominated wetlands, alkali wetlands, vernal pools, camas prairie wetlands, estuarine wetlands, wetlands in coastal lagoons, and wetlands in dunal systems along the Washington coast cannot be authorized by a NWP, except by the following NWPs:

- NWP 3 – Maintenance
- NWP 20 – Response Operations for Oil and Hazardous Substances
- NWP 32 – Completed Enforcement Actions
- NWP 38 – Cleanup of Hazardous and Toxic Waste

In order to use one of the above-referenced NWPs in any of the aquatic resources requiring special protection, prospective permittees must submit a PCN to the Corps of Engineers (see NWP general condition 32) and obtain written authorization before commencing work.

**3. New Bank Stabilization in Tidal Waters of Puget Sound:** Activities involving new bank stabilization in tidal waters in Water Resource Inventory Areas (WRIs) 8, 9, 10, 11 and 12 (within the areas identified on Figures 1a through 1e on Corps website) cannot be authorized by NWP.

**4. Commencement Bay:** The following NWPs may not be used to authorize activities located in the Commencement Bay Study Area (see Figure 2 on Corps website):

- NWP 12 – Utility Line Activities (substations)
- NWP 13 – Bank Stabilization
- NWP 14 – Linear Transportation Projects
- NWP 23 – Approved Categorical Exclusions
- NWP 29 – Residential Developments
- NWP 39 – Commercial and Institutional Developments
- NWP 40 – Agricultural Activities
- NWP 41 – Reshaping Existing Drainage Ditches
- NWP 42 – Recreational Facilities
- NWP 43 – Stormwater and Wastewater Management Facilities

**5. Bank Stabilization:** All projects including new or maintenance bank stabilization activities require PCN to the Corps of Engineers (see NWP general condition 32). For new bank stabilization projects only, the following must be submitted to the Corps of Engineers:

- a. The cause of the erosion and the distance of any existing structures from the area(s) being stabilized.
- b. The type and length of existing bank stabilization within 300 feet of the proposed project.
- c. A description of current conditions and expected post-project conditions in the waterbody.
- d. A statement describing how the project incorporates elements avoiding and minimizing adverse environmental effects to the aquatic environment and nearshore riparian area, including vegetation impacts in the waterbody.

In addition to a. through d., the results from any relevant geotechnical investigations can be submitted with the PCN if it describes current or expected conditions in the waterbody.

**6. Crossings of Waters of the United States:** Any project including installing, replacing, or modifying crossings of waters of the United States, such as culverts or bridges, requires submittal of a PCN to the Corps of Engineers (see NWP general condition 32). If a culvert is proposed to cross waters of the U.S. where salmonid species are present or could be present, the project must apply the stream simulation design method from the Washington Department of Fish and Wildlife located in the *Water Crossing Design Guidelines* (2013), or a design method which provides passage at all life stages at all flows where the salmonid species would naturally seek passage. If the stream simulation design method is not applied

for a culvert where salmonid species are present or could be present, the project proponent must provide a rationale in the PCN sufficient to establish one of the following:

- a. The existence of extraordinary site conditions.
- b. How the proposed design will provide equivalent or better fish passage and fisheries habitat benefits than the stream simulation design method.

If a culvert is proposed to cross waters of the U.S. where salmonid species are present or could be present, project proponents must provide a monitoring plan with the PCN that specifies how the proposed culvert will be assessed over a five-year period from the time of construction completion to ensure its effectiveness in providing passage at all life stages at all flows where the salmonid species would naturally seek passage. Culverts installed under emergency authorization that do not meet the above design criteria will be required to meet the above design criteria to receive an after-the-fact nationwide permit verification.

**7. Stream Loss:** A PCN is required for all activities that result in the loss of any linear feet of stream beds. No activity shall result in the loss of any linear feet of perennial stream beds or the loss of greater than 300 linear feet of intermittent and/or ephemeral stream beds. A stream may be rerouted if it is designed in a manner that maintains or restores hydrologic, ecologic, and geomorphic stream processes, provided there is not a reduction in the linear feet of stream bed. Streams include brooks, creeks, rivers, and historical waters of the U.S. that have been channelized into ditches. This condition does not apply to ditches constructed in uplands. Stream loss restrictions may be waived by the district engineer on a case-by-case basis provided the activities result in net increases of aquatic resource functions and services.

**8. Mitigation:** Pre-construction notification is required for any project that will result in permanent wetland losses that exceed 1,000 square feet. In addition to the requirements of General Condition 23 (Mitigation), compensatory mitigation at a minimum one-to-one ratio will be required for all permanent wetland losses that exceed 1,000 square feet. When a PCN is required for wetland losses less than 1,000 square feet, the Corps of Engineers may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation for impacts to marine waters, lakes, and streams will be determined on a case-by-case basis. If temporary impacts to waters of the U.S. exceed six months, the Corps of Engineers may require compensatory mitigation for temporal effects.

**9. Magnuson-Stevens Fishery Conservation and Management Act – Essential Fish Habitat**

Essential Fish Habitat (EFH) is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. If EFH may be adversely affected by a proposed activity, the prospective permittee must provide a written EFH assessment with an analysis of the effects of the proposed action on EFH. The assessment must identify the type(s) of essential fish habitat (i.e., Pacific salmon, groundfish, and/or coastal-pelagic species) that may be affected. If the Corps of Engineers determines the project will adversely affect EFH, consultation with NOAA Fisheries will be required. Federal agencies should follow their own procedures for complying with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. If PCN is required for the proposed activity, Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

**10. Forage Fish:** For projects in forage fish spawning habitat, in-water work must occur within designated forage fish work windows, or when forage fish are not spawning. If working outside of a designated work window, or if forage fish work windows are closed year round, work may occur if the work window restriction is released for a period of time after a forage fish spawning survey has been conducted by a biologist approved by the Washington State Department of Fish and Wildlife (WDFW). Forage fish species with designated in-water work windows include Pacific sand lance (*Ammodytes hexapterus*), Pacific herring (*Clupea pallasi*), and surf smelt (*Hypomesus pretiosus*). This RGC does not

apply to NWP 48, *Commercial Shellfish Aquaculture Activities*. Please see specific regional conditions for NWP 48.

**11. Notification of Permit Requirements:** The permittee must provide a copy of the nationwide permit authorization letter, conditions, and permit drawings to all contractors and any other parties performing the authorized work prior to the commencement of any work in waters of the U.S. The permittee must ensure all appropriate contractors and any other parties performing the authorized work at the project site have read and understand relevant NWP conditions as well as plans, approvals, and documents referenced in the NWP letter. A copy of these documents must be maintained onsite throughout the duration of construction.

**12. Construction Boundaries:** Permittees must clearly mark all construction area boundaries before beginning work on projects that involve grading or placement of fill. Boundary markers and/or construction fencing must be maintained and clearly visible for the duration of construction. Permittees should avoid and minimize removal of native vegetation (including submerged aquatic vegetation) to the maximum extent possible.

**13. Temporary Impacts and Site Restoration**

- a. Temporary impacts to waters of the U.S. must not exceed six months unless the prospective permittee requests and receives a waiver by the district engineer. Temporary impacts to waters of the U.S. must be identified in the PCN.
- b. No more than 1/2 acre of waters of the U.S. may be temporarily filled unless the prospective permittee requests and receives a waiver from the district engineer (temporary fills do not affect specified limits for loss of waters associated with specific nationwide permits).
- c. Native soils removed from waters of the U.S. for project construction should be stockpiled and used for site restoration. Restoration of temporarily disturbed areas must include returning the area to pre-project ground surface contours. If native soil is not available from the project site for restoration, suitable clean soil of the same textural class may be used. Other soils may be used only if identified in the PCN.
- d. The permittee must revegetate disturbed areas with native plant species sufficient in number, spacing, and diversity to restore affected functions. A maintenance and monitoring plan commensurate with the impacts, may be required. Revegetation must begin as soon as site conditions allow within the same growing season as the disturbance unless the schedule is approved by the Corps of Engineers. Native plants removed from waters of the U.S. for project construction should be stockpiled and used for revegetation when feasible. Temporary Erosion and Sediment Control measures must be removed as soon as the area has established vegetation sufficient to control erosion and sediment.
- e. If the Corps determines the project will result in temporary impacts of submerged aquatic vegetation (SAV) that are more than minimal, a monitoring plan must be submitted. If recovery is not achieved by the end of the monitoring period, contingencies must be implemented, and additional monitoring will be required.

This RGC does not apply to NWP 48, *Commercial Shellfish Aquaculture Activities*. Please see specific regional conditions for NWP 48.

**D. CORPS REGIONAL SPECIFIC CONDITIONS FOR THIS NWP: none**

**E. ECOLOGY 401 CERTIFICATION: GENERAL CONDITIONS**

In addition to all the Corps National and Seattle Districts' Regional permit conditions, the following State General Section 401 Water Quality Certification (Section 401) conditions apply to all Nationwide Permits whether **certified** or **partially certified** in the State of Washington.

1. **For in-water construction activities.** Ecology Section 401 review is required for projects or

activities authorized under NWPs that will cause, or may be likely to cause or contribute to an exceedance of a State water quality standard (Chapter 173-201A WAC) or sediment management standard (Chapter 173-204 WAC). State water quality standards and sediment management standards are available on Ecology's website. Note: In-water activities include any activity within a wetland and/or activities below the ordinary high water mark (OHWM).

**2. Projects or Activities Discharging to Impaired Waters.** Ecology Section 401 review is required for projects or activities authorized under NWPs if the project or activity will occur in a 303(d) listed segment of a waterbody or upstream of a listed segment and may result in further exceedances of the specific listed parameter. To determine if your project or activity is in a 303(d) listed segment of a waterbody, visit Ecology's Water Quality Assessment webpage for maps and search tools.

**3. Application.** For projects or activities that will require Ecology Section 401 review, applicants must provide Ecology with a Joint Aquatic Resources Permit Application (JARPA) along with the documentation provided to the Corps, as described in National General Condition 32, Pre-Construction Notification, including, when applicable: (a) A description of the project, including site plans, project purpose, direct and indirect adverse environmental effects the project would cause, best management practices (BMPs), and any other Department of the Army or federal agency permits used or intended to be used to authorize any part of the proposed project or any related activity. (b) Drawings indicating the Ordinary High Water Mark (OHWM), delineation of special aquatic sites and other waters of the state. Wetland delineations must be prepared in accordance with the current method required by the Corps and shall include Ecology's Wetland Rating form. Wetland rating forms are subject to review and verification by Ecology staff. Guidance for determining the OHWM is available on Ecology's website. (c) A statement describing how the mitigation requirement will be satisfied. A conceptual or detailed mitigation or restoration plan may be submitted. See State General Condition 5 for details on mitigation requirements. (d) Other applicable requirements of Corps Nationwide Permit General Condition 32, Corps Regional Conditions, or notification conditions of the applicable NWP. (e) Within 180 calendar days from receipt of applicable documents noted above **and** a copy of the final authorization letter from the Corps providing coverage for a proposed project or activity under the NWP Program Ecology will provide the applicant notice of whether an individual Section 401 will be required for the project. If Ecology fails to act within a year after receipt of **both** of these documents, Section 401 is presumed waived.

**4. Aquatic resources requiring special protection.** Certain aquatic resources are unique, difficult-to-replace components of the aquatic environment in Washington State. Activities that would affect these resources must be avoided to the greatest extent possible. Compensating for adverse impacts to high value aquatic resources is typically difficult, prohibitively expensive, and may not be possible in some landscape settings. Ecology Section 401 review is required for activities in or affecting the following aquatic resources (and not prohibited by Seattle District Regional General Condition): (a) Wetlands with special characteristics (as defined in the Washington State Wetland Rating Systems for western and eastern Washington, Ecology Publications #14-06-029 and #14-06-030):

- Estuarine wetlands.
- Wetlands of High Conservation Value.
- Bogs.
- Old-growth and mature forested wetlands.
- Wetlands in coastal lagoons.
- Interdunal wetlands.
- Vernal pools.
- Alkali wetlands.

(b) Fens, aspen-dominated wetlands, camas prairie wetlands. (c) Marine water with eelgrass (*Zostera marina*) beds (except for NWP 48). (d) Category I wetlands. (e) Category II wetlands with a habitat score  $\geq 8$  points. This State General Condition does not apply to the following Nationwide Permits:

**5. Mitigation.** Applicants are required to show that they have followed the mitigation sequence and have first avoided and minimized impacts to aquatic resources wherever practicable. For projects requiring Ecology Section 401 review with unavoidable impacts to aquatics resources, adequate compensatory mitigation must be provided.

(a) Wetland mitigation plans submitted for Ecology review and approval shall be based on the most current guidance provided in Wetland Mitigation in Washington State, Parts 1 and 2 (available on Ecology's website) and shall, at a minimum, include the following:

i. A description of the measures taken to avoid and minimize impacts to wetlands and other waters of the U.S.

ii. The nature of the proposed impacts (i.e., acreage of wetlands and functions lost or degraded).

iii. The rationale for the mitigation site that was selected.

iv. The goals and objectives of the compensatory mitigation project.

v. How the mitigation project will be accomplished, including construction sequencing, best management practices to protect water quality, proposed performance standards for measuring success and the proposed buffer widths.

vi. How it will be maintained and monitored to assess progress towards goals and objectives.

Monitoring will generally be required for a minimum of five years. For forested and scrub-shrub wetlands, 10 years of monitoring will often be necessary.

vii. How the compensatory mitigation site will be legally protected for the long term.

Refer to Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Ecology Publication #06-06-011b) and Selecting Wetland Mitigation Sites Using a Watershed Approach (Ecology Publications #09-06-032 (Western Washington) and #10-06-007 (Eastern Washington)) for guidance on selecting suitable mitigation sites and developing mitigation plans. Ecology encourages the use of alternative mitigation approaches, including credit/debit methodology, advance mitigation, and other programmatic approach such as mitigation banks and in-lieu fee programs. If you are interested in proposing use of an alternative mitigation approach, consult with the appropriate Ecology regional staff person. Information on alternative mitigation approaches is available on Ecology's website.

(b) Mitigation for other aquatic resource impacts will be determined on a case-by-case basis.

**6. Temporary Fills.** Ecology Section 401 review is required for any project or activity with temporary fill in wetlands or other waters of the state for more than 90 days, unless the applicant has received written approval from Ecology. Note: This State General Condition does not apply to projects or activities authorized under NWP 33, *Temporary Construction, Access, and Dewatering*

**7. Stormwater pollution prevention:** All projects that involve land disturbance or impervious surfaces must implement stormwater pollution prevention or control measures to avoid discharge of pollutants in stormwater runoff to waters of the State.

(a) For land disturbances during construction, the applicant must obtain and implement permits (e.g., Construction Stormwater General Permit) where required and follow Ecology's current stormwater manual.

(b) Following construction, prevention or treatment of on-going stormwater runoff from impervious surfaces shall be provided.

Ecology's Stormwater Management and Design Manuals and stormwater permit information are available on Ecology's website.

**8. State Section 401 Review for PCNs not receiving 45-day response from the Seattle District.** In the event the Seattle District Corps does not issue a NWP authorization letter within 45 calendar days of receipt of a **complete** pre-construction notification, the applicant must contact Ecology for Section 401 review prior to commencing work.

**F. ECOLOGY 401 CERTIFICATION: SPECIFIC CONDITIONS FOR THIS NWP:**

Certified subject to conditions. Ecology Section 401 review is required for projects or activities authorized under this NWP if:

1. The project or activities are below the Ordinary High Water Mark (OHWM) with new work being proposed outside the original footprint.
2. The proposed project or activity increases the original footprint of the structure by more than 1/10<sup>th</sup> acre in wetlands.
3. The project or activity includes adding a new structure, such as a weir, flap gate/tide gate, or culvert to the site.

**G. COASTAL ZONE MANAGEMENT CONSISTENCY RESPONSE FOR THIS NWP:**

(Note: This is only applies in the following counties: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom)

Response: Ecology concurs that this NWP is consistent with the CZMP, subject to the following condition: An individual Coastal Zone Management Consistency Determination is required for project or activities under this NWP if State Section 401 review is required.

**General Conditions: For Non-Federal Permittees**

1. Necessary Data and Information. A Coastal Zone Management Program “Certification of Consistency” form is required for projects located within a coastal county. “Certification of Consistency” forms are available on Ecology’s website. The form shall include a description of the proposed project or activity and evidence of compliance with the applicable enforceable policies of the Washington Coastal Zone Management Program (CZMP). Also, a map of the site location is required.
2. Timing. Within 6 months from receipt of the necessary data and information, Ecology will provide a federal consistency determination for the proposed project or activity. If Ecology fails to act within the 6 month period, concurrence with the CZMP is presumed.

**General Conditions: For Federal Permittees (Agencies)**

1. Necessary Data and Information. Federal agencies shall submit the determination, information, and analysis required by 15 CFR 930.39 to obtain a federal consistency determination.
2. Timing. Within 60 days from receipt of the necessary data and information, Ecology will provide a federal consistency determination for the proposed project or activity. If Ecology fails to act within the 60 day period, concurrence with the CZMP is presumed.



US Army Corps  
of Engineers®  
Seattle District

# NATIONWIDE PERMIT 15

## Terms and Conditions

Effective Date: March 19, 2017



- A. Description of Authorized Activities
- B. U.S. Army Corps of Engineers (Corps) National General Conditions for all NWPs
- C. Corps Seattle District Regional General Conditions
- D. Corps Regional Specific Conditions for this NWP
- E. Washington Department of Ecology (Ecology) Section 401 Water Quality Certification (401 Certification): General Conditions
- F. Ecology 401 Certification: Specific Conditions for this NWP
- G. Coastal Zone Management Consistency Response for this NWP

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In addition to any special condition that may be required on a case-by-case basis by the District Engineer, the following terms and conditions must be met, as applicable, for a Nationwide Permit (NWP) authorization to be valid in Washington State.

### A. DESCRIPTION OF AUTHORIZED ACTIVITIES

U.S. Coast Guard Approved Bridges. Discharges of dredged or fill material incidental to the construction of a bridge across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills, provided the construction of the bridge structure has been authorized by the U.S. Coast Guard under section 9 of the Rivers and Harbors Act of 1899 or other applicable laws. Causeways and approach fills are not included in this NWP and will require a separate section 404 permit. (Authority: Section 404 of the Clean Water Act (Section 404))

### B. CORPS NATIONAL GENERAL CONDITIONS FOR ALL NWPs

To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate

through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. (b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status. (c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur. (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the

Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs. (e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required. (g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. (b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to

be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. (d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (AHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the AHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may

designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment. (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. **Mitigation**. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal: (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site). (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal. (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)). (e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses. (f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR

332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation. (2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)). (3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation. (4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). (5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided. (6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs. (h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management. (i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. **Safety of Impoundment Structures.** To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. **Water Quality.** Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require

additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: “When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

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(Transferee)

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(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include: (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions; (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and (c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer’s receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is “no effect” on listed species or “no potential to cause effects” on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee’s right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) A description of the proposed activity; the activity’s purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be

sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals. (d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity’s compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity’s adverse environmental

effects so that they are no more than minimal. (2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes. (3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act. (5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

District Engineer's Decision: 1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre. 2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities

authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns. 3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer. 4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

Further Information: 1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP. 2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law. 3. NWPs do not grant any property rights or exclusive privileges. 4. NWPs do not authorize any injury to the property or rights of others. 5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

C. CORPS SEATTLE DISTRICT REGIONAL GENERAL CONDITIONS: The following conditions apply to all NWPs for the Seattle District in Washington State, unless specified.

**1. Project Drawings:** Drawings must be submitted with pre-construction notification (PCN). Drawings must provide a clear understanding of the proposed project, and how waters of the U.S. will be affected. Drawings must be originals and not reduced copies of large-scale plans. Engineering drawings are not required. Existing and proposed site conditions (manmade and landscape features) must be drawn to scale.

**2. Aquatic Resources Requiring Special Protection:** Activities resulting in a loss of waters of the United States in mature forested wetlands, bogs and peatlands, aspen-dominated wetlands, alkali wetlands, vernal pools, camas prairie wetlands, estuarine wetlands, wetlands in coastal lagoons, and wetlands in dunal systems along the Washington coast cannot be authorized by a NWP, except by the following NWPs:

- NWP 3 – Maintenance
- NWP 20 – Response Operations for Oil and Hazardous Substances
- NWP 32 – Completed Enforcement Actions
- NWP 38 – Cleanup of Hazardous and Toxic Waste

In order to use one of the above-referenced NWPs in any of the aquatic resources requiring special protection, prospective permittees must submit a PCN to the Corps of Engineers (see NWP general condition 32) and obtain written authorization before commencing work.

**3. New Bank Stabilization in Tidal Waters of Puget Sound:** Activities involving new bank stabilization in tidal waters in Water Resource Inventory Areas (WRRIAs) 8, 9, 10, 11 and 12 (within the areas identified on Figures 1a through 1e on Corps website) cannot be authorized by NWP.

**4. Commencement Bay:** The following NWPs may not be used to authorize activities located in the Commencement Bay Study Area (see Figure 2 on Corps website):

- NWP 12 – Utility Line Activities (substations)
- NWP 13 – Bank Stabilization
- NWP 14 – Linear Transportation Projects
- NWP 23 – Approved Categorical Exclusions
- NWP 29 – Residential Developments
- NWP 39 – Commercial and Institutional Developments
- NWP 40 – Agricultural Activities
- NWP 41 – Reshaping Existing Drainage Ditches
- NWP 42 – Recreational Facilities
- NWP 43 – Stormwater and Wastewater Management Facilities

**5. Bank Stabilization:** All projects including new or maintenance bank stabilization activities require PCN to the Corps of Engineers (see NWP general condition 32). For new bank stabilization projects only, the following must be submitted to the Corps of Engineers:

- a. The cause of the erosion and the distance of any existing structures from the area(s) being stabilized.
- b. The type and length of existing bank stabilization within 300 feet of the proposed project.

- c. A description of current conditions and expected post-project conditions in the waterbody.
- d. A statement describing how the project incorporates elements avoiding and minimizing adverse environmental effects to the aquatic environment and nearshore riparian area, including vegetation impacts in the waterbody.

In addition to a. through d., the results from any relevant geotechnical investigations can be submitted with the PCN if it describes current or expected conditions in the waterbody.

**6. Crossings of Waters of the United States:** Any project including installing, replacing, or modifying crossings of waters of the United States, such as culverts or bridges, requires submittal of a PCN to the Corps of Engineers (see NWP general condition 32). If a culvert is proposed to cross waters of the U.S. where salmonid species are present or could be present, the project must apply the stream simulation design method from the Washington Department of Fish and Wildlife located in the *Water Crossing Design Guidelines* (2013), or a design method which provides passage at all life stages at all flows where the salmonid species would naturally seek passage. If the stream simulation design method is not applied for a culvert where salmonid species are present or could be present, the project proponent must provide a rationale in the PCN sufficient to establish one of the following:

- a. The existence of extraordinary site conditions.
- b. How the proposed design will provide equivalent or better fish passage and fisheries habitat benefits than the stream simulation design method.

If a culvert is proposed to cross waters of the U.S. where salmonid species are present or could be present, project proponents must provide a monitoring plan with the PCN that specifies how the proposed culvert will be assessed over a five-year period from the time of construction completion to ensure its effectiveness in providing passage at all life stages at all flows where the salmonid species would naturally seek passage. Culverts installed under emergency authorization that do not meet the above design criteria will be required to meet the above design criteria to receive an after-the-fact nationwide permit verification.

**7. Stream Loss:** A PCN is required for all activities that result in the loss of any linear feet of stream beds. No activity shall result in the loss of any linear feet of perennial stream beds or the loss of greater than 300 linear feet of intermittent and/or ephemeral stream beds. A stream may be rerouted if it is designed in a manner that maintains or restores hydrologic, ecologic, and geomorphic stream processes, provided there is not a reduction in the linear feet of stream bed. Streams include brooks, creeks, rivers, and historical waters of the U.S. that have been channelized into ditches. This condition does not apply to ditches constructed in uplands. Stream loss restrictions may be waived by the district engineer on a case-by-case basis provided the activities result in net increases of aquatic resource functions and services.

**8. Mitigation:** Pre-construction notification is required for any project that will result in permanent wetland losses that exceed 1,000 square feet. In addition to the requirements of General Condition 23 (Mitigation), compensatory mitigation at a minimum one-to-one ratio will be required for all permanent wetland losses that exceed 1,000 square feet. When a PCN is required for wetland losses less than 1,000 square feet, the Corps of Engineers may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation for impacts to marine waters, lakes, and streams will be determined on a case-by-case basis. If temporary impacts to waters of the U.S. exceed six months, the Corps of Engineers may require compensatory mitigation for temporal effects.

**9. Magnuson-Stevens Fishery Conservation and Management Act – Essential Fish Habitat**

Essential Fish Habitat (EFH) is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. If EFH may be adversely affected by a proposed activity, the prospective permittee must provide a written EFH assessment with an analysis of the effects of the proposed action on EFH. The assessment must identify the type(s) of essential fish habitat (i.e., Pacific

salmon, groundfish, and/or coastal-pelagic species) that may be affected. If the Corps of Engineers determines the project will adversely affect EFH, consultation with NOAA Fisheries will be required. Federal agencies should follow their own procedures for complying with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. If PCN is required for the proposed activity, Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

**10. Forage Fish:** For projects in forage fish spawning habitat, in-water work must occur within designated forage fish work windows, or when forage fish are not spawning. If working outside of a designated work window, or if forage fish work windows are closed year round, work may occur if the work window restriction is released for a period of time after a forage fish spawning survey has been conducted by a biologist approved by the Washington State Department of Fish and Wildlife (WDFW). Forage fish species with designated in-water work windows include Pacific sand lance (*Ammodytes hexapterus*), Pacific herring (*Clupea pallasii*), and surf smelt (*Hypomesus pretiosus*). This RGC does not apply to NWP 48, *Commercial Shellfish Aquaculture Activities*. Please see specific regional conditions for NWP 48.

**11. Notification of Permit Requirements:** The permittee must provide a copy of the nationwide permit authorization letter, conditions, and permit drawings to all contractors and any other parties performing the authorized work prior to the commencement of any work in waters of the U.S. The permittee must ensure all appropriate contractors and any other parties performing the authorized work at the project site have read and understand relevant NWP conditions as well as plans, approvals, and documents referenced in the NWP letter. A copy of these documents must be maintained onsite throughout the duration of construction.

**12. Construction Boundaries:** Permittees must clearly mark all construction area boundaries before beginning work on projects that involve grading or placement of fill. Boundary markers and/or construction fencing must be maintained and clearly visible for the duration of construction. Permittees should avoid and minimize removal of native vegetation (including submerged aquatic vegetation) to the maximum extent possible.

**13. Temporary Impacts and Site Restoration**

- a. Temporary impacts to waters of the U.S. must not exceed six months unless the prospective permittee requests and receives a waiver by the district engineer. Temporary impacts to waters of the U.S. must be identified in the PCN.
- b. No more than 1/2 acre of waters of the U.S. may be temporarily filled unless the prospective permittee requests and receives a waiver from the district engineer (temporary fills do not affect specified limits for loss of waters associated with specific nationwide permits).
- c. Native soils removed from waters of the U.S. for project construction should be stockpiled and used for site restoration. Restoration of temporarily disturbed areas must include returning the area to pre-project ground surface contours. If native soil is not available from the project site for restoration, suitable clean soil of the same textural class may be used. Other soils may be used only if identified in the PCN.
- d. The permittee must revegetate disturbed areas with native plant species sufficient in number, spacing, and diversity to restore affected functions. A maintenance and monitoring plan commensurate with the impacts, may be required. Revegetation must begin as soon as site conditions allow within the same growing season as the disturbance unless the schedule is approved by the Corps of Engineers. Native plants removed from waters of the U.S. for project construction should be stockpiled and used for revegetation when feasible. Temporary Erosion and Sediment Control measures must be removed as soon as the area has established vegetation sufficient to control erosion and sediment.
- e. If the Corps determines the project will result in temporary impacts of submerged aquatic vegetation (SAV) that are more than minimal, a monitoring plan must be submitted. If recovery is not achieved

by the end of the monitoring period, contingencies must be implemented, and additional monitoring will be required.

This RGC does not apply to NWP 48, *Commercial Shellfish Aquaculture Activities*. Please see specific regional conditions for NWP 48.

**D. CORPS REGIONAL SPECIFIC CONDITIONS FOR THIS NWP: None**

**E. ECOLOGY 401 CERTIFICATION: GENERAL CONDITIONS**

In addition to all the Corps National and Seattle Districts' Regional permit conditions, the following State General Section 401 Water Quality Certification (Section 401) conditions apply to all Nationwide Permits whether **certified** or **partially certified** in the State of Washington.

- 1. For in-water construction activities.** Ecology Section 401 review is required for projects or activities authorized under NWPs that will cause, or may be likely to cause or contribute to an exceedance of a State water quality standard (Chapter 173-201A WAC) or sediment management standard (Chapter 173-204 WAC). State water quality standards and sediment management standards are available on Ecology's website. Note: In-water activities include any activity within a wetland and/or activities below the ordinary high water mark (OHWM).
- 2. Projects or Activities Discharging to Impaired Waters.** Ecology Section 401 review is required for projects or activities authorized under NWPs if the project or activity will occur in a 303(d) listed segment of a waterbody or upstream of a listed segment and may result in further exceedances of the specific listed parameter. To determine if your project or activity is in a 303(d) listed segment of a waterbody, visit Ecology's Water Quality Assessment webpage for maps and search tools.
- 3. Application.** For projects or activities that will require Ecology Section 401 review, applicants must provide Ecology with a Joint Aquatic Resources Permit Application (JARPA) along with the documentation provided to the Corps, as described in National General Condition 32, Pre-Construction Notification, including, when applicable: (a) A description of the project, including site plans, project purpose, direct and indirect adverse environmental effects the project would cause, best management practices (BMPs), and any other Department of the Army or federal agency permits used or intended to be used to authorize any part of the proposed project or any related activity. (b) Drawings indicating the Ordinary High Water Mark (OHWM), delineation of special aquatic sites and other waters of the state. Wetland delineations must be prepared in accordance with the current method required by the Corps and shall include Ecology's Wetland Rating form. Wetland rating forms are subject to review and verification by Ecology staff. Guidance for determining the OHWM is available on Ecology's website. (c) A statement describing how the mitigation requirement will be satisfied. A conceptual or detailed mitigation or restoration plan may be submitted. See State General Condition 5 for details on mitigation requirements. (d) Other applicable requirements of Corps Nationwide Permit General Condition 32, Corps Regional Conditions, or notification conditions of the applicable NWP. (e) Within 180 calendar days from receipt of applicable documents noted above **and** a copy of the final authorization letter from the Corps providing coverage for a proposed project or activity under the NWP Program Ecology will provide the applicant notice of whether an individual Section 401 will be required for the project. If Ecology fails to act within a year after receipt of **both** of these documents, Section 401 is presumed waived.
- 4. Aquatic resources requiring special protection.** Certain aquatic resources are unique, difficult-to-replace components of the aquatic environment in Washington State. Activities that would affect these resources must be avoided to the greatest extent possible. Compensating for adverse impacts to high value aquatic resources is typically difficult, prohibitively expensive, and may not be possible in some landscape settings. Ecology Section 401 review is required for activities in or affecting the following

aquatic resources (and not prohibited by Seattle District Regional General Condition): (a) Wetlands with special characteristics (as defined in the Washington State Wetland Rating Systems for western and eastern Washington, Ecology Publications #14-06-029 and #14-06-030):

- Estuarine wetlands.
- Wetlands of High Conservation Value.
- Bogs.
- Old-growth and mature forested wetlands.
- Wetlands in coastal lagoons.
- Interdunal wetlands.
- Vernal pools.
- Alkali wetlands.

(b) Fens, aspen-dominated wetlands, camas prairie wetlands. (c) Marine water with eelgrass (*Zostera marina*) beds (except for NWP 48). (d) Category I wetlands. (e) Category II wetlands with a habitat score  $\geq 8$  points. This State General Condition does not apply to the following Nationwide Permits:

*NWP 20 – Response Operations for Oil and Hazardous Substances, NWP 32 – Completed Enforcement Actions*

**5. Mitigation.** Applicants are required to show that they have followed the mitigation sequence and have first avoided and minimized impacts to aquatic resources wherever practicable. For projects requiring Ecology Section 401 review with unavoidable impacts to aquatics resources, adequate compensatory mitigation must be provided.

(a) Wetland mitigation plans submitted for Ecology review and approval shall be based on the most current guidance provided in Wetland Mitigation in Washington State, Parts 1 and 2 (available on Ecology's website) and shall, at a minimum, include the following:

- i. A description of the measures taken to avoid and minimize impacts to wetlands and other waters of the U.S.
- ii. The nature of the proposed impacts (i.e., acreage of wetlands and functions lost or degraded).
- iii. The rationale for the mitigation site that was selected.
- iv. The goals and objectives of the compensatory mitigation project.
- v. How the mitigation project will be accomplished, including construction sequencing, best management practices to protect water quality, proposed performance standards for measuring success and the proposed buffer widths.
- vi. How it will be maintained and monitored to assess progress towards goals and objectives. Monitoring will generally be required for a minimum of five years. For forested and scrub-shrub wetlands, 10 years of monitoring will often be necessary.
- vii. How the compensatory mitigation site will be legally protected for the long term.

Refer to Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Ecology Publication #06-06-011b) and Selecting Wetland Mitigation Sites Using a Watershed Approach (Ecology Publications #09-06-032 (Western Washington) and #10-06-007 (Eastern Washington)) for guidance on selecting suitable mitigation sites and developing mitigation plans. Ecology encourages the use of alternative mitigation approaches, including credit/debit methodology, advance mitigation, and other programmatic approach such as mitigation banks and in-lieu fee programs. If you are interested in proposing use of an alternative mitigation approach, consult with the appropriate Ecology regional staff person. Information on alternative mitigation approaches is available on Ecology's website.

(b) Mitigation for other aquatic resource impacts will be determined on a case-by-case basis.

**6. Temporary Fills.** Ecology Section 401 review is required for any project or activity with temporary fill in wetlands or other waters of the state for more than 90 days, unless the applicant has received written approval from Ecology. Note: This State General Condition does not apply to projects or activities authorized under NWP 33, *Temporary Construction, Access, and Dewatering*

**7. Stormwater pollution prevention:** All projects that involve land disturbance or impervious surfaces must implement stormwater pollution prevention or control measures to avoid discharge of pollutants in stormwater runoff to waters of the State.

(a) For land disturbances during construction, the applicant must obtain and implement permits (e.g., Construction Stormwater General Permit) where required and follow Ecology's current stormwater manual.

(b) Following construction, prevention or treatment of on-going stormwater runoff from impervious surfaces shall be provided.

Ecology's Stormwater Management and Design Manuals and stormwater permit information are available on Ecology's website.

**8. State Section 401 Review for PCNs not receiving 45-day response from the Seattle District.** In the event the Seattle District Corps does not issue a NWP authorization letter within 45 calendar days of receipt of a **complete** pre-construction notification, the applicant must contact Ecology for Section 401 review prior to commencing work.

#### F. ECOLOGY 401 CERTIFICATION: SPECIFIC CONDITIONS FOR THIS NWP:

Certified subject to conditions. Ecology Section 401 review is required for projects or activities authorized under this NWP if: The project or activity triggers an individual U.S. Coast Guard bridge permit.

NOTE: An Advance Approval from the U.S. Coast Guard is not considered a bridge permit and would not trigger Ecology review.

#### G. COASTAL ZONE MANAGEMENT CONSISTENCY RESPONSE FOR THIS NWP:

(Note: This is only applies in the following counties: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom)

NWP Specific Response: Ecology concurs that this NWP is consistent with the CZMP, subject to the following condition: An individual Coastal Zone Management Consistency Determination is required for project or activities under this NWP if State Section 401 review is required.

If an individual Coastal Zone Management Consistency Determination is required:

General Conditions: For Non-Federal Permittees

1. Necessary Data and Information. A Coastal Zone Management Program "Certification of Consistency" form is required for projects located within a coastal county. "Certification of Consistency" forms are available on Ecology's website. The form shall include a description of the proposed project or activity and evidence of compliance with the applicable enforceable policies of the Washington Coastal Zone Management Program (CZMP). Also, a map of the site location is required.
2. Timing. Within 6 months from receipt of the necessary data and information, Ecology will provide a federal consistency determination for the proposed project or activity. If Ecology fails to act within the 6 month period, concurrence with the CZMP is presumed.

General Conditions: For Federal Permittees (Agencies)

1. Necessary Data and Information. Federal agencies shall submit the determination, information, and analysis required by 15 CFR 930.39 to obtain a federal consistency determination.
2. Timing. Within 60 days from receipt of the necessary data and information, Ecology will provide a federal consistency determination for the proposed project or activity. If Ecology fails to act within the 60 day period, concurrence with the CZMP is presumed.



## Appendix G - US Coast Guard Bridge Program

U.S. Department of  
Homeland Security



United States  
Coast Guard

Commander  
Thirteenth Coast Guard District

915 Second Avenue  
Seattle, WA 98174-1067  
Staff Symbol: dpw  
Phone: (206) 220-7282  
Email: steven.m.fischer3@uscg.mil

16591  
April 22, 2019

Port of Tacoma  
Attn: Jenn Stebbings  
Environmental Project Manager  
Tacoma, WA 98421

Dear Ms. Stebbings,

The U.S. Coast Guard Bridge Program is issuing this “Advance Approval Determination” for the PCT Truck Queue Culvert replacement project across Wapato Creek. Wapato Creek is considered legally navigable waters of the United States as defined in 33 CFR § 2.36 from its confluence with Blair Waterway, and is therefore subject to Coast Guard jurisdiction for bridge permitting purposes. Coast Guard approval does not relieve the applicant of the responsibility to ensure compliance with any applicable **federal, state, or local laws and regulations** for the completed project.

The Commandant of the Coast Guard has given Advance Approval to the location and plans of bridges to be constructed across reaches of waterways navigable in law, but not actually navigated other than by logs, log rafts, rowboats, canoes and small motorboats (33 CFR § 115.70). Identification of a waterway as an Advance Approval Waterway is not a major federal action for purposes of the NEPA. Such action is a categorical exclusion under NEPA. **Based on our determination, this bridge will not require an individual Coast Guard bridge permit.** In such cases, the clearances provided for high water stages are considered adequate to meet the reasonable needs of navigation.

This “Advanced Approval” will not necessarily apply to future modifications of this bridge, or construction of other bridges along this waterway. Please submit a “Bridge Work Plan” for further consideration for future projects. Please contact this office at (206) 220-7282, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Fischer".

STEVEN FISCHER  
District Bridge Manager  
U. S. Coast Guard  
By Direction

Copy: USCG Sector Puget Sound Waterways Management

## Appendix H -TPU Scheduled Disconnect/Reconnect



## SCHEDULED DISCONNECT/RECONNECT

### FOR OFFICE USE ONLY:

BP# \_\_\_\_\_  
CON OB# \_\_\_\_\_  
P5# \_\_\_\_\_  
ENG# \_\_\_\_\_  
CON# \_\_\_\_\_  
 DISPATCH NOTIFIED

### 1. CUSTOMER INFORMATION

Name: \_\_\_\_\_ Contact Person: \_\_\_\_\_ Primary Contact:  Yes  No

Mailing Address: \_\_\_\_\_

Phone: Work: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

### 2. CUSTOMER DANGER TAG INFORMATION

Site Contact: \_\_\_\_\_ Primary Contact:  Yes  No

Phone: Work: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

Elect. Contractor: \_\_\_\_\_ Contact Person: \_\_\_\_\_ Primary Contact:  Yes  No

Phone: Work: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

### 3. PROJECT SITE INFORMATION

Project Name: \_\_\_\_\_ Parcel #: \_\_\_\_\_

Project Addr: \_\_\_\_\_ Gate Code: \_\_\_\_\_

Electrical Permit Number: \_\_\_\_\_

Reason for Outage:

### DISCONNECT/RECONNECT INFORMATION

**Tacoma Power Requires a Minimum of 5 Days Notice Before the Scheduled Disconnect Time**

Disconnect Date: \_\_\_\_\_ Time: \_\_\_\_\_ Reconnect Date: \_\_\_\_\_ Time: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### MAIL OR FAX SCHEDULED DISCONNECT / RECONNECT TO:

Tacoma Power • New Service Engineering, P.O. Box 11007, Tacoma, Washington 98411 Fax: 253-502-8659

### TACOMA POWER USE ONLY

Feeder: \_\_\_\_\_ Xfmr: \_\_\_\_\_ Pole: \_\_\_\_\_ Primary Switching: \_\_\_\_\_

Labor Requirements (Size and Composition of Crew): \_\_\_\_\_