

# Exhibit C-37: Agency /Department Comments Received 2016 to end of 2021



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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April 30, 2021

Michael Cerbone, Senior Planner  
Planning & Development Services  
Skagit County  
1800 Continental Pl  
Mount Vernon, WA 98273

**Re: Concrete Nor'West**  
**File# PL16-0097/PL16-0098, Ecology SEPA# 202101916**

Dear Michael Cerbone:

Thank you for the opportunity to provide comments on the State Environmental Policy Act (SEPA) mitigated determination of nonsignificance (DNS) process for the Concrete Nor'West proposal. Based on review of the checklist associated with this project, the Department of Ecology (Ecology) has the following comments:

The operation will require coverage under the NPDES Sand & Gravel General Permit to authorize the discharge of stormwater and/or process water to surface waters and/or groundwaters from sand and gravel operations. Applicants must submit the Notice of Intent (NOI) application online through Ecology's [Water Quality Permitting Portal](#) (WQWebPortal).

Thank you for considering these comments from Ecology. If you have any questions pertaining to the NPDES Permit or would like to respond to these comments, please contact Stephanie Barney at (360) 255-4390 or [stephanie.barney@ecy.wa.gov](mailto:stephanie.barney@ecy.wa.gov). For assistance navigating the WQWebPortal, please contact Tonya Wolfe (800) 633-6193, option 3 or [WQWebPortal@ecy.wa.gov](mailto:WQWebPortal@ecy.wa.gov).

Sincerely,

A handwritten signature in blue ink that reads "Katelynn Piazza".

Katelynn Piazza  
SEPA Coordinator

Submitted via Skagit County Comment Portal

ecc: Stephanie Barney, Ecology



## Skagit River System Cooperative

11426 Moorage Way • P.O. Box 368 LaConner, WA 98257-0368

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April 30, 2021

Michael Cerbone  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Reference: Concrete Nor'West gravel pit  
(submitted electronically via: County Comment Portal)

Dear Michael,

The Skagit River System Cooperative (SRSC) has reviewed the resubmittal of the proposal by Concrete Nor'West for a gravel pit near the Samish River (PL16-0097 and PL16-0098). The steelhead and coho salmon that spawn and rear in the Samish River and its tributaries are important tribal resources, so we are submitting comments on behalf of the Swinomish Indian Tribal Community and Sauk-Suiattle Indian Tribe.

### **Depth of Quarry Excavation**

We would like to reiterate our previously stated concerns about the bottom depth of excavation for the pit. It is important to prevent any interaction of surface water and ground water in order to prevent pollution and protect water quality. We understand from the project documents that the extent of gravel mining will not go deeper than 10-feet higher than the groundwater levels surrounding the Samish River in order to prevent this interaction between groundwater and surface water. Limiting the depth of excavation should prevent the gravel pit from becoming a pond, and from river water being affected by groundwater interaction. However, it is important to consider the practicality of conveying this provision to the on-the-ground employees operating the pit decades from now, when that maximum depth of excavation will be approached.

For clarity and certainty, we would like the specific elevation of final excavation to be established as part of the permitting process, and that elevation should be based on Samish River water surface elevations at normal winter flow, not during summer low flow. On-the-ground monumentation should be available onsite with clear signage, located where it won't be disturbed by decades of mining, but close enough to be useful when the pit begins to exhaust its capacity.

Additionally, we would like to see periodic site evaluations every five years with reporting to the Department of Ecology. The evaluations should include a rod-and-level survey to determine the current depth of excavation using onsite monumentation, and an evaluation of the depth of excavation

remaining. This evaluation will serve to continue to convey the provisions and on-the-ground expectations to the employees operating this mine.

We expect there to be no surface runoff from the gravel mine, as pits create a topographically closed depression. Finally, we expect there to be no on-site processing of gravel, as stated in the plans.

### **Haul Route**

The project proponent must expand their environmental assessment to include the haul route from the gate at Grip Road to the mine site itself. The existing onsite haul route is about 2 miles long and was developed for forestry activities. The quantity, seasonality, and duration of traffic; types and weights of vehicles; agency with jurisdiction; and maintenance responsibility will all change with this proposal, and as such, impacts must be considered. The route crosses numerous wetlands, a couple of typed streams, and the gorge and large stream Swede Creek, a known salmon-bearing stream. We have concerns on how the proposal will affect these sensitive areas.

The haul route was apparently widened recently. The as-built drawings recently provided by Semrau Engineering indicate the road is approximately 22 feet wide as-built. Archived airphotos and Google Earth indicate that this road was previously much narrower, approximately 15 feet as measured from airphotos.

I am unclear what permits were acquired to do the road widening, or if the work was under DNR jurisdiction (under FPA # 2816283 or FPA # 2814718) or Skagit County as improvements to a private road at the time. The two FPA's referenced do not indicate any road work or culvert replacements at typed streams would occur, but the roadwork did in fact replace culverts at approximate STA 12+27, STA 64+00, and STA 64+95 which with a cursory assessment and details in the FPA indicate would be Type N or Type F streams.

When this work occurred happens to be easy to ascertain. A 7/15/2018 Google Earth airphoto shows the work underway, with the northern portion of the haul route widened to more than 20 feet, and the southern part of the haul route remains narrow at about 10-12 feet and as in an apparent 2-track condition. An excavator is working at 48.563041, -122.280407. A roller is parked at 48.569462, -122.276716. The widening of the road adds up to more than 2 acres of new compacted gravel (2 miles x 10 feet). We would like to hear details of the design and regulatory approvals for this substantial road widening and project to replace all culverts.

Moving forward, we expect an environmental assessment to survey the road for stream crossings, wetlands, and seeps (of which there are many) to support a design that meets the Skagit County Drainage Ordinance and allows free flow of all surface waters across the road through appropriately sized culverts and ditches for streams and cross drains. We expect all culverts to be appropriately spaced and located, in particular those at approximate road stations STA 12+27, STA 64+00, and STA 64+95 where we believe typed streams to be present. All culverts must be appropriately sized to meet Skagit County Code or Washington State Forest Practices, whichever is more restrictive.

We feel that over the long term that the gravel operations use of this road presents an impact to surface waters and aquatic habitat due to sedimentation and runoff, and presents a greatly increased risk of slope failures that threaten to directly impact Swede Creek. We presume that the BMPs in the ditchline along the road were implemented concurrently with the above-described road work and the 2018 FPA. While remnants of the BMPs were evident in the ditchline (decayed straw wattles) recently, these BMPs

are clearly short-term treatments for forest practices, which typically represent a short duration of heavy use along a forestry road, as in during the harvesting and subsequent replanting activities. However, the proposed mine will have a very long duration (25 years) of a very heavy use (documents indicate 4.6 up to 30 trucks per hour). Typical forest practices short-term BMPs and management of stormwater are likely insufficient, unless scrupulously maintained, to effectively prevent runoff into surface waters.

The type of vehicle that will be utilizing this haul route is also notably different than a typical log truck, which can typically weigh around 88,000 pounds. The application materials indicate that the typical loaded gravel truck and pup will weigh 105,500 pounds, or 20% heavier. This, combined with the vastly greater number of vehicles and duration of the action, must be considered in an adequate drainage and stormwater management plan.

The road and all crossing structures must be assessed to ensure that they are capable of handling the types of traffic expected on the mine service road. We would like to see information specific to the age of the bridge and an onsite assessment by a bridge engineer that the bridge is capable of handling long-term usage by 105,500 pound vehicles; the provided memo is based on a typical engineering drawing dated 1999 and “from the original bridge installation and “photos and descriptions” sent to the engineer by the project proponent. This seems like an insufficient assessment of a bridge that serves as the key haul route for this mining project and is central to our concerns about the risk to aquatic habitat.

From our perspective, the risk of failure at this bridge would bring substantial harm to downstream aquatic habitat and we would like to be assured that this timber bridge is capable of handling the mine traffic. Traffic along the haul route must be adequately planned for, maintained, and mitigated. We request an onsite bridge inspection be completed prior to permitting, and repeated periodically at no less than every 5 years for the duration of the mine. We request this bridge inspection schedule and submittal of inspection reports to Skagit County Public Works be a provision of the permitting of this mine.

We would like to see the applicant submit a maintenance plan for all stormwater and drainage conveyance systems, including the assignment of responsibility for such maintenance. The road maintenance provisions and the stormwater and drainage maintenance plan must be recorded with the permitting of the mine, and enforced and carried out as a provision to the permit, to prevent impacts to surface waters and wetlands in the vicinity of the haul route throughout the duration of this mine. We also feel that the 2-mile haul route, which has been essentially doubled in width ahead of this mining activity, should be fully assessed by a qualified consultant who can identify sensitive areas, priority habitat areas, wetlands, and streams; quantify the impact; and suggest appropriate and mitigation measures to reduce impacts resulting from this project.

When identifying mitigation measures, we would like to draw attention to an undersized and impassable culvert on a Type F stream located along a spur road on the subject property that we have recorded in a inventory of barrier culverts (48.563983, -122.275181). We suggest as a potential mitigation measure to compensate for road expansion and impacts to remove this culvert and naturalize the stream, or replace this culvert with an appropriately sized culvert based on an assessment of channel dimensions and fish use.

### **Swede Creek gorge**

We have specific concerns about the haul route through the steep valley at Swede Creek. The route crosses a bridge at Swede Creek, which the proponent has designated will be a one-lane bridge with signage. The engineer, Semrau, has provided an as-built drawing set, dated 2018, for the haul route, which supported this review.

Firstly, we would like to see no additional road widening within the Swede Creek gorge. Should any widening be absolutely necessary, the road should be cut into the hillslope and not be built further onto the fillslope.

The slopes in this gorge are very steep, well over 70% at some locations, with delivery possible since Swede Creek is at the toe of steep slopes.

There are a couple of existing road failure issues within the gorge that must be corrected as soon as possible to prevent any further road failures or degradation to water bodies. These existing road failures serve as an example of the types of road issues we are very concerned about. There is presently a 60-80 foot long sidecast crack and slump (12-18" deep) on the fillslope near the top of the hill north of Swede Creek. Any further failure risks sediment delivery directly into Swede Creek. The sidecast failure occurred recently, at a time with relatively little road traffic. With the constant impact of loaded 105,500-pound gravel trucks passing by at a rate of 4.6 to 30 trucks per hour, the compaction, vibration, and degradation of appropriate ditches and drainage features will be constant, greatly increasing the risks that use of this road presents to Swede Creek.

In addition to the sidecast cracking, there are two cutslope failures that have slumped and filled the ditchline. All three of these failures must be immediately addressed to ensure that no further damage to the drainage infrastructure or Swede Creek occur.

In an environment like the Swede Creek gorge, water management is of the utmost importance. This fact cannot be understated. Cross drains and backup cross drains must efficiently transport surface runoff across the road surface and not be allowed to run haphazardly down the ditchline. The outlet of cross drains must be carefully selected by an experienced road designer to ensure that erosion or failure of the fill slope will not be aggravated.

Slope failures and debris slides are disastrous for fish habitat. Debris slides can decimate instream biota and adjacent riparian areas, bury redds and appropriate spawning substrates, and contribute to downstream water quality problems. Road management and reducing the risk of debris torrents originating at forest roads is something that our organization has invested a great deal of time, effort, and money to address and correct, and remains a significant concern of ours at this location. We understand that the road is proposed for paving at STA 21+00 to 26+00, located within the Swede Creek gorge and within the riparian buffer of Swede Creek. While there are some negative impacts and risks associated with paving due to increased impervious area and increased runoff quantity and speed, we recognize that paving can greatly reduce sediment delivery to streams. We recognize that sediment delivery is one of the greater threats to the aquatic habitat adjacent to this proposal. For that reason, we would like to see consideration of paving both the north and south approaches to the Swede Creek bridge, from hillcrest down to the bridge.

Washington State Forest Practices Board Manual suggests paving within 200 feet of a stream as a BMP for sediment control. "In situations where sediment control devices need to be used long-term consider surfacing that requires little to no maintenance such as chip sealing or paving portions of roads." We feel that would be a prudent BMP in this situation, where permanent management of sediment must be

required. However, as with all surface water management in a steep gorge, paving must be designed with care by an experienced road engineer with experience working with these building materials in steep terrain, to ensure that runoff is carefully managed to avoid erosion or slope failure, and disconnect from streams and wetlands.

We would like to see some improvements to drainage management within the gorge, with additional cross drains installed to ensure capacity and redundancy in the case of slumping into the ditchline, as is presently occurring. This ensures that water can get off the road if a culvert is clogged, rather than run down the road and trigger further slope failures and damage to the aquatic environment. In risky terrain for forest roads, redundancy and maintenance are key. The outlet of any cross drains in the gorge should be disconnected from directly contributing to Swede Creek; this may be in the form of swales, settling basins, sediment curtains, or straw wattles that can prevent pollution from reaching a surface water body. Permanent treatment BMPs should be considered and utilized. Substantial rock aprons should be built at the outlet of all culverts, with particular attention and size emphasized at culverts within the Swede Creek gorge. We feel strongly that to reduce sediment runoff in the gorge, paving, permanent BMPs, and ample cross drainage opportunities can help to reduce impacts.

### **Road Maintenance**

We understand the access road from Grip Road to the quarry (nearly 2 miles) will be designated a Private Road by Skagit County, and the landowner(s) of the road will be responsible for its maintenance. We are concerned about impacts of this road should it go unmaintained over the 25-year duration of this project. Ditches and culvert inlets that become clogged with debris and sediment, potholes, washboards, winter snowplowing that forms windrows along road edges, damaged culverts and aprons, or damage to the Swede Creek bridge all present situations where there are increased and avoidable impacts to surface water bodies.

We would like to see an adequate drainage and stormwater management plan assessing and prescribing improvements to the private haul route. We would like to see applicant submit a maintenance plan for all stormwater and drainage conveyance systems, including the assignment of responsibility for such maintenance. We would like to see a schedule of periodic on-site bridge inspection to assess the Swede Creek bridge and the anticipated traffic level and loads. The road maintenance provisions and the stormwater and drainage maintenance plan must be recorded with the permitting of the mine, and enforced and carried out, to prevent impacts to surface waters and wetlands in the vicinity of the haul route.

### **Reclamation**

We would like to see the proponent submit a reclamation plan for their proposal, and this plan should be provided for our and public review. The mine reclamation plan for this site should specify access controls that are adequate to assure that no dumping will occur, either by Concrete Nor'West or any authorized or unauthorized parties. Obsolete gravel pits have a tendency to become dumping grounds for all kinds of waste and trash. If some of that trash were to leach toxic materials into the permeable gravel at the pit, the result could be devastating for Samish River fish. A robust plan to prevent dumping at the pit would be a prudent step at this stage of permitting the mine.

As always, SRSC appreciates the opportunity to comment on this proposal, and we look forward to continuing our collaboration with the County on these matters. If you have any questions about our

comments, or if there is anything that we can provide, please don't hesitate to call me at (360) 391-8472 or email at [nkammer@skagitcoop.org](mailto:nkammer@skagitcoop.org).

Sincerely,

A handwritten signature in black ink that reads "Nora Kammer". The signature is written in a cursive, flowing style.

Nora Kammer  
Environmental Protection Ecologist  
Skagit River System Cooperative

## JohnCooper

---

**From:** BrandonBlack  
**Sent:** Tuesday, May 24, 2016 3:15 PM  
**To:** JohnCooper  
**Subject:** RE: SEPA threshold determination, PL16-0097/98

Current planning has no concerns with the proposal.

Brandon Black  
Senior Planner – Team Supervisor  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

PHONE: (360) 416-1326  
EMAIL: [brandonb@co.skagit.wa.us](mailto:brandonb@co.skagit.wa.us)

*"Helping You Plan and Build Better Communities"*

---

**From:** JohnCooper  
**Sent:** Tuesday, May 24, 2016 2:07 PM  
**To:** [mark@nwcleanair.org](mailto:mark@nwcleanair.org); [sepadesk2@dfw.wa.gov](mailto:sepadesk2@dfw.wa.gov); 'ECY RE SEPA UNIT' ([SEPAUNIT@ECY.WA.GOV](mailto:SEPAUNIT@ECY.WA.GOV)); DNR RE SEPACENTER ([SEPACENTER@dnr.wa.gov](mailto:SEPACENTER@dnr.wa.gov)); 'McEwan, Ray D.'; Shane W. Whitney; Dan Berentson; Bonnie LaCount; 'Tim Hyatt'; John B Semrau ([john@semrau.com](mailto:john@semrau.com)); Dan Cox ([danc@gravelpits.com](mailto:danc@gravelpits.com)); Dan Cox ([DanC@concretenorwest.com](mailto:DanC@concretenorwest.com)); [doug.gresham@ecy.wa.gov](mailto:doug.gresham@ecy.wa.gov); [Kevin.Jones@dnr.wa.gov](mailto:Kevin.Jones@dnr.wa.gov); [mbray1107@gmail.com](mailto:mbray1107@gmail.com); 'walshl2006@hotmail.com'; [swgarey@gmail.com](mailto:swgarey@gmail.com); 'juhiette@raptorgroup.co'; RonPalmer; BrandonBlack; AlisonMohns; Jack Moore; GregGeleynse; David English  
**Subject:** SEPA threshold determination, PL16-0097/98

Attached is the SEPA threshold determination, checklist and site plans for the proposed Concrete Nor'west Grip Road gravel mine in Skagit County. The mine is proposed as extraction only. No development, other than excavation and trucking is proposed. A traffic plan, wetland/fish and wildlife site assessment and other information is available upon request. Please review and comment as appropriate. The comment period extends until 4:30 pm, June 10, 2016.

Skagit County staff, please accept this as internal routing for review as well.

Sincerely,

John Cooper, LG. LHg  
Senior Natural Resource Planner/Geologist  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273  
[www.skagitcounty.net/planning](http://www.skagitcounty.net/planning)  
Ph 360-416-1334  
[johnc@co.skagit.wa.us](mailto:johnc@co.skagit.wa.us)



Allyson Brooks Ph.D., Director  
State Historic Preservation Officer

January 9, 2017

Mr. John Cooper  
Planner/Geologist  
Skagit County  
1800 Continental Place  
Mount Vernon, WA 98273

In future correspondence please refer to:  
Project Tracking Code: 2017-01-00065  
Property: PL16-0097 Concrete Nor'West Gravel Mine  
**Re: Archaeology - Survey Requested**

Dear Mr. Cooper:

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP). We were not notified of the project in order to provide timely comments. One of our Tribal partners notified us and we share his concerns that cultural resources may be damaged by this project. The project area is adjacent to the Samish River and approximately 1,200 feet from a precontact trail. It is also in proximity to the Warner Prairie and the confluence of the Samish River and Dry Creek. These factors indicate a high probability for the area to contain archaeological resources associated with precontact use of the area. The Statewide Archaeological Predictive Model depicts the project area as having the highest probability for containing precontact archaeological resources. Please be aware that archaeological sites are protected from knowing disturbance on both public and private lands in Washington States. Both RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from our Department before excavating, removing, or altering Native American human remains or archaeological resources in Washington. Failure to obtain a permit is punishable by civil fines and other penalties under RCW 27.53.095, and by criminal prosecution under RCW 27.53.090.

Chapter 27.53.095 RCW allows the Department of Archaeology and Historic Preservation to issue civil penalties for the violation of this statute in an amount up to five thousand dollars, in addition to site restoration costs and investigative costs. Also, these remedies do not prevent concerned tribes from undertaking civil action in state or federal court, or law enforcement agencies from undertaking criminal investigation or prosecution. Chapter 27.44.050 RCW allows the affected Indian Tribe to undertake civil action apart from any criminal prosecution if burials are disturbed.

We request a professional archaeological survey of the project area be conducted prior to ground disturbing activities. The completed survey should be submitted to DAHP and the interested Tribe for review prior to permitting the project. We also recommend consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.

If any federal funds or permits are associated with this proposal, Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800, must be followed. This is a separate process from both the NEPA and SEPA environmental review processes and requires formal

State of Washington • Department of Archaeology & Historic Preservation  
P.O. Box 48343 • Olympia, Washington 98504-8343 • (360) 586-3065  
www.dahp.wa.gov



government-to-government consultation with the affected Tribes and the SHPO. Also, we appreciate receiving any correspondence or comments from concerned tribes or other parties concerning cultural resource issues that you receive.

We look forward to receiving the survey report. Should you have any questions, please feel free to contact me.

Sincerely,



Gretchen Kaehler  
Assistant State Archaeologist, Local Governments  
(360) 586-3088  
[gretchen.kaehler@dahp.wa.gov](mailto:gretchen.kaehler@dahp.wa.gov)

cc. Eli Newby, Surface Mine Specialist, DNR  
Scott Schuyler, Cultural Resources,  
Josephine Peterson, Cultural Resources, Swinomish Tribe  
James Harrison, Archaeologist, Swinomish Tribe  
Kerry Lyste, Cultural Resources, Stillaguamish Tribe  
Jennifer VanEyck, Cultural Resources, Stillaguamish Tribe  
Jackie Ferry, THPO, Samish Tribe

September 17, 2018

Jim Wiggins  
Abbe Rolnick  
21993 Grip Road  
Sedro-Woolley, WA 98284

Dear Mr.'s Wiggins and Rolnick,

Thank you for your comment letter in regards to class IV General FPA 2816283. I'll try to address your comments and concerns related to DNR, Forest Practices' jurisdiction on these activities.

As you are likely aware, Skagit County was the SEPA lead for this project and issued a MDNS on June 24, 2016. The applicant then submitted FPA 2816283 for the removal of timber associated with the conversion of approximately 51 acres of forest land. I field-reviewed the FPA and approved it on April 4, 2018 with conditions and no appeal was filed during the 30-day appeal period. The FPA's two conditions were related to two specific areas of road maintenance requirements on the access road that I observed on my field visit. The first was a need for sediment traps on the bridge approaches over Swede Creek and the second was the addition of a ditch relief culvert further in on the forest road. Both of these were to minimize the potential of sediment from entering typed waters. These two areas were the only required maintenance activities that were associated with the class IV General FPA.

The access road is defined by the Forest Practices rules as a "forest road" and crosses "forest land" (WAC 222-16-010). Though this road accesses FPA 2816283 and the future commercial mining operation, it also accesses several hundred acres of forest land and will presumably be used for future timber harvest, rock and log haul, all activities under the jurisdiction of DNR, Forest Practices on forest land. Therefore, unless the surrounding forest land is converted, the road will be considered a forest road that is regulated by DNR under the Forest Practices Rules (WAC 222). Skagit County may have additional requirements on non-forest lands associated with the commercial mining operations and County roads.

The applicant elected to perform additional road maintenance activities which began in late spring 2018. I visited the road maintenance operations on three separate occasions to confirm all activities fell under the thresholds of a class I Forest Practice as defined in WAC 222-16-050(3), which do not require an approved FPA/N. I observed that ditches had been cleaned out, cross-drain culverts replaced and added, rock check-dams constructed in the ditch lines, and crushed-rock road surfacing had been spread and compacted with a roller. I did not observe that the road subgrade had been widened or that any sediment delivery to typed waters had occurred. Limited brush and non-merchantable trees had been cut in places where ditches were overgrown or for ditch relief culvert- associated work. All activities observed were in compliance with the Forest Practices Rules and confirmed to be class I activities. The road maintenance required by the conditions of FPA 2816283 were also completed concurrently with the class I road maintenance.

Thank you for your comments. Please let me know if I can answer any further questions.

Sincerely,

David Klingbiel  
Chuckanut Forest Practices Forester  
Washington Department of Natural Resources  
Northwest Region  
(360)856-3500  
[David.klingbiel@dnr.wa.gov](mailto:David.klingbiel@dnr.wa.gov)

## JohnCooper

---

**From:** LoriAnderson on behalf of Planning & Development Services  
**Sent:** Friday, April 08, 2016 8:31 AM  
**To:** JohnCooper  
**Subject:** FW: PDS Comments

From Dept Email

Lori Anderson, Permit Technician  
Skagit County Planning & Development Services  
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Mount Vernon, WA 98273  
360-416-1320  
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[www.skagitcounty.net/planning](http://www.skagitcounty.net/planning)

**From:** [website@co.skagit.wa.us](mailto:website@co.skagit.wa.us) [mailto:[website@co.skagit.wa.us](mailto:website@co.skagit.wa.us)]  
**Sent:** Thursday, April 07, 2016 2:45 PM  
**To:** Planning & Development Services  
**Subject:** PDS Comments

Name : Doug Gresham  
Address : 3190 160th Ave SE  
City : Bellevue  
State : WA  
Zip : 98008  
email : [doug.gresham@ecy.wa.gov](mailto:doug.gresham@ecy.wa.gov)  
Phone : (425) 649-7199

PermitProposal : PL16-0097 and PL16-0098

Comments : As a wetland specialist with the Washington Department of Ecology, I wish to enter my comments into the public record for this gravel mining operation by Concrete NW. Wetland impacts should be avoided by: not allowing any excavation within the buffer area associated with the Samish River and its associated riparian wetlands, don't excavate below the groundwater table to prevent dewatering the Samish River, and maintain a earthen berm between the gravel pit and the Samish River so storm water runoff can not discharge directly. Any wetlands identified on the property that would be impacted should be delineated and permits should be submitted to Ecology.

From Host Address: 198.239.77.118

Date and time received: 4/7/2016 2:41:22 PM

Issuance Date: February 17, 2016  
Effective Date: April 1, 2016  
Expiration Date: March 31, 2021

# THE SAND AND GRAVEL GENERAL PERMIT

A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

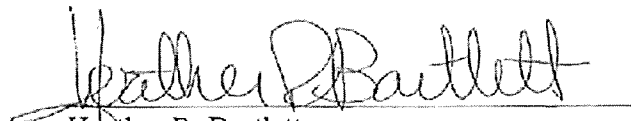
STATE WASTE DISCHARGE GENERAL PERMIT

For Process Water, Stormwater, and Mine Dewatering Water Discharges Associated  
with Sand and Gravel Operations, Rock Quarries, and Similar Mining Facilities,  
Including Stockpiles of Mined Materials, Concrete Batch Operations and Hot Mix  
Asphalt Operations

State of Washington  
Department of Ecology  
Olympia, Washington

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

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



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



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## SUMMARY OF REQUIRED FORMS AND REPORTS

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

### Summary of Required Forms and Reports

| Permit Section           | Forms and Reports                                                                               | Description                                                                                                                                                         | Frequency                | First Due Date                                       |
|--------------------------|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------|
| <b>Reporting</b>         |                                                                                                 |                                                                                                                                                                     |                          |                                                      |
| <u>S10.B</u>             | Report of Production Numbers                                                                    | Reporting of Production Number Range for Fee Purposes                                                                                                               | Annually                 | January 30, 2017                                     |
| <u>S10.A</u>             | Discharge Monitoring Report (DMR)                                                               | Report of Monitoring Results and Observations                                                                                                                       | Quarterly                | April 30, 2016                                       |
| <u>S10.E</u>             | Reporting Permit Violations                                                                     | Verbal and Written Notification of Permit Violations                                                                                                                | Each Noncompliance       | Within 24 hours and in 5 days                        |
| <u>S10.F</u>             | Spill Reporting                                                                                 | Verbal Report of Spills to Waters of the State                                                                                                                      | Each Noncompliance       | Immediately                                          |
| <u>G5</u>                | Notification of Overflow or Bypass                                                              |                                                                                                                                                                     | As Necessary             | As Necessary                                         |
| <b>Application</b>       |                                                                                                 |                                                                                                                                                                     |                          |                                                      |
| <u>S12.A, S12.B, G20</u> | Permit Application                                                                              | Applying for Permit Coverage, Application, Application for Permit Renewal                                                                                           | As Necessary and 1/Cycle | As Necessary<br>Renewal Application Due July 4, 2020 |
| <u>S12.B.1</u>           | Portable Beginning of Operation Notice Form (ECY 070-36)                                        | Application to operate at a new site and site restoration plan                                                                                                      | As Necessary             | 10 days before beginning operations                  |
| <u>S12.B.2</u>           | Portable Completion of Operation Notice Form (ECY 070-30)                                       | Certification that site has been restored                                                                                                                           | As Necessary             | When site has been restored                          |
| <b>Changes</b>           |                                                                                                 |                                                                                                                                                                     |                          |                                                      |
| <u>S12.D, G11</u>        | Operating Status Change Form (ECY 070-33)                                                       | To Change Inactive or Active Status                                                                                                                                 | Each Change              | Within 10 days                                       |
| <u>S12.E, S12.F, G19</u> | Change Request Form (ECY 070-32)                                                                | Cancellation of Coverage, Change Facility Name With No Ownership Change, Transfer Permit Coverage To a New Owner or Operator                                        | Each Change              | Prior to each change                                 |
| <u>S12.A, S12.B, G11</u> | Permit Application                                                                              | Application for a Significant Process Change                                                                                                                        | As Necessary             | As Necessary                                         |
| <b>Other</b>             |                                                                                                 |                                                                                                                                                                     |                          |                                                      |
| <u>S.10.A.5</u>          | “Electronic Signature Account Form” (ESAF) or an “Electronic Waiver Request” form (ECY 070-381) | Ecology will e-mail an ESAF when the Permittee sets up their Electronic Signature Account. Permittees that already have an account do not need to resubmit an ESAF. | 1/Permit Cycle           | May 1, 2016                                          |

## SPECIAL CONDITIONS

### S1. PERMIT COVERAGE

#### A. Coverage Under This Permit

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

Table 1: NAICS/Ecology Codes and Activities Covered by the Sand and Gravel General Permit<sup>2</sup>

| NAICS/<br>Ecology Code | Sand and Gravel Activities                                                                                                   |
|------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <u>113110</u>          | Timber Tract Operations (Rock crushing and/or gravel washing facilities associated with <i>silvicultural point sources</i> ) |
| <u>113310</u>          | Logging (Rock crushing and/or gravel washing facilities associated with <i>silvicultural point sources</i> )                 |
| <u>212311</u>          | Dimension Stone Mining and Quarrying                                                                                         |
| <u>212312</u>          | Crushed and Broken Limestone Mining and Quarrying                                                                            |
| <u>212313</u>          | Crushed and Broken Granite Mining and Quarrying                                                                              |
| <u>212319</u>          | Other Crushed and Broken Stone Mining and Quarrying                                                                          |
| <u>212321</u>          | Construction Sand and Gravel Mining                                                                                          |
| <u>212322</u>          | Industrial Sand Mining                                                                                                       |
| <u>212324</u>          | Kaolin and Ball Clay Mining                                                                                                  |
| <u>212325</u>          | Clay and Ceramic and Refractory Minerals Mining                                                                              |
| <u>212399</u>          | All Other Nonmetallic Mineral Mining                                                                                         |
| <u>324121</u>          | Asphalt Paving Mixture and Block Manufacturing                                                                               |
| <u>327320</u>          | Ready-Mix Concrete Manufacturing                                                                                             |
| <u>327331</u>          | Concrete Block and Brick Manufacturing                                                                                       |
| <u>327332</u>          | Concrete Pipe Manufacturing                                                                                                  |
| <u>327390</u>          | Other Concrete Product Manufacturing                                                                                         |
| <u>327999</u>          | All Other Miscellaneous Nonmetallic Mineral Product Manufacturing                                                            |
| <u>ECY001</u>          | Asphalt Recycling                                                                                                            |
| <u>ECY002</u>          | Concrete Recycling                                                                                                           |

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<sup>1</sup> Italicized words in this permit are defined in [Appendix B](#).

<sup>2</sup> Refer to [Appendix A](#) for descriptions and corresponding *Standard Industrial Classification (SIC)* codes.

## **B. Coverage for Similar Facilities**

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

1. Ecology determines the discharge characteristics are similar to those from the facilities and activities listed in Table 1.
2. The facility has one or more of the following characteristics:
  - a. Owned or operated by private entities, the State of Washington or *local governments*.
  - b. The discharge is to *groundwater*.
3. And, the facility has one or more of the following characteristics or processes:
  - a. Any facility that ditches, routes, collects, contains, or impounds *process water*, *mine dewatering water*, or *Type 3 stormwater*.
  - b. Any facility that discharges *stormwater*, mine dewatering water, or process water to *surface waters of the state*.
  - c. Any facility that discharges to a municipal *storm sewer*.
  - d. Any facility with a discharge to surface water or groundwater that operates a concrete batch plant or a *hot mix asphalt plant* that uses a wet scrubber for air emissions control.
  - e. Any facility located inside a designated *wellhead protection area*.
  - f. Any silvicultural point source.
  - g. Any facility that recycles concrete or asphalt concrete.
4. The permit conditions satisfy applicable state and federal requirements.

## **C. Facilities Excluded From Coverage Under This Permit**

1. Ecology will not provide coverage under this general permit for activities listed in S1.A and B above when the facility:
  - a. Has a pit design that will intercept more than one aquifer.
  - b. Discharges to a water body with a *Total Maximum Daily Load (TMDL)* for *turbidity*, *fine sediment*, *pH* or temperature unless:
    - i. The Permittee complies with S3.G.2-5.
    - ii. The requirements of this general permit are adequate to provide the level of protection required by the TMDL or control plan.
  - c. Discharges or proposes to discharge to a segment of a waterbody that is listed pursuant to Section 303(d) of the *Clean Water Act*, and discharges or proposes

to discharge a listed *pollutant* at a concentration or volume that will cause or contribute to a violation of the applicable *water quality* standard.

- d. Uses material for *reclamation* or backfill that is not *inert* and also is not covered by a Department of Natural Resources reclamation permit.
- e. Conducts mining operations below the ordinary high water mark in a river or stream channel.
- f. Would impair adjacent water rights as a result of pit operations lowering the water table.
- g. Discharges on Federal Land or 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:

- i. All land within any Indian Reservation notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation. This includes all federal, tribal, and Indian and non-Indian privately owned land within the reservation.
- ii. All off-reservation Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.
- iii. All off-reservation federal trust lands held for Native American Tribes.

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

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

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

#### **D. Other/Unpermitted Site Uses**

This permit does not cover any discharge from uses unrelated to the NAICS Codes or activities listed in Table 1 or other similar activities per S1.B. No discharge is allowed from any activities unless it is either covered under this permit’s NAICS/Ecology Code criteria, results from a similar activity per S1.B, or is covered by a separate individual *wastewater* discharge permit.

**E. Authorization**

1. The Permittee is authorized to discharge process water, mine dewatering water, and stormwater to surface water, groundwater, or both at the permitted location for the activities listed in the Permittee's coverage page.
2. Permittees must notify the appropriate regional Ecology office to:
  - a. Add, remove, or revise authorized activities listed in their coverage page.
  - b. Add, remove, or revise a discharge to surface water.
  - c. Add a new type of discharge of process water or mine dewatering water.
3. All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.

**S2. EFFLUENT LIMITS**

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

*New facilities* may be required to conduct additional monitoring, refer to S12.A.2 and S12.A.3.

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

| Type                                 | NAICS Code (see Appendix A)                                 | Discharge to: | pH                                            |       | Turbidity (NTU)        |               | Total Suspended Solids (TSS) |  | Oil Sheen <sup>3</sup>   | Total Dissolved Solids (TDS) |
|--------------------------------------|-------------------------------------------------------------|---------------|-----------------------------------------------|-------|------------------------|---------------|------------------------------|--|--------------------------|------------------------------|
|                                      |                                                             |               | Min                                           | Max   | Average Monthly        | Maximum Daily | Average Quarterly            |  |                          |                              |
| Process Water, Mine Dewatering Water | 11310, 113310, 212312, 212313, 212319 <sup>4</sup> , 212399 | Surface       | Quarterly <sup>1</sup>                        |       | Two/Month <sup>2</sup> |               | Quarterly <sup>1</sup>       |  | Daily when runoff occurs | ----                         |
|                                      |                                                             |               | 6.5                                           | 8.5   | 50                     | 50            | 40 mg/l                      |  | No Discharge             | ----                         |
|                                      |                                                             | Ground        | Quarterly <sup>1</sup>                        |       | -----                  |               | -----                        |  | Daily when runoff occurs | ----                         |
|                                      |                                                             |               | 6.5                                           | 8.5   |                        |               |                              |  | Visible Sheen            | ----                         |
|                                      | 212321                                                      | Surface       | -----                                         |       | Two/Month <sup>2</sup> |               | Quarterly <sup>1</sup>       |  | Daily when runoff occurs | ----                         |
|                                      |                                                             |               | -----                                         | ----- | 50                     | 50            | 25 mg/l                      |  | No Discharge             | ----                         |
|                                      |                                                             | Ground        | -----                                         |       | -----                  |               |                              |  | Daily when runoff occurs | ----                         |
|                                      |                                                             |               | -----                                         | ----- | -----                  | -----         | -----                        |  | No Discharge             | ----                         |
|                                      | 212311, 212324, 212325,                                     | Surface       | ----Surface Water Discharge Not Permitted---- |       |                        |               |                              |  |                          |                              |
|                                      |                                                             | Ground        | Quarterly <sup>1</sup>                        |       | -----                  |               | -----                        |  | Daily when runoff occurs | ----                         |
|                                      |                                                             |               | 6.5                                           | 8.5   |                        |               |                              |  | No Discharge             | ----                         |
|                                      |                                                             | Surface       | -----                                         |       | Two/Month <sup>2</sup> |               | Quarterly <sup>1</sup>       |  | Daily when runoff occurs | ----                         |
|                                      | 212322                                                      | Ground        | -----                                         | ----- | 50                     | 50            | 25 mg/l                      |  | No Discharge             | ----                         |
|                                      |                                                             |               | -----                                         | ----- | -----                  | -----         | -----                        |  | Daily when runoff occurs | ----                         |
|                                      |                                                             |               | -----                                         | ----- | -----                  | -----         | -----                        |  | No Discharge             | ----                         |
|                                      |                                                             | Surface       | One/Month                                     |       | Two/Month <sup>2</sup> |               | Quarterly <sup>1</sup>       |  | Daily when runoff occurs | ----                         |
|                                      | 327320, 327331, 327332, 327390, 327999, EGY002              | Ground        | One/Month                                     |       | -----                  |               |                              |  | Daily when runoff occurs | Monthly                      |
|                                      |                                                             |               | 6.5                                           | 8.5   |                        |               |                              |  | Visible Sheen            | 500 mg/l                     |
|                                      |                                                             | Surface       | ----Surface Water Discharge Not Permitted---- |       |                        |               |                              |  |                          |                              |
|                                      |                                                             | Ground        | One/Month                                     |       | -----                  |               | -----                        |  | Daily when runoff occurs | ----                         |
|                                      | 324121 <sup>5</sup> , EGY001                                |               | 6.5                                           | 8.5   |                        |               | -----                        |  | Visible Sheen            | ----                         |

Notes for Tables 2 and 3 are on the next page.

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

| Type                                                                                             | NAICS Code<br>(see Appendix A)                                                             | Discharge<br>to: | pH                     |     | Turbidity (NTU)        |                  | Oil Sheen <sup>3</sup>      |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|------------------|------------------------|-----|------------------------|------------------|-----------------------------|
|                                                                                                  |                                                                                            |                  | Min                    | Max | Average<br>Monthly     | Maximum<br>Daily |                             |
| Stormwater (Type 2 and 3)<br>Type 2 monitoring only applicable during earth<br>moving activities | 327320, 327331,<br>327332, 327390,<br>327999, ECY002                                       | Surface          | One/Month              | 8.5 | Two/Month <sup>2</sup> |                  | Daily when runoff<br>occurs |
|                                                                                                  |                                                                                            |                  | 6.5                    | 8.5 | 50                     | 50               | No Discharge                |
|                                                                                                  |                                                                                            | Ground           | One/Month              |     |                        |                  | Daily when runoff<br>occurs |
|                                                                                                  |                                                                                            |                  | 6.5                    | 8.5 |                        |                  | No Discharge                |
|                                                                                                  | 113110, 113310,<br>212312, 212313,<br>212319, 212399,<br>212324, 212325,<br>324121, ECY001 | Surface          | Quarterly <sup>1</sup> |     | Two/Month <sup>2</sup> |                  | Daily when runoff<br>occurs |
|                                                                                                  |                                                                                            |                  | 6.5                    | 8.5 | 50                     | 50               | No Discharge                |
|                                                                                                  |                                                                                            | Ground           | Quarterly <sup>1</sup> |     |                        |                  | Daily when runoff<br>occurs |
|                                                                                                  |                                                                                            |                  | 6.5                    | 8.5 |                        |                  | No Discharge                |
|                                                                                                  | 212311, 212321,<br>212322                                                                  | Surface          |                        |     | Two/Month <sup>2</sup> |                  | Daily when runoff<br>occurs |
|                                                                                                  |                                                                                            |                  |                        |     | 50                     | 50               | No Discharge                |
|                                                                                                  |                                                                                            | Ground           |                        |     |                        |                  | Daily when runoff<br>occurs |
|                                                                                                  |                                                                                            |                  |                        |     |                        |                  | No Discharge                |

**Notes for Tables 2 and 3:**

- Quarterly means at least one sample in each of the periods of January to March, April to June, July to September, and October to December.
- When required to sample turbidity twice a month, there must be at least 24 hours between sampling.
- The discharge of sheen or petroleum products to *waters of the state* is a violation and must be reported as a violation. The presence of a visible sheen at a *discharge point* is not a violation if there is no discharge of sheen or petroleum products to water of the state and if the Permittee corrects the problem in a timely manner, notes the occurrence in their Discharge Monitoring Report (DMR), explains in the DMR the cause, and describes the solution. (Also see conditions S4.F.2, S5.C, S9.C and S10.E)
- The discharge of process water associated with bitumens (native mining), bituminous limestone quarrying, bituminous sandstone quarrying to surface water is prohibited.
- The discharge of process water from wet scrubbers to groundwater is prohibited.

### S3. ADDITIONAL DISCHARGE LIMITS

#### A. Best Management Practices (BMPs)

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

#### B. Not Cause or Contribute to a Violation of Standards

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

#### C. Maintenance Shop Zero Discharge

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

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

**D. Unauthorized Use of Site**

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

**E. Water Management**

1. Any ditch, channel, or other Best Management Practices (BMPs) used for routing water must be designed, constructed, and maintained to contain all flows except when:

- a. Designed to infiltrate *Type 1 stormwater*.
- b. Precipitation exceeds the *design storm (10-year, 24-hour event)*.

2. Lined *Impoundment* Required

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

The Liner must be constructed of:

- a. Synthetic or flexible membrane material, not less than 30 mils thick (40 mils for new installations after the effective date of this permit), that must not react with the discharge.
  - b. Concrete with a minimum thickness of 6 inches.
  - c. Asphalt with a minimum thickness of 6 inches.
  - d. Steel-walled containment tank.
  - e. Any other functionally equivalent impoundment, structure, or technique that is based on standard engineering practices, and approved by Ecology to meet the intent of this section.
3. Impoundment Capacity
- Any impoundment must have adequate capacity to provide treatment for water quality and flow control of wastewater. The design storm for calculating the size required for the impoundment is the 10-year, 24-hour precipitation event.
4. The Permittee must inspect the structural integrity of a lined impoundment whenever sludge removal occurs and, before refilling, make any repairs necessary to ensure that the lined impoundment functions to prevent discharges as intended.

Continuous removal systems must draw down the impoundment periodically for inspection.

5. Mined Pit Pond

Discharges to a mined pit pond are not required to comply with TSS and turbidity limits prior to final reclamation. When reclamation is complete, discharges to the pond must not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC).

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

**F. Use of Chemical Treatment Products**

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

Documentation must identify the chemicals used, their commercial source, the Safety Data Sheet, and the application rate. The Permittee must retain this information on site or within reasonable access to the site and make it immediately available, upon request, to Ecology. The Permittee must notify Ecology prior to use of any new chemicals discharging to surface waters or of any significant change in application rates of chemicals discharging to surface waters.

2. Apply as Instructed by the Manufacturer – The Permittee must apply chemicals used to enhance solids settling before discharge to waters of the state, to stabilize soils, or abate dust according to the manufacturer's instructions and may only use a chemical if the toxicity to aquatic organisms is known. The Permittee may only use chemicals to stabilize soils if the stormwater from the chemical application area is routed to and treated by a stormwater detention pond.
3. The Permittee must not use ligninsulfonate for dust suppression in excavated areas, including areas where topsoil has been removed.
4. Additional Restrictions – In addition, chemical treatment/soil stabilization must meet one of the following conditions. It must:
  - a. Be consistent with the Stormwater Management Manuals.
  - b. Be consistent with other methods approved per the Chemical Technology Assessment Protocol – Ecology (C-TAPE) program.
  - c. Use chemical treatment additives at a dosing rate resulting in no toxicity in the effluent or stormwater discharge.

### G. Discharges to Surface Water — Additional Effluent Limits

1. Discharges must not cause a visible increase in *turbidity* or objectionable color; or cause visible oil sheen in the *receiving water*.
2. New facilities and *existing facilities* must comply with TMDL *wasteload allocations* (for turbidity, fine sediment, pH and/or temperature) developed from a TMDL which was completed prior to the date permit coverage is issued.
3. New facilities that propose to discharge to an impaired water body that is on the *current EPA-approved 303(d) list*, but without a completed TMDL, must not discharge the listed pollutant (turbidity, fine sediment (TSS), pH or temperature) at a concentration or volume that will cause or contribute to a violation of the applicable water quality standard in the receiving water.
4. Existing facilities that discharge to an impaired waterbody on the current EPA-approved 303(d) list must not increase their loading or concentration of the listed pollutant (turbidity, fine sediment measured as TSS, pH, or temperature) for the duration of the coverage of this permit or until a wasteload allocation is assigned to the Permittee from a TMDL approved by the United States Environmental Protection Agency.
5. No Permittee may discharge pollutants in excess of levels established in a wasteload allocation in a TMDL approved by the United States Environmental Protection Agency.
  - a. Where an *applicable TMDL* has established a general waste load allocation for facilities covered by this permit but has not identified facility-specific requirements, compliance with conditions S2 through S5 will constitute compliance with the TMDL.
  - b. Where an applicable TMDL has not specified a waste load allocation for facilities covered by this permit, but has not excluded these discharges, compliance with this permit will constitute compliance with the TMDL.
  - c. Where an applicable TMDL assigns a wasteload allocation to a specific facility, Ecology will implement the wasteload allocation by issuing a modified coverage or an administrative order.

### H. Discharges to Groundwater — Additional Effluent Limitations

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

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

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

#### **I. Discharge to Sanitary Sewer**

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

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

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

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

Discharges to sanitary sewer must meet the discharge restrictions of 40 CFR 403.

#### **J. Inactive Sites**

1. No excavation (except for BMP maintenance) is allowed at an inactive site. All *inactive sites* are subject to the discharge limits per S2. Refer to S4.C for monitoring requirements at inactive sites.
2. Inactive sites must have appropriate BMPs in place and functioning.
3. At Inactive sites either:
  - a. Have a Registered Professional Engineer certify every three years that the facility complies with this general permit.
  - b. Or, annually conduct a Wet Season Inspection, per S4.F.3.a, and certify that the facility complies with this general permit.

The Permittee must maintain the certification(s) as part of the Site Management Plan.

### **S4. MONITORING REQUIREMENTS**

#### **A. Discharges to Surface Water**

1. The Permittee must monitor discharges of process water, mine dewatering water, Type 2 stormwater and Type 3 stormwater to surface waters of the state, or to a storm sewer that drains to surface waters of the state per S2.
2. The Permittee must *representatively sample* discharges to surface water. Representative sampling of Type 2 stormwater and Type 3 stormwater requires a sufficient number of monitoring points to represent differences in stormwater

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quality. The Permittee must collect samples as close to the point where the discharge comes into contact with the receiving water as is reasonably achievable.

**B. Discharges to Groundwater**

1. The Permittee must monitor all discharges of process water, mine dewatering water, Type 2 stormwater and Type 3 stormwater to groundwater per S2.
2. The Permittee is required to representatively sample discharges to ground. Representative sampling may include sampling groundwater quality from monitoring wells in accordance with an Ecology-approved groundwater impact study based on Ecology Publication 96-02 (Implementation Guidance for the Groundwater Quality Standards).

**C. Monitoring at *Inactive Sites***

1. All inactive sites that have a discharge of process water and/or mine dewatering water must monitor per S4.A and S4.B.
2. Stormwater monitoring is required at inactive sites when *both* of the following conditions apply:
  - a. The Permittee or operator adds or withdraws raw materials or finished products from stockpiles during the calendar quarter.
  - b. The site has a discharge of stormwater to surface waters of the state.
3. Unless required per S4.C.1 and/or S4.C.2, stormwater monitoring is not required at inactive sites.

**D. Sampling and Analytical Procedures**

1. Where a discharge combines two or more industrial activities and each activity requires the same monitoring parameter and frequency, only one sample and analysis for that parameter will be required.
2. Samples and measurements taken to meet the requirements of this permit must represent the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.
3. Collect samples taken to meet the requirements of this general permit during the facility's normal working hours and while processing at normal levels.
4. No sampling is required of water held in a lined impoundment that is designed, constructed, and maintained in accordance with Special Condition S3.E.2. Discharges from a lined impoundment to waters of the state must be sampled per the conditions in this permit.
5. Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136. Table 4 lists the recommended analytical methods from 40 CFR Part 136 for the parameters listed in S2.

6. The Permittee must ensure laboratory results comply with the quantitation level (QL) specified in Table 4. However, if an alternate method from 40 CFR Part 136 is sufficient to produce measurable results in the sample, the Permittee may use that method for analysis. Report any alternative test methods used, and the QL, on the discharge monitoring report. If the Permittee is unable to obtain the required QL due to matrix effects, the Permittee must report the matrix-specific method detection level (MDL) and QL on the DMR.
7. The Permittee must record, for each measurement or sample taken, the following information:
  - a. The date, exact place, method, and time of sampling.
  - b. The individual who performed the sampling or measurement.
  - c. The dates the analyses were performed.
  - d. The individual or lab which performed the analyses.
  - e. The analytical techniques or methods used.
  - f. The results of all analyses.

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

| Parameter                    | Units  | Analytical Method       | Laboratory Quantitation Level | Laboratory Accreditation Required                           | Preservation <sup>1</sup> | Maximum Holding Time      | Description                                                                                                                                         |
|------------------------------|--------|-------------------------|-------------------------------|-------------------------------------------------------------|---------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| pH                           | SU     | SM4500-H <sup>+</sup> B | N/A                           | No/Yes, if testing is performed by an accredited laboratory | None required             | Analyze within 15 minutes | Use a calibrated pH meter.                                                                                                                          |
| Turbidity                    | NTU    | SM2130-B-2001           | 0.1                           | No/Yes, if testing is performed by an accredited laboratory | Cool, ≤ 4 °C              | 48 hours                  | Use a calibrated turbidimeter.                                                                                                                      |
| Total Suspended Solids (TSS) | mg/l   | SM2540-D                | 5                             | Yes                                                         | Cool, ≤ 6 °C              | 7 days                    | The sample is filtered and the residue retained on the filter is dried. The increase in weight of the filter represents the total suspended solids. |
| Oil Sheen                    | Yes/No | Observation             | N/A                           | N/A                                                         | N/A                       | N/A                       | Look for visible sheen                                                                                                                              |
| Total Dissolved Solids (TDS) | mg/l   | SM2540-C                | 20                            | Yes                                                         | Cool, ≤ 6 °C              | 7 days                    | The sample is filtered and the filtrate is evaporated to dryness and dried. The increase in dish weight represents the total dissolved solids.      |

**Note:**

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

### E. Laboratory Accreditation

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

### F. Inspections

1. The Permittee must conduct a visual inspection of each point of discharge to surface water at least once a month when discharges occur. The date of the inspection, and any visible change in turbidity or color in the receiving water caused by the discharge, must be recorded and filed with the monitoring plan required by Condition S7.
2. When equipment operates:
  - a. The Permittee must inspect oil/water separators once per month during the wet season (October 1 – April 30) and during and immediately after a large storm event of greater than or equal to 1 inch per 24 hours. The accumulated oil must be removed when it reaches a thickness of 1 inch. The bottom sludge must be removed when it reaches a thickness of 6 inches. Oil absorbent pads must be replaced as necessary to maintain effectiveness.
  - b. The Permittee must inspect all operationally related equipment and vehicles weekly for leaking fluids such as oil, hydraulic fluid, antifreeze, etc.
  - c. Permittees must conduct daily visual monitoring for oil sheen at all surface water and *groundwater discharge* points (or representative locations where water collects prior to discharge) when runoff occurs.
  - d. If oil sheen is present, the Permittee must clean up the source and report the event on the inspection form identifying the probable cause of the oil sheen and describing the actions taken to prevent further contamination (See Condition S2, Tables 2 and 3, footnote 3).
  - e. The presence of a visible sheen on site is not a violation if there is no discharge of sheen or petroleum products to water of the state and if the Permittee corrects the problem in a timely manner. (See Condition S2, Tables 2 and 3, footnote 3, and conditions S5.C, S9.C and S10.E).
3. The Permittee must conduct at least two stormwater inspections each year at all *active sites* covered under this permit. The Permittee must conduct at least one inspection during the wet season (October 1 – April 30) and at least one inspection during the dry season (May 1 – September 30).
  - a. Wet Season Inspection

The wet season inspection must be conducted by personnel named in the SWPPP and must include observations for the presence of floating materials,

suspended solids, oil and grease, discoloration, turbidity, odor, etc. in the stormwater discharge(s).

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

- i. The description of potential pollutant sources (as defined in S8.D) required under this permit is accurate.
  - ii. The Permittee has updated or otherwise modified the site map as required in the SMP (S5.D) to reflect current conditions.
  - iii. The Permittee is implementing controls which are adequate to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP.
- b. Dry Season Inspection

The dry season inspection must be conducted by personnel named in the *SWPPP* and after at least seven (7) consecutive days of no precipitation. The inspection must determine the presence of non-stormwater discharges such as process water to the *stormwater drainage system*. If a discharge related directly or indirectly to process water is discovered, the Permittee must comply with non-compliance notification requirements of Special Condition S10.E and must eliminate the discharge within ten (10) days. If the Permittee cannot eliminate the discharge within ten days, the discharge must be considered process water and subject to all process water conditions of this general permit. The inspection shall also include review of the implementation of BMPs to ensure that the SWPPP is fully implemented.

#### 4. *Erosion* and Sediment Control Inspections

At active sites conducting earth moving activities that discharge to surface water, the Permittee must inspect all on-site *erosion and sediment control BMPs* at least once every seven days, and within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period. The Permittee must maintain a file containing a log of observations and corrective actions as part of the *Erosion and Sediment Control Plan (ESCP)*.

### G. Inspection Reports

1. The Permittee must prepare and retain a report on each inspection. The report must include:
  - a. A summary of the inspection.
  - b. The names of personnel that conducted the inspection.
  - c. The date(s) of the inspection.
  - d. Observations relating to the implementation of the Site Management Plan (SMP).
  - e. Any actions taken as a result of the inspection.

- f. Any corrective actions or maintenance tasks needed.
- 2. Completed inspection forms, logs, checklists, or records used to meet other governmental agency requirements (e.g. Washington State Department of Transportation or Mine Safety and Health Administration requirements) may be acceptable as inspection reports provided they address the items in S4.G.1 of the permit.
- 3. The responsible party must sign the reports in accordance with General Condition G1 and must certify that the Permittee has investigated the discharge of stormwater for the presence of non-stormwater.

#### **H. Exemption from Visual Monitoring**

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

### **S5. SITE MANAGEMENT PLAN (SMP)**

#### **A. SMP Sections**

The *Site Management Plan (SMP)* consists of a site map and 4 main sections:

- 1. Erosion and Sediment Control Plan (ESCP)
- 2. Monitoring Plan
- 3. *Stormwater Pollution Prevention Plan (SWPPP)*
- 4. Spill Control Plan

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

#### **B. SMP Requirements**

The Permittee must:

- 1. Have and fully implement a site specific SMP.
- 2. Review the SMP at least once a year. Note the date of review and the name(s) of the personnel that conducted the review in the SMP.
- 3. Retain and provide the SMP per the requirements in S10.D.
- 4. The responsible party, as identified in General Condition G1, must sign the SMP and all of its modifications.

**C. Modifications of the SMP**

1. The Permittee must review and modify the SMP whenever there is a violation of discharge limits in Special Conditions S2 and S3. Additional or modified BMPs must be implemented as soon as practicable but not to exceed 10 days, except for those circumstances that require additional time (such as obtaining other permits or purchasing equipment). Allowance of time beyond 10 days must be requested of and approved by Ecology.
2. Ecology may require the Permittee to modify the SMP for non-compliance with the minimum requirements of this section. The Permittee must then complete SMP modifications and implement additional or modified BMPs as soon as practicable or as directed by Ecology.
3. The Permittee must update the SMP as necessary to respond to changes in facility and site conditions.

**D. Site Map**

Permittees must have a site map. The site map should show and identify the following features and areas associated with industrial activities:

1. The site map scale, or include relative distances between significant structures and drainage systems.
2. Outfalls, monitoring points:
  - a. Assign a unique identifier up to four characters (e.g. S001, S002, etc.) to each outfall and monitoring point. The Permittee must use these identifiers on Discharge Monitoring Reports (DMRs).
  - b. Show the drainage area for each point.
  - c. Label the types of discharges that occur at each point (e.g. process water, mine dewatering water and stormwater).
  - d. Label whether the discharge is to surface water or groundwater.
3. Drainage features:
  - a. Drainage direction, flow paths, ditches, ponding areas, and discharge structures.
  - b. Nearby and on-site surface water bodies (including any known underlying aquifers).
  - c. Lands adjacent to the site where helpful in identifying discharge points or drainage routes.
4. Industrial areas:
  - a. Paved areas and buildings.
  - b. Vehicle and equipment cleaning or washout areas.
  - c. Vehicle and equipment maintenance areas.
  - d. Outdoor storage areas of materials or products.

- e. Outdoor processing areas.
- f. Loading and unloading of dry bulk materials or liquids.
- g. On-site waste treatment, storage, or disposal areas.
- h. Underground storage areas of materials or products.

## **S6. SMP SECTION 1: EROSION AND SEDIMENT CONTROL PLAN (ESCP)**

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

### **A. Stabilization BMPs**

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

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

### **B. Runoff Conveyance and Treatment BMPs**

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

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

## **S7. SMP SECTION 2: MONITORING PLAN**

At active sites, and inactive sites where monitoring is required per S4.C.1 and/or S4.C.2, Permittees must maintain and comply with a monitoring plan developed in accordance with Special Conditions S2, S3, and S4.

### **A. Monitoring Plan and Content Requirements**

The monitoring plan must at a minimum:

1. Identify all the industrial activities at the site. Include the NAICS / Ecology codes associated with each monitoring point.
2. Include all of the applicable parameters and monitoring frequencies identified in this permit as monitoring requirements.
3. The plan must identify enough monitoring points to provide representative sampling of all *point source* discharges to surface water or groundwater.
4. List the standard procedures used at the facility for collecting samples for analysis. The publications: NPDES Stormwater Sampling Guidance Document (EPA 833-B-92-001, July 1992), or How to Do Stormwater Sampling — A guide for industrial facilities (Ecology Publication 02-10-071), or equivalent sampling methods, must be used as guidance for stormwater, mine dewatering water, and process water sampling procedures.
5. List the non-compliance notification procedures and contact numbers.

### **B. Maintaining the Monitoring Plan**

If facility conditions require the modification, addition, or deletion of a monitoring point, the Permittee must update their monitoring plan and edit their monitoring point in WQWebDMR<sup>3</sup>.

## **S8. SMP SECTION 3: STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

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

### **A. Measures to Prevent Commingling**

Measures to prevent the commingling of stormwater with process water or mine dewatering water, unless the facility is designed to reuse process water. Stormwater that commingles with process water is considered process water and is subject to all permit conditions for process water.

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<sup>3</sup> Permittees that have received an Electronic Reporting Waiver must notify Ecology in writing of monitoring point modifications, additions, or deletions before the end of the quarter in which the change will occur.

**B. Runoff Conveyance and Treatment BMPs**

The SWPPP must include runoff conveyance and treatment BMPs as necessary to control pollutants and comply with the stormwater discharge limits in S2 and S3. (Refer to the Stormwater Management Manuals for additional information.)

Runoff conveyance BMPs include, but are not limited to:

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

Treatment BMPs may include, but are not limited to:

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

**C. Innovative BMPs**

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

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

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

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

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

### E. Source Control BMPs

The SWPPP must include the following source control BMPs in order to achieve AKART and compliance with the stormwater discharge limits in S2 and S3. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or if the Permittee provides alternative and equally effective BMPs. The Permittee must note the rationale for omission or substitution in the SWPPP. The Permittee must:

1. Store all **chemical liquids, fluids, and petroleum products** (except bitumen), in double-walled tanks or in secondary containment. Secondary containment includes an impervious surface surrounded with a containment berm or dike that is capable of containing 10% of the total enclosed tank volume or 110% of the volume contained in the largest tank, whichever is greater.
  - a. To prevent precipitation from accumulating in secondary containment provide a roof or equivalent structure.
  - b. If cover is not practicable, the SWPPP must include a description of how accumulated water will be managed and disposed of.
2. Label **containers** (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”).
3. Fully drain and cap **empty containers**. Minimize the number of empty containers on site.
4. Fit all **dumpsters** containing leachable materials with a lid that must remain closed when not in use, or alternatively keep the dumpster under cover.
5. Locate **spill kits** at all stationary fueling stations, fuel transfer stations, mobile fueling units, and used oil storage/transfer stations.
6. Use drip pans or equivalent containment measures during all **petroleum transfer operations**.
7. Conduct all **vehicle and equipment cleaning operations** per the following:
  - a. Permittees may use low pressure (under 100 psi) cold water to rinse mud off of vehicles and equipment provided no soap is used. Route rinse water to an on-site sediment treatment structure (e.g. sediment trap, catch basin with gravity separator, or treatment pond).
  - b. Conduct all other vehicle and equipment cleaning operations under cover or in a bermed area to prevent commingling of wash water and stormwater.
    - i. This wash water must drain to a proper collection system (i.e., not the stormwater drainage system).
    - ii. Do not discharge any wastewater from concrete truck wash-out areas or from concrete trucks directly to surface water or groundwater. Treat this wastewater in a lined impoundment.
8. Store **unhardened concrete**, any type of concrete solids (does not include fully cured or recycled concrete), returned asphalt, and cold mix asphalt on a bermed impervious surface. This includes comeback concrete, ecology blocks, septic tanks,

jersey barriers, and other cast concrete products. Treat all stormwater that contacts these materials in a lined impoundment. Discharge of this water is subject to the effluent limitations in S2 and must not cause a violation of water quality standards.

9. Store **lead acid batteries** under cover.
10. Take **leaking equipment** out of service and prevent it from leaking on the ground until repaired. Repair all leaks before putting equipment back into service on the site.
11. Manage **paving equipment** to prevent stormwater contamination.
12. Manage **sediment track out** to paved off-site roads to prevent the tracked sediment from delivering to surface water or storm drain systems. Discharges to surface waters, public storm drain systems, or both are subject to permit limits for turbidity and must be included in the Permittee's Monitoring Plan whenever track out onto an off-site roadway is evident. Measures recommended to control or prevent track out include:
  - a. Limit vehicle access and exit to one route, if possible.
  - b. Stabilize access points with a pad of quarry spalls, crushed rock, or other equivalent BMP, as necessary to minimize the tracking of sediment onto off-site roads.
  - c. Locate a closed loop wheel wash or tire baths (or equivalent BMP) on site, if the stabilized construction entrance is not effective in preventing sediment from being tracked onto off-site roads. Wheel wash and tire bath wastewater is process water and is subject to the effluent limitations and monitoring requirements in Special Condition S2, Table 2, and S4 and must not cause a violation of water quality standards.
  - d. Clean off-site roads thoroughly at the end of each day or more frequently during wet weather if sediment is tracked off site. Clean sediment from roads by shoveling or pickup sweeping and transport to a controlled sediment disposal area.
  - e. Only wash streets after sediment is removed in accordance with condition d above. Street wash wastewater must be controlled by pumping back on site or otherwise be prevented from discharging into systems tributary to waters of the state.
13. The Permittee must use **source control BMPs** in the following areas and during the following activities as necessary to control pollutants:
  - a. Fueling at Dedicated Stations
  - b. Mobile Fueling
  - c. Loading and Unloading Areas
  - d. Storage of Liquid in Permanent Above-ground Tanks
  - e. Dust Control

- f. High Use Parking Areas
- g. Storage or Transfer of Solid Raw Materials, By-Products or Finished Products  
(See Volume IV in the SWMMWW/Chapter 8 in the SWMMEW for specific BMPs)

#### **F. Concrete Recycling BMPs**

Permittees that conduct *concrete recycling* (ECY002) must include the following BMPs within their SWPPP and implement them on-site. Permittees may omit individual BMPs below if site conditions render the BMP unnecessary or if the Permittee provides alternative and equally effective BMPs. The Permittee must note the rationale for omission or substitution in the SWPPP.

1. Permittees that receive permit coverage for their site for the first time on or after April 1, 2016 must not place new concrete recycling stockpile(s) in the following locations:
  - a. Within 100 feet or less (horizontal distance) from the ordinary high water mark of surface water bodies (including streams, lakes, rivers, saltwater bodies, wetlands, etc.).
  - b. Within 100 feet or less (horizontal distance) from drinking water and irrigation well(s).
  - c. Within a Wellhead Protection Area.
  - d. Where there is a discharge to ground associated with the concrete recycling stockpile and there is not a minimum of 10 feet of separation between the bottom of the recycled concrete stockpile(s) and groundwater.
2. Establish materials acceptance procedures to ensure that inbound recycled concrete materials are not a source of dangerous waste such as lead paint, asbestos, and joint sealants which contain Polychlorinated Biphenyls (PCBs).

### **S9. SMP SECTION 4: SPILL CONTROL PLAN**

#### **A. Materials of Concern**

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

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

### B. Spill Control Plan Contents

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

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

### C. Spill Response

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

## S10. REPORTING AND RECORD KEEPING REQUIREMENTS

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

### A. Discharge Monitoring Reports

1. Permittees must submit a "Discharge Monitoring Report (DMR)" form on a quarterly basis for all:
  - a. Active sites, whether or not the facility was discharging.
  - b. Inactive sites required to conduct monitoring per condition S4.C.1 and/or S4.C.2.
2. Permittees must submit DMRs to Ecology on or before the DMR due dates according to the Table 5 below:

**Table 5: Discharge Monitoring Reporting Due Dates**

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

3. For Permittees that receive permit coverage for the first time after the effective date of this permit, the first monitoring period is the first full quarter following the date of permit coverage.
4. Permittees must submit DMRs electronically using Ecology's Water Quality Permitting Portal (WQWebDMR) – Discharge Monitoring Report (DMR) application, unless the Permittee applies for and Ecology approves an *Electronic Reporting Waiver*<sup>4,5</sup>. Permittees that have received an Electronic Reporting Waiver from Ecology must submit their DMRs to the appropriate regional Ecology office.
5. By the due dates in Table 6, permittees must either:
  - a. Setup their WQWebDMR account and submit an "Electronic Signature Account Form" (ESAF). (Visit <http://www.ecy.wa.gov/programs/wq/permits/paris/webdmr.html> for instructions.)
  - b. Or, submit an "Electronic Waiver Request" form (ECY 070-381) to the appropriate regional Ecology office.

Permittees that have an existing electronic signature account do not need to resubmit an ESAF or Electronic Waiver Request form.

**Table 6: Due Dates for ESAF or Electronic Waiver Request**

| Operating Status:                                                                                  | Due date:                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Active operating status on the effective date of this permit                                       | May 1, 2016                                                                                                                                                                              |
| Inactive operating status on the effective date of this permit <sup>6</sup>                        | Two months before your first DMR due date under this permit. (E.g. if your first DMR is due October 30, 2016 you must submit your ESAF or Electronic Waiver Request by August 30, 2016.) |
| Permittees that receive permit coverage for the first time after the effective date of this permit | Two months before your first DMR due date under this permit. (E.g. if your first DMR is due October 30, 2017 you must submit your ESAF or Electronic Waiver Request by August 30, 2017.) |

<sup>4</sup> Ecology typically only grants Electronic Reporting Waivers to permittees that do not have a computer, printer, or internet connection.

<sup>5</sup> For the DMR due April 30, 2016 permittees may submit their DMRs either electronically or on paper. For DMRs due after April 30, 2016 permittees must submit their DMRs electronically per this requirement.

<sup>6</sup> Including inactive sites required to conduct monitoring per condition S4.C.1 and/or S4.C.2 (e.g. inactive sites monitoring per S4.C.1 whose first DMR is due July 30, 2016 must submit their ESAF or Electronic Waiver Request by May 30, 2016).

## B. Production Number Range Reporting

1. Annually, by January 30<sup>7</sup> non-portable Permittees that have a NAICS code of 324121, 327320, 327332, and/or 327390 must report for the previous year which range below their production of asphalt and/or concrete fell within.

**Table 7: Concrete and Asphalt Production Ranges**

| Concrete Production Ranges                                   | Asphalt Production Ranges                                   |
|--------------------------------------------------------------|-------------------------------------------------------------|
| Inactive (zero concrete production during the calendar year) | Inactive (zero asphalt production during the calendar year) |
| 0 - < 25,000 cu. yds/yr                                      | 0 - < 50,000 tons/yr                                        |
| 25,000 - < 200,000 cu. yds/yr                                | 50,000 - < 300,000 tons/yr                                  |
| 200,000 cu. yds/yr and greater                               | 300,000 tons/yr and greater                                 |

2. Permittees must submit their production number ranges electronically using Ecology's Water Quality Permitting Portal, unless the Permittee applies for and Ecology approves an Electronic Reporting Waiver. Permittees that have received an Electronic Reporting Waiver from Ecology must submit their production number ranges to the appropriate regional Ecology office via the paper form that Ecology provides for this purpose.

## C. Additional Monitoring by the Permittee

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

## D. Records Retention

1. The Permittee must retain records of the following documents on site, or within reasonable access to the site:
  - a. The current version of the Sand and Gravel General Permit.
  - b. Permit coverage page.
  - c. The Site Management Plan (SMP), including all four main sections, site map, and applicable incorporated plans.
  - d. All monitoring information for a minimum of five (5) years including:
    - i. Copies of Discharge Monitoring Reports.
    - ii. All calibration and maintenance records.

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<sup>7</sup> Beginning January 30, 2017.

- iii. All original recordings for continuous monitoring instrumentation.
  - e. For a minimum of three (3) years from the date of the sample, measurement, report, or application:
    - i. Copies of all reports required by this permit.
    - ii. Records of all data used to complete the application for this permit.
- 2. The Permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.
- 3. The Permittee must make all plans, documents, and records required by this permit immediately available, upon request, to Ecology or the local jurisdiction.
- 4. The Permittee must provide a copy of the SMP (including all four main sections, site map, and applicable incorporated plans) to the public when requested in writing to do so. The copy must be provided within 10 days.

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

- a. Providing copies of all the requested SMPs.
- b. Providing the requester(s) a reasonable estimate of when the requests will be fulfilled. And by providing the copies of all the requested SMPs within 10 days per SMP requested (e.g. if a Permittee receives a request to provide SMPs for three of their facilities they will have a maximum of 30 days to provide the copies of all three SMPs).

#### **E. Reporting Permit Violations**

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

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

4. Ecology may waive the requirement for a written report on a case-by-case basis, if the Permittee notifies Ecology within 24 hours per S10.E.2.

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

#### **F. Spill Reporting**

The Permittee must report a spill of oil or hazardous materials in accordance with the requirements of RCW 90.56.280 and Chapter 173-303-145 WAC by calling the National Response Center 1-800-424-8802, *and* the Washington Emergency Management Division 1-800-258-5990. Permittees can obtain additional instructions at the following website: <http://www.ecy.wa.gov/programs/spills/other/reportaspill.htm>.

### **S11. SOLID WASTE DISPOSAL**

#### **A. Solid Waste Handling**

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

#### **B. Leachate**

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

#### **C. Recycle and Waste Material Other Than Concrete or Asphalt**

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

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

## S12. PERMIT APPLICATION

### A. How to Apply for Permit Coverage

1. All new facilities and un-permitted existing facilities that intend to obtain coverage, and permitted existing facilities planning a *significant process change* must submit an application.
  - a. The Permittee must submit the application no less than one hundred and eighty (180) days before beginning any activity that may result in the discharge of any pollutant. No discharge is authorized until the effective date of permit coverage as provided in Special Condition S12.C below.
  - b. All new facilities and un-permitted existing facilities that intend to obtain coverage, must submit an application electronically using Ecology's Water Quality Permitting Portal – Permit Coverage Notice of Intent (NOI) application, unless the applicant applies for and receives an Electronic Reporting Waiver from Ecology. Applicants that have received a waiver from Ecology must submit a completed and signed application to the appropriate regional Ecology office.
  - c. All permitted existing facilities planning a significant process change must submit a completed and signed application, to the appropriate regional Ecology office.
  - d. Facilities with stormwater discharge to a storm sewer operated by any of the following municipalities must send a copy of their application for coverage to the appropriate *municipality*: Seattle, King County, Snohomish County, Tacoma, Pierce County, and Clark County.
  - e. All new facilities, and permitted existing facilities planning a significant process change, must:
    - i. Satisfy public notice requirements in WAC 173-226-130(5).
    - ii. Certify that the applicable *SEPA* requirements have been met.
    - iii. Meet the requirements of Chapter 173-240 WAC, SUBMISSION OF PLANS AND REPORTS FOR CONSTRUCTION OF WASTEWATER FACILITIES.
  - f. A Permittee may include in the *application* for coverage, activities that are, or could be performed by an operator(s) other than the Permittee. These activities may be ongoing or intermittent. As the permit holder, the Permittee is responsible for compliance with all conditions of the permit.
2. New facilities that propose to discharge to a segment of a waterbody on the current EPA-approved 303(d) list for turbidity or fine sediment must conduct turbidity monitoring in accordance with an Ecology-approved Quality Assurance Project Plan that includes receiving water monitoring to demonstrate the discharge does not cause or contribute to the impairment. The applicant/Permittee must contact Ecology before developing a Quality Assurance Project Plan.

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

#### **B. Permit Coverage for Portable Facilities**

All portable facilities that are new facilities, un-permitted existing facilities, and permitted existing facilities planning a significant process change must comply with the requirements in S12.A. Permit coverage will apply only to the specific *portable facility* identified in the application. Permit coverage is provided for the portable facility at sites throughout the state subject to the following requirements:

1. The Permittee of the portable facility must submit a completed and signed "Portable Facility Notification of Intent to Begin Operation" form (ECY 070-36) no less than ten (10) days before beginning each operation at a new location. The form must be sent to the appropriate Ecology regional office for where the site and operation is located. The Permittee must also complete requirements for new discharges (S12.A.2 and S12.A.3) if the new location will have a discharge to surface waters.
2. Upon completion of the portable operation, the Permittee must restore all areas affected by the operation in accordance with the "Site Restoration" portion of the "Notice of Intent to Begin Operations" form (ECY 070-36) submitted to Ecology prior to beginning operations.

Site restoration must include:

- a. Cleaning up, or otherwise preventing the discharge of, any pollutant (including spilled petroleum products) to waters of the state.
- b. Stabilizing all areas affected by activities associated with the portable operation with a permanent vegetative cover or equivalent permanent stabilization measure (crushed rock surfacing, rip rap, etc.) which will prevent erosion.
3. The Permittee must submit a completed and signed "Portable Facility Notice of Completion of Portable Operations" form (ECY 070-30) to the Water Quality Permit Coordinator at the appropriate Ecology regional office when it has completed the following:
  - a. All activities associated with the portable operation have ceased.
  - b. All equipment associated with the operation has been removed.
  - c. All land affected by the portable operation has been restored in accordance with S12.E.

**C. Permit Coverage Timeline**

1. Unless Ecology notifies the applicant in writing to the contrary, coverage under this general permit will begin on the later of the following:
  - a. The thirty-first (31st) day after Ecology receives the completed application.
  - b. The thirty-first (31st) day after the end of a thirty (30) day public comment period.
  - c. The effective date of the general permit.
2. If the application is incomplete, an appeal has been filed, public comments have been received, or more information is necessary to determine whether a facility requires coverage under the general permit, additional time may be required to review the application. When additional time is required, Ecology will:
  - a. Notify the applicant in writing and identify the issues that must be resolved before a decision can be reached.
  - b. Send the final decision to the applicant in writing. If the application is approved, coverage begins the thirty-first (31st) day after approval.
3. If the applicant has an individual permit but applies for coverage under the general permit, the individual permit will remain in effect until terminated in writing by Ecology. However, an expired individual permit, pursuant to WAC 173-220-180(5), will terminate upon coverage by the general permit.

**D. Reporting Change in Operating Status**

1. Any facility that changes operating status from active to inactive, or inactive to active, must submit an "Activity Status Change Form" (ECY 070-33) to Ecology as follows:
  - a. If the change is from inactive to active, the form must be submitted no less than ten (10) days before the change.
  - b. If the change is from active to inactive, the form must be submitted no later than ten (10) days after the change.
2. The failure to accurately report changes in operating status is a permit violation.
3. Non-portable facilities are considered *nonoperating* for fee purposes if they conduct their activities for less than ninety cumulative days during a calendar year.
4. Non-portable asphalt and/or concrete producing facilities are considered nonoperating for fee purposes if they do not produce any asphalt and/or concrete during the calendar year. Nonoperating sites that become active for only concrete and/or asphalt production will be assessed a prorated fee for the actual time inactive.
5. Portable facilities must commit to being shut down for a minimum of twelve calendar months before the status can be changed to nonoperating for fee purposes.

**E. Terminating Coverage**

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

1. A mining site is considered restored when DNR has completely released the reclamation bond or the site has been reclaimed to the satisfaction of the Ecology permit manager and local jurisdiction, if required. If the site is not subject to Department of Natural Resources reclamation, the mining site is considered restored when the site has been reclaimed to the satisfaction of the Ecology permit manager and local jurisdiction, if required.
2. Processing sites (includes concrete and asphalt batch operations) are considered restored when processing equipment has been removed and the Ecology permit manager determines the site has been returned to an appropriate condition.
3. Permittees that operated a portable facility at one or more locations in Washington State may terminate statewide permit coverage if the Permittee is in compliance with S12.B.2 at all sites where they have operated a portable facility under this permit.
4. If the Permittee is prohibited by law from accessing the site to complete site restoration, the Permittee may request termination by submitting to Ecology a “Change Request Form” (ECY 070-32) along with documentation of the Permittee’s inability to access the site.
5. Permittees must comply with all conditions, including fee payment, in this permit until Ecology terminates permit coverage.

**F. Transferring Permit Coverage**

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

## GENERAL CONDITIONS

### G1. SIGNATORY REQUIREMENTS

A. All applications must be signed and certified.

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

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

- a. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation.
  - b. Or, the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. In the case of a partnership, by a general partner.
  3. In the case of sole proprietorship, by the proprietor.
  4. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

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

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

1. The authorization is made in writing by a person described above and submitted to Ecology.
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

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

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

## **G2. DISCHARGE VIOLATIONS**

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

## **G3. PROPER OPERATION AND MAINTENANCE**

The Permittee must at all times properly operate and maintain all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by the Permittee for pollution control.

## **G4. REDUCED PRODUCTION FOR COMPLIANCE**

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

## **G5. BYPASS PROCEDURES**

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

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

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

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

This bypass is permitted only if:

1. Bypass is unavoidable to prevent loss of life, personal injury, or *severe property damage*. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
2. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
3. Ecology is properly notified of the bypass as required in condition S10.E of this permit.

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

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

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

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

1. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
2. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during

normal periods of equipment down time, or transport of untreated wastes to another treatment facility.

3. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

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

#### **G6. RIGHT OF INSPECTION AND ENTRY**

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

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

#### **G7. [RESERVED]**

#### **G8. NOTIFICATION OF CHANGE IN COVERED ACTIVITIES**

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

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

#### **G9. PERMIT COVERAGE REVOKED**

Pursuant with Chapter 43.21B RCW and Chapter 173-226 WAC, the *Director* may require any *discharger* authorized by this permit to apply for and obtain coverage under an

*Sand and Gravel General Permit*

individual permit or another more specific and appropriate general permit. Cases where revocation of coverage may be required include, but are not limited to, the following:

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

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

#### **G10. GENERAL PERMIT MODIFICATION AND REVOCATION**

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

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

#### **G11. REPORTING A CAUSE FOR MODIFICATION**

A Permittee who knows, or has reason to believe, any activity has occurred or will occur which would constitute cause for modification or revocation under Condition G10, or 40 CFR 122.62, must report such plans, or such information, to Ecology so that a decision can be made on whether action to modify coverage or revoke coverage under this permit will be

required. Ecology may then require submission of a new application for coverage under this, or another general permit, or an application for an individual permit. Submission of a new application does not relieve the Permittee of the duty to comply with all the terms and conditions of the existing permit until the new application for coverage has been approved and corresponding permit has been issued.

## **G12. TOXIC POLLUTANTS**

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

## **G13. OTHER REQUIREMENTS OF 40 CFR**

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

## **G14. COMPLIANCE WITH OTHER LAWS AND STATUTES**

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

## **G15. ADDITIONAL MONITORING**

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

## **G16. PAYMENT OF FEES**

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

## **G17. REMOVED SUBSTANCES**

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

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

Any discharger authorized by this permit may request to be excluded from coverage under this general permit by applying for an individual permit. The discharger must submit to the Director an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. The Director will either issue

an individual permit or deny the request with a statement explaining the reason for the denial. When an individual permit is issued to a discharger otherwise subject to this general permit, the applicability of this general permit to that Permittee is automatically terminated on the effective date of the individual permit.

#### **G19. PERMIT TRANSFER**

- A. Coverage under this permit is automatically transferred to a new owner or operator if:
  1. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.
  2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
  3. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke coverage under this permit.
- B. Unless permit coverage is automatically transferred according to Section A above, this permit coverage may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by Ecology.
- C. When a current Permittee transfers control or ownership of a portion of a permitted site to another person, the current Permittee must also submit an application to Ecology per G8.

#### **G20. DUTY TO REAPPLY**

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

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

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

#### **G21. UPSET**

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

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

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S10.E) the Permittee complied with any remedial measures required under G30 of this permit.

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

## **G22. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

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

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

## **G23. APPEALS**

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

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

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

## **G24. SEVERABILITY**

The provisions of this permit are severable, and if any provision of this general permit or application of any provision of this general permit to any circumstance is held invalid, the

application of such provision to other circumstances, and the remainder of this general permit, will not be affected thereby.

## **G25. PROPERTY RIGHTS**

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

## **G26. DUTY TO COMPLY**

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

## **G27. PENALTIES FOR TAMPERING**

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

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

## **G28. REPORTING ANTICIPATED NON-COMPLIANCE**

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

## **G29. REPORTING OTHER INFORMATION**

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

**G30. DUTY TO MITIGATE**

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

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

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

- Additional information about the North American Classification System.
- Corresponding *Standard Industrial Classification (SIC)* Codes.
- References to *40 CFR Part 436, Mineral Mining and Processing Point Source Category*.
- References to *40 CFR Part 443, Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources for the Paving and Roofing Materials (Tars and Asphalt) Point Source Category*.
- Descriptions of the activities listed in Table 1.

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

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

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

The official 2012 U.S. NAICS Manual, includes definitions for each industry, background information, tables showing changes between 2007 and 2012, and a comprehensive index. The official 2012 U.S. NAICS Manual is available in print and on CD\_ROM from the National Technical Information Service (NTIS) at (800) 553-6847 or (703) 605-6000, or through the NTIS website. Previous versions of the NAICS Manual are available.

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

NAICS/Ecology Codes and Descriptions for Activities Covered by the Sand and Gravel General Permit

| NAICS/Ecology Code                                                                                                          | SIC Number                                  | CFR Reference                                         | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 113110 Timber Tract Operations (Rock crushing and/or gravel washing facilities associated with silvicultural point sources) | 0811 Timber Tracts (long term timber farms) |                                                       | Coverage for timber tracts and logging activities is limited to those mining activities associated with the forestry industry that classify as silvicultural point source. A silvicultural point source applies only to the production of materials for use in forest management. For this industry, covered activities are limited to rock crushing or gravel washing facilities that use a discernible, confined and discrete conveyance to discharge pollutants to waters of the state. |
| 113310 Logging (Rock crushing and/or gravel washing facilities associated with silvicultural point sources)                 | 2411 Logging                                |                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 212311 Dimension Stone Mining and Quarrying                                                                                 | 1411 Dimension Stone                        | 40 CFR Part 436 Subpart A—Dimension Stone Subcategory | Coverage is provided for mining and quarrying of dimension stone, including rough blocks and slabs. The types of mines or quarries covered included in this category for this permit are: basalt, diabase, diorite, dolomite, dolomitic marble, flagstone, gabbro, gneiss, granite, limestone, marble, quartzite, sandstone, serpentine, slate, and volcanic rock.                                                                                                                         |
| 212312 Crushed and Broken Limestone Mining and Quarrying                                                                    | 1422 Crushed and Broken Limestone           | 40 CFR Part 436 Subpart B—Crushed Stone Subcategory   | Coverage is provided for mining, quarrying, and on-site processing of crushed and broken limestone or riprap (including related rocks, such as dolomite, cement rock, marl, travertine, and calcareous tufa). Processing means washing, screening, crushing, or otherwise preparing rock material for use. The types of mines or quarries included in this category are: limestone, calcareous tufa, chalk, dolomite, lime rock, marl, and travertine.                                     |
| 212313 Crushed and Broken Granite Mining and Quarrying                                                                      | 1423 Crushed and Broken Granite             | 40 CFR Part 436 Subpart B—Crushed Stone Subcategory   | Coverage is provided for mining, quarrying, and on-site processing of crushed and broken granite (including related rocks, such as gneiss, syenite, and diorite).                                                                                                                                                                                                                                                                                                                          |

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

| NAICS/Ecology Code                                         | SIC Number                                                                                                                                                           | CFR Reference                                                      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 212319 Other Crushed and Broken Stone Mining and Quarrying | 1429 Crushed and Broken Stone, Not Elsewhere Classified<br><br>1499 Miscellaneous Nonmetallic Minerals, Except Fuels (bituminous limestone and bituminous sandstone) | 40 CFR Part 436 Subpart B—Crushed Stone Subcategory                | Coverage is provided for developing the mine site and, or mining or quarrying crushed and broken stone (except limestone and granite); preparation plants primarily engaged in grinding and pulverizing stone (except limestone and granite); and for mining or quarrying bituminous limestone and bituminous sandstone.<br><br>Activities associated with SIC 1429 include mining or quarrying crushed and broken stone, not elsewhere classified. The types of mines or quarries included in this category are: basalt, dolomitic marble, gabbro, gneiss, granite, marble, mica schist, onyx marble, quartzite, non-bituminous sandstone, serpentine, slate, trap rock, and volcanic rock.<br><br>Activities associated with SIC 1499 include mining, quarrying, milling, or otherwise preparing nonmetallic minerals, except fuels. The types of mines or quarries included in this category are: bituminous (native mining), bituminous limestone, and bituminous sandstone. |
| 212321 Construction Sand and Gravel Mining                 | 1442 Construction Sand and Gravel                                                                                                                                    | 40 CFR Part 436 Subpart C—Construction Sand and Gravel Subcategory | Coverage is provided for mining and on-site processing of sand and gravel for construction or fill purposes. Processing means washing, screening, crushing, or otherwise preparing sand and gravel for construction uses.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 212322 Industrial Sand Mining                              | 1446 Industrial Sand                                                                                                                                                 | 40 CFR Part 436 Subpart D—Industrial Sand Subcategory              | Coverage is provided for mining and on-site processing of sand for uses other than construction, including but not limited to glassmaking, molding, filtration, refractories, refractory bonding, and abrasives. Processing employing a HF flotation method is not covered by this general permit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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

| <b>NAICS/Ecology Code</b>                              | <b>SIC Number</b>                                                                                            | <b>CFR Reference</b>                                                                                                | <b>Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 212324 Kaolin and Ball Clay Mining                     | 1455 Kaolin and Ball Clay                                                                                    | 40 CFR Part 436 Subpart AG—Kaolin Subcategory<br><br>40 CFR Part 436 Subpart AH—Ball Clay Subcategory               | Coverage is provided for the mining and on-site processing of kaolin, ball clay, china clay, paper clay, and slip clay.                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 212325 Clay and Ceramic and Refractory Minerals Mining | 1459 Clay, Ceramic, and Refractory Minerals, NEC                                                             | 40 CFR Part 436 Subpart V—Bentonite Subcategory<br><br>40 CFR Part 436 Subpart AD—Shale and Common Clay Subcategory | Coverage is provided for the mining and on-site processing of bentonite.<br><br>Coverage is provided for the mining and on-site processing of clays and refractory minerals. Mines operated in conjunction with plants manufacturing cement, brick, or other structural clay products are included in this industry. Establishments engaged in grinding, pulverizing, or otherwise treating clay, ceramic and refractory minerals not in conjunction with mining or quarrying operations are not included in this general permit.                                        |
| 212399 All Other Nonmetallic Mineral Mining            | 1499 Miscellaneous Nonmetallic Minerals, Except Fuels (except bituminous limestone and bituminous sandstone) | 40 CFR Part 436 Subpart H—Lightweight Aggregates Subcategory<br><br>40 CFR Part 436 Subpart X—Diatomite Subcategory | Coverage is provided for mining, quarrying, and on-site processing of perlite, pumice, or vermiculite.<br><br>Coverage is provided for mining and on-site processing of diatomite or diatomaceous earth.<br><br>Activities associated with SIC 1499 include mining, quarrying, milling, or otherwise preparing nonmetallic minerals, except fuels. The types of mines or quarries included in this category are: calcite, diatomaceous earth, diatomite, fill dirt, graphite, gypsum, mica, millstone, perlite, pumice, soapstone, talc, and other nonmetallic minerals. |
| 324121 Asphalt Paving Mixture and Block Manufacturing  | 2951 Asphalt Paving Mixtures and Blocks                                                                      | 40 CFR Part 443 Subpart B—Asphalt Concrete Subcategory                                                              | Coverage is provided for hot mix asphalt plants.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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

| <b>NAICS/Ecology Code</b>                                                | <b>SIC Number</b>                                                                                    | <b>CFR Reference</b> | <b>Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 327320 Ready-Mix Concrete Manufacturing                                  | 3273 Ready-Mixed Concrete                                                                            |                      | Coverage is provided for facilities engaged in manufacturing Portland concrete delivered to a purchaser in a plastic and unhardened state. This includes production and sale of central-mixed concrete and portable ready-mixed concrete.<br><br>Ecology considers the acceptance of returned concrete (i.e. comeback concrete) and the formation of ecology blocks from returned concrete as accessory uses under this NAICS code.                                  |
| 327331 Concrete Block and Brick Manufacturing                            | 3271 Concrete Block and Brick                                                                        |                      | Coverage is provided for facilities engaged in manufacturing concrete blocks and bricks. This includes concrete: architectural block, patio block, plinth blocks, recast concrete block and bricks, and permeable pavers.                                                                                                                                                                                                                                            |
| 327332 Concrete Pipe Manufacturing                                       | 3272 Concrete Products, Except Block and Brick (concrete pipe)                                       |                      | Coverage is provided for facilities engaged in manufacturing concrete pipe. This includes concrete: conduits, culvert pipe, irrigation pipe, pressure pipe, and sewer pipe.                                                                                                                                                                                                                                                                                          |
| 327390 Other Concrete Product Manufacturing                              | 3272 Concrete Products, Except Block and Brick (concrete products, except dry mix concrete and pipe) |                      | Coverage is provided for facilities engaged in manufacturing concrete products (except block, brick, and pipe). This includes concrete: furniture, vaults, tanks, girders, beams, statuary, poles, roofing tile, and ties.                                                                                                                                                                                                                                           |
| 327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing | 3272 Concrete Products, Except Block and Brick (dry mixture concrete)                                |                      | Coverage is provided for facilities engaged in manufacturing nonmetallic mineral products not covered by other NAICS codes. This includes dry mix concrete manufacturing.                                                                                                                                                                                                                                                                                            |
| ECY001 Asphalt Recycling                                                 |                                                                                                      |                      | The processing (including, but not limited to, crushing, fracturing, sorting, storing, stockpiling, grading, and washing) of hardened asphalt (not including asphalt roofing products) to produce a reusable product.<br><br>Sites only storing or stockpiling hardened asphalt, and not otherwise crushing or processing the material are not subject to coverage under this permit unless they conduct additional activities requiring coverage under this permit. |

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

| NAICS/Ecology Code        | SIC Number | CFR Reference | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------|------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ECY002 Concrete Recycling |            |               | <p>The processing (including, but not limited to, crushing, fracturing, sorting, storing, stockpiling, grading, and washing) of hardened structural concrete to produce a reusable concrete product.</p> <p>Sites only storing or stockpiling hardened structural concrete, and not otherwise crushing or processing the material are not subject to coverage under this permit unless they conduct additional activities requiring coverage under this permit.</p> |

## APPENDIX B — DEFINITIONS

These definitions are for terms that are used, or relate, to this permit. Defined terms appear in *italics* the first time they appear in the permit.

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

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

**Active Site** means a location where current mining (including site preparation and reclamation) or processing operations (including, but not limited to, crushing, classifying, or operating a concrete or hot mix asphalt plant) or stockpiles associated with current mining or processing operations, are located.

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

**Application** means a formal request for coverage, renewal of coverage, or modification of coverage, under this general permit using the electronic or paper form(s) developed by the Washington State Department of Ecology for that purpose. Also called a Notice of Intent (NOI). Ecology has developed multiple application forms for specific conditions (e.g. applications for portable facilities versus non-portable facilities, applications for coverage modifications due to significant process changes). Links to the appropriate application forms are available on Ecology’s website at: <http://www.ecy.wa.gov/programs/wq/sand/index.html>. The application forms are also available by request from Ecology’s regional offices.

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

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

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

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

## APPENDIX B — DEFINITIONS

are further categorized as operational, source control, erosion and sediment control, and treatment.

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

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

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

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

**Closed Site** means a location where all activities associated with permit coverage have been terminated with no intent to return to operation in the future.

**Concrete Recycling** means the processing (including, but not limited to, crushing, fracturing, sorting, storing, stockpiling, grading, and washing) of hardened structural concrete to produce a reusable concrete product.

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

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

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

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

**Design Storm Volume** means the volume of runoff predicted to occur from a specified storm event. The storm event includes a time interval (e.g. 24-hours) and frequency (e.g. 10-year).

## APPENDIX B — DEFINITIONS

Volume-based treatment BMPs use the design storm volume as their design basis. Refer to the Ecology Stormwater Management Manual for storm event and additional information.

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

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

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

**Discharge Point** means the location where a discharge leaves the Permittee's facility. Discharge point also includes the location where a discharge enters the ground on-site (e.g., through a Permittee's treatment facilities/BMPs designed to infiltrate).

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

**Electronic Waiver Request** means permission from Ecology to submit paper applications, submittals, and DMRs instead of submitting them electronically. Permittees must submit a completed "Electronic Waiver Request" form (ECY 070-381) to receive a waiver. Ecology typically only grants Electronic Waivers to permittees that do not have a computer, printer, or internet connection.

**Equivalent Stormwater Management Documents** means manuals of *BMPs* approved by Ecology and subject to public review and comment.

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

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

**Erosion and Sediment Control Plan (ESCP)** means a document that describes the potential for erosion and sedimentation problems and explains and illustrates the measures to be taken to control those problems.

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

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

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

*Sand and Gravel General Permit*

## APPENDIX B — DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

## APPENDIX B — DEFINITIONS

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

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

**NAICS** means North American Industry Classification System.

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

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

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

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

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

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

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

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

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

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

**Pollution** means contamination or other alteration of the physical, chemical, or biological properties of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters; or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful,

*Sand and Gravel General Permit*

## APPENDIX B — DEFINITIONS

detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

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

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

**Process Water** means any water that is used for or results from the production, clean-up, or use of any raw material, intermediate product, finished product, byproduct, or waste product. The term also means any waste water used in or results from the slurry transport of mined material, air emissions control, or processing exclusive of mining.

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

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

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

**Returned asphalt** means hot mix asphalt that was brought back to the hot mix asphalt plant after being sent to a job site. Returned asphalt does not include asphalt that was installed and allowed to cool.

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

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

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

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

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

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

## APPENDIX B — DEFINITIONS

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

**Significant Materials** includes, but is not limited to: raw materials; fuels; materials such as solvents and detergents; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with stormwater or process water discharges.

**Silvicultural Point Sources** are timber tract and logging activities (*SIC* codes 0811 and 2411) that produce mined materials for use in forest management. Additionally, silvicultural point source activities are limited to rock crushing or gravel washing operations that use a discernible, confined and discrete conveyance to discharge pollutants to surface waters of the state.

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

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

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

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

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

**Stormwater** means rainfall and snowmelt runoff.

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

**Stormwater Management Manuals (SWMM)** means the most current edition<sup>8</sup> of the technical manuals [*Stormwater Management Manual for Western Washington (SWMMWW)* and *Stormwater Management Manual for Eastern Washington (SWMMEW)*] prepared by Ecology for use by local governments that contains BMPs to prevent, control, or treat pollution in stormwater.

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

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<sup>8</sup> Most current edition at the date of permit issuance.

## APPENDIX B — DEFINITIONS

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

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

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

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

**Total Dissolved Solids (TDS)** means those solids that are capable of passing through a glass fiber filter (1.0 – 1.5  $\mu\text{m}$ ) and dried to a constant weight at 180 degrees centigrade.

**Total Suspended Solids (TSS)** is the particulate material in an effluent that does not pass through a glass fiber filter. Large quantities of TSS discharged to a receiving water may result in solids accumulation. Apart from any toxic effects attributable to substances leached out by water, suspended solids may kill fish, shellfish, and other aquatic organisms by causing abrasive injuries and by clogging the gills and respiratory passages of various aquatic fauna. Indirectly, suspended solids can screen out light and can promote and maintain the development of noxious conditions through oxygen depletion.

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

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

**Type 1 Stormwater** means *stormwater* from portions of a site where no industrial activities have occurred or from a site or area within a site that has been reclaimed and the reclamation bond portion thereof (if any) has been released.

**Type 2 Stormwater** means stormwater from: 1) portions of a site where mining has temporarily or permanently ceased; or 2) from portions of a site with exposed soils in areas cleared in preparation for mining or other industrial activity. When different types of stormwater

## APPENDIX B — DEFINITIONS

commingle the water becomes the highest of the types which have commingled (i.e. when Type 1 and Type 2 stormwater commingle the stormwater becomes Type 2).

**Type 3 Stormwater** means stormwater discharges from:

1. Industrial plant yards;
2. Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
3. Material handling sites;
4. Sites used for the storage and maintenance of material handling equipment;
5. Sites used for residual treatment, storage, or disposal;
6. Shipping and receiving areas;
7. Storage areas for raw materials or intermediate and finished products at active sites; and
8. Areas where industrial activity has taken place in the past and *significant materials* remain and are exposed to stormwater.

**USEPA** means the United States Environmental Protection Agency.

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

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

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

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

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



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

*Northwest Regional Office 3190 160th SE Bellevue, Washington 98008-5452 (425) 649-7000*

June 1, 2016

John Cooper, Natural Resource Planner  
Skagit County Planning and Development Services Department  
1800 Continental Place  
Mt. Vernon, WA 98273

**RE: Ecology Comments on the Grip Road Gravel Mine  
Project File # PL16-0097 and PL16-0098**

Dear Mr. Cooper:

Thank you for sending information on the Grip Road Gravel Mine to the Washington State Department of Ecology (Ecology) for our review and comment. As the Ecology Wetland Specialist responsible for Skagit County, I wish to have the following comments entered into the record. The project submittal provided to us included a mitigated determination of nonsignificance, SEPA environmental checklist, and engineering drawings.

Concrete Nor'west has submitted an application for a forest practice conversion and mining special use permit to develop a gravel mining operation. This 68-acre property consists of three lots (Parcels P125644, P125645, and P50155) that are located northwest of Sedro Woolley in unincorporated Skagit County. The property is located north of Grip Road, south of Prairie Road, and is bisected by the Samish River. The Skagit County iMAP shows the Samish River flowing across the northeast corner of the property in the Warner Prairie area.

The proposed action involves harvesting approximately 50,000 board feet of timber, removing the stumps, and converting the property to a gravel mining operation. This gravel mining operation will remove approximately 4,280,000 cubic yards of gravel over a 25 year period. Gravel will be removed by truck and trailer (generating about 46 truck trips per day) to one of Concrete Nor'wests nearby facilities for processing.

The gravel mine will cover 51 acres and be excavated to within 10 feet of the groundwater table. A 200' buffer of undisturbed vegetation will be provided between the Samish River and the gravel mine. A 50' setback will also be provided along the remaining perimeter of the gravel mine where no grading will occur. All storm water runoff generated within the gravel mine excavation should flow into the closed depression and be prevented from reaching the Samish River.

According to the SEPA environmental checklist, a Fish and Wildlife Site Assessment was prepared by Graham-Bunting Associates. They stated that the toe of the slope adjacent to the Samish River was mapped using LIDAR data. The engineering drawings show the 200' setback from wetlands associated with the Samish River, which I assume occurs at the toe of slope. However, there weren't any maps showing associated wetlands or the ordinary high water mark (OHWM) of the Samish River.

Any wetlands that occur on the property would be waters of the state subject to the applicable requirements of state law (see RCW 90.48 and WAC 173.201A) and Section 401 of the Clean Water Act (33 USC §1341) and 40 CFR Section 121.2. If any wetland impacts do occur, the applicant shall obtain all necessary state and federal authorizations prior to beginning any ground-disturbing activities or vegetation removal. To obtain state and federal authorization, the following items are required:

- A delineation of all wetlands on the property by a qualified wetland biologist, and survey of the delineated wetland boundaries;
- Flagging of the OHWM along the Samish River banks by a qualified biologist, and survey of the boundaries;
- A jurisdictional determination from the U.S. Army Corps of Engineers stating whether the delineated wetlands on the property are under federal jurisdiction;
- Ratings of all wetlands on this property using the current *Washington State Wetland Rating System for Western Washington*;
- A critical area report describing wetland conditions on the property, wetland data sheets, wetland rating forms, and photographs;
- A Joint Aquatic Resources Permit Application form for impacts to jurisdictional wetlands and the Samish River; and
- A mitigation plan for unavoidable wetland and buffer impacts following the standards in *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (Ecology Publication #06-06-011a).

If you have any questions or would like to discuss my comments, please give me a call at (425) 649-7199 or send an email to [Doug.Gresham@ecy.wa.gov](mailto:Doug.Gresham@ecy.wa.gov).

Sincerely,



Doug Gresham, PWS  
Wetland Specialist  
Shorelands and Environmental Assistance Program

DG:awp

## John Cooper

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**From:** Greg Geleynse  
**Sent:** Wednesday, September 14, 2016 2:46 PM  
**To:** John Cooper  
**Subject:** RE: SEPA threshold determination, PL16-0097/98

As we discussed, no septic issues with this project.

Greg Geleynse  
Environmental Health Specialist II  
1800 Continental Place  
Mount Vernon, WA 98273  
360-416-1556 Fax: 360-336-9416  
[gregg@co.skagit.wa.us](mailto:gregg@co.skagit.wa.us)

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**From:** JohnCooper  
**Sent:** Monday, September 12, 2016 10:58 AM  
**To:** GregGeleynse  
**Subject:** FW: SEPA threshold determination, PL16-0097/98

Greg, sent out May 24<sup>th</sup>, Attached is the SEPA doc we discussed last week.

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**From:** JohnCooper  
**Sent:** Tuesday, May 24, 2016 2:07 PM  
**To:** [mark@nwcleanair.org](mailto:mark@nwcleanair.org); [sepadesk2@dfw.wa.gov](mailto:sepadesk2@dfw.wa.gov); 'ECY RE SEPA UNIT' ([SEPAUNIT@ECY.WA.GOV](mailto:SEPAUNIT@ECY.WA.GOV)); DNR RE SEPACENTER ([SEPACENTER@dnr.wa.gov](mailto:SEPACENTER@dnr.wa.gov)); 'McEwan, Ray D.'; Shane W. Whitney; Dan Berentson; Bonnie LaCount; 'Tim Hyatt'; John B Semrau ([john@semrau.com](mailto:john@semrau.com)); Dan Cox ([danc@gravelpits.com](mailto:danc@gravelpits.com)); Dan Cox ([DanC@concretenorwest.com](mailto:DanC@concretenorwest.com)); [doug.gresham@ecy.wa.gov](mailto:doug.gresham@ecy.wa.gov); [Kevin.Jones@dnr.wa.gov](mailto:Kevin.Jones@dnr.wa.gov); [mbray1107@gmail.com](mailto:mbray1107@gmail.com); 'walshl2006@hotmail.com'; [swgarey@gmail.com](mailto:swgarey@gmail.com); 'juhiette@raptorgroup.co'; RonPalmer; BrandonBlack; AlisonMohns; Jack Moore; GregGeleynse; David English  
**Subject:** SEPA threshold determination, PL16-0097/98

Attached is the SEPA threshold determination, checklist and site plans for the proposed Concrete Nor'west Grip Road gravel mine in Skagit County. The mine is proposed as extraction only. No development, other than excavation and trucking is proposed. A traffic plan, wetland/fish and wildlife site assessment and other information is available upon request. Please review and comment as appropriate. The comment period extends until 4:30 pm, June 10, 2016.

Skagit County staff, please accept this as internal routing for review as well.

Sincerely,

John Cooper, LG. LHg  
Senior Natural Resource Planner/Geologist  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273  
[www.skagitcounty.net/planning](http://www.skagitcounty.net/planning)  
Ph 360-416-1334



# SKAGIT COUNTY PUBLIC WORKS DEPARTMENT

1800 Continental Place, Mount Vernon, WA 98273-5625  
(360) 416-1400 FAX (360) 336-9478

## MEMORANDUM

**TO:** John Cooper, Planning & Development Services

**FROM:** Shane Whitney, Engineering Technician

**RE:** PL16-0097  
Concrete Nor'West

**DATE:** September 7, 2016

Skagit County Public Works has reviewed the above referenced application and has the following items to add as a condition of approval:

- The applicant shall purchase and install at their expense, a traffic loop activated flashing beacon system in the area of the Grip road and Prairie road intersection. The items will include a loop on Grip at the intersection, a loop on Prairie for left turns onto Grip. Additionally 1 beacon for each direction on Prairie approaching Grip. All equipment and signage that is to be installed shall meet the standards and specifications set for by Skagit County Public Works.
- The applicant shall be required to submit for a right-of-way permit to install all the items.
- The applicant shall have the beacons and all necessary signage installed and accepted by Public Works prior to the applicant hauling material out of the pit, or within 1 year of the decision.

## John Cooper

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**From:** Paul A. Randall-Grutter  
**Sent:** Thursday, July 25, 2019 8:10 AM  
**To:** John Cooper  
**Subject:** RE: Grip Road Mine Access Road

From what Shane shared with me, there were some general ideas that they proposed that would work but it seemed that they wanted full approval before they submitted. We need a full submittal to review, we are not going to design their project for them.

Paul A. Randall-Grutter, P.E.  
County Engineer  
**Skagit County Public Works**  
1800 Continental Place  
Mount Vernon, WA 98273-5625  
Phone: (360) 416-1421  
Cell: (360) 840-0563

**From:** John Cooper <johnc@co.skagit.wa.us>  
**Sent:** Thursday, July 25, 2019 7:56 AM  
**To:** Paul A. Randall-Grutter <paulrg@co.skagit.wa.us>  
**Subject:** RE: Grip Road Mine Access Road

We should probably have an initial determination as to whether their proposal will meet the requirements for a deviation from the private road standards or if additional information is required.

*John Cooper, LG, LHg  
Geologist/Hydrogeologist/Natural Resource Planner  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273  
[johnc@co.skagit.wa.us](mailto:johnc@co.skagit.wa.us)  
(360) 416-1334*

**From:** Paul A. Randall-Grutter <paulrg@co.skagit.wa.us>  
**Sent:** Thursday, July 25, 2019 6:48 AM  
**To:** John Cooper <johnc@co.skagit.wa.us>  
**Cc:** Forrest Jones <forrestj@co.skagit.wa.us>; Keith Elefson <keithe@co.skagit.wa.us>  
**Subject:** RE: Grip Road Mine Access Road

John,

Is there anything you need from us for the August 7<sup>th</sup> meeting with the Hearing Examiner? I would hope there is some sort of preparation prior since as Forrest indicated below that this meeting involves all parties.

Paul A. Randall-Grutter, P.E.  
County Engineer  
**Skagit County Public Works**  
1800 Continental Place  
Mount Vernon, WA 98273-5625  
Phone: (360) 416-1421  
Cell: (360) 840-0563

**From:** Paul A. Randall-Grutter  
**Sent:** Tuesday, July 23, 2019 4:12 PM  
**To:** Forrest Jones <[forrestj@co.skagit.wa.us](mailto:forrestj@co.skagit.wa.us)>; Keith Elefson <[keithe@co.skagit.wa.us](mailto:keithe@co.skagit.wa.us)>  
**Subject:** RE: Grip Road Mine Access Road

Forrest,

I remember talking to Shane about this a while ago. Our position is that since there is no complete application submittal then we don't have a deviation request to review.

Therefore we have no decision to give.

Paul A. Randall-Grutter, P.E.  
County Engineer  
**Skagit County Public Works**  
1800 Continental Place  
Mount Vernon, WA 98273-5625  
Phone: (360) 416-1421  
Cell: (360) 840-0563

**From:** Forrest Jones <[forrestj@co.skagit.wa.us](mailto:forrestj@co.skagit.wa.us)>  
**Sent:** Tuesday, July 23, 2019 4:09 PM  
**To:** Keith Elefson <[keithe@co.skagit.wa.us](mailto:keithe@co.skagit.wa.us)>  
**Cc:** Paul A. Randall-Grutter <[paulrg@co.skagit.wa.us](mailto:paulrg@co.skagit.wa.us)>  
**Subject:** Grip Road Mine Access Road

Keith,

I had a conversation with John Cooper this afternoon trying to track down the deviation request from standard for the private road off of Grip Road for the Mine Access Road from Concrete Nor'west. I do not recall seeing the request or reviewing it so I am guessing it is something you have been involved with since Shane's departure.

John indicated that there will be a meeting in front of the Hearing Examiner on August 7<sup>th</sup>, with all the parties, so he was hoping we could get it back to him with our decision before then.

Thanks

Forrest Jones  
Skagit County Public Works  
Transportation Programs Section Manager  
1800 Continental Place Mount Vernon, WA 98273  
W: 360-416-1422 / Cell: 360-708-8627

1800 Continental Place  
Mount Vernon, WA 98273  
[www.skagitcounty.net/planning](http://www.skagitcounty.net/planning)  
Ph 360-416-1334  
[johnc@co.skagit.wa.us](mailto:johnc@co.skagit.wa.us)

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**From:** Shane W. Whitney  
**Sent:** Thursday, February 09, 2017 8:49 AM  
**To:** John Cooper  
**Subject:** Grip road pit

John, we are good to go as far as traffic impacts and analysis for the offsite portion of the project. The internal service road will need to be widened to at least a private road standard. That would be a 20 foot wide driving surface. The bridge over the creek is a limiting factor, however because of a few other factors, the current bridge width will be sufficient.

The internal road improvements need to be made prior to the pit being open for business.

Shane Whitney  
Engineering Technician  
Skagit County Public Works  
360-416-1428



## Skagit River System Cooperative

11426 Moorage Way • P.O. Box 368 LaConner, WA 98257-0368  
Phone: 360-466-7228 • Fax: 360-466-4047 • [www.skagitcoop.org](http://www.skagitcoop.org)

RECEIVED  
APR 07 2016  
SKAGIT COUNTY  
PDS

April 5<sup>th</sup>, 2016

Mr. John Cooper  
Skagit County Planning and Development Services  
1800 Continental Place  
Mount Vernon, WA 98273

Reference: Concrete Nor' West gravel pit

Dear John;

The Skagit River System Cooperative (SRSC) has reviewed the proposal by Concrete Nor' West for a gravel pit near the Samish River (PL16-0097 and PL16-0098). The steelhead and coho salmon that spawn and rear in the Samish River and its tributaries are important tribal resources, so we are submitting comments on behalf of the Swinomish Indian Tribal Community and Sauk-Suiattle Indian Tribe.

We agree with the habitat assessment by Graham & Bunting that the ordinary high water mark (OHWM) of the Samish River should be placed at the toe of the slope to the south of the river, along the limit of the riverine wetlands, and that the extent of the gravel pit development should remain outside of the 200-foot buffer from the OHWM. We understand from the project plans that the extent of gravel mining will not go deeper than 10-feet higher than the groundwater levels surrounding the Samish River. Limiting the depth of excavation should prevent the gravel pit from becoming a pond, and from river water being affected by groundwater interaction. For clarity and certainty, we would like the specific elevation of final excavation to be established as part of the permitting process, and that elevation should be based on Samish River water surface elevations at normal winter flow, not during summer low flow. We expect there to be no surface runoff from the gravel mine, as pits create a topographically closed depression. Finally, we expect there to be no on-site processing of gravel, as stated in the plans.

The mine reclamation plan for this site should specify access controls that are adequate to assure that no dumping will occur, either by Concrete Nor' West or any authorized or unauthorized parties. Obsolete gravel pits have a tendency to become dumping grounds for all kinds of waste and trash. If some of that trash were to leach toxic materials into the permeable gravel at the pit, the result could be devastating for Samish River fish. A robust plan to prevent dumping at the pit would be a prudent step at this stage of permitting the mine.

The road accessing the gravel pit crosses Swede Creek approximately 1.4 miles south of the pit and 0.35 miles north of Grip Road. The bridge at this crossing appears adequate to carry the increased truck traffic from the mine, but the approaches to the bridge do not. The north

approach in particular appears to need some work to bring it up to the standards for logging roads (WAC 222-24). Skagit County may have higher standards for roads servicing mining areas. The north approach should be wider, and with enhanced drainage on the north (uphill) side. It may also need new cross-drains. Because the north approach is immediately upslope from Swede Creek, and is quite steep where it climbs out of the Swede Creek ravine, it should be enhanced to assure that the road will not fail during gravel hauling or in wet weather. Re-aligning the road for a less-steep north approach may be warranted before the mine is permitted.

As always, SRSC appreciates the opportunity to comment on this proposal, and we look forward to continuing our collaboration with the County on these matters. If you have any questions about our comments, or if there is anything that we can provide, please don't hesitate to call me at (360) 466-7308 or email at [thyatt@skagitcoop.org](mailto:thyatt@skagitcoop.org)

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Hyatt", with a stylized flourish extending from the end.

Tim Hyatt  
Environmental Protection Ecologist  
Skagit River System Cooperative

## John Cooper

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**From:** Scott Schuyler <ScottS@UPPERSKAGIT.com>  
**Sent:** Tuesday, January 03, 2017 3:37 PM  
**To:** John Cooper  
**Cc:** Harry Chesnin2  
**Subject:** Special Use Permit Application PL16-0097

John

I would like to convey concerns of the Tribe regarding the proposed gravel mine near Grip Rd. The application proposal is in the historical use and occupation of the Upper Skagit Tribe specifically the Nuwaha Band of the Upper Skagit. The area of the proposal has not been adequately previously surveyed for archeological resources and the Tribe would request that the landowner have the area extensively surveyed by a qualified archeologist before receiving a permit.

Thank You

### Scott Schuyler, Cultural Policy USIT

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## John Cooper

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## JohnCooper

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**From:** McEwan, Ray D. <McEwanR@wsdot.wa.gov>  
**Sent:** Tuesday, June 21, 2016 8:52 AM  
**To:** JohnCooper  
**Subject:** RE: WSDOT Comments - PL16-0097 & PL16-0098

Dear Mr. John Cooper:

Thank you for giving WSDOT the opportunity to review and comment on SEPA Case Number:

- **PL16-0097**
- **PL16-0098**

For proponent – Concrete Nor' west. WSDOT has no comments regarding the subject development as presented in the submittal .

However, should any changes be made to the proposal that would alter Trip generation, distribution or use of the site, WSDOT reserves the right to comment on this proposal again. If you have any questions, please feel free to contact me at (360) 757-5964.

Regards,

**Ray McEwan**  
**Development Services-Access Engineer**  
Mt Baker Area Headquarters Office  
1043 Goldenrod Rd, Ste 101  
Burlington, WA 98233  
[mcewanr@wsdot.wa.gov](mailto:mcewanr@wsdot.wa.gov)  
**(360) 757-5964**

**From:** JohnCooper [<mailto:johnc@co.skagit.wa.us>]  
**Sent:** Thursday, June 16, 2016 10:00 AM  
**To:** McEwan, Ray D. <McEwanR@wsdot.wa.gov>  
**Subject:** RE: WSDOT Comments - PL16-0097 & PL16-0098

Ray, Aa per your request, attached is a copy of the traffic plan. Shane with public works is reviewing the plan now to determine if it is adequate.

*John Cooper, LG. LHg*  
*Senior Natural Resource Planner/Geologist*  
*Skagit County Planning and Development Services*  
*1800 Continental Place*  
*Mount Vernon, WA 98273*  
*[www.skagitcounty.net/planning](http://www.skagitcounty.net/planning)*  
*Ph 360-416-1334*  
*[johnc@co.skagit.wa.us](mailto:johnc@co.skagit.wa.us)*

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**From:** McEwan, Ray D. [<mailto:McEwanR@wsdot.wa.gov>]

**Sent:** Wednesday, June 15, 2016 1:56 PM

**To:** JohnCooper

**Subject:** WSDOT Comments - PL16-0097 & PL16-0098

Dear Mr. John Cooper:

Thank you for giving WSDOT the opportunity to review and comment on SEPA Case Number:

- **PL16-0097**
- **PL16-0098**

For proponent – Concrete Nor' west. WSDOT requests a copy of the traffic study prepared by DN Traffic Consultants, to review and comment. If you have any questions, please feel free to contact me at **(360) 757-5964**.

Regards,

**Ray McEwan**

**Development Services-Access Engineer**

Mt Baker Area Headquarters Office

1043 Goldenrod Rd, Ste 101

Burlington, WA 98233

[mcewanr@wsdot.wa.gov](mailto:mcewanr@wsdot.wa.gov)

**(360) 757-5964**