



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: **Bellevue Parks and Utilities Programmatic Vegetation Management**

Proposal Address: **Various location city-wide**

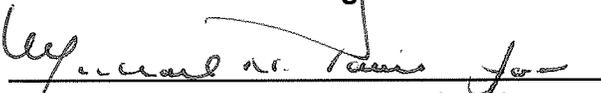
Proposal Description: The applicant requests a Critical Areas Land Use Permit for programmatic vegetation management within predetermined square footage thresholds in critical areas, critical area buffers and critical area structure setbacks utilizing a series of best management practices.

File Number: **09-119604-XE**

Applicant: **Geoff Bradley, Parks & Community Services Department**

Decisions Included: Critical Areas Land Use Permit
(Process II. LUC 20.30P)

Planner: **Kevin LeClair, Planner**

State Environmental Policy Act Threshold Determination: **Determination of Non-Significance**

Carol V. Helland, Environmental Coordinator
Development Services Department

Director's Decision: **Approval with Conditions**

Carol V. Helland, Land Use Director
Development Services Department

Application Date: July 14, 2009
Notice of Application Publication Date: August 6, 2009
Decision Publication Date: October 8, 2009
Project/SEPA Appeal Deadline: October 22, 2009

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.



DEVELOPMENT SERVICES DEPARTMENT
 ENVIRONMENTAL COORDINATOR
 450 100th Ave NE., P.O. BOX 90012
 BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Geoff Bradley, Bellevue Parks and Community Services Department

LOCATION OF PROPOSAL: Various locations city-wide

NAME & DESCRIPTION OF PROPOSAL:

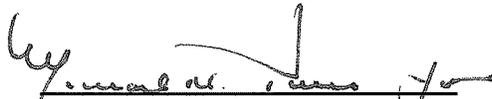
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FILE NUMBER: 09-119604-XE

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on October 22, 2009.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.



 Environmental Coordinator

October 8, 2009

 Date

OTHERS TO RECEIVE THIS DOCUMENT:

- State Department of Fish and Wildlife
- State Department of Ecology,
- Army Corps of Engineers
- Attorney General
- Muckleshoot Indian Tribe

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Attachments

1. Programmatic Permit: Critical Areas Land Use Permit/Clear and Grade/SEPA by The Watershed Company, July 2009)
2. Environmental Checklist
3. Activity Notification Form

I. Proposal Description

The applicant requests a Critical Areas Land Use Permit for programmatic vegetation management within vegetation management zones within critical areas, critical area buffers and critical area structure setbacks utilizing a series of best management practices for sight distance and obstruction clearing, hazard tree removal, forest health improvement, invasive species removal and habitat enhancement. When certain square footage thresholds have been reached, restoration and enhancement plans and review by a geotechnical engineer are required.

The Land Use Code (LUC) 20.25H.055 specifies vegetation management as an allowed use within critical areas, critical area buffers, and critical area structure setbacks provided that the performance standards for the applicable critical area and the performance standards specified in LUC 20.25H.055.C.3.i are met.

II. Site Description, Zoning, Land Use and Critical Areas

1. Site Description

Those areas within the City of Bellevue covered by this programmatic permit have been identified on the Vegetation Management Programmatic Map (Shown in Appendix A of Attachment 1). The map shows the locations of the following critical areas: streams, wetlands, shorelines, steep slopes, and lakes less than 20 acres. Streams and wetlands have buffers that vary depending upon the classification or category of the critical area.

In general, activities authorized under this permit may take place in the following vegetation management zones:

- A. Critical Area Buffers in Unimproved ROW – Within critical area buffers that are within undeveloped portion of the City rights-of-way. Critical area buffers terminate at the edge of the improved right-of-way (sidewalk, curb, gravel shoulder, etc.).
- B. Critical Area Buffers Outside of Unimproved ROW – City-owned property adjacent to the right-of-way located within a critical area buffer. An example of this would be a City park abutting a City right-of-way. Activities could occur within any area of the park and/or right-of-way encumbered by a critical area buffer. This also includes City-owned property, not adjacent to a right-of-way but still within a critical area buffer. An example of this would be a City park or Utility-owned property that does not border a City right-of-way but contains a critical area buffer or portion of a buffer. Activities could occur in any area of property encumbered by the buffer.
- C. Wetland and Steep Slope Critical Areas on City-owned Property – City-owned property within a wetland or steep slope critical area, both within and outside of unimproved rights-of-way. Wetlands must be delineated and marked in the field by a qualified professional prior to approval under this programmatic permit. Work within wetlands and areas of steep slopes are subject to the provisions detailed in the Section III.

2. Zoning

This proposal covers activities that occur in various locations city-wide and contains the full variety of land use zoning districts from the least intense, residential district to the most urbanized, commercial or light-industrial zone, with the exception of those

zones in the Downtown subarea. Per LUC 20.25H.005, the Critical Areas Overlay District does not apply to the Downtown.

3. Land Use Context

The land use context of the areas covered under this proposal is varied, but some generalizations can be made regarding the intensity of development and land use in the immediate vicinity.

For the most part, areas covered under this proposal within publicly-owned rights-of-way, by virtue of their inclusion in this proposal, are adjacent to undeveloped portions of the city that have remained undeveloped because of the natural characteristics of the property, such as the presence of a stream, wetland or steep slope. This fact generally results in a rural character.

The areas covered under this proposal are either critical areas or critical area buffers on public property; those outside of rights-of-way are primarily in a forested condition and often occur adjacent to privately-owned parcels. The interface between the ownerships varies widely between an abrupt change from a forested to a developed condition to a gradual transition characterized by a variety of plant communities and low-intensity development.

4. Critical Areas Functions and Values

i. Streams and Riparian Areas

A healthy aquatic environment is based on processes sustained by dynamic interaction between the stream and the adjacent riparian area. Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization. Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing increases in water temperature.

Upland and wetland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams. The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods. Upland and wetland areas can infiltrate flood flows, which in turn, are released to the stream as base flow

Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. For example, buffers comprised of native vegetation with multi- canopy structure, snags, and down logs provide habitat for the greatest range of wildlife species. Vegetated riparian areas also provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

Riparian areas often have shallow groundwater tables, as well as areas where

groundwater and surface waters interact. Groundwater flows out of riparian wetlands, seeps, and springs to support stream base flows. Surface water that flows into riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream.

ii. Wetlands

Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. These “functions and values” to both the environment and the citizens of Bellevue depend on their size and location within a basin, as well as their diversity and quality. While Bellevue’s wetlands provide various beneficial functions, not all wetlands perform all functions, nor do they perform all functions equally well. However, the combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments. For example, wetlands provide significant stormwater control, even if they are degraded and comprise only a small percentage of area within a basin.

iii. Geologic Hazard Areas

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue’s remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provides a water source for the City’s wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a “green” backdrop for urbanized areas enhancing property values and buffering urban development.

iv. Shorelines

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply.

III. Consistency with Land Use Code Requirements:

1. Zoning District Dimensional Requirements:

The proposal covers various sites city-wide that include a variety of land use zoning districts. There are no structures proposed for development. The dimensional standards for the land use zoning district are not applicable to vegetation management.

2. Critical Areas Requirements LUC 20.25H:

i. Performance Standards for Vegetation Management LUC 20.25H.055.C.3.i

Modification of vegetation in a critical area or critical area buffer that is not considered routine maintenance under LUC 20.25H.055.C.3.h, may be allowed if it meets the requirements of this section.

Thresholds have been identified for specified activities within vegetation management zones depending on the type of activity proposed and the area in which the activity.

The preparation of an enhancement plan by a qualified professional or phasing of a project can be used to increase the size of the threshold allowed under this permit (see Table 1 below). Phasing is not allowed for work within a wetland or steep slope critical areas under this permit.

Under this permit, an enhancement plan developed by a qualified professional must accompany any "activity notification form" described in condition of approval #6. Any proposal to utilize phasing shall also be accompanied by an enhancement plan. The enhancement plan should specifically detail the phasing proposed, including the number of phases, estimated time between phases, and the performance standards that must be met in order to proceed to the next phase. Based on review of the enhancement plan and site inspections, Development Services Department may require monitoring by a qualified professional to allow the subsequent phases to occur.

It is important to note that individual projects can be larger than the thresholds described below, as long as impacts within the critical area or critical area buffer do not surpass the threshold. Additionally, activities proposed pursuant to this programmatic permit must include a description of all future activities proposed within the immediate vicinity of the proposed project.

TABLE 1 – Activity Threshold

Activity ¹	Area	Threshold Maximum	Threshold with Enhancement Plan	Threshold with Phasing and Enhancement Plan
Sight Distance and Obstruction Clearing	Unimproved ROW	0.5 acre	---	---
	Outside ROW	0.5 acre	---	---
	Wetland	0.1 acre	---	---
	Steep Slope	0.1 acre	---	---
Hazard Tree Removal ²	Unimproved ROW	4 trees/acre	6 trees/acre	8 trees/acre
	Outside ROW	4 trees/acre	6 trees/acre	8 trees/acre
	Wetland	1 tree/acre	2 trees/acre	---
	Steep Slope	2 trees/acre	4 trees/acre	---
Forest Health	Unimproved ROW	0.5 acre	1.0 acre	2.0 acres
	Outside ROW	0.5 acre	1.0 acre	2.0 acres
	Wetland	0.25 acre	<1.0 acre	---
	Steep Slope	0.25 acre	<1.0 acre	---
Invasive Species Removal	Unimproved ROW	0.5 acre	1.0 acre	2.0 acres
	Outside ROW	0.5 acre	1.0 acre	2.0 acres
	Wetland	0.25 acre	<1.0 acre	---
	Steep Slope	0.25 acre	<1.0 acre	---
Habitat Enhancement	Unimproved ROW	0.5 acre	1.0 acre	2.0 acres
	Outside ROW	0.5 acre	1.0 acre	2.0 acres
	Wetland	---	<1.0 acre	---
	Steep Slope	---	<1.0 acre	---

¹ – A geotechnical report is required for any disturbance greater than 5,000 square feet in a steep slope critical area or its buffer.

² – The total acreage per management entry under this permit shall not exceed 2 acres.

Noxious Species Removal. The removal of the invasive and noxious weeds; including but not limited to English Ivy (*Hedera helix*), Himalayan blackberry (*Rubus discolor*, *R. procerus*), and Evergreen blackberry (*Rubus laciniatus*); with hand labor and hand-operated equipment from a critical area buffer, or from a geologic hazard critical area, is allowed without requiring a Critical Areas Land Use Permit or a Vegetation Management Plan.

The plan addresses the purpose and best management practices to be employed when addressing invasive and noxious weeds in the three vegetation management zones. Predetermined management area thresholds are established in the Vegetation Management Plan. These thresholds impose limits on the amount of area that is permitted to be treated during a management entry. A summary of the thresholds is shown in Table 1. The thresholds will be enforced through the inspection procedures specified for the subsequent Clearing and Grading Permit. See Section X for related Conditions of Approval.

Hazard Tree Mitigation. The removal of trees from the critical area or critical area buffer that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to an existing structure, public or private road or sidewalk, or other

permanent improvement, is allowed without requiring a Critical Areas Land Use Permit or a Vegetation Management Plan; provided, that standards stated in LUC 20.25H.055.C.3.i.ii are met.

The applicant has submitted a Vegetation Management Plan with best management practices to be followed for the assessment and treatment of hazard trees within the three predetermined vegetation management zones. Hazard trees in critical area buffers within the unimproved right-of-way include trees posing an imminent threat to public safety or an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement. Hazard trees in the right-of-way may include trees that are healthy but are threatening public use of the right-of-way. Under this permit, hazard trees located within critical area buffers in the unimproved right-of-way may be removed with the recommendation of a qualified professional.

Hazard trees located in critical area buffers outside of the unimproved right-of-way are defined as those posing an imminent threat to public safety or are posing an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement. Therefore the hazard trees must pose enough harm from an area outside the right-of-way that they must be trimmed and/or removed entirely. Hazard trees located within City owned property, not adjacent to a right-of-way, are defined as those trees posing a risk to the public, legally established infrastructure, or off-site private property. Removal of a coniferous tree equal to or exceeding 8 inches diameter at breast height at 4.5 feet above grade (DBH) or a deciduous tree 12 inches DBH or greater from City property outside of the right-of-way requires an assessment by a Pacific Northwest Chapter of the International Society Arboriculture Tree Risk Assessment Certified (TRACE) certified arborist or and equivalent qualified professional adhering to the standards of the International Society of Arboriculture (ISA) for tree hazard evaluation.

Hazard trees within wetland or steep slope critical areas are defined as those posing an imminent threat to public safety or are posing an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement. Generally summarized, hazard trees must pose enough harm to an area outside the wetland or steep slope area that they must be removed to alleviate the hazard. Removal of a coniferous tree equal to or exceeding 8 inches DBH or a deciduous tree at least 12 inches DBH from a wetland or steep slope requires an assessment by a TRACE-certified arborist or qualified professional adhering to the standards of the ISA. In no case shall a stump be removed from a wetland or steep slope area as part of hazard tree removal. In all cases, the large woody debris generated from the removal of a hazard tree shall remain within the critical area or critical area buffer if it can be accomplished without increasing the risk to public or private property.

The plan addresses the purpose and best management practices to be employed evaluating and addressing tree hazards in the three vegetation management zones. Predetermined thresholds are established in the Vegetation Management Plan. These thresholds impose limits on the number of trees is permitted to be treated during a management entry. Enforcement of this provision will occur through the inspection procedures specified for the subsequent Clearing and Grading Permit. See Section X for related Conditions of Approval.

Forest Health Improvement. Measures to control a fire or halt the spread of disease or damaging insects; provided, that the removed vegetation shall be replaced pursuant to a restoration plan meeting the requirements of LUC 20.25H.210.

The applicant submitted a Vegetation Management Plan that defines forest health improvement as vegetation management aimed at halting the spread of disease or damaging insects or the pruning of existing trees and vegetation to maintain forest health and/or increase diversity. Activities may include canopy thinning, structural pruning, overly dense stand thinning, diseased tree removal, and restoration/enhancement of vegetative diversity. When in a critical area, in no case shall a stump be removed as part of any forest health practice.

The applicant's vegetation management plan prescribes best management practices to be employed as actions associated with forest health improvements. The best management practices also include thresholds for treatment areas covered under this programmatic permit. See Section X for related Conditions of Approval.

Vegetation Management Plan for Utility, Transportation and Parks Projects. Vegetation may be periodically removed from the critical area or critical area buffer as part of an ongoing routine maintenance plan for utility, transportation and park projects allowed pursuant to a Vegetation Management Plan meeting the requirements of LUC 20.25H.055.C.3.i.v.

The applicant submitted a vegetation management plan that was prepared by The Watershed Company. The plan includes a description of the type and extent of critical areas to be expected within three predetermined vegetation management zones, as summarized in Section II above.

The objective of the plan is to put in place programmatic guidelines and practices to that comply with the requirements of a Critical Areas Land Use Permits and Clear and Grade Permits when City of Bellevue departments (i.e. Parks & Community Services Department, Utilities Department, Transportation Department [Department(s)]) propose vegetation management activities within critical area buffers and certain critical areas. By following best management practices in the plan, Departments can submit individual management entries for review and inspection under a clearing and grading permit.

Vegetation management covered under this proposal is focused on promoting and encouraging the growth of existing, desirable native vegetation while maintaining and protecting the improved portions of the right-of-way and ensuring public safety. The ultimate goal is to promote programmatic approach that preserves and enhances the functions and values of critical areas and critical area buffers located in the City. The activities covered under this permit provide the opportunity to couple routine maintenance with habitat management and enhancement. The best management practices described in the plan are designed to achieve a degree of improvement over existing conditions during regular work in the predetermined vegetation management zones.

Allowed work windows are prescribed by the plan by virtue of the rainy season restrictions specified by the clearing and grading regulations (BCC 23.76) to be

enforced through a subsequent programmatic clearing and grading permit. Allowed square footage thresholds by activity and critical area are also specified in the plan and will be enforced through the subsequent clearing and grading permit. See Section X for related Conditions of Approval.

3. Consistency with Land Use Code Critical Areas Performance Standards:

i. Performance standards for landslide hazards and steep slopes LUC 20.25H.125

In addition to complying with the performance standards set forth in LUC 20.25H.055 discussed above, the applicant has incorporated the following applicable performance standards for development within a landslide hazard or steep slope critical area or critical area buffer.

- a. The programmatic permit does not allow for any alteration to the natural contour or preexisting contour of a steep slope critical area or critical area buffer.
- b. The proposed vegetation management will not result in greater risk or a need for increased buffers on neighboring properties. Any clearing of invasive species in a landslide hazard or steep slope critical area greater than 5,000 square feet shall be reviewed by a geotechnical engineer to ensure the action will not increase the likelihood for slope failure or significant erosion.
- c. All areas of temporary disturbance shall be restored pursuant to a restoration and enhancement plan. Cut hazard trees will be replaced at a 4:1 ratio with appropriate native species, using the Handbook for guidance or as designed by a qualified professional. Enhancement and habitat improvement activities in a steep slope area will be accompanied by an enhancement plan completed by a qualified professional. The plan must detail invasive species removal techniques, a planting plan with installation details, a TESC, maintenance methods, and a monitoring plan to ensure success.

ii. Performance Standards for streams LUC 20.25H.080

The following applicable performance standards will be observed for vegetation management in vegetation management zones that include critical area buffers associated with type S or F streams.

- a. No lights will be installed as a part of this project.
- b. No activities that generate noise such as parking lots, generators, and residential uses area allowed with the exception of short term noise associated with the implementation of vegetation management actions.
- c. No new impervious area shall be allowed to be created under the provision of this permit.
- d. Treated water may be allowed to enter the stream critical area buffer.
- e. The outer edge of the stream critical area buffer shall be planted with dense vegetation to limit pet or human use. All areas of temporary disturbance shall be restored pursuant to a restoration and enhancement plan. Cut hazard trees will be replaced at a 4:1 ratio with appropriate native species, using the Handbook for guidance or as designed by a qualified professional. Enhancement and habitat improvement activities in a stream critical area buffer will be accompanied by an enhancement plan completed by a qualified professional. The plan must detail invasive species removal techniques,

- a planting plan with installation details, a TESC, maintenance methods, and a monitoring plan to ensure success.
- f. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices," now or as hereafter amended.

iii. Performance Standards for wetlands LUC 20.25H.100

The following applicable performance standards will be observed for vegetation management in vegetation management zones that include wetland critical areas and wetland critical area buffers.

- a. No lights will be installed as part of this project.
- b. No activities that generate noise such as parking lots, generators, and residential uses area allowed with the exception of short term noise associated with the implementation of vegetation management actions.
- c. No new impervious area shall be allowed to be created under the provision of this permit.
- d. Treated water may be allowed to enter the wetland critical area buffer.
- e. The outer edge of the wetland critical area buffer shall be planted with dense vegetation to limit pet or human use. All areas of temporary disturbance shall be restored pursuant to a restoration and enhancement plan. Cut hazard trees will be replaced at a 4:1 ratio with appropriate native species, using the Handbook for guidance or as designed by a qualified professional. Enhancement and habitat improvement activities in a wetland critical area and critical buffer will be accompanied by an enhancement plan completed by a qualified professional. The plan must detail invasive species removal techniques, a planting plan with installation details, a TESC, maintenance methods, and a monitoring plan to ensure success.
- f. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the wetland critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices," now or as hereafter amended.

iv. Performance Standards for shorelines LUC 20.25E.080

All clearing, grading, excavating, and fill in the Shoreline Overlay District shall comply with the provisions of Chapter 23.76 BCC, now or as hereafter amended.

The proposal for vegetation management does not permit clearing, grading, excavating, or fill within the shoreline critical area. Vegetation management is allowed within the specified thresholds within the shoreline critical area buffer except as described in the attached Vegetation Management Plan.

v. Performance Standards for habitat associated with Species of Local Importance LUC 20.25H.160

If it is determined that habitat associated with species of local importance will be impacted by activities covered by the proposal, the applicant shall implement the wildlife management plan tailored for the species and based on the recommendations developed by the Department of Fish and Wildlife and the City of Bellevue. Where the habitat does not include any other critical area or critical area buffer, compliance with the wildlife management plan shall constitute compliance with this performance standard.

IV. Public Notice and Comment

Application Date: July 14, 2009
Public Notice (500 feet): August 6, 2009
Minimum Comment Period: August 20, 2009

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on August 6, 2009. It was mailed to property owners within 500 feet of the project site. One comment was received from the public as of the writing of this staff report.

The comment was submitted via electronic mail by Karen Walter of the Muckleshoot Indian Tribe Fisheries Division. Her questions, along with the applicant's responses, are summarized below:

1. How long is this permit for vegetation management within critical areas on City owned right of ways and City owned parks and open space proposed to be in place? *This document covers routine vegetation management activities within in critical areas and associated buffers. The specific BMP's, TESC's, mitigation ratios, Critical Areas Handbook, etc. specified in the permit may be updated at different times, however, the permit would always use the most current version. The Critical Areas Land Use Permit and SEPA will be for 5 years. The programmatic clearing and grading permit that accompanies it will run for 3 years.*

2. What are the criteria that will be used to determine if a healthy tree is threatening public use of the right of way? *The permit doesn't state any "specific" criteria other than saying posing an imminent threat to public safety or risk of damage to an existing infrastructure. This would be the call of the land manager with the recommendation of a certified arborist, forester, ecologist, or otherwise qualified tree professional. The evaluation of tree risk follows well-defined protocols developed by the International Society of Arboriculture. The final determination of whether the risk is unreasonable is for the property owner to make.*

3. What happens if there is overlap with a stream buffer and a wetland and/or steep slope buffer? Is this programmatic permit cover the activity or will individual SEPA review be required? *For area overlap the programmatic SEPA would cover the extent allowed by the least allowable threshold (i.e. hazard tree removal within unimproved ROW on a steep slope that was also a seep wetlands would be permitted at 1 tree per acre). The more restrictive regulation or BMP will be employed to protect the critical area function or critical area buffer function.*

4. The checklist and the information in the "Programmatic Permit: Critical Areas Land Use Permit/Clear and Grade/SEPA document are inconsistent. On page 5 of the checklist, the response states "It is possible for activities to occur in close proximity to streams throughout the City, as well as both Lake Washington and Lake Sammamish. The permit also authorizes certain activities within wetlands." However, the Watershed Company's Programmatic Permit document states "However, the only critical areas covered by this permit are wetlands and steep slopes" (page 13). Please clarify this discrepancy and describe if streams and lakeshores will be affected by this programmatic permit. The permit allows for work within stream critical area buffers and shoreline critical area buffers. It does not cover any in-water work occurring in any lakes or streams. This permit does not cover work in the stream critical area or in the shoreline critical area.

No work in water is permitted by this permit.

V. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposal for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff required the development of a programmatic storm water pollution prevention plan (SWPPP) to accompany the programmatic vegetation management plan and programmatic clearing and grading permit. The SWPPP required that the SWPPP be in place prior to approval of the clearing and grading permit.

The Clearing and Grading staff also required the establishment of notification procedures to facilitate documentable inspection by clearing and grading staff of programmatic actions covered under this permit.

Utilities

The Utilities Department's Development Review Division has reviewed the proposal for compliance with Bellevue Utilities' codes and standards. The Utilities Development Review staff found no issues with the proposal.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

1. Earth and Water

A storm water pollution prevention plan is included as an attachment to the submitted vegetation management plan. It addresses all requirements for preventing erosion and sediment-laden runoff from entering water bodies or migrating to adjacent wetlands. The proposed management entries are also restricted by the City of Bellevue's rainy season restrictions, which further limit the possibility for detrimental erosion and sedimentation. The vegetation management plan also included best management practices for erosion and sediment controls that include the installation of silt fencing around the work areas and covering exposed soils to prevent migration of soils. The applicant will also be required to submit information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources. See Section X for a related condition of approval.

2. Animals

The project area includes the natural area open spaces and vegetated roadside areas throughout the City. These natural areas and publicly owned open spaces are part of

a larger natural area systems or corridors that contains quality habitat for birds and mammals. The proposed activities are designed to be minimally invasive in regards to wildlife habitat. In instances where significant trees are planned to be removed, the loss will be mitigated through the preservation of large woody debris and snags that can be preserved without posing a threat to public or private property. In cases where an active nest of a species of local importance is identified within a project area, the activity will be either postponed or redesigned to avoid impact or mitigate for unavoidable impacts.

3. Plants

The main objective of the vegetation management plan is the preservation and establishment of desirable native vegetation communities within the prescribed vegetation management zones. All temporary disturbance will be restored with an approved restoration plan that is consistent with the requirements of LUC 20.25H.210. See Section X for related conditions of approval.

4. Noise

The project activities may occur adjacent to various land use zoning districts. Noise generated by activities covered under this programmatic permit would be those generated by hand operated equipment within the work site or larger machinery that is staged in the public right-of-way. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. See Section X for a related condition of approval.

VII. Changes to proposal as a result of City review

As a result of city review, the applicant was required to develop a programmatic storm water pollution prevention plan (SWPPP) to accompany the programmatic vegetation management plan and programmatic clearing and grading permit. The SWPPP required that the SWPPP be in place prior to approval of the clearing and grading permit.

City review also required the establishment of notification procedures to facilitate documentable inspection by clearing and grading staff of programmatic actions covered under this permit.

VIII. Decision Criteria

1. Critical Areas Land Use Permit Decision Criteria 20.30P

The Director may approve or approve with modifications an application for a critical areas land use permit if:

1. The proposal obtains all other permits required by the Land Use Code;

Finding: The proposal is required to obtain a programmatic clearing and grading permit to cover the activities described in the vegetation management plan.

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

Finding: The proposal is for vegetation management in steep slope critical areas, wetland critical areas and all critical area buffers. The vegetation management plan submitted by the applicant documents the applicant use of best management practices for the management of vegetation which results in the least impact on the critical areas and critical area buffers within the prescribed vegetation management zones.

3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and ;

Finding: The proposal is consistent with and incorporates the applicable performance standards for the critical areas affected by the proposed management entries.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;

Finding: The proposal does not increase the need for public facilities over what is currently required. In the long term, the proposal could actually reduce the need for public resources to management these areas through proactive management of vegetation along public rights-of-way.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and

Finding: The proposal calls for and specifies a requirement for restoration plans consistent with LUC 20.25H.210 for all vegetation management activities that exceed predetermined thresholds in certain critical area buffers.

6. The proposal complies with other applicable requirements of this code.

Finding: As discussed in Section IV & V of this report, the proposal complies with all other applicable requirements of the Land Use Code.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **approve with conditions** the proposal for programmatic vegetation management within critical areas, critical area buffers and critical area structure setbacks utilizing a series of best management practices for sight distance and obstruction clearing, hazard tree removal, forest health improvement, invasive species removal and habitat enhancement. The approval specifies predetermined vegetation management zones within steep slope and wetland critical areas and critical area buffers located within unimproved rights-of-way, outside of unimproved rights-of-way and elsewhere on city-owned property.

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Clearing and Grading Permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Land Use Code- BCC 20.25H	Kevin LeClair, 425-452-2928
Noise Control- BCC 9.18	Kevin LeClair, 425-452-2928

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

1. Restoration/Enhancement Plan for Areas of Temporary Disturbance: A restoration and/or enhancement plan for all areas of temporary disturbance within predetermined activity thresholds specified in condition of approval #7 is required to be submitted for review and approval by the Land Use Division as an attachment to the activity notification form referenced in condition of approval #6. The plan shall include document existing site conditions and identify restoration measures to return the site, at a minimum, to its existing conditions per LUC 20.25H.220.H.

Authority: Land Use Code 20.25H.220.H
Reviewer: Kevin LeClair, Land Use

2. Rainy Season restrictions: Due to proximity to a variety of critical areas including steep slopes, wetlands and streams, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A
Reviewer: Janney Gwo, Clearing and Grading

3. Pesticides, Insecticides, and Fertilizers: The applicant must submit as part of the required Clearing and Grading Permit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

Authority: Land Use Code 20.25H.220.H
Reviewer: Kevin LeClair, Land Use

4. Noise Control: Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18
Reviewer: Kevin LeClair, Land Use

5. Programmatic Clearing and Grading Permit (3 Year): Prior to proceeding with any of the activities described in the programmatic vegetation management plan for parks, utilities and transportation, the applicant must apply for and obtain an approved clearing and grading permit. The clearing and grading permit shall be good for a period of three years from the date of issuance.

Authority: Land Use Code 20.30P
Reviewer: Kevin LeClair, Land Use

6. Activity Notification and Inspection Procedure (form and transmittal): For each individual maintenance activity proposed, the applicant's project manager shall complete and submit to Development Services Department Programmatic Vegetation Management Activity Notification form. A copy of the activity notification form can be found as Attachment 3. The application form is intended to provide Development Services with the information necessary to ensure compliance with this programmatic permit. It also serves as a tool for the applicant in determining if the scope of a particular activity is within the scope of the programmatic vegetation management permit.

The activity notification form shall be filled out and submitted by electronic mail a minimum of 48 hours prior to the commencement of activities. The notification shall be sent to the clearing and grading inspectors (aroden@bellevuewa.gov & momalley@bellevuewa.gov) and the Development Services Department Land Use Division (landusereview@bellevuewa.gov).

Authority: Bellevue City Code 23.76
Reviewer: Janney Gwo, Clear and Grade

7. Thresholds for Application of Programmatic Permit: Thresholds have been identified for specified activities within vegetation management zones depending on the type of activity proposed and the area in which the activity. Table 1 in Section III of this report outlines the maximum thresholds allowed under this programmatic permit.

Authority: Land Use Code LUC 20.25H.055.C.3.i
Reviewer: Kevin LeClair, Land Use

8. Geotechnical Evaluation for Steep Slope Critical Areas: Authorized activities described in the programmatic vegetation management plan that disturb greater than 5,000 square feet of soil within a steep slope critical area require submittal of a geotechnical report, prepared by a qualified professional. The report shall demonstrate that the proposed activities will not have a detrimental effect on the stability of the

steep slope and that downslope impacts are insignificant. The geotechnical evaluation should also review and recommend TESC measures that will ensure anticipated impacts are minimized.

Authority: Bellevue City Code 23.76
Reviewer: Janney Gwo, Clear and Grade

9. Wetland Determinations and Delineations: When a project action is proposed within a wetland, the activity notification form referenced in condition of approval #5 shall be accompanied by a map identify the approximate edge of the wetland in question, as well as the wetland category (I, II, III, IV) and the appropriate regulatory buffer (See LUC 20.25H.095.C).

If the proposed management action is within a wetland buffer, Development Services Department may require that the wetland edge be delineated by a qualified professional. The delineation forms, the wetland rating forms and a map identifying the wetland edge shall accompany the activity notification form referenced in condition of approval #5.

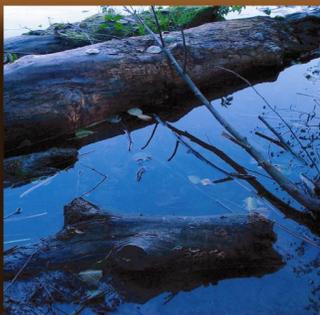
Authority: Land Use Code 20.25H.020
Reviewer: Kevin LeClair, Land Use

10. Stream Top-of-Bank Delineation: When a project action is proposed within a stream critical area buffer, the activity notification form referenced in condition of approval #5 shall be accompanied by a map delineating the stream in question, as well as the stream type (S, F, N, O), the "top-of-bank" (See definition in LUC 20.50.048) and the appropriate regulatory buffer (See LUC 20.25H.075.C). No work is allowed under this permit within a stream critical area.

Authority: Land Use Code 20.25H.020
Reviewer: Kevin LeClair, Land Use

11. Other State and Federal Permits: The applicant is required obtain necessary state and federal permits for work that is not exempt within wetlands, wetland buffers, shorelines of the state, and stream riparian areas.

Authority: Land Use Code 30.30P
Reviewer: Kevin LeClair, Land Use



Programmatic Permit: Critical Areas Land Use Permit/ Clear and Grade/SEPA

Prepared for:

City of Bellevue
Development Services Department
450 110th Avenue NE
Bellevue, WA 98004

Prepared on behalf of:

City of Bellevue
Parks & Community Services,
Utilities and Transportation Depts.
450 110th Avenue NE
Bellevue, WA 98004

Prepared by:

The Watershed Company
750 Sixth Street South
Kirkland, WA 98033
p 425.822.5242
f 425.827.8136

July 2009



THE
WATERSHED
COMPANY

PROGRAMMATIC PERMIT

**Critical Areas Land Use Permit/Clear
and Grade/SEPA**

Prepared for:

City of Bellevue
Development Services Department
450 110th Avenue NE
Bellevue, WA 98004

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450 110th Avenue NE
Bellevue, WA 98004

Prepared by:



750 Sixth Street South
Kirkland . WA 98033

p 425.822.5242

f 425.827.8136

watershedco.com

13 July 2009

The Watershed Company
Reference Number: 070203

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Permit/Clear and Grade/ SEPA

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PROGRAMMATIC PERMIT

CRITICAL AREAS LAND USE PERMIT/SEPA

1 PURPOSE

The purpose of this document is to provide the City of Bellevue Development Services Department (DSD) with programmatic guidelines and practices to substitute for the issuance of Critical Areas Land Use Permits (CALUP) and Clear and Grade Permits when City of Bellevue departments (i.e. Parks and Community Services Department, Utilities Department, Transportation Department [Department(s)]) propose routine vegetation management activities within critical area buffers and certain critical areas. By following the Best Management Practices (BMPs) outlined in this document, Departments could submit individual projects to DSD for approval without the need to undergo the comprehensive CALUP/State Environmental Policy Act (SEPA)/Clear and Grade permit review on each routine project.

The permitting obligations addressed within Bellevue Land Use Code (LUC) 20.25H, along with the SEPA requirements addressed within LUC 22.02, and the clear and grade requirements addressed within LUC 23.76 would be satisfied as part of the approval of this programmatic permit. Therefore, future individual Department applications would not need to receive review pursuant to LUC 20.25H, LUC 22.02 and LUC 23.76. Individual activities authorized under this programmatic permit will be clearly defined within this document but are primarily related to the management of vegetation within critical areas and critical area buffers located within City rights-of-way. Additionally, pursuant to LUC 20.25H.215, Departments must make all reasonable efforts to avoid, minimize, and finally mitigate for impacts to the critical area and/or critical area buffer.

Management of vegetation within the City rights-of-way by Departments has typically centered on promoting and encouraging the growth of existing native vegetation while maintaining and protecting the improved portions of the right-of-way and ensuring public safety. This delicate balance is often complicated by the numerous codes and regulations that apply when a critical area or critical area buffer encroaches into the right-of-way. This document aims to set forth a standard set of guidelines and practices that can be followed in such situations to allow continued vegetation management and right-of-way protection while

programmatically satisfying critical area regulations, SEPA standards and clear and grade regulations.

2 GEOGRAPHIC AREA

Those areas within the City of Bellevue covered by this programmatic permit have been identified on the Vegetation Management Programmatic Map (Appendix A). The map shows the locations of the following critical areas: streams, wetlands, shorelines, steep slopes, and lakes less than 20 acres. A summary of the regulatory buffers for each critical area is presented below in Table 1. As detailed in the table, streams and wetlands have buffers that vary depending upon the classification or category of the critical area.

However, the City has not inventoried and classified every wetland within City limits. For that reason, for the purposes of this permit (and as shown on the corresponding map), a 225-foot buffer will apply to those larger and well known wetlands within the City (wetlands associated with the Mercer Slough system; Phantom and Larsen Lakes; and Richards Creek), while a 110-foot buffer will apply to all other wetlands in the City regardless of their categorization.

Therefore, it is possible that some proposed activities might actually fall outside the limits of the “true” wetland buffer. However, to ensure that all proposed activities within the vicinity of wetlands are covered under this programmatic, the most stringent buffer will be applied.

Alternatively, if the Departments suspect that the critical area in question does not meet the rating criteria of a wetland requiring the maximum buffer, they may choose to have the actual wetland classification and standard regulatory buffer determined on a case-by-case basis. Such a determination must be made by a qualified professional and approved by DSD. In the event a determination is submitted and approved, the appropriate standard buffer for the wetland under investigation will apply. Determination by a qualified professional will also apply to those instances in which activities are proposed within a wetland (see Section 3.4).

Pursuant to LUC 20.25H.120(A)(2), steep slopes are defined as slopes of 40 percent or more with more than 10 feet of rise and exceeding 1,000 square feet in area. Steep slopes require a 50-foot buffer from the top-of-slope, and thus any activities proposed within 50 feet of the top of a slope of 40 percent or greater are covered by this permit.

The LUC defines geologic landslide hazard areas as those areas of at least 15 percent slope with more than 10 feet of rise that also display one or more additional characteristics. Landslide hazard regulations are intended to address geologic issues, as opposed to more surficial concerns such as erosion and sedimentation. Landslide hazards are not a central concern of the activities addressed by this programmatic permit. Subsequently, activities proposed in areas of between 15 and 40 percent slope do not require compliance with this permit, provided they do not overlap with another regulated critical area or critical area buffer.

Table 1. Critical Area Buffers (per LUC)

Critical Area	Buffers pursuant to LUC 20.25H	Buffers pursuant to this programmatic permit
Streams	Type S – 100 feet	100 feet
	Type F – 100 feet	100 feet
	Type N – 50 feet	50 feet
	Type O – 25 feet	25 feet
Wetlands	Category I – 75 feet to 225 feet	110 feet (except for those wetlands associated with Mercer Slough, Phantom/Larsen Lakes, & Richards Creek which will require a 225-foot buffer)
	Category II – 75 feet to 225 feet	
	Category III – 60 feet to 110 feet	
	Category IV – 40 feet	
Shorelines	50 feet	50 feet
Steep Slopes	50 feet (from top-of-slope)	50 feet
Ponds < 20 acres, where no other critical area designation applies	35 feet	35 feet

It should also be noted that while coal mine hazard areas and areas of special flood hazard have been deemed critical areas by the City, neither require regulatory buffers and are therefore not included in this permit. Vegetation management activities proposed within either critical area or their buffers can proceed without the need for coverage under this programmatic permit.

Habitat Associated with Species of Local Importance (HASLI) is a designated critical area in the City. A list of designated species of local importance is included in the LUC, along with a process to identify additional species. In general, species of local importance are native species that are declining or in danger of extirpation based on existing trends, and that are not afforded adequate protection on a local scale by existing State and federal policy. All

habitat associated with species of local importance (outside of other designated critical areas) is also considered a critical area. HASLI areas do not require standard buffers. Instead, they are subject to additional regulatory requirements beyond the standard Critical Areas Report. These may include completion of a Habitat Assessment. The presence of a species of local importance may also require adherence to management recommendations put forth by State agencies, and other State or federal policies or regulations may apply. Because species of local importance are found throughout the City, particularly within heavily vegetated rights-of-way and City owned parks and open spaces, this permit assumes their occurrence in all instances. Therefore, for the purposes of this programmatic permit, all proposed maintenance activities must comply with the BMPs outlined in Section 5.

HASLIs also include naturally occurring ponds of less than 20 acres, depicted on the attached map, which require a 35-foot buffer (whereas ponds greater than 20 acres in size are designated as shorelines and typically require a 50-foot buffer). Impacts to ponds less than 20 acres are not covered under this permit. However, work proposed within the 35-foot buffer of such ponds is covered under this permit.

In general, activities authorized under this permit may take place in the following areas:

1. Within critical area buffers (those identified in Table 1) that encroach into City rights-of-way. It should be noted that the buffers of critical areas end at the edge of the improved right-of-way (sidewalk, curb, gravel shoulder, etc.). Therefore, areas located within the zone bounded by the edge of the improved right-of-way and the outer edge of the right-of-way are covered under this permit.
2. City owned property adjacent to the right-of-way located within a critical area buffer. An example of this would be a City park abutting a City right-of-way. Activities could occur within any area of the park and/or right-of-way encumbered by a critical area buffer (those identified in Table 1).
3. City owned property, not adjacent to a right-of-way but still within a critical area buffer. An example of this would be a City park that does not border a City right-of-way but contains a critical area buffer or portion of a buffer. Activities could occur in any area of the park encumbered by the buffer (those identified in Table 1).
4. City owned property within a critical area, whether or not it is within a right-of-way. Critical areas are limited to wetlands and steep slopes only in this scenario. Wetlands must be delineated and marked in the field by a qualified

professional prior to approval under this programmatic permit. Work within wetlands and areas of steep slopes are subject to the provisions detailed in the following section.

3 AUTHORIZED ACTIVITIES

This section describes in detail the common characteristics of the typical right-of-way, including standard features and management objectives. This section also details the various activities allowed under this permit, along with each area in which those activities are permitted and the general BMP approach required to be taken for each activity (specific BMPs are outlined in Section 5).

3.1 Vegetation Management Zones

As described in Section 2 above, many of the activities authorized under this permit will occur within City owned rights-of-way. In most locations throughout the City, the right-of-way area can be divided into three distinct zones. The first zone is the improved right-of-way, which is made up of the street/road, curb, and sidewalk. Within this zone, there may be manicured lawn, street trees, and other formal/ornamental landscaping. However, a hardened surface such as a sidewalk or curb typically serves as the outer edge of the improved right-of-way. Any vegetation located on the street side of the outermost hardened surface would be considered to be within the improved right-of-way.

Because critical area buffers do not extend past the edge of the improved right-of-way [LUC 20.25H.075(C)(2)(b), 20.25H.095(C)(2)(b), and 20.25H.115(B)(2)(b)], routine maintenance activities can occur within this area as needed and without permit review, provided no danger of encroachment, erosion, sedimentation, or other disturbance to the adjacent buffer exists. Therefore, this permit does not cover those areas within the improved right-of-way. Where activities that could affect critical areas outside the improved right-of-way, and where regulatory buffers are present within such right-of-way, BMPs pertaining to unimproved (see below) rights-of-way apply.

Extending outward from the street, the edge of the improved right-of-way ends and a second zone of more natural right-of-way begins (for the purposes of this permit, this area will be referred to as the unimproved right-of-way). While this area is still within the City owned right-of-way, it is likely to be vegetated with native, non-native invasive, naturalized, or ornamental species. Regulatory critical area buffers may fully or partially encumber unimproved rights-of-way. An important objective of the City is to manage and maintain such areas in order

to ensure that the adjacent improved right-of-way is not threatened by hazard trees, overgrown by vegetation, impaired by visual barriers, damaged by growing root systems, or otherwise impacted. Additionally, these areas serve a vital function in the City's ecosystem, in that they often provide habitat for native species within highly developed portions of the City. In a number of areas of the City, some of the highest quality, and in some cases only extensive stands of native vegetation can be found in the City-owned right-of-way.

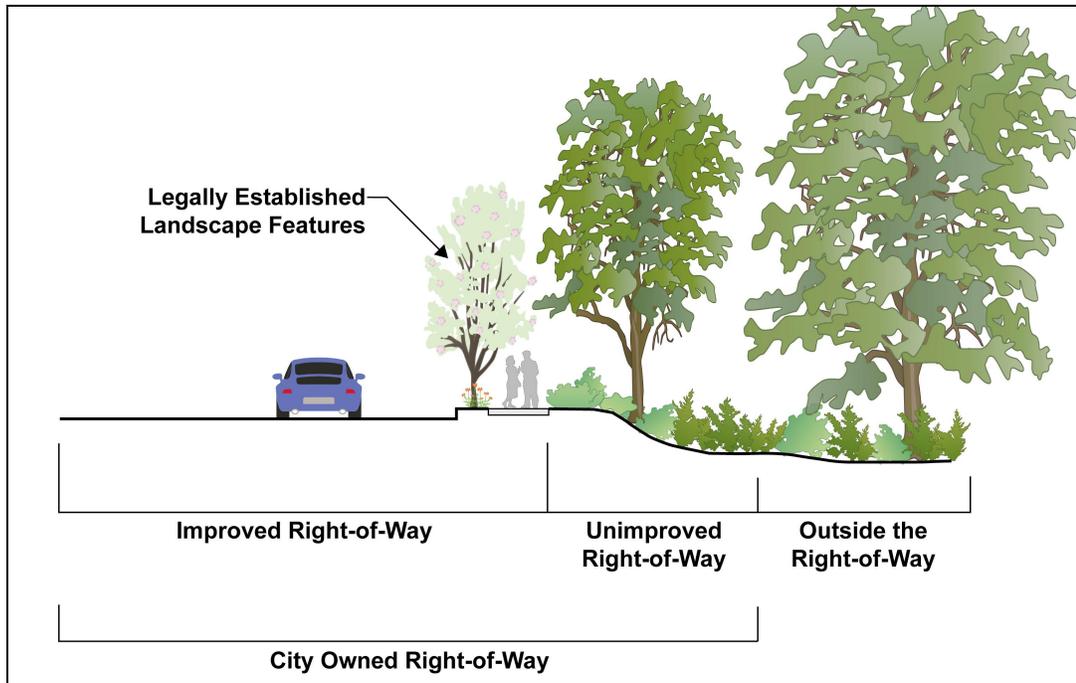


Figure 1. Right-of-way Zones

Beyond the developed and unimproved right-of-way is the third zone, usually on private property, in which activities do not typically take place. Limited activities that may occur within this area include hazard tree removal and habitat enhancement activities. Any such activity on private property is not covered under this permit. However, in the event that this third zone is on City-owned property, maintenance and improvement activities would be included in the scope of this programmatic permit. A brief summary of the three distinct vegetation management zones located within and adjacent to the right-of-way can be found in Table 2.

Table 2. Right-of-way Vegetation Management Zones

Vegetation Management Zone	Typical Conditions	Management Objectives	Compliance with Critical Area Regulations	Covered under this Programmatic Permit
Improved right-of-way	Roadway, sidewalk, curb, gravel shoulder (may include lawn, ornamental shrubs, street trees).	Maintain vegetation for aesthetics and protection/safety of motorists and pedestrians.	No	No
Unimproved right-of-way	No developed improvements, native and non-native vegetation.	Maintain/improve vegetation in natural state while protecting right-of-way.	Yes	Yes
Outside the right-of-way	Private or public property with limited maintenance.	Limited activities may include hazard tree removal and habitat enhancement.	Yes	No ¹

3.2 Authorized Activities within Unimproved Rights-of-Way

As noted in Section 3.1, activities located within the unimproved right-of-way and within a critical area buffer are covered under this permit. This section will describe those activities in detail. In general, the Department’s objectives for this area are to efficiently manage the right-of-way in a sustainable fashion while protecting the adjacent improved right-of-way. Vegetation management within this area must comply with a variety of codes and regulations while also maintaining and encouraging the natural growth of existing native vegetation. Vegetation management includes consideration of the following factors: sight distance, erosion control, maintaining water quality, stormwater infiltration, reducing fire risks, public safety requirements, invasive species control, vegetation and wildlife habitat preservation and enhancement, and hazard abatement.

It should be noted that routine maintenance of existing legally established landscaping and other existing non-conforming features in critical area buffers is allowed pursuant to LUC 20.25H.055(C)(3)(h). Therefore, the mowing, pruning, weeding, and planting associated with maintaining established ornamental

¹ With the exception of those activities located outside the right-of-way but within City owned property. See Section 3.3 for details.

vegetation is currently allowed and not covered by this programmatic permit. This permit instead covers those areas of native and non-native vegetation located within critical area buffers and certain critical areas.

Additionally, vegetation management authorized by this permit is not subject to the preparation of a Vegetation Management Plan [currently required pursuant to 20.25H.055(C)(3)(i)(v)]. Vegetation Management Plans would still be required for those projects that surpass the thresholds established for coverage under this permit (see Section 6).

This programmatic permit requires the preparation of enhancement plans for those activities that will impact more than the minimum thresholds established in Section 6. Enhancement plans must be prepared by a qualified professional pursuant to LUC 20.25H.220.

A description of each individual activity allowed within the unimproved right-of-way is presented below. While each activity allows for the removal of vegetation, the priority for the Department will remain on maintaining the existing natural state of the unimproved right-of-way to the greatest extent possible.

Sight Distance and Obstruction Clearing

Description: Clearing, mowing, pruning, or weeding undesirable vegetation that is limiting sight distance, limiting complete and safe use of the transportation system, limiting the viewing of required signage, obstructing utilities, or preventing the ingress and egress for maintenance of such utilities. No soil disturbance would occur with described activities. The extent of clearing will be the minimum necessary to alleviate the described condition. If clearing is necessary for maintenance of utilities, the width of such clearing is not to exceed that needed for access and turn-around for specific equipment to be used.

BMP Approach: Pruning of native trees and shrubs should be limited to the extent necessary to accomplish the objective, and should in no case endanger the plant or plants. Pruning should be performed late in the dormant season or very early spring, before new buds form. Branch collars should not be removed or injured, and cut branches should not be painted. The definition of pruning does not include topping trees. Pruned materials should be placed so that they do not interfere with the growth of other vegetation, or should be disposed of off-site. All pruning should be done in conformance with the Bellevue Environmental Best Management Practices and Design Standards document (Bellevue 2006).

Mowing should be conducted before March 1 or after August 15, outside of the bird-breeding season, and timed to avoid breeding seasons of other wildlife known to occur in the area. As well, it should be timed to precede seed set of the invasive species, and limited to a minimum mown height of 6 inches. If mowing must occur within the bird-breeding season, it should be limited to the minimum extent and frequency possible, particularly between April 15 and July 31, to ensure public safety until after the bird-breeding season, when more extensive mowing may occur. Removal of non-native plants that present an ongoing problem because of their growth patterns or prolificacy should be considered. Any removed vegetation must be replaced with appropriate native species, following the guidelines in the Critical Areas Handbook (Handbook), available from DSD. Any access trails should be minimal and staging areas placed outside of the buffer when possible.

Hazard Tree Removal

Description: For the purposes of this permit, hazard trees include those posing an imminent threat to public safety or are posing an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement. Hazard trees in the right-of-way may include trees that are healthy but are threatening public use of the right-of-way. Under this permit, hazard trees located within critical area buffers in the unimproved right-of-way may be removed with the recommendation of a qualified professional.

BMP Approach: Tree replacement in critical area buffers may be accomplished in a number of ways. Departments should replace hazard trees at a 4:1 ratio with appropriate native species, using planting templates in the Handbook for guidance. A Department arborist or other qualified professional should select species that will likely not require similar future remediation at the site. If a Department arborist or qualified professional determines that site conditions are not favorable to tree replacement, native shrubs and/or groundcover can be substituted onsite and tree replacement can occur at an off-site City owned property at a 4:1 ratio. Alternatively, if it would not cause an ongoing hazard or negatively impact habitat, it may be more beneficial to leave a snag rather than entirely remove the tree. In this case, a Department arborist or other qualified professional should be consulted regarding whether leaving a snag is appropriate under existing conditions, whether on-site tree replacement is advised, and if so, in what ratio. Cut hazard trees should generally be left on-site to function as habitat features unless otherwise

advised by a qualified professional. Access trails should be minimal and staging areas placed outside of the buffer.

Invasive Species Removal

Description: The removal of non-native species for the purposes of promoting the successful establishment of native plantings that might otherwise have difficulty competing with aggressive invasive plants. Invasive species removal may also be conducted as part of an approved enhancement plan.

BMP Approach: Erosion control measures should be implemented if any soil disturbance is expected. Such measures should not spread non-native plants into critical areas and/or critical area buffers. Therefore, hydroseeding, hand seeding, and the use of straw mulch are not permitted means of controlling erosion in areas of invasive species removal. Invasive species removal should be conducted in accordance with the Handbook.

Mowing is not a long-term solution to invasive species removal and should be employed only when immediate action is needed to preserve public safety. More appropriate removal measures, as described in the Handbook, should be implemented as early as possible to avoid mowing. Where mowing within the bird-breeding season (March 1 through August 15) is unavoidable, as in emergency safety situations, it should be limited to only areas of necessity. Ground-breeding birds are likely to remain on nests until they are approached very closely, at which point they often flush, or fly from the nest, visibly. When flushing breeding birds are disturbed, a swath of vegetation should be left undisturbed in the area from which the individual flushed. In most cases, this is sufficient to ensure that the breeding attempt is not aborted.

Removal of homogeneous vegetation patches will most likely result in areas supporting little or no native vegetation. In this case, it is imperative to replace removed vegetation with native trees, shrubs, and/or groundcovers. Removal of ground-level vegetation on slopes should be minimized, and stabilization techniques such as wattling, mulching, and netting should be employed when such removal cannot be avoided. Removal should be conducted prior to planting of the target species. Replacement species, densities, and methods should be conducted using the guidelines in the Handbook. All cut or grubbed non-native vegetation should be disposed of off-site. Access trails should be minimal and staging areas placed outside of the buffer.

Herbicide use should be avoided wherever removal by hand or mechanical means is possible. The preferred method of herbicide application is cutting and swipe application of cut stems with approved herbicides listed in the Bellevue Environmental Best Management Practices and Design Standards document (Bellevue 2006). Herbicides should be applied by a licensed applicator. The King County Noxious Weed Control Program Best Management Practices (King County 2008) should also be consulted for species-specific guidelines.

Habitat Enhancement

Description: The protection and when necessary, the enhancement of existing critical areas and their buffers is a goal of the City. Enhancement activities may include thinning dense homogeneous stands of vegetation, planting multiple native species to increase diversity, installing habitat features, or other habitat improvement activities.

BMP Approach: Any removal or planting should be conducted using the guidelines and recommendations in the Handbook or as designed by a qualified professional.

With the exception of hazard tree removal and invasive species removal, all of the preceding activities currently require a CALUP. Additionally, SEPA review is currently required for all the preceding activities. This programmatic permit aims to satisfy the CALUP criteria, SEPA compliance criteria and clearing and grading compliance criteria for all described activities and therefore streamline the permitting process for routine vegetation management activities.

3.3 Authorized Activities outside Unimproved Rights-of-Way

As discussed in Section 3.1, vegetation management may take place outside of the unimproved right-of-way. There are two circumstances in which activities outside of the right-of-way would be allowed under this permit. The first is when a City owned property abuts the edge of right-of-way and also contains a critical area buffer. In these situations, all activities described below and in Section 3.2 would be allowed. Secondly, maintenance activities outside of the right-of-way would also be allowed to occur on City owned property not located adjacent to a right-of-way. This may include City parks and open spaces. Activities allowed within these areas are described below.

Hazard Tree Removal

Description: For the purposes of this permit, hazard trees located outside but adjacent to the right-of-way are defined as those posing an imminent threat to public safety or are posing an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement. Therefore the hazard trees must pose enough harm from an area outside the right-of-way that they must be trimmed and/or removed entirely. Hazard trees located within City owned property, not adjacent to a right-of-way, are defined as those trees posing a risk to the public, legally established infrastructure, or off-site private property. Removal of a coniferous tree equal to or exceeding 8 inches dbh (diameter at breast height at 4 feet above grade) or a deciduous tree 12 inches dbh or greater from City property outside of the right-of-way requires an assessment by a TRACE²-certified arborist or qualified professional adhering to the standards of the International Society of Arboriculture (ISA).

BMP Approach: BMPs for hazard tree removal outside of the unimproved right-of-way are the same as those outlined in Section 3.2, *Hazard Tree Removal*.

Forest Health

Description: Vegetation management aimed at halting the spread of disease or damaging insects or the pruning of existing trees and vegetation to maintain forest health and/or increase diversity. Activities may include canopy thinning, structural pruning, overlay dense stand thinning, diseased tree removal, and restoration/enhancement of vegetative diversity.

BMP Approach: BMPs vary somewhat depending upon the action taken. Where the tree canopy is thinned or otherwise pruned, care should be taken to ensure that falling vegetation does not damage other desirable vegetation. Pruning should be performed late in the dormant season or very early spring, before new buds form. Pruning should be completed using clean, straight cuts. Branch collars should not be removed or injured, and cut branches should not be painted. The definition of pruning does not include topping trees. Pruned materials should be disposed of off-site to prevent further spread of disease or pests, when

² Tree Risk Assessment Course and Examination as established by the Pacific Northwest Chapter of the ISA.

present. All pruning should be done in conformance with the Bellevue Environmental Best Management Practices and Design Standards document (Bellevue 2006). In situations where thinning is to occur to prevent homogeneity of habitat, replanting should be done in accordance with the guidelines in the Handbook. Healthy thinned trees should be left on-site and placed to avoid damage to existing or planted native vegetation. Approximately 4 trees per acre should be converted to snags during thinning operations. To avoid trampling of vegetation and compacting of soils, access trails should be minimal. Any equipment or vehicles used during vegetation management activities should be staged and refueled outside of critical areas and critical area buffers. If this is not possible, then a “safe area” within the buffer shall be used for staging and refueling.

Invasive Species Removal

Description: The removal of non-native species for the purposes of promoting the successful establishment of native plantings that might otherwise have difficulty competing with aggressive invasive plants. Invasive species removal may also be conducted as part of an approved mitigation or voluntary enhancement plan.

BMP Approach: BMPs for invasive species removal outside of the unimproved right-of-way are the same as those outlined in Section 3.2, *Invasive Species Removal*.

Habitat Enhancement

Description: The protection and, when necessary, the enhancement of existing critical areas and their buffers is a goal of the City. Enhancement activities may include thinning dense homogeneous stands of vegetation, planting multiple native species to increase diversity, installing habitat features, or other habitat improvement activities.

BMP Approach: BMPs for habitat enhancement activities outside of the unimproved right-of-way are the same as those outlined in Section 3.2, *Habitat Enhancement*.

3.4 Authorized Activities within a Critical Area

This permit also allows for limited vegetation management activities within critical areas. These may occur within the unimproved right-of-way or outside of it. However, the only critical areas covered by this permit are wetlands and steep slopes. Therefore, while activities may be allowed within the buffers of streams, shorelines, and ponds less than 20 acres in size, only work within

wetlands and areas of steep slopes is allowed by this permit. The size of activities allowed by this permit within a wetland or steep slope differs from those allowed within critical area buffers (see Section 6). The presence of a wetland or steep slope may be indicated on the attached map; however, either critical area may exist when the map does not depict one. It is the responsibility of the Department to ascertain the presence of a wetland or steep slope in the area proposed for maintenance activities.

If the Department is unsure whether activities are proposed within a wetland, a professional wetland biologist should be consulted to help determine the boundary of the wetland in question. Any wetland in which activities are proposed must be determined in the field by a qualified professional. Additionally, any proposed activity that will result in soil disturbance or the excavation or placement of materials within a wetland (such activities include stumping, tilling and discing), requires that the Department consult with DSD prior to the initiation of work. DSD will advise the Department whether the proposed activities are authorized without State and/or federal permits. On a case-by-case basis, DSD may choose to consult with State and federal agencies to determine if permits are necessary. This programmatic permit authorizes certain activities within wetlands as a substitute for City of Bellevue permits; however, it is the responsibility of the Departments (through consultation with DSD) to ensure that all State and/or federal permits have been obtained.

Authorized activities described in this section that disturb greater than 5,000 square feet of soil within a steep slope require submittal of a geotechnical report, prepared by a qualified professional. The report shall demonstrate that the proposed activities will not have a detrimental effect on the stability of the steep slope and that downslope impacts are insignificant.

Sight Distance and Obstruction Clearing

Description: Clearing, mowing, pruning, or weeding undesirable vegetation that is limiting sight distance, limiting complete and safe use of the transportation system, limiting the viewing of required signage, obstructing utilities, or preventing the ingress and egress for maintenance of such utilities. No soil disturbance would occur with described activities. The extent of vegetation clearing will be the minimum necessary to alleviate the described condition. If clearing is necessary for maintenance of utilities, the width of such clearing is not to exceed that needed for access and turn-around for specific equipment to be used.

General BMP Approach: Pruning should be limited to the extent necessary to accomplish the objective, and should in no case endanger the plant or plants. Pruning should be performed late in the dormant season

or very early spring, before new buds form. Pruning should be completed using clean, straight cuts. Branch collars should not be removed or injured, and cut branches should not be painted. The definition of pruning does not include topping trees. Pruned materials should be placed so that they do not interfere with the growth of other vegetation, or should be disposed of off-site. All pruning should be done in conformance with the Bellevue Environmental Best Management Practices and Design Standards document (Bellevue 2006). Any removed vegetation must be replaced with appropriate native species, following the guidelines in the Handbook. Creation of access trails should be avoided whenever possible and staging areas placed outside of the critical area and buffer.

Wetland Specific BMP Approach: Mowing should be conducted outside of the most intensive spring/early summer bird breeding season (April 15 through July 31) season, and timed to avoid breeding seasons of other wildlife known to occur in the area. As well, it should be timed to precede seed set of the invasive species, limited to a minimum mown height of 6 inches, and completely avoided in inundated and surface-saturated areas. Removal of non-native species or plants that present an ongoing problem because of their growth patterns or prolificacy should be considered.

Steep Slope Specific BMP Approach: Removing vegetation from the ground layer should be minimized, and plantings should be stabilized with appropriate bioengineering techniques (e.g. netting, wattling, hydro-mulching, etc.). Revegetation should be evaluated so as not to cause more damage or disturbance to soil layers. Slide areas, or areas suspected of being slide-prone, should be evaluated by a geotechnical expert before extensive restoration begins. Storm-water runoff must be prevented from saturating or loading steep slopes. An appropriate drainage system should be in place and adequately maintained to intercept runoff flows before reaching the slope.

Hazard Tree Removal

Description: For the purposes of this permit, hazard trees located within the limits of a wetland or steep slope area are defined as those posing an imminent threat to public safety or are posing an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement. Generally summarized, hazard trees must pose enough harm to an area outside the wetland or steep slope area that they must be removed to alleviate the hazard. Removal of a coniferous tree equal to or exceeding 8 inches dbh or a deciduous tree at

least 12 inches dbh from a wetland or steep slope requires an assessment by a TRACE-certified arborist or qualified professional adhering to the standards of the ISA. In no case shall a stump be removed from a wetland or steep slope area as part of hazard tree removal.

BMP Approach: Hazard trees in wetlands and steep slope areas should be retained as snags except when otherwise recommended by a TRACE-certified arborist or qualified professional. If a snag would continue to pose a hazard, the cut tree should be left as downed wood in the critical area. Cut hazard trees must be replaced at a 4:1 ratio with appropriate native species, using the Handbook for guidance or as designed by a qualified professional. A Department arborist or other qualified professional should select species that will likely not require similar future remediation at the site. If a Department arborist or qualified professional determines that site conditions are not favorable to tree replacement, native shrubs and/or groundcover can be substituted onsite and tree replacement can occur at an off-site City owned property at a 4:1 ratio.

Forest Health

Description: Vegetation management aimed at halting the spread of disease or damaging insects or the pruning of existing trees and vegetation to maintain forest health and/or increase diversity. Activities may include canopy thinning, structural pruning, overly dense stand thinning, diseased tree removal, and restoration/enhancement of vegetative diversity. In no case shall a stump be removed as part of any forest health practice.

BMP Approach: BMPs vary somewhat depending upon the action taken. Where the tree canopy is thinned or otherwise pruned, care should be taken to ensure that falling vegetation does not damage other desirable vegetation within the wetland or steep slope area. Pruning should be performed late in the dormant season or very early spring, before new buds form. Pruning should employ clean, straight cuts. Branch collars should not be removed or injured, and cut branches should not be painted. The definition of pruning does not include topping trees. Pruned materials should be disposed of off-site to prevent further spread of disease or pests. All pruning should be done in conformance with the Bellevue Environmental Best Management Practices and Design Standards document (Bellevue 2006). In situations where thinning is to occur to prevent homogeneity of habitat, replanting should be done in accordance with the guidelines in the Handbook. Healthy thinned trees should be left on-site and placed to avoid damage to existing or planted

native vegetation. Approximately 4 trees per acre should be converted to snags during thinning operations. To avoid trampling of vegetation and compacting of soils, access trails should be minimal. Any equipment or vehicles used during vegetation management activities should be staged and refueled outside of critical areas and critical area buffers. If this is not possible, then a “safe area” within the buffer shall be used for staging and refueling.

Invasive Species Removal

Description: In those instances where an existing wetland or steep slope area has been overgrown by invasive species, the removal of such vegetation is allowed pursuant to this permit. Removal shall be limited to non-native, invasive species.

General BMP Approach: Invasive species removal should be conducted according to guidelines set forth in the Handbook. Any potentially soil-disturbing activity, such as grubbing or root removal, should be accomplished by hand and appropriate erosion control measures taken. In no case shall mechanized equipment be used within a wetland or steep slope area. Removal of ground-level vegetation should be minimized; activities on slope-type wetlands and steep slopes should be stabilized using bioengineering techniques such as wattling, mulching, and biodegradable netting if removal of ground-level vegetation is unavoidable. Invasive species materials should be disposed of off-site. All areas in which removal takes place must be densely replanted with native species. Replacement species, densities, and methods should be conducted using the guidelines in the Handbook and a qualified professional shall develop the enhancement plan. Access trails should be minimal and staging areas placed outside of the critical area and buffer.

Wetland Specific BMP Approach: The use of herbicides in wetlands is of particular concern because of the potential to contaminate groundwater and the unique sensitivity of aquatic organisms. Effective control of invasive species in wetlands can sometimes only be accomplished by herbicides. However, herbicides should only be utilized in wetlands where the benefits of invasive species removal outweigh the risks, based on the recommendation of a qualified ecologist. Application should conform to the procedures outlined in the Environmental Best Management Practices and Design Standards document (Bellevue 2006). Herbicides should be applied by a licensed applicator. The King County Noxious Weed Control Program Best Management Practices (King County 2008) should also be consulted for species-specific guidelines.

Steep Slope Specific BMP Approach: Removing vegetation from the ground layer should be minimized, and plantings should be stabilized with appropriate bioengineering techniques (e.g. netting, wattling, hydro-mulching, etc.). Revegetation should be evaluated so as not to cause more damage or disturbance to soil layers. Slide areas, or areas suspected of being slide-prone, should be evaluated by a geotechnical expert before extensive restoration begins, as must any known steep slope where more than 5,000 square feet of soil surface disturbance is proposed. Storm-water runoff must be prevented from saturating or loading steep slopes. An appropriate drainage system should be in place and adequately maintained to intercept runoff flows before reaching the slope.

Habitat Enhancement

Description: In those instances where an existing wetland or steep slope area is found to be in a degraded state or where invasive species have been removed, enhancement of the wetland or steep slope is allowed pursuant to this permit. Enhancement and habitat improvement activities shall be limited to those necessary to successfully restore the critical area to a natural condition. This includes native species planting and installation of habitat features. Invasive species removal is also covered under this permit, pursuant to the preceding subsection. This permit does not cover other enhancement techniques such as redirection of hydrology, grading, and other invasive techniques.

BMP Approach: Enhancement and habitat improvement activities in a wetland or steep slope area require an approved enhancement plan to be completed by a qualified professional. The plan must detail invasive species removal techniques, a planting plan with installation details, a sediment and erosion control plan, maintenance methods, and a monitoring plan to ensure success.

3.5 Emergency Activities

Pursuant to LUC 20.25H.055(C)(3)(b), emergency actions are defined as those that must be undertaken immediately or within a time too short to allow full compliance with the LUC, to prevent an imminent threat to public health or safety. After emergency actions are taken, DSD must be notified and an enhancement and/or mitigation plan must be prepared based on the impacts of the emergency activities.

This programmatic permit shall cover those activities described in this document that are undertaken on an emergency basis. DSD shall be notified by Departments within 10 working days following commencement of the

emergency activity. If emergency activities surpass the minimum thresholds established in Section 6, an enhancement plan shall be developed by a qualified professional, and submitted to DSD. However, no further permit coordination would be required, as long as the emergency activity is covered by this programmatic permit and the maximum thresholds are not surpassed.

4 CLEARING AND GRADING GUIDELINES

The preceding section described general BMPs for each of the individual activities covered under this programmatic permit. The intent of this section is to describe general BMPs applicable to all covered activities, as required by the Clearing and Grading Code (LUC 23.76), specifically LUC 23.76.060, *Clearing – Vegetation preservation and replacement* and LUC 23.76.090, *Erosion and sedimentation control*. Also included in this section is a construction work sequence for proposed activities, along with a description of erosion control measures to be taken for all covered activities.

4.1 Clearing and Grading Standard Notes

In addition to the general BMPs described in the preceding section for each individual activity and the specific BMPs provided in Section 5, all activities covered under this programmatic permit shall adhere to all relevant City of Bellevue clearing and grading standard notes. For reference, the standard notes are listed below in their entirety.

1. All clearing & grading construction must be in accordance with City of Bellevue (COB) *Clearing & Grading Code, Clearing & Grading Erosion Control Standard Details (EC-1 through EC-23), Development Standards, Land Use Code, Uniform Building Code*, permit conditions, and all other applicable codes, ordinances, and standards. The design elements within these plans have been reviewed according to these requirements. Any variance from adopted erosion control standards is not allowed unless specifically approved by the City of Bellevue Department of Planning & Community Development (PCD) prior to construction.

It shall be the sole responsibility of the applicant and the professional civil engineer to correct any error, omission, or variation from the above requirements found in these plans. All corrections shall be at no additional cost or liability to the COB. All details for structural walls, rockeries over four feet in height, geogrid reinforced rockeries and geogrid reinforced modular block walls, must be stamped by a professional engineer.

2. A copy of the approved plans must be on-site during construction. The applicant is responsible for obtaining any other required or related permits prior to beginning construction.
3. All locations of existing utilities have been established by field survey or obtained from available records and should, therefore, be considered only approximate and not necessarily complete. It is the sole responsibility of the contractor to independently verify the accuracy of all utility locations and to discover and avoid any other utilities not shown which may be affected by the implementation of this plan.
4. The area to be cleared and graded must be flagged by the contractor and approved by the Clearing and Grading Inspector prior to beginning any work on the site.
5. A reinforced silt fence must be installed in accordance with COB EC-5 and shall be located as shown on the approved plans or per the Clearing and Grading Inspector, along slope contours and down slope from the building site.
6. A hard-surface construction access pad is required per Clearing & Grading Standard Detail EC-1 or EC-2. This pad must remain in place until paving is installed.
7. Clearing shall be limited to the areas within the approved disturbance limits. Exposed soils must be covered at the end of each working day when working from October 1 through April 30. From May 1 through September 30, exposed soils must be covered at the end of each construction week and also at the threat of rain.
8. Any excavated material removed from the construction site and deposited on property within the City limits must be done in compliance with a valid clearing & grading permit. Locations for the mobilization area and stockpiled material must be approved by the Clearing and Grading Inspector at least 24 hours in advance of any stockpiling.
9. To reduce the potential for erosion of exposed soils, or when rainy season construction is permitted, the following Best Management Practices (BMPs) are required.
 - a. Preserve natural vegetation for as long as possible or as required by the Clearing and Grading Inspector.

- b. Protect exposed soil using plastic (EC-14), erosion control blankets, straw or mulch (COB Guide to Mulch Materials, Rates, and Use Chart), or as directed by the Clearing and Grading Inspector.
 - c. Install catch basin inserts as required by the Clearing and Grading Inspector or permit conditions of approval.
 - d. Install a temporary sediment pond, a series of sedimentation tanks, temporary filter vaults, or other sediment control facilities. Installation of exposed aggregate surfaces requires a separate effluent collection pond onsite.
10. Final site grading must direct drainage away from all building structures at a minimum 2% slope, per the *Uniform Building Code*.
11. The contractor must maintain a sweeper on site during earthwork and immediately remove soil that has been tracked onto paved areas as result of construction.
12. Turbidity monitoring may be required as a condition of clearing and grading permit approval. If required, turbidity monitoring must be performed in accordance with the approved turbidity monitoring plan and as directed by the Clearing and Grading Inspector. Monitoring must continue during site (earthwork) construction until the final sign-off by the Clearing and Grading Inspector.
13. Any project that is subject to Rainy Season Restrictions will not be allowed to perform clearing and grading activities without written approval from the PCD Director. The rainy season extends from November 1st through April 30th, as defined in section 23.76.093A of the Clearing and Grading Code.

4.2 Construction Sequence

The following describes the general construction sequence to be followed for the allowed activities covered by this programmatic permit.

1. Identify and mark work limits with high visibility fencing. Place high visibility fencing as protection around trees that are to remain in the project area.
2. Identify, locate, flag and protect all utilities that may exist in the construction area. Any damage to utilities, shall be the sole responsibility of the Department.
3. Install any necessary staging and/or refueling areas, outside of the critical area and buffer if possible.

4. Install all temporary erosion control measures, general and site-specific, as noted throughout this document or as required by any State or federal permit conditions.
5. Properly identify and remove all invasive weeds encountered in the work area and dispose off-site. Mark all desirable vegetation around control area, ensuring that no native plants are removed.
6. Remove hazard trees as necessary.
7. Retain large woody debris and the stubs of large diameter trees onsite where it is safe to do so. Woody debris shall be placed to maximize ground contact.
8. Evaluate soil conditions. If the soils are deficient of organic material, amend soils as necessary to insure minimum organic content.
9. Plant the proposed areas with the native tree, shrub, and groundcover species during the first dormant season (November through March). Use sizing and condition information provided on the enhancement plan or as indicated in the Handbook.
10. Cover the entire planting area with a 4" depth layer of wood chip mulch.
11. If plants are installed outside of the dormant season, then a minimum of 1 inch of water per week should be provided during the first two summers via a temporary or permanent irrigation system.

4.3 Erosion and Sediment Control Plan

Pursuant to LUC 23.76.090, all construction activities covered by this programmatic permit shall comply with the following erosion and sedimentation control BMPs. The described BMPs are necessary to prevent sediment from leaving the project area and impacting downstream waters. In general, it is the Department's responsibility to ensure sediment does not leave the project area in an amount that would violate applicable State or City water quality standards.

1. All necessary temporary erosion and sedimentation control measures shall be installed prior to any clearing or vegetation removal.
2. Construction access into critical area buffers shall be limited to one route if possible. Sediment deposited on the paved right-of-way shall be removed in a manner that prevents it from entering the drainage system.
3. Adjacent and downstream properties, storm drain inlets, and the downstream natural and built drainage system shall be protected from sediment deposition using the BMPs described in Section 4.1.

4. No stockpiling of materials shall occur on-site.
5. Whenever possible, staging and refueling areas are to occur outside of critical areas and critical area buffers and also away from areas of exposed soil.
6. Filter fabric will be installed around storm drains located in the vicinity of any vehicle staging areas.
7. The project area will be inspected daily to ensure that no additional sediment and erosion control BMPs are necessary.

5 SUMMARY OF BEST MANAGEMENT PRACTICES

The general BMP approach for each individual authorized activity has been described in Section 4. A more detailed analysis of the specific management controls and appropriate BMPs are presented in this section. Management controls have been divided into three categories: mechanical, chemical and cultural. Depending upon the critical area or critical area buffer in which the proposed activity is to occur, different controls should be used to protect the critical area.

Mechanical controls typically include: grass and brush mowing; manual brush cutting; pruning; aerial saw work; and tilling. Chemical controls include herbicide and pesticide application. Cultural controls include sequencing and timing actions. Table 3 provides general guidance regarding which controls should be used while working within critical areas and critical area buffers.

Table 3. Management Controls

	Critical Area Buffer				
	Streams	Wetlands ³	Shorelines	Steep ⁴ Slopes	Ponds < 20 acres
Mechanical	Yes	Yes	Yes	Yes	Yes
Chemical	No	No ⁵	No	Yes	No
Cultural	Yes	Yes	Yes	Yes	Yes

³ Includes work within wetlands

⁴ Includes work within steep slopes.

⁵ Selected use of herbicide may be employed where alternatives do not exist or are ineffective. See Section 3.4, *Invasive Species Removal*.

BMPs for each individual activity are presented below in Table 4. In addition to the BMPs presented below, proposed vegetation management activities must also be in compliance with the specific performance standards for each individual critical area or critical area buffer described in the LUC. These include streams (LUC 20.25H.080), wetlands (LUC 20.25H.100), shorelines (LUC 20.25E.080) and steep slopes (LUC 20.25H.125).

Compliance with the BMPs described in this section shall also constitute compliance with the performance standards for HASLI (LUC 20.25H.160). The LUC (20.25H.160) requires that a wildlife management plan developed by the Washington Department of Fish and Wildlife (WDFW) be implemented on sites where a project or activity has the potential to impact habitat associated with species of local importance. Several species of local importance are also Priority Habitat Species (PHS) and therefore have had wildlife management recommendations developed for them by WDFW. Of these species, bald eagle, peregrine falcon, pileated woodpecker, great blue heron, Vaux’s swift, and purple martin may use City rights-of-way or parks/open spaces and subsequently could be impacted by activities covered under this permit.

The BMPs required under this permit address the majority of the recommendations developed by WDFW for these species through the permits overall goal of maintaining forest health and enhancing habitat. Specific management strategies recommended by WDFW and also employed by the programmatic permit include the replacement of hazard trees, the retention of snags and large stumps, and the use of pesticides only under the guidelines set forth in the Environmental Best Management Practices and Design Standards document (Bellevue 2006).

Table 4. Summary of BMPs

Sight Distance & Obstruction Clearing	
Unimproved ROW	<ul style="list-style-type: none"> • Clear and prune to minimal effective extent; • Preserve health of tree; avoid damage to existing plants if disposing of materials on-site; • Replace removed vegetation in accordance with the Handbook; and • Minimize access trails and place staging areas outside of the buffer.
Outside ROW	<ul style="list-style-type: none"> • Same as above.
Wetlands	<ul style="list-style-type: none"> • Same as above, except a wetland determination by a qualified professional is required and efforts should be made to avoid creating access trails.

Steep Slopes	<ul style="list-style-type: none"> • Same as above; in addition: • Removing vegetation from the ground layer should be minimized, and plantings should be stabilized with appropriate bioengineering techniques (e.g. netting, wattling, hydro-mulching, etc.); • Revegetation should be evaluated so as not to cause more damage or disturbance to soil layers; • Slide areas, or areas suspected of being slide-prone, should be evaluated by a geotechnical expert before extensive enhancement begins; • Storm-water runoff must be prevented from saturating or loading steep slopes; and • An appropriate drainage system should be in place and adequately maintained to intercept runoff flows before reaching the slope.
Hazard Tree Removal	
Unimproved ROW	<ul style="list-style-type: none"> • Leave as snag where possible; • Leave as down wood when snags is not advised; • Removal of felled trees should be completed in a manner that does not damage riparian vegetation or bank of streams, lakes or wetlands; and • Replace with native trees at 4:1 ratio.
Outside ROW	<ul style="list-style-type: none"> • Same as above.
Wetlands	<ul style="list-style-type: none"> • Same as above, except requires a wetland determination by a qualified professional and a recommendation by a certified arborist or qualified professional.
Steep Slopes	<ul style="list-style-type: none"> • Same as above, except requires recommendation by certified arborist of qualified professional.
Forest Health	
Outside ROW	<ul style="list-style-type: none"> • Dispose of unhealthy plant materials off-site; • Protect existing vegetation from falling plant materials; • Replant removed vegetation according to the Handbook; • Leave healthy thinned trees on-site as habitat features; and • Minimize access trails.
Wetlands	<ul style="list-style-type: none"> • Same as above, except a wetland determination by a qualified professional is required and efforts should be made to avoid creating access trails.
Steep Slopes	<ul style="list-style-type: none"> • Same as above, except efforts should be made to avoid creating access trails.
Invasive Species Removal	
Unimproved ROW	<ul style="list-style-type: none"> • Properly identify target species; • Mark all desirable vegetation around control area to ensure that no native plants are removed; • Focus on manual removal for small infestations if possible; • Small infestations can be hand-pulled or dug up. Isolated plants should be removed in order to prevent them from infesting a larger area; • Use soil from roots to fill in any divots to lessen the amount of

	<p>disturbed soil;</p> <ul style="list-style-type: none"> • Use mechanical means such as mowers when hand removal is not feasible; • Do not use string trimmers near native vegetation; • Use selective herbicide application only where manual and mechanical removal are not possible and only in accordance with City of Bellevue BMPs for herbicide use (Bellevue 2006); • Implement erosion control measures if soil could be disturbed; and • Replant bare areas according to the Handbook.
Outside ROW	<ul style="list-style-type: none"> • Same as above.
Wetlands	<ul style="list-style-type: none"> • Same as above; in addition, a wetland determination and enhancement plan by qualified professionals are required; additional restrictions apply to herbicide use, as outlined in Section 3.4, <i>Invasive Species Removal</i>.
Steep Slopes	<ul style="list-style-type: none"> • Same as above; in addition: • Removing vegetation from the ground layer should be minimized, and plantings should be stabilized with appropriate bioengineering techniques (e.g. netting, wattling, hydro-mulching, etc.); • Revegetation should be evaluated so as not to cause more damage or disturbance to soil layers; • Slide areas, or areas suspected of being slide-prone, should be evaluated by a geotechnical expert before extensive enhancement begins; • Storm-water runoff must be prevented from saturating or loading steep slopes; • An appropriate drainage system should be in place and adequately maintained to intercept runoff flows before reaching the slope; and • Enhancement plan by a qualified professional is required. A geotechnical report is required for soil disturbances that exceed 5,000 square feet.
Habitat Enhancement	
Unimproved ROW	<ul style="list-style-type: none"> • Removal of existing vegetation should be conducted in accordance with the Handbook; • Implement erosion control measures if soil could be disturbed; • Plantings should be installed in accordance with the guidelines and recommendations of the Handbook or approved enhancement plan; and • Restored areas should be maintained and monitored to insure success.
Outside ROW	<ul style="list-style-type: none"> • Same as above.
Wetlands	<ul style="list-style-type: none"> • Same as above, except a wetland determination and enhancement plan by qualified professionals are required.
Steep Slopes	<ul style="list-style-type: none"> • Same as above, except enhancement plan by a qualified professional is required and a geotechnical report is required for soil disturbances that exceed 5,000 square feet.

6 THRESHOLDS

The purpose of this permit is to allow small routine vegetation management activities to receive programmatic approval and thus bypass the standard CALUP/SEPA/clearing and grading permitting process. However, larger, more complex projects will not be covered under this permit. Therefore, it is important to establish thresholds that will help determine which activities are covered under this permit and which are not. Thresholds will depend upon the type of activity proposed, the area in which the activity is proposed, and whether or not preparation of an enhancement plan and/or phasing of the project is planned.

In some instances, the preparation of an enhancement plan (pursuant to the requirements of LUC 20.25H.220) by a qualified professional can be done to increase the size of the threshold allowed under this permit. Similarly, phasing of a project can further increase the size of the threshold. An increased threshold, through phasing, is not allowed for work within a wetland or steep slope area under this permit.

Thresholds may be increased through the preparation of an enhancement plan due to the level of expertise provided by the qualified professional required to prepare the enhancement plan. The plan, which may include maintenance and monitoring of the project, will help to ensure success of the proposed activity.

Thresholds may be increased through phasing in order to prevent a temporal loss of ecological function compared to the temporal loss that would result from implementation of the same project through the typical CALUP/SEPA/clearing and grading permitting process. Temporal loss of ecological function can result from the time lag between initiation of enhancement activities and the maturation of anticipated ecological functions resulting from enhancement activities. Under this permit, an enhancement plan developed by a qualified professional must accompany any phasing proposal. The enhancement plan should specifically detail the phasing proposed, including the number of phases, estimated time between phases, and the performance standards that must be met in order to proceed to the next phase. DSD may determine that monitoring by a qualified professional is necessary in order to allow the phasing.

Table 5 outlines the maximum thresholds allowed under this programmatic permit. It is important to note that individual projects can be larger than the thresholds described below, as long as impacts within the critical area or critical area buffer do not surpass the threshold. Additionally, activities proposed pursuant to this programmatic permit must include a description of all future activities proposed within the immediate vicinity of the proposed project.

Separate projects located adjacent to each other (and not proposed as phases), in order to meet the threshold criteria, will not be allowed. DSD may determine on a case-by-case basis whether a proposed activity, when coupled with additional future proposals, will surpass the threshold. DSD may then determine that an activity, when not considered to be a “single and complete” project, is subject to the standard CALUP/SEPA/clearing and grading process.

Table 5. Thresholds

Activity⁶	Area	Threshold	Threshold (with Enhancement Plan)	Threshold (with Enhancement Plan & Phasing)
Sight Distance & Obstruction Clearing	Unimproved ROW	0.50 acre	---	---
	Outside ROW	0.50 acre	---	---
	Wetland	0.10 acre	---	---
	Steep Slopes	0.10 acre	---	---
Hazard Tree Removal ⁷	Unimproved ROW	4 trees/acre	6 trees/acre	8 trees/acre
	Outside ROW	4 trees/acre	6 trees/acre	8 trees/acre
	Wetland	1 tree/acre	2 trees/acre	---
	Steep Slopes	2 trees/acre	4 trees/acre	---
Forest Health	Unimproved ROW	0.50 acre	1.0 acre	2.0 acres
	Outside ROW	0.50 acre	1.0 acre	2.0 acres
	Wetland	0.25 acre	<1.0 acre	---
	Steep Slopes	0.25 acre	<1.0 acre	---
Invasive Species Removal	Unimproved ROW	0.50 acre	1.0 acre	2.0 acres
	Outside ROW	0.50 acre	1.0 acre	2.0 acres
	Wetland	0.25 acre	<1.0 acre	---
	Steep Slopes	0.25 acre	<1.0 acre	---
Habitat Enhancement	Unimproved ROW	0.50 acre	1.0 acre	2.0 acres
	Outside ROW	0.50 acre	1.0 acre	2.0 acres
	Wetland	---	<1.0 acre	---
	Steep Slopes	---	<1.0 acre	---

⁶ A geotechnical report is required for any activity that disturbs greater than 5,000 square feet of soil within a steep slope area.

⁷ Total acreage per permit is not to exceed two (2) acres.

7 POTENTIAL CONSERVATION OUTCOMES

It is the intention of this programmatic permit to preserve and enhance the functions and values of critical areas and critical area buffers located in City rights-of-way. The activities covered under this permit provide the opportunity to couple routine maintenance with habitat management and enhancement. BMPs described in this document are designed to achieve a degree of improvement over existing conditions during regular work in City rights-of-way. The following paragraphs describe how the methods required by this permit accomplish the goal of protecting and enhancing ecological functions in and around City rights-of-way.

BMPs designed for hazard tree removal include retention of standing and downed wood. These are extremely valuable habitat features for wildlife, including birds, herptiles, and small mammals. When safety dictates the removal of a hazard tree and snag, the enhancement of the area with native species designed to meet future safety needs preserves habitat function by promoting a low-maintenance right-of-way that requires less intrusion for ongoing maintenance. Similarly, obstruction clearing provides the opportunity to improve rights-of-way in both an ecological sense and from a maintenance point of view. Pruned native vegetation provides low cover for wildlife and adds complexity to habitat. Non-native vegetation cleared pursuant to this permit is required to be replaced with native species. This represents an improvement by providing habitat more suitable to native wildlife. Replanting again reduces the need for future disturbance because plant species can be selected for characteristics that avoid obstruction issues into the future. Following recommendations in the Handbook will also ensure a more diverse habitat designed to enhance not only habitat function, but other buffer functions such as slope stabilization, stormwater flow attenuation, and water quality improvement.

Removal of invasive species, whether implemented by itself or as part of obstruction clearing or habitat enhancement, is designed within the parameters of this permit to result in improvement in vegetated rights-of-way. Any removal that results in bare ground will be accompanied by installation of replacement plants in the form of native species. Not only is this likely to result in denser, more complex vegetative structure than the existing infestation, and provide an aesthetic visual screen, but the resultant native plant community will represent an improvement from a wildlife perspective. Limiting the use of herbicides further protects the functions of buffers and critical areas.

Any vegetated natural area may be subject to invasion by disease or parasites; managed City rights-of-way provide an opportunity to protect natural areas that

might not normally receive protection. The removal of diseased vegetation not only protects the immediate and surrounding areas from infestation, but also, under this permit, enables replanting under Handbook guidelines to be conducted. The result is a healthier forest with no net loss of vegetative diversity.

Successful and well-planned enhancement by definition results in buffer and critical area improvement. This permit promotes enhancement by allowing plans based on the Handbook to proceed without further permitting requirements (with the exception of habitat enhancement within a wetland or steep slope area).

This permit recognizes the need for expedient and financially unrestrictive maintenance. Provisions for phasing activities implementing enhancement plans enables routine maintenance to be conducted hand-in-hand with ecological improvement without cumbersome regulatory processing. With careful application, it will result in rights-of-way that provide dense and complex screens of native vegetation, habitat features for wildlife, and enhanced functions as critical area buffers.

8 PERMIT COMPLIANCE

For each individual maintenance activity proposed, the Departments shall complete and submit to DSD a Programmatic Permit Approval application form. A copy of the application form is included in Appendix B. The application form is intended to provide DSD with the information necessary to find compliance with this programmatic permit.

REFERENCES

City of Bellevue. 2006. Environmental Best Management Practices and Design Standards.

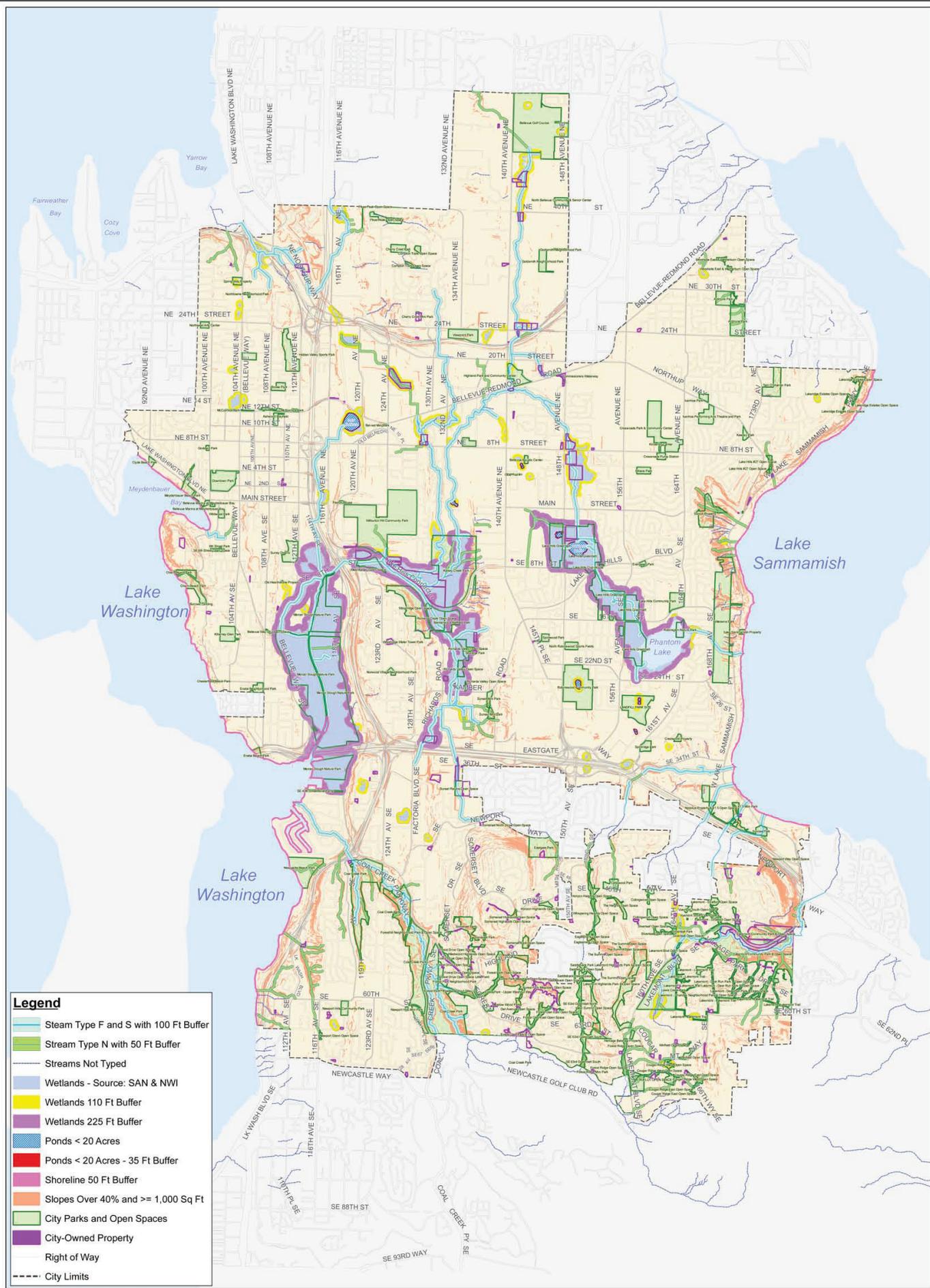
City of Bellevue. 2007. Critical Areas Handbook.

City of Bellevue. 2008. City of Bellevue Geographic Information System (GIS) database.

King County Department of Natural Resources and Parks. October 2008. King County Noxious Weed Control Program. Best Management Practices (<http://www.kingcounty.gov/environment/animalsAndPlants/noxious-weeds/weed-control-practices/bmp.aspx>)

APPENDIX A

**Vegetation Management
Programmatic Map**



- Legend**
- Stream Type F and S with 100 Ft Buffer
 - Stream Type N with 50 Ft Buffer
 - Streams Not Typed
 - Wetlands - Source: SAN & NWI
 - Wetlands 110 Ft Buffer
 - Wetlands 225 Ft Buffer
 - Ponds < 20 Acres
 - Ponds < 20 Acres - 35 Ft Buffer
 - Shoreline 50 Ft Buffer
 - Slopes Over 40% and >= 1,000 Sq Ft
 - City Parks and Open Spaces
 - City-Owned Property
 - Right of Way
 - City Limits

V:\pdr\GIS\CriticalAreas\CA_General_ROV\Parks\Oct2008\Leg_fb.mxd

NORTH

City of Bellevue
IT Department
GIS Services

Plot Date: 11/10/2008

City of Bellevue

Vegetation Management Programmatic Map

The information on this map is a geographic representation derived from the City of Bellevue Geographic Information System. The City of Bellevue does not guarantee that the information on this map is accurate or complete. This map is provided on an "as is" basis and disclaims all warranties, express or implied, including but not limited to warranties of merchantability, fitness for a particular purpose and non-infringement. Any commercial use or sale of this map or portions thereof, is prohibited without express written authorization by the City of Bellevue. The City of Bellevue is not responsible for any damages arising from the use of information on this map. Use of this map is at user's risk. Users should verify the information before making project commitments.

APPENDIX B

Programmatic Application Form

**Programmatic Vegetation Management - 09-119604-XE
Activity Notification**

**Land Use and
Clearing & Grading**

09-_____ -XB
Please provide applicable Clearing and Grading Permit Number

Notification Date: _____
(Notification must occur a minimum of 48 hours before start date)

Timing of Proposed Work:

Estimated Start Date: _____
Estimated End Date: _____

Contact Information:

Name of Contractor Performing Work (if applicable): _____
Address: _____

Contact: _____
Phone #: _____

Contact Person (Responsible for ensuring BMPs are followed): _____
Department: _____
Contact Phone #: _____

Area of Proposed Work:

- Map showing location is attached
- Unimproved Right-of-way
Adjacent Roadway: _____ Nearest Cross Street: _____
- City Park/Open Space:
Park Name: _____ Parcel Number (if known): _____

Critical Area(s) Affected:

- Stream Buffer
- Shoreline Buffer
- Wetland Buffer
- Steep Slope Buffer
- Wetland
- Steep Slope

Submittal Items (attach along with form when applicable):

- Enhancement Plan
Is Phasing Proposed? Yes No
Size of Additional Phases: _____ square feet
- Wetland Delineation/Determination (required for work in wetlands)
- Geotechnical Report [required for soil disturbances > 5,000 square feet in a geologic hazard critical area (steep slope) or its 50-foot top-of-slope buffer]

Type of Work Proposed:

[Circle the proposed activity, the affected area and the applicable threshold.]

Activity	Area	Threshold	Threshold (w/ Enhancement Plan)	Threshold (w/ Enhancement Plan and Phasing)
Sight Distance & Obstruction Clearing	Unimproved ROW	0.50 acre	---	---
	Outside ROW	0.50 acre	---	---
	Wetland	0.10 acre	---	---
	Steep Slopes	0.10 acre	---	---
Hazard Tree Removal	Unimproved ROW	4 trees/acre	6 trees/acre	8 trees/acre
	Outside ROW	4 trees/acre	6 trees/acre	8 trees/acre
	Wetland	1 tree/acre	2 trees/acre	---
	Steep Slopes	2 trees/acre	4 trees/acre	---
Forest Health	Unimproved ROW	0.50 acre	1.0 acre	2.0 acres
	Outside ROW	0.50 acre	1.0 acre	2.0 acres
	Wetland	0.25 acre	<1.0 acre	---
	Steep Slopes	0.25 acre	<1.0 acre	---
Invasive Species Removal	Unimproved ROW	0.50 acre	1.0 acre	2.0 acres
	Outside ROW	0.50 acre	1.0 acre	2.0 acres
	Wetland	0.25 acre	<1.0 acre	---
	Steep Slopes	0.25 acre	<1.0 acre	---
Habitat Enhancement	Unimproved ROW	0.50 acre	1.0 acre	2.0 acres
	Outside ROW	0.50 acre	1.0 acre	2.0 acres
	Wetland	---	<1.0 acre	---
	Steep Slopes	---	<1.0 acre	---

Briefly describe the existing site conditions that require the proposed work:

Briefly describe the scope of work proposed:

Upon completion, this Notification Form shall be forwarded to the following addresses:

- landusereview@bellevuewa.gov
- aroden@bellevuewa.gov
- momalley@bellevuewa.gov

NOTE: The Clearing & Grading Inspector shall log inspections into Amanda.

Draft Stormwater Pollution Prevention Plan

For

Programmatic Permit: Critical Areas Land Use Permit/Clear and Grade/SEPA

Prepared For

Northwest Regional Office
3190 - 160th Avenue SE
Bellevue, WA 98008-5452
425-649-7000

and

The City of Bellevue Parks & Community Services, Utilities and Transportation Depts.
450 110th Ave.
Bellevue, WA 98004

Owner	Developer	Operator/Contractor
The City of Bellevue Parks & Community Services, Utilities and Transportation Depts. 450 110th Ave. Bellevue, WA 98004	The City of Bellevue Parks & Community Services, Utilities and Transportation Depts. 450 110th Ave. Bellevue, WA 98004	To be determined ~ ~

Project Site Location

Various locations in Bellevue, WA

Certified Erosion and Sediment Control Lead

Don McQuilliams
Surface Water Superintendent
City of Bellevue Utilities Dept.
450 110th Ave.
Bellevue, WA 98004
(425)452-7865

SWPPP Prepared By

The Watershed Company
750 Sixth Street South
Kirkland, WA 98034
(425)522-5242
Courtney H. Landoll, ASLA, RLA

SWPPP Preparation Date

August 27, 2009

Approximate Project Construction Dates

On going projects throughout the year

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Appendix B – Construction BMPs

Appendix C – Alternative BMPs

Appendix D – General Permit

Appendix E – Site Inspection Forms (and Site Log)

1.0 Introduction

This Stormwater Pollution Prevention Plan (SWPPP) has been prepared as part of the NPDES stormwater permit requirements for the Bellevue Programmatic Permit that addresses maintenance and habitat enhancement activities that occur within critical area buffers and critical areas, limited to steep slopes and wetlands, in City owned right-of-way and properties throughout the City.

Proposed activities include:

- Sight distance and obstruction clearing within the right-of-way
- Hazard tree removal and associated replanting within the right-of-way and City owned property where there is an imminent threat to public safety or an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement.
- Vegetation management within the right-of-way and City owned property aimed to improve forest health including insect and disease control, canopy thinning, pruning, stand thinning, diseased tree removal, and restoration/enhancement of vegetative diversity.
- Invasive species removal and replanting within right-of-way and City owned property.
- Habitat enhancement within right-of-way and City owned property through thinning of homogenous stands of vegetation and replanting to increase diversity, installing habitat features, and other habitat improvement activities.

The purpose of this SWPPP is to describe the proposed construction activities and all temporary and permanent erosion and sediment control (TESC) measures, pollution prevention measures, inspection/monitoring activities, and recordkeeping that will be implemented during the proposed construction project. The objectives of the SWPPP are to:

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

peak flow rates and volumes of stormwater runoff at the Permittee's outfalls and downstream of the outfalls.

This SWPPP was prepared using the Ecology SWPPP Template downloaded from the Ecology website on July 2, 2005. This SWPPP was prepared based on the requirements set forth in the Construction Stormwater General Permit, *Stormwater Management Manual for Western Washington* (SWMMWW 2005). The report is divided into seven main sections with several appendices that include stormwater related reference materials. The topics presented in the each of the main sections are:

- Section 1 – INTRODUCTION. This section provides a summary description of the project, and the organization of the SWPPP document.
- Section 2 – SITE DESCRIPTION. This section provides a description of the existing site conditions, proposed construction activities.
- Section 3 – CONSTRUCTION BMPs. This section provides a detailed description of the BMPs to be implemented based on the 12 required elements of the SWPPP (SWMMEW 2004).
- Section 4 – CONSTRUCTION PHASING AND BMP IMPLEMENTATION. This section provides a description of the timing of the BMP implementation in relation to the project schedule.
- Section 5 – POLLUTION PREVENTION TEAM. This section identifies the appropriate contact names (emergency and non-emergency), monitoring personnel, and the onsite temporary erosion and sedimentation control inspector
- Section 6 – INSPECTION AND MONITORING. This section provides a description of the inspection and monitoring requirements such as the parameters of concern to be monitored, sample locations, sample frequencies, and sampling methods for all stormwater discharge locations from the site.
- Section 7 – RECORDKEEPING. This section describes the requirements for documentation of the BMP implementation, site inspections, monitoring results, and changes to the implementation of certain BMPs due to site factors experienced during construction.

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

Appendix A – Map of Project Areas
Appendix B – Construction BMPs
Appendix C – Alternative Construction BMP List

Appendix D – General Permit

Appendix E – Site Log and Inspection Forms

Site plans and engineering calculations have not been included, since this is for a programmatic permit designed to perform routine maintenance and habitat enhancement activities that would not have a large impact on stormwater runoff.

2.0 Site Description

2.1 Existing Conditions

The project area is City wide, within critical area buffers and within limited critical areas (wetlands and steep slopes) within City right-of-way and City owned properties. Topography, soil characteristics, drainage, and proximity to other critical areas will vary depending on the project site. Projects will also vary in size, with the largest project 2 acres in size with an enhancement plan and phasing. Without phasing, an individual project will be limited to one acre or less

A thorough site evaluation should be conducted prior to the commencement of work to determine potential stormwater management concerns.

Several water bodies in the City are listed as Category 5 polluted water of the state under the State's Clean Water Act Section 303(d) list including:

- Lake Washington for fecal coliform
- Mercer Slough for fecal coliform
- Kelsey Creek for fecal coliform, temperature, and dissolved oxygen
- Idylwood Creek for fecal coliform and dissolved oxygen
- Lake Sammamish for dissolved oxygen
- Lewis Creek for fecal coliform, temperature, and dissolved oxygen

However, none of the water bodies are listed for parameters applicable to construction projects such as turbidity, fine sediment, pH, or phosphorous. See the monitoring section for more information.

2.2 Proposed Construction Activities

Construction activities will include TESC installation, pruning, mowing, weeding and grubbing, tree removal, soil amendment, planting, installation of habitat features, and in rare cases, herbicide treatment. The schedule and phasing of BMPs during construction is provided in Section 4.0.

Most activities will occur during the rainy season, since plants are dormant at that time of year, and there are fewer wildlife concerns, therefore the use of erosion control techniques and appropriate BMP selection will be important.

Very limited soil disturbance is anticipated, unless an area is selected for habitat enhancement planting and the existing soil condition is poor, requiring amendment. No grading activities will be conducted under this permit. All projects that expose soil through vegetation removal will be stabilized and revegetated by project completion.

In Section 3, BMPs are provided to meet each of the 12 elements required for stormwater management, as applicable to the project. The BMPs describe under what conditions they should or should not be used, since project type and site drainage will vary per project.

The following summarizes details regarding site areas:

- Total site area: 2 acres max.
- Percent impervious area before construction: 0 %
- Percent impervious area after construction: 0 %
- Disturbed area during construction: 1 acre per phase max.
- Disturbed area that is characterized as impervious (i.e., access roads, staging, parking): Varies
- 2-year stormwater runoff peak flow prior to construction (existing): Unknown
- 10-year stormwater runoff peak flow prior to construction (existing): Unknown
- 2-year stormwater runoff peak flow during construction: Unknown
- 10-year stormwater runoff peak flow during construction: Unknown
- 2-year stormwater runoff peak flow after construction: Unknown¹
- 10-year stormwater runoff peak flow after construction: Unknown¹

¹ The proposed projects are not anticipated to impact runoff. Soil amendment, where applicable, and planting of sites with limited vegetation may improve runoff volumes. Large areas of invasive species removal may result in increased runoff until vegetation becomes established unless the sites are stabilized and monitored until the successful establishment of vegetation can be achieved.

3.0 Construction Stormwater BMPs

3.1 The 12 BMP Elements

For detailed descriptions of each BMP, see the Department of Ecology's fact sheets in Volume II of the Stormwater Management Manual for Western Washington.

3.1.1 Element #1 – Mark Clearing Limits

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

- **Preserving Natural Vegetation (BMP C101)**- This BMP should be used for every project unless the proposed project is targeting the removal of invasive or ornamental species. The boundaries of the clearing limits and vegetation to remain shall be marked in the field by the contractor for approval by the Certified Erosion and Sediment Control Lead (CESCL) prior to construction.
- **Buffer Zones (BMP C102)**- Buffer zones are areas of undisturbed vegetation to provide a living filter to reduce soil erosion and runoff velocities. Buffer zones as they pertain to stormwater management are not to be confused with critical area buffers, which should be avoided as sediment treatment areas when possible. Buffer zones should be considered when doing invasive species removal or other areas of vegetation clearing during the rainy season, by leaving sections of vegetation in place to trap sediment. After other areas are stabilized, removal of those sections remaining could proceed.
- **High Visibility Plastic or Metal Fence (BMP C103)**- Per permit requirements found in the Construction Sequence, all project limits are to be marked with high visibility fencing and placed around trees designated to remain. The high visibility fencing shall remain in place throughout the duration of the project.

Alternate BMPs for marking clearing limits are included in Appendix C as a quick reference tool for the onsite inspector in the event the BMP(s) listed above are deemed ineffective or inappropriate during construction to satisfy the requirements set forth in the General NPDES Permit (Appendix D). To avoid potential erosion and sediment control issues that may cause a violation(s) of the NPDES Construction Stormwater permit (as provided in Appendix D), the Certified Erosion and Sediment Control Lead will promptly initiate the implementation of one or more of the alternative BMPs listed in Appendix C after the first sign that existing BMPs are ineffective or failing.

3.1.2 Element #2 – Establish Construction Access

Construction access or activities occurring on unpaved areas shall be minimized, yet where necessary, access points shall be stabilized to minimize the tracking of sediment onto public roads, and wheel washing, street sweeping, and street cleaning shall be employed to prevent sediment from entering state waters. All wash wastewater shall be controlled on site. The specific BMPs related to establishing construction access that could be used on these project include:

- **Stabilized Construction Entrance (BMP C105)**- Most projects listed under the programmatic permit will not require a stabilized construction entrance for the reasons that access is typically available from the roadway, park maintenance roads, or parking lots. A stabilized construction entrance should only be needed in instances where access is not available or vehicular parking is needed. In all cases, if materials can feasibly be carried by hand or wheel barrow, construction entrances and access roads shall not be provided.
- **Construction Road/Parking Area Stabilization (BMP C107)**- See explanation under Construction Entrance, above. If needed, construction access shall be limited to one route and located outside of critical areas and critical area buffers when possible and stabilized with local fill, quarry spalls, and geotextiles.

Alternate construction access BMPs are included in Appendix C as a quick reference tool for the onsite inspector in the event the BMP(s) listed above are deemed ineffective or inappropriate during construction to satisfy the requirements set forth in the General NPDES Permit (Appendix D). To avoid potential erosion and sediment control issues that may cause a violation(s) of the NPDES Construction Stormwater permit (as provided in Appendix D), the Certified Erosion and Sediment Control Lead will promptly initiate the implementation of one or more of the alternative BMPs listed in Appendix C after the first sign that existing BMPs are ineffective or failing.

3.1.3 Element #3 – Control Flow Rates

In order to protect the properties and waterways downstream of the project site, stormwater discharges from the site will be controlled. Since grading is not a part of the proposed projects, it is not anticipated controlling flows should be needed, except in large areas of clearing that will have exposed soil for an extended period of time. Therefore, these BMP's are provided as contingency measures in case needed.

- **Sediment Trap (BMP C240)**- Sediment traps are designed for projects under 3 acres in size and have a life span of 6 months and can be used to allow medium sized sediment to settle. If needed, sediment traps should ideally be installed prior to construction. Since sediment traps do not trap fine sediments, all erosion control measures to contain sediment before it becomes runoff should be employed.

- **Infiltration Trench-** Infiltration trenches could be useful along slopes, when it is beneficial to intercept stormwater and allow to infiltrate rather than eroding the slope.

Alternate flow control BMPs are included in Appendix C as a quick reference tool for the onsite inspector in the event the BMP(s) listed above are deemed ineffective or inappropriate during construction to satisfy the requirements set forth in the General NPDES Permit (Appendix D). To avoid potential erosion and sediment control issues that may cause a violation(s) of the NPDES Construction Stormwater permit (as provided in Appendix D), the Certified Erosion and Sediment Control Lead will promptly initiate the implementation of one or more of the alternative BMPs listed in Appendix C after the first sign that existing BMPs are ineffective or failing.

The project site is located west of the Cascade Mountain Crest. As such, the project must comply with Minimum Requirement 7 (Ecology 2005). In general, discharge rates of stormwater from the site will be controlled where increases in impervious area or soil compaction during construction could lead to downstream erosion, or where necessary to meet local agency stormwater discharge requirements (e.g. discharge to combined sewer systems).

3.1.4 Element #4 – Install Sediment Controls

All stormwater runoff from disturbed areas shall pass through an appropriate sediment removal BMP before leaving the construction site or prior to being discharged to an infiltration facility. The specific BMPs to be used for controlling sediment on this project include:

- **Brush Barrier (BMP C231)-** Brush barriers reduce the transport of coarse sediment from a construction site by providing a temporary physical barrier and may be used downslope of disturbed areas less than ¼ acre in size. They are not intended to treat concentrated flows or substantial amounts of overland flow.
- **Silt Fence (BMP C233)-** Silt fence can be used to control stormwater runoff. Silt fences should be installed near soil disturbance, between the areas of disturbance and areas to be protected. Such areas might include buffers, wetlands, streams, vegetation to remain; catch basins, culverts, and other permanent stormwater features; roadways, sidewalks, and other permanent structures.
- **Sediment Trap (BMP C240)-** See explanation under Element 3. Note: sediment traps are only effective at removing medium sized silt. Finer silts and clays will not be removed and therefore need to be controlled by minimizing erosion in the first place.

- **Storm Drain Inlet Protection (BMP C220)**- All storm drain inlets receiving stormwater from the construction site or off-site in areas that are likely to be affected by site disturbance (i.e. nearby roads that receive truck traffic from the site) shall receive Storm Drain Inlet Protection.
- **Materials on Hand (BMP C150)** - Materials on hand such as mulch, plastic covering, erosion control blankets, and gravel may also be used to control sediment as needed. Note: straw shall not be used in critical areas or buffers because of the potential to spread invasive species. Any gravel that is placed should be removed at the end of the project.

Alternate sediment control BMPs are included in Appendix C as a quick reference tool for the onsite inspector in the event the BMP(s) listed above are deemed ineffective or inappropriate during construction to satisfy the requirements set forth in the General NPDES Permit (Appendix D). To avoid potential erosion and sediment control issues that may cause a violation(s) of the NPDES Construction Stormwater permit (as provided in Appendix D), the Certified Erosion and Sediment Control Lead will promptly initiate the implementation of one or more of the alternative BMPs listed in Appendix C after the first sign that existing BMPs are ineffective or failing.

In addition, sediment will be removed from paved areas in and adjacent to construction work areas manually or using mechanical sweepers, as needed, to minimize tracking of sediments on vehicle tires away from the site and to minimize wash off of sediments from adjacent streets in runoff.

Whenever possible, sediment-laden water shall be discharged into onsite, relatively level, vegetated areas (BMP C240 paragraph 5, page 4-102), outside of critical areas and outside of critical area buffers when possible.

In some cases, sediment discharge in concentrated runoff can be controlled using permanent stormwater BMPs (e.g., infiltration swales, ponds, trenches). Sediment loads can limit the effectiveness of some permanent stormwater BMPs, such as those used for infiltration or biofiltration; however, those BMPs designed to remove solids by settling (wet ponds or detention ponds) can be used during the construction phase. When permanent stormwater BMPs will be used to control sediment discharge during construction, the structure will be protected from excessive sedimentation with adequate erosion and sediment control BMPs. Any accumulated sediment shall be removed after construction is complete and the permanent stormwater BMP will be restabilized with vegetation per applicable design requirements once the remainder of the site has been stabilized.

3.1.5 Element #5 – Stabilize Soils

Exposed and unworked soils shall be stabilized with the application of effective BMPs to prevent erosion throughout the life of the project. Per City requirements, clearing shall be limited to the areas within the approved disturbance limits. Exposed soils must be covered at the end of each

working day when working from October 1 through April 30. From May 1 through September 30, exposed soils must be covered at the end of each construction week and also at the threat of rain.

Soil stockpiles will be temporarily covered with plastic sheeting. All stockpiled soils shall be stabilized from erosion, protected with sediment trapping measures, and where possible, be located away from storm drain inlets, waterways, and drainage channels.

The specific BMPs for soil stabilization that shall be used on this project include:

- **Mulching (BMP C121)**- Mulching can help to stabilize soils, by allowing water to infiltrate before running off. If mulching is to be used a minimum of two inches of mulch shall be applied, though three to four inches is preferred. Within critical areas or critical area buffers, mulch shall consist of course wood chips. Per City requirements, wood chip mulch shall not be used as erosion control for slopes steeper than 15%.
- **Nets and Blankets (BMP C122)**-Nets and blankets can be used to stabilize soils. Nets and blankets can also be used in combination with mulch. If used and intended to remain in place, materials should be biodegradable, such as jute netting or coir matting.
- **Plastic Covering (BMP C123)**- Can be used on slope or to cover stockpiled soil. Plastic shall be a minimum 6-mil thickness with edges overlapped and anchored with sandbags or tires on 10-foot grid in all directions.
- **Materials on Hand (BMP C150)** - Materials on hand such as gravel may also be used to stabilize soils as needed. Note: straw shall not be used in critical areas or buffers because of the potential to spread invasive species. Any gravel that is placed should be removed at the end of the project.

Alternate soil stabilization BMPs are included in Appendix C as a quick reference tool for the onsite inspector in the event the BMP(s) listed above are deemed ineffective or inappropriate during construction to satisfy the requirements set forth in the General NPDES Permit (Appendix D). To avoid potential erosion and sediment control issues that may cause a violation(s) of the NPDES Construction Stormwater permit (as provided in Appendix D), the Certified Erosion and Sediment Control Lead will promptly initiate the implementation of one or more of the alternative BMPs listed in Appendix C after the first sign that existing BMPs are ineffective or failing.

3.1.6 Element #6 – Protect Slopes

All work on slopes shall be designed, constructed, and protected in a manner than minimizes erosion. Projects listed in the programmatic permit should not destabilize slopes, therefore, it is

not anticipated that most of these measures should be needed and are provided as contingency measures that could be used if needed.

- **Interceptor Dike and Swale (BMP C200)**- An interceptor dike or swale could be installed along the top of slopes, base of slopes, or along pavement edges to prevent runoff from flowing down erodible slopes or onto other property. Specific locations shall vary depending on construction activities and the site, and shall be determined by the CESCL.
- **Channel Lining (BMP C202)** Can be used to protect erodible channels by using blankets or riprap.
- **Pipe Slope Drains (BMP C204)**- Pipe slope drains in combination with pumps, if needed, could be used to divert flows around the construction area and convey stormwater to other areas for infiltration and/or sediment removal.
- **Check Dams (BMP C207)**- check dams could be used to protect slopes from erosion and convey stormwater. Water could be intercepted from the dams by pipe slope drains and conveyed to outlet areas. Any rock or gravel that is placed should be removed at the end of the project.
- **Materials on Hand (BMP C150)**- Materials on hand such as mulch, plastic covering, erosion control blankets, and gravel may also be used to protect slopes as needed. Note: straw shall not be used in critical areas or buffers because of the potential to spread invasive species. Any gravel that is placed should be removed at the end of the project.

Alternate slope protection BMPs are included in Appendix C as a quick reference tool for the onsite inspector in the event the BMP(s) listed above are deemed ineffective or inappropriate during construction to satisfy the requirements set forth in the General NPDES Permit (Appendix D). To avoid potential erosion and sediment control issues that may cause a violation(s) of the NPDES Construction Stormwater permit (as provided in Appendix D), the Certified Erosion and Sediment Control Lead will promptly initiate the implementation of one or more of the alternative BMPs listed in Appendix C after the first sign that existing BMPs are ineffective or failing.

3.1.7 Element #7 – Protect Drain Inlets

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

- **Storm Drain Inlet Protection (BMP C220)**- For Storm Drain Inlet protection, drop inlet protection will be used. Catch basin filters will be installed to catch sediment during construction for catch basins on-site and off-site that might receive sediment-laden stormwater.

If the BMP options listed above are deemed ineffective or inappropriate during construction to satisfy the requirements set forth in the General NPDES Permit (Appendix D), or if no BMPs are listed above but deemed necessary during construction, the Certified Erosion and Sediment Control Lead shall implement one or more of the alternative BMP inlet protection options listed in Appendix C.

3.1.8 Element #8 – Stabilize Channels and Outlets

Where site runoff is to be conveyed in channels, or discharged to a stream or some other natural drainage point, efforts will be taken to prevent downstream erosion. Note: no material shall be placed within the ordinary high water mark of a stream without first obtaining a Hydraulic Project Approval (HPA). Projects listed in the programmatic permit are not likely to be conveying stormwater through channels, so it is not anticipated that these measures should be needed, but provided as contingency measures.

- **Channel Lining (BMP C202)**- Channel lining is to be used to protect erodible channels by using erosion control blankets or as a last resort, riprap. See the BMP for Nets and Blankets on element
- **Check Dams (BMP C207)**- rock check dams could be placed in channels constructed for the project or in unregulated ditches for stabilization to convey stormwater.
- **Materials on Hand (BMP C150)**- Materials on hand such as mulch, plastic covering, erosion control blankets, and gravel may also be used to protect channels and outlets as needed. Note: straw shall not be used in critical areas or buffers because of the potential to spread invasive species. Any gravel that is placed should be removed at the end of the project.
- **Outlet Protection (BMP C209)**- If pipes to convey stormwater are needed, outlet protection will be placed at all pipe outlets to reduce scour and prevent erosion. Outlet protection materials shall be removed once the pipe is removed and the site is stable.

Alternate channel and outlet stabilization BMPs are included in Appendix C as a quick reference tool for the onsite inspector in the event the BMP(s) listed above are deemed ineffective or inappropriate during construction to satisfy the requirements set forth in the General NPDES Permit (Appendix D). To avoid potential erosion and sediment control issues that may cause a violation(s) of the NPDES Construction Stormwater permit (as provided in Appendix D), the Certified Erosion and Sediment Control Lead will promptly initiate the implementation of one or

more of the alternative BMPs listed in Appendix C after the first sign that existing BMPs are ineffective or failing.

The project site is located west of the Cascade Mountain Crest. As such, all temporary on-site conveyance channels (if needed) shall be designed, constructed, and stabilized to prevent erosion from the expected peak 10 minute velocity of flow from a Type 1A, 10-year, 24-hour recurrence interval storm for the developed condition. Alternatively, the 10-year, 1-hour peak flow rate indicated by an approved continuous runoff simulation model, increased by a factor of 1.6, shall be used. Stabilization, including armoring material, adequate to prevent erosion of outlets, adjacent streambanks, slopes, and downstream reaches shall be provided at the outlets of all conveyance systems.

3.1.9 Element #9 – Control Pollutants

All pollutants, including waste materials and demolition debris, that occur onsite shall be handled and disposed of in a manner that does not cause contamination of stormwater. Good housekeeping and preventative measures will be taken to ensure that the site will be kept clean, well organized, and free of debris. If required, BMPs to be implemented to control specific sources of pollutants are discussed below.

Vehicles, construction equipment, and/or petroleum product storage/dispensing:

- All vehicles, equipment, and petroleum product storage/dispensing areas will be inspected regularly to detect any leaks or spills, and to identify maintenance needs to prevent leaks or spills.
- On-site fueling tanks and petroleum product storage containers shall include secondary containment.
- Spill prevention measures, such as drip pans, will be used when conducting maintenance and repair of vehicles or equipment.
- In order to perform emergency repairs on site, temporary plastic will be placed beneath and, if raining, over the vehicle.
- Contaminated surfaces shall be cleaned immediately following any discharge or spill incident.

Chemical storage:

- Any chemicals stored in the construction areas will conform to the appropriate source control BMPs listed in Volume IV of the Ecology stormwater manual. In Western WA, all chemicals shall have cover, containment, and protection provided on site, per BMP C153 for Material Delivery, Storage and Containment in SWMMWW 2005

- Application of agricultural chemicals, including fertilizers and pesticides, shall be conducted in a manner and at application rates that will not result in loss of chemical to stormwater runoff. Manufacturers' recommendations for application procedures and rates shall be followed.

Some of the Programmatic Permit projects are transportation-related and therefore not subject to the Federal requirements of the Spill Prevention, Control, and Countermeasure (SPCC) Plan under the Clean Water Act (CWA). If applicable, the Contractor shall prepare an SPCC Plan according to the Washington State Department of Transportation (WSDOT) Requirements (see the *WSDOT Standard Specifications for Road, Bridge, and Municipal Construction 2004*).

Some of the Programmatic Permit projects are not transportation-related and therefore subject to SPCC requirements, however the above ground and below ground storage for these projects do not meet the criteria to require an SPCC Plan.

3.1.10 Element #10 – Control Dewatering

There will be no dewatering as part of the Programmatic Permit construction projects.

3.1.11 Element #11 – Maintain BMPs

All temporary and permanent erosion and sediment control BMPs shall be maintained and repaired as needed to assure continued performance of their intended function. Maintenance and repair shall be conducted in accordance with each particular BMPs specifications (attached). Visual monitoring of the BMPs will be conducted at least once every calendar week and within 24 hours of any stormwater or non-stormwater discharge from the site. If the site becomes inactive, and is temporarily stabilized, the inspection frequency will be reduced to once every month.

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

3.1.12 Element #12 – Manage the Project

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

- Design the project to fit the existing topography, soils, and drainage patterns.
- Emphasize erosion control rather than sediment control.
- Minimize the extent and duration of the area exposed.

- Keep runoff velocities low.
- Retain sediment on site.
- Thoroughly monitor site and maintain all ESC measures.

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

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

Phasing of Construction

- The construction project is being phased to the extent practicable in order to prevent soil erosion, and, to the maximum extent possible, the transport of sediment from the site during construction.
- Revegetation of exposed areas and maintenance of that vegetation shall be an integral part of the clearing activities during each phase of construction, per the Scheduling BMP (C 162).

Seasonal Work Limitations

- From October 1 through April 30, clearing, grading, and other soil disturbing activities shall only be permitted if shown to the satisfaction of the local permitting authority that silt-laden runoff will be prevented from leaving the site through a combination of the following:
 - Site conditions including existing vegetative coverage, slope, soil type, and proximity to receiving waters; and
 - Limitations on activities and the extent of disturbed areas; and
 - Proposed erosion and sediment control measures.
 - Based on the information provided and/or local weather conditions, the local permitting authority may expand or restrict the seasonal limitation on site disturbance.
 - The following activities are exempt from the seasonal clearing and grading limitations:
 - Routine maintenance and necessary repair of erosion and sediment control BMPs;

- Routine maintenance of public facilities or existing utility structures that do not expose the soil or result in the removal of the vegetative cover to soil; and
- Activities where there is 100 percent infiltration of surface water runoff within the site in approved and installed erosion and sediment control facilities.

Coordination with Utilities and Other Jurisdictions

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

Inspection and Monitoring

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

Maintaining an Updated Construction SWPPP

- This SWPPP shall be retained on-site or within reasonable access to the site.
- The SWPPP shall be modified whenever there is a change in the design, construction, operation, or maintenance at the construction site that has, or could have, a significant effect on the discharge of pollutants to waters of the state.

- The SWPPP shall be modified if, during inspections or investigations conducted by the owner/operator, or the applicable local or state regulatory authority, it is determined that the SWPPP is ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the site. The SWPPP shall be modified as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the SWPPP shall be completed within seven (7) days following the inspection. ---

3.2 Site Specific BMPs

At this point, there are no site specific BMPs for the Programmatic Permit projects.

3.3 Additional Advanced BMPs

There are no additional advanced BMPs for the Programmatic Permit projects, since the projects are not complex enough to warrant them and significant impacts to water quality are not anticipated

4.0 Construction Phasing and BMP Implementation

The BMP implementation schedule will be driven by the construction schedule. The following provides a sequential list of the proposed construction schedule milestones and the corresponding BMP implementation schedule as available. Prior to the start of any Programmatic Permit project, a BMP schedule should be created that considers the timing of construction and anticipated completion date in order to determine the appropriate seasonal BMPs needed. BMPs needed during the rainy season, October 1 to April 30, will be different from those needed during the dry season.

- Estimate of Construction start date: **On going projects year round**
- Estimate of Construction finish date: **Year round**
- Mobilize equipment on site: **Dependent on project**
- Mobilize and store all ESC and soil stabilization products:
Prior to construction
- Install ESC measures: **Prior to construction and as needed**
- Install stabilized construction entrance: **Prior to construction, if needed**
- Begin clearing and grubbing: **As specified in permit, after ESC measures have been installed**

5.0 Pollution Prevention Team

5.1 Roles and Responsibilities

The pollution prevention team consists of personnel responsible for implementation of the SWPPP, including the following:

- Certified Erosion and Sediment Control Lead (CESCL) – primary contractor contact, responsible for site inspections (BMPs, visual monitoring, sampling, etc.); to be called upon in case of failure of any ESC measures.
- Emergency Ecology Contact – individual to be contacted at Ecology in case of emergency.
- Emergency Owner Contact – individual that is the site owner or representative of the site owner to be contacted in the case of an emergency.
- Non-Emergency Ecology Contact – individual that is the site owner or representative of the site owner than can be contacted if required.
- Monitoring Personnel – personnel responsible for conducting water quality monitoring; for most sites this person is also the Certified Erosion and Sediment Control Lead.

5.2 Team Members

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

Title	Name(s)	Phone Number
Certified Erosion and Sediment Control Lead (CESCL)	Don McQuilliams	(425)452-7865
Emergency Ecology Contact	Andy Dunn, Water Resources	(425) 649-7270
Emergency Owner Contact	T.B.D.	T.B.D.
Non-Emergency Ecology Contact	T.B.D.	T.B.D.
Monitoring Personnel	T.B.D.	T.B.D.

6.0 Site Inspections and Monitoring

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

- A record of the implementation of the SWPPP and other permit requirements;
- Site inspections; and,
- Stormwater quality monitoring (if applicable).

For convenience, the inspection form and water quality monitoring forms included in this SWPPP include the required information for the site log book. This SWPPP may function as the site log book if desired, or the forms may be separated and included in a separate site log book. However, if separated, the site log book must be maintained on-site or within reasonable access to the site and be made available upon request to Ecology or the local jurisdiction.

6.1 Site Inspection

All BMPs will be inspected, maintained, and repaired as needed to assure continued performance of their intended function. Site inspections will be conducted by a person who is knowledgeable in the principles and practices of erosion and sediment control. The onsite inspector will have the skills to assess the potential for water quality impacts as a result of the type of construction activities occurring on site, and the knowledge of the appropriate and effective ESC measures needed to control the quality of stormwater discharges. Site inspection will occur in all areas disturbed by construction activities and at all stormwater discharge points. Stormwater will be examined for the presence of suspended sediment, turbidity, discoloration, and oily sheen. The site inspector will evaluate and document the effectiveness of the installed BMPs and determine if it is necessary to repair or replace any of the BMPs to improve the quality of stormwater discharges. All maintenance and repairs will be documented in the site log book or forms provided in this document. All new BMPs or design changes will be documented in the SWPPP as soon as possible.

6.1.1 Site Inspection Frequency

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

6.1.2 Site Inspection Documentation

The site inspector will record each site inspection using the site log inspection forms provided in Appendix E. The site inspection log forms may be separated from this SWPPP document, but will be maintained on-site or within reasonable access to the site and be made available upon request to Ecology or the local jurisdiction.

6.2 Stormwater Quality Monitoring

If the total construction activity is less than one acre in size, and does not discharge to an impaired water body, it is not subject to the general water quality monitoring requirements set forth in the 2005 Construction Stormwater General Permit (Appendix D). If the site will discharge to a water body listed as impaired under Section 303(d) of the Clean Water Act, then monitoring for the parameter of concern, will be required if the project might have an impact on that parameter to ensure that no further impacts to the water quality parameter(s) of concern within the water body will occur or that the discharge is consistent with the TDML or control plan requirements set forth for the specific downstream water body (see sections S1.D5, S1.D6, and S4.G2 of the Construction Stormwater General Permit). Parameters of concern include fine sediment, pH, Phosphorous, and turbidity.

Since projects under the programmatic permit will generally have construction activity less than one acre and none of the water bodies listed under the existing conditions section meet the parameters of concern for construction projects stormwater quality monitoring will not be required unless otherwise mandated by Ecology. However, if a project meets or exceeds one acre in size and discharges to an impaired water body, then transparency sampling or turbidity sampling will be conducted.

6.2.1 Turbidity Sampling

Monitoring requirements for proposed projects equal to or over one acre in size will include either turbidity or water transparency sampling to monitor site discharges for water quality compliance with the 2005 Construction Stormwater General Permit (Appendix D). Sampling will be conducted at all discharge points at least once per calendar week.

Turbidity or transparency monitoring will follow the analytical methodologies described in Section S4 of the 2005 Construction Stormwater General Permit (Appendix D). The key benchmark values that require action are 25 NTU for turbidity (equivalent to 32 cm transparency) and 250 NTU for turbidity (equivalent to 6 cm transparency). If the 25 NTU benchmark for turbidity (equivalent to 32 cm transparency) is exceeded, the following steps will be conducted:

1. Ensure all BMPs specified in this SWPPP are installed and functioning as intended.

2. Assess whether additional BMPs should be implemented, and document revisions to the SWPPP as necessary.
3. Sample discharge location daily until the analysis results are less than 25 NTU (turbidity) or greater than 32 cm (transparency). If the turbidity is greater than 25 NTU (or transparency is less than 32 cm) but less than 250 NTU (transparency greater than 6 cm) for more than 3 days, additional treatment BMPs will be implemented within 24 hours of the third consecutive sample that exceeded the benchmark value. Additional treatment BMPs to be considered will include, but are not limited to, off-site treatment, infiltration, filtration and chemical treatment.

If the 250 NTU benchmark for turbidity (or less than 6 cm transparency) is exceeded at any time, the following steps will be conducted:

1. Notify Ecology by phone within 24 hours of analysis (see Section 5.0 of this SWPPP for contact information).
2. Continue daily sampling until the turbidity is less than 25 NTU (or transparency is greater than 32 cm).
3. Initiate additional treatment BMPs such as off-site treatment, infiltration, filtration and chemical treatment within 24 hours of the first 250 NTU exceedance.
4. Implement additional treatment BMPs as soon as possible, but within 7 days of the first 250 NTU exceedance.
5. Describe inspection results and remedial actions taken in the site log book and in monthly discharge monitoring reports as described in Section 7.0 of this SWPPP.

7.0 Reporting and Recordkeeping

7.1 Recordkeeping

7.1.1 Site Log Book

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

- A record of the implementation of the SWPPP and other permit requirements;
- Site inspections; and,
- Stormwater quality monitoring (if applicable)

This SWPPP may function as the site log book if the project has minimal monitoring requirements or construction duration is shorter than 2 to 3 months. The appendices can include multiple copies of the blank checklists and inspection forms as needed to supplement for the site log book. This is recommended for smaller, simple construction sites. This is the flexible and depends on the preference of the applicant. If the duration of the project is greater than 2 to 3 months or if there are significant monitoring requirements, it is recommended that a separate site log be maintained incorporating the example forms provided in this SWPPP Template document. For convenience, the inspection form and water quality monitoring forms included in this SWPPP include the required information for the site log book.

7.1.2 Records Retention

Records of all monitoring information (site log book, inspection reports/checklists, etc.), this Stormwater Pollution Prevention Plan, and any other documentation of compliance with permit requirements will be retained during the life of the construction project and for a minimum of three years following the termination of permit coverage in accordance with permit condition S5.C.

7.1.3 Access to Plans and Records

The SWPPP, General Permit, Notice of Authorization letter, and Site Log Book will be retained on site or within reasonable access to the site and will be made immediately available upon request to Ecology or the local jurisdiction. A copy of this SWPPP will be provided to Ecology within 14 days of receipt of a written request for the SWPPP from Ecology. Any other information requested by Ecology will be submitted within a reasonable time. A copy of the SWPPP or access to the SWPPP will be provided to the public when requested in writing in accordance with permit condition S5.G.

7.1.4 Updating the SWPPP

In accordance with Conditions S3, S4.B, and S9.B.3 of the General Permit, this SWPPP will be modified if the SWPPP is ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the site or there has been a change in design, construction, operation, or maintenance at the site that has a significant effect on the discharge, or potential for discharge, of pollutants to the waters of the State. The SWPPP will be modified within seven days of determination based on inspection(s) that additional or modified BMPs are necessary to correct problems identified, and an updated timeline for BMP implementation will be prepared.

7.2 Reporting

7.2.1 Discharge Monitoring Reports

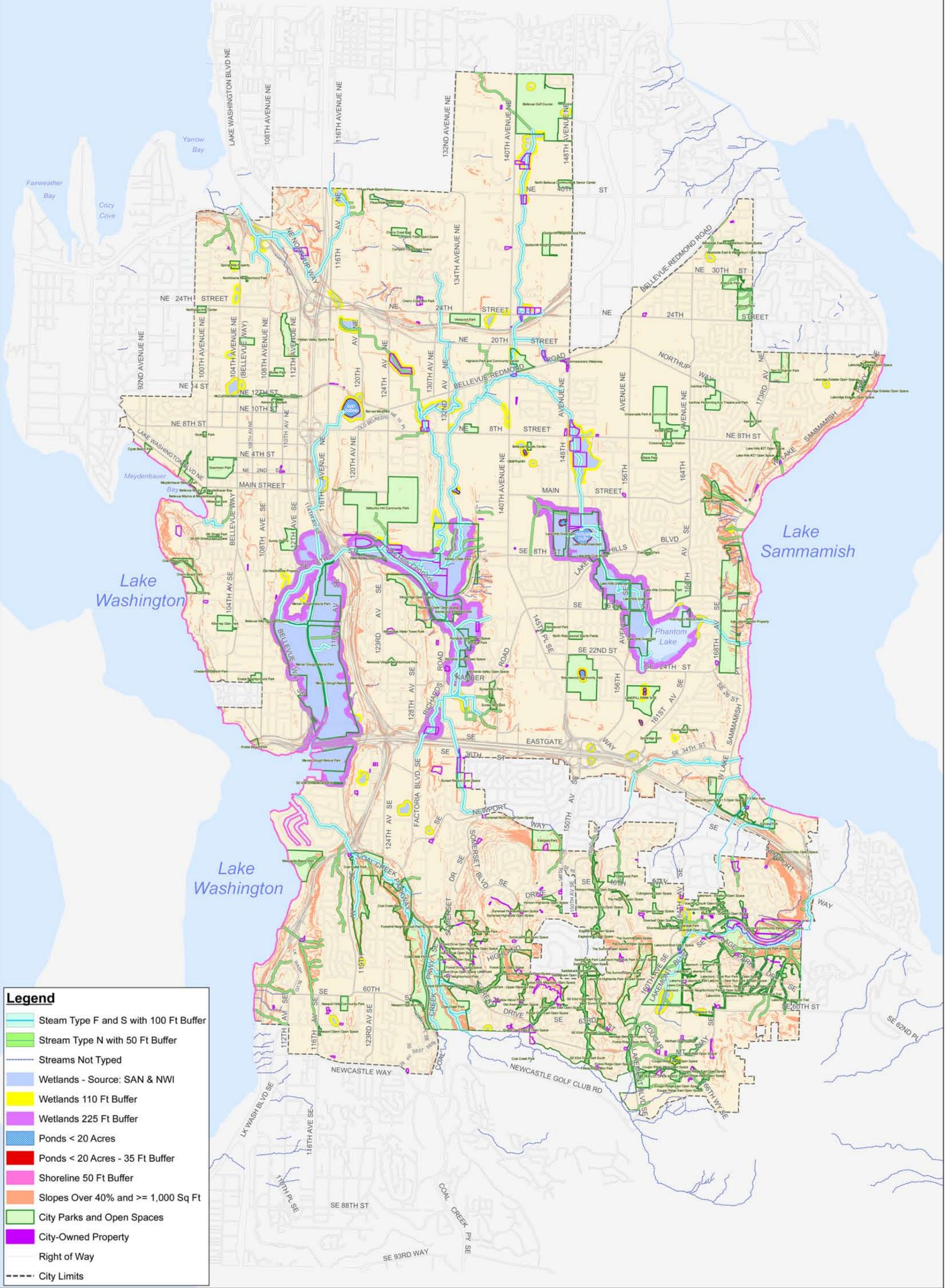
Since projects will be less than one acre per phase and do not discharge to water bodies listed on the 303d list for parameters applicable to construction projects, water quality monitoring and discharge monitoring reports are not required unless otherwise mandated by the Department of Ecology.

7.2.2 Notification of Noncompliance

If any of the terms and conditions of the permit are not met, and it causes a threat to human health or the environment, the following steps will be taken in accordance with permit section S5.F:

1. Ecology will be immediately notified of the failure to comply.
2. Immediate action will be taken to control the noncompliance issue and to correct the problem. If applicable, sampling and analysis of any noncompliance will be repeated immediately and the results submitted to Ecology within five (5) days of becoming aware of the violation.
3. A detailed written report describing the noncompliance will be submitted to Ecology within five (5) days, unless requested earlier by Ecology.

Appendix A – Site Plans



Legend

- Stream Type F and S with 100 Ft Buffer
- Stream Type N with 50 Ft Buffer
- Streams Not Typed
- Wetlands - Source: SAN & NWI
- Wetlands 110 Ft Buffer
- Wetlands 225 Ft Buffer
- Ponds < 20 Acres
- Ponds < 20 Acres - 35 Ft Buffer
- Shoreline 50 Ft Buffer
- Slopes Over 40% and >= 1,000 Sq Ft
- City Parks and Open Spaces
- City-Owned Property
- Right of Way
- City Limits

NORTH

City of Bellevue
IT Department
GIS Services

Plot Date: 11/10/2008

City of Bellevue

Vegetation Management Programmatic Map

The information on this map is a geographic representation derived from the City of Bellevue Geographic Information System. The City of Bellevue does not guarantee that the information on this map is accurate or complete. This map is provided on an "as is" basis and disclaims all warranties, express or implied, including but not limited to warranties of merchantability, fitness for a particular purpose and non-infringement. Any commercial use or sale of this map or portions thereof, is prohibited without express written authorization by the City of Bellevue. The City of Bellevue is not responsible for any damages arising from the use of information on this map. Use of this map is at user's risk. Users should verify the information before making project commitments.

Appendix B – Construction BMPs

Preserving Natural Vegetation (BMP C101)

Buffer Zones (BMP C102)

High Visibility Plastic or Metal Fence (BMP C103)

Stabilized Construction Entrance (BMP C105)

Sediment Trap (BMP C240)

Infiltration Trench

Brush Barrier (BMP C231)

Silt Fence (BMP C233)

Vegetated Strip (BMP C234)

Storm Drain Inlet Protection (BMP C220)

Materials on Hand (BMP C150)

Mulching (BMP C121)

Nets and Blankets (BMP C122)

Plastic Covering (BMP C123)

Interceptor Dike and Swale (BMP C200)

Channel Lining (BMP C202)

Pipe Slope Drains (BMP C204)

Check Dams (BMP C207)

Outlet Protection (BMP C209)

Appendix C – Alternative BMPs

The following includes a list of possible alternative BMPs for each of the 12 elements not described in the main SWPPP text. This list can be referenced in the event a BMP for a specific element is not functioning as designed and an alternative BMP needs to be implemented.

Element #1 - Mark Clearing Limits

Stake and Wire Fence (BMP C104)

Element #2 - Establish Construction Access

Wheel Wash (BMP C106)

Element #3 - Control Flow Rates

Temporary Sediment Pond (BMP C 241)

Element #4 - Install Sediment Controls

Gravel Filter Berm (BMP C232)

Portable Water Storage Tanks for sedimentation

Temporary Sediment Pond (BMP C 241)

Advanced BMPs:

Construction Stormwater Filtration (BMP C251)

Construction Stormwater Chemical Treatment (BMP C 250)

Element #5 - Stabilize Soils

Temporary and Permanent Seeding, Native species only in critical areas and buffers (BMP C120)

Surface Roughening (BMP C 130)

Element #6 - Protect Slopes

Temporary and Permanent Seeding, Native species only in critical areas and buffers (BMP C120)

Surface Roughening (BMP C130)

Level Spreader (BMP C206)

Triangular Silt Dike (BMP C208)

Element #7 – Protect Drain Inlets

Element #8 - Stabilize Channels and Outlets

Level Spreader (BMP C206)

Triangular Silt Dike (BMP C208)

Element #9 – Control Pollutants

If additional pollutants are encountered other than those specified, measures specific to the pollutants should be taken.

Element #10 - Control Dewatering

N/A

Element #11- Construction Phasing and BMP Implementation Schedule

N/A

Element #12- Manage the Project

N/A

Appendix D – General Permit

Issuance Date: November 16, 2005
Effective Date: December 16, 2005
Expiration Date: December 16, 2010

CONSTRUCTION STORMWATER GENERAL PERMIT

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

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

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

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



David C. Peeler, Manager
Water Quality Program
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S5.A	High Turbidity/Transparency Phone Reporting	As Necessary	Within 24 hours
S5.B	Discharge Monitoring Report	Monthly	Within 15 days after the applicable monitoring period
S5.F	Noncompliance Notification	As necessary	Immediately
S5.F	Noncompliance Notification – Written Report	As necessary	Within 5 Days of non-compliance
G2.	Notice of Change in Authorization	As necessary	
G6.	Permit Application for Substantive Changes to the Discharge	As necessary	
G8.	Application for Permit Renewal	1/permit cycle	No later than 180 days before expiration
G9.	Notice of Permit Transfer	As necessary	
G20.	Notice of Planned Changes	As necessary	
G22.	Reporting Anticipated Non-compliance	As necessary	

SUMMARY OF REQUIRED ON SITE DOCUMENTATION

Permit Conditions	Document Title
Conditions S2, S5	Permit Coverage Letter
Conditions S2, S5	Construction Stormwater General Permit
Conditions S4, S5	Site Log Book
Conditions S9, S5	Stormwater Pollution Prevention Plan (SWPPP)

SPECIAL CONDITIONS

S1. PERMIT COVERAGE

A. Permit Area

This general permit covers all areas of Washington State, except for federal and tribal lands specified in S1.D.3.

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

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

C. Authorized Discharges:

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

All authorized non-stormwater discharges, except for discharges from fire fighting activities, shall be adequately addressed in the SWPPP and comply with Special Condition S3.

D. Limitations on Coverage

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

The following stormwater discharges are not covered by this permit:

1. Post-construction stormwater discharges that originate from the site after construction activities have been completed and the site has undergone *final stabilization*.
2. Nonpoint source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff as excluded in 40 CFR Subpart 122.27.
3. Stormwater from any federal project or project on federal land or land within an Indian Reservation except for the Puyallup Reservation. Within the Puyallup Reservation, any project that discharges to surface water on land held in trust by the federal government may be covered by this permit.
4. Stormwater from any site covered under an existing NPDES individual permit in which stormwater management and/or treatment requirements are included for all stormwater discharges associated with construction activity.
5. Where an applicable Total Maximum Daily Load (TMDL) specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.

S2. APPLICATION REQUIREMENTS

A. Permit Application Forms

1. Notice of Intent Form/Timeline

- a. Operators of new or previously unpermitted construction activities shall submit a complete and accurate permit application form [*Notice of Intent* (NOI)] to Ecology. *Applicants* are encouraged to use Ecology's internet-based electronic NOI to apply for permit coverage.
- b. The NOI shall be submitted on or before the date of the first public notice (see Condition S2.B below) and at least 60 days prior to the discharge of stormwater

from construction activities. The 30-day public comment period required by WAC 173-226-130(5) begins on the publication date of the second public notice. Unless Ecology responds to the complete application in writing, based on public comments, or any other relevant factors, coverage under the general permit will automatically commence on the thirty-first day following receipt by Ecology of a completed NOI, or the issuance date of this permit, whichever is later; unless a later date is specified by Ecology in writing.

- c. Applicants that discharge to a storm sewer system operated by Seattle, King County, Snohomish County, Tacoma, Pierce County, or Clark County shall also submit a copy of the NOI to the appropriate jurisdiction.
2. Transfer of Coverage Form
Current coverage under this permit may be transferred to one or more new operators, including operators of sites within a Common Plan of Development, by submitting a Transfer of Coverage Form in accordance with Condition G9. Transfers do not require public notice.

B. Public Notice

For new or previously unpermitted sites, the applicant shall publish a public notice at least one time each week for two consecutive weeks, with a 7-day time span between dates, in a newspaper that has general circulation in the county in which the construction is to take place. The notice shall contain the following:

1. A statement that “The applicant is seeking coverage under the Washington State Department of Ecology’s Construction Stormwater NPDES and State Waste Discharge General Permit”;
2. The name, address and location of the construction site;
3. The name and address of the applicant;
4. The type of construction activity that will result in a discharge, (e.g., residential construction, commercial construction, etc.) and the number of acres to be disturbed;
5. The name of the receiving water(s) (i.e., the surface water(s) that the site will discharge to), or if the discharge is through a storm sewer system, the name of the operator of the storm sewer; and
6. The statement: “Any person desiring to present their views to the Department of Ecology regarding this application, or interested in the Department’s action on this application may notify the Department of Ecology in writing within 30 days of the last date of publication of this notice. Comments can be submitted to: Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, Attn: Water Quality Program, Construction Stormwater”.

C. Erosivity Waiver

Operators may qualify for a waiver from the permit if the following conditions are met:

1. The site will result in the disturbance of less than 5 acres; and the site is not a portion of a common plan of development or sale that will disturb 5 acres or greater.
2. Calculation of Erosivity “R” Factor and Regional Timeframe:
 - a. The project’s rainfall erosivity factor (“R” Factor) must be less than 5 during the period of construction activity, as calculated using the Texas A&M University online rainfall erosivity calculator at: <http://ei.tamu.edu/>. The period of construction activity begins at initial earth disturbance and ends with *final stabilization*; and, in addition:
 - b. The entire period of construction activity must fall within the following timeframes:
 - i. For sites west of the Cascades Crest: June 15 – September 15; or
 - ii. For sites east of the Cascades Crest, excluding the Central Basin: June 15 – October 15; or
 - iii. For sites east of the Cascades Crest, within the Central Basin*: no additional timeframe restrictions apply.

*Note: The Central Basin is defined as the portions of Eastern Washington with mean annual precipitation of less than 12 inches.
3. Operators must submit a complete Erosivity Waiver Certification Form at least one week prior to commencing land disturbing activities. Certification must include:
 - a. A statement that the operator will comply with applicable local stormwater requirements; and
 - b. A statement that the operator will implement appropriate *erosion and sediment control BMPs* to prevent violations of water quality standards.
4. This waiver is not available for facilities declared a significant contributor of *pollutants* as defined in Condition S1.B.1.b.
5. This waiver does not apply to construction activity which includes non-stormwater discharges listed in S1.C.3.
6. If construction activity extends beyond the certified waiver period for any reason, the operator shall either:

- a. Recalculate the rainfall erosivity “R” factor using the original start date and a new projected ending date and, if the “R” factor is still under 5 and the entire project falls within the applicable regional timeframe in S2.C.2.b, complete and submit an amended waiver certification form before the original waiver expires; or
- b. Submit a complete permit application to Ecology in accordance with Condition S2.A and B before the end of the certified waiver period.

S3. COMPLIANCE WITH STANDARDS

- A. Discharges shall not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), *sediment* management standards (Chapter 173-204 WAC), and human health-based criteria in the National Toxics Rule (40 CFR Part 131.36). Discharges that are not in compliance with these standards are not authorized.
- B. Prior to the discharge of stormwater and non-stormwater to *waters of the state*, the Permittee shall apply all known, available, and reasonable methods of prevention, control, and treatment (*AKART*). This includes the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate *best management practices* (BMPs) installed and maintained in accordance with the SWPPP and the terms and conditions of this permit.
- C. Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to a violation of water quality standards, when the Permittee is:
 1. In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and
 2. Fully implementing stormwater BMPs contained in *stormwater management manuals* published or approved by Ecology, or BMPs that are *demonstrably equivalent* to BMPs contained in stormwater technical manuals published or approved by Ecology, including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs for on-site *pollution* control.
- D. For sites that discharge to both surface water and ground water, all ground water discharges are also subject to the terms and conditions of this permit. Permittees who discharge to ground water through an *injection well* shall comply with any applicable requirements of the Underground Injection Control (UIC) regulations, Chapter 173-218 WAC.

S4. MONITORING REQUIREMENTS

The primary monitoring requirements are summarized in Table 3 (below):

Table 3. Summary of Monitoring Requirements¹				
Size of Soil Disturbance ²	Weekly Site Inspections	Weekly Sampling w/ Turbidity Meter	Weekly Sampling w/ Transparency Tube	Weekly pH sampling ³
Sites which disturb less than 1 acre	Required	Not Required	Not Required	Not Required
Sites which disturb 1 acre or more, but less than 5 acres	Required	Sampling Required – either method ⁴		Required
Sites which disturb 5 acres or more	Required	Required	Not Required ⁵	Required

A. Site Log Book

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

B. Site Inspections

1. Site inspections shall include all areas disturbed by construction activities, all BMPs, and all stormwater discharge points. Stormwater shall be visually examined for the

¹ Additional monitoring requirements may apply for: 1) discharges to 303(d) listed waterbodies and waterbodies with applicable TMDLs for turbidity, fine sediment, high pH, or phosphorus - see Condition S8; and 2) sites required to perform additional monitoring by Ecology order – see Condition G13.

² Soil disturbance is calculated by adding together all areas affected by construction activity. Construction Activity means clearing, grading, excavation, and any other activity which disturbs the surface of the land, including ingress/egress from the site.

³ Beginning October 1, 2006, if construction activity involves significant concrete work or the use of engineered soils, and stormwater from the affected area drains to a stormwater collection system or other surface water, the Permittee shall conduct pH sampling in accordance with Condition S4.D.

⁴ Beginning October 1, 2008, sites with one or more acres, but less than 5 acres of soil disturbance, shall conduct turbidity or transparency sampling in accordance with Condition S4.C.

⁵ Beginning October 1, 2006, sites greater than or equal to 5 acres of soil disturbance shall conduct turbidity sampling using a turbidity meter in accordance with Condition S4.C.

presence of suspended sediment, turbidity, discoloration, and oil sheen. Inspectors shall evaluate the effectiveness of BMPs and determine if it is necessary to install, maintain, or repair BMPs to improve the quality of stormwater discharges.

Based on the results of the inspection, the Permittee shall correct the problems identified as follows:

- a. Review the SWPPP for compliance with Condition S9 and make appropriate revisions within 7 days of the inspection; and
 - b. Fully implement and maintain appropriate *source control* and/or *treatment BMPs* as soon as possible, but no later than 10 days of the inspection; and
 - c. Document BMP implementation and maintenance in the site log book.
2. The site inspections shall be conducted at least once every *calendar week* and within 24 hours of any discharge from the site. The inspection frequency for temporarily stabilized, inactive sites may be reduced to once every calendar month.
 3. Site inspections shall be conducted by a person who is knowledgeable in the principles and practices of erosion and sediment control. The inspector shall have the skills to:
 - a. Assess the site conditions and construction activities that could impact the quality of stormwater, and
 - b. Assess the effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.
 4. Beginning October 1, 2006, construction sites one acre or larger that discharge stormwater to surface waters of the state, shall have site inspections conducted by a *Certified Erosion and Sediment Control Lead (CESCL)*. The CESCL shall be identified in the SWPPP and shall be present on-site or on-call at all times. Certification shall be obtained through an approved erosion and sediment control training program that meets the minimum training standards established by Ecology (see BMP C160 in the Manual).
 5. The inspector shall summarize the results of each inspection in an inspection report or checklist and be entered into, or attached to, the site log book. At a minimum, each inspection report or checklist shall include:
 - a. Inspection date and time.
 - b. Weather information; general conditions during inspection and approximate amount of precipitation since the last inspection, and within the last 24 hours.
 - c. A summary or list of all BMPs which have been implemented, including observations of all erosion/sediment control structures or practices.
 - d. The following shall be noted:
 - i. locations of BMPs inspected,

- ii. locations of BMPs that need maintenance,
 - iii. the reason maintenance is needed,
 - iv. locations of BMPs that failed to operate as designed or intended, and
 - v. locations where additional or different BMPs are needed, and the reason(s) why.
- e. A description of stormwater discharged from the site. The inspector shall note the presence of suspended sediment, turbid water, discoloration, and/or oil sheen, as applicable.
 - f. Any water quality monitoring performed during inspection.
 - g. General comments and notes, including a brief description of any BMP repairs, maintenance or installations made as a result of the inspection.
 - h. A statement that, in the judgment of the person conducting the site inspection, the site is either in compliance or out of compliance with the terms and conditions of the SWPPP and the permit. If the site inspection indicates that the site is out of compliance, the inspection report shall include a summary of the remedial actions required to bring the site back into compliance, as well as a schedule of implementation.
 - i. Name, title, and signature of the person conducting site inspection; and the following statement: "I certify that this report is true, accurate, and complete, to the best of my knowledge and belief".

C. Turbidity/Transparency Sampling Requirements

1. Sampling Methods/Effective Dates

- a. Beginning October 1, 2006, if construction activity will involve the disturbance of 5 acres or more, the Permittee shall conduct *turbidity* sampling per Condition S4.C.
- b. Beginning October 1, 2008, if construction activity will involve greater than or equal to 1 acre, but less than 5 acres of soil disturbance, the Permittee shall conduct *transparency* sampling **or** turbidity sampling per Condition S4.C.

2. Sampling Frequency

- a. Sampling shall be conducted at least once every calendar week, when there is a discharge of stormwater (or authorized non-stormwater) from the site. Samples shall be *representative* of the flow and characteristics of the discharge.
- b. When there is no discharge during a calendar week, sampling is not required.
- c. Sampling is not required outside of normal working hours or during unsafe conditions. If a Permittee is unable to sample during a monitoring period, the Discharge Monitoring Report (DMR) shall include a brief explanation.

3. Sampling Locations

- a. Sampling is required at all discharge points where stormwater (or authorized non-stormwater) is discharged off-site.
- b. All sampling point(s) shall be identified on the SWPPP site map and be clearly marked in the field with a flag, tape, stake or other visible marker.

4. Sampling and Analysis Methods

- a. Turbidity analysis shall be performed with a calibrated turbidity meter (turbidimeter), either on-site or at an accredited lab. The results shall be recorded in the site log book in Nephelometric Turbidity Units (NTU).
- b. Transparency analysis shall be performed on-site with a 1 ¾ inch diameter, 60 centimeter (cm) long Transparency Tube. The results shall be recorded in the site log book in centimeters (cm). Transparency Tubes are available from: <http://watermonitoringequip.com/pages/stream.html>

Parameter	Units	Analytical Method	Sampling Frequency	Benchmark Value
Turbidity	NTU	SM2130 or EPA180.1	Weekly, if discharging	25 NTU
Transparency	cm	Manufacturer instructions, or Ecology Guidance	Weekly, if discharging	31 cm

5. Turbidity/Transparency Benchmark Values

The benchmark value for turbidity is 25 NTU (Nephelometric Turbidity Units); and the benchmark value for transparency is 31 cm.

- a. Turbidity 26 – 249 NTU, or Transparency 30 – 7 cm:

If discharge turbidity is greater than 25 NTU, but less than 250 NTU; or if discharge transparency is less than 31 cm, but greater than 6 cm, the CESCL shall:

- i. Review the SWPPP for compliance with Condition S9 and make appropriate revisions within 7 days of the discharge that exceeded the benchmark; and
 - ii. Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but within 10 days of the discharge that exceeded the benchmark; and
 - iii. Document BMP implementation and maintenance in the site log book.
- b. Turbidity 250 NTU or greater, or Transparency 6 cm or less:

If discharge turbidity is greater than or equal to 250 NTU; or if discharge transparency is less than or equal to 6 cm, the CESCL shall:

- i. Notify Ecology by phone in accordance with Condition S5.A.; and
- ii. Review the SWPPP for compliance with Condition S9 and make appropriate revisions within 7 days of the discharge that exceeded the benchmark; and
- iii. Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but within 10 days of the discharge that exceeded the benchmark;
- iv. Document BMP implementation and maintenance in the site log book; and
- v. Continue to sample discharges daily until:
 1. turbidity is 25 NTU (or lower); or
 2. transparency is 31 cm (or greater); or
 3. the CESCL has demonstrated compliance with the water quality standard for turbidity:
 - a. no more than 5 NTU over background turbidity, if background is less than 50 NTU, or
 - b. no more than 10% over background turbidity, if background is 50 NTU or greater; or
 4. the discharge stops or is eliminated.

D. pH Monitoring: Sites with Significant Concrete Work or Engineered Soils

Beginning October 1, 2006, if construction activity will result in the disturbance of 1 acre or more, **and** involves *significant concrete work* or the use of *engineered soils*, **and** stormwater from the affected area drains to surface waters of the state or to a storm sewer system that drains to surface waters of the state, the Permittee shall conduct *pH* monitoring as set forth below:

1. For sites with significant concrete work, the *pH monitoring period* shall commence when the concrete is first exposed to precipitation and continue weekly until stormwater pH is 8.5 or less.
 - a. "Significant concrete work" means greater than 1000 cubic yards poured concrete or recycled concrete.
2. For sites with engineered soils, the pH monitoring period shall commence when the soil amendments are first exposed to precipitation and shall continue until the area of engineered soils is *fully stabilized*.

- a. "Engineered soils" means soil amendments including, but not limited, to Portland cement treated base (CTB), cement kiln dust (CKD), or fly ash.
3. During the pH monitoring period, the Permittee shall obtain a representative sample of stormwater and conduct pH analysis at least once per week.
4. The Permittee shall monitor pH in the sediment trap/pond(s) or other locations that receive stormwater runoff from the area of significant concrete work or engineered soils prior to discharge to surface waters.
5. The benchmark value for pH is 8.5 standard units. Any time sampling indicates that pH is 8.5 or greater, the Permittee shall:
 - a. Prevent the high pH water (8.5 or above) from entering storm sewer systems or surface waters; and
 - b. If necessary, adjust or neutralize the high pH water using an appropriate treatment BMP such as CO₂ sparging or dry ice. The Permittee shall obtain written approval from Ecology prior to using any form of chemical treatment other than CO₂ sparging or dry ice.
6. The Permittee shall perform pH analysis on-site with a calibrated pH meter, pH test kit, or wide range pH indicator paper. The Permittee shall record pH monitoring results in the site log book.

S5. REPORTING AND RECORDKEEPING REQUIREMENTS

A. High Turbidity Phone Reporting

Any time sampling performed in accordance with Special Condition S4.C indicates turbidity is 250 NTU or greater (or transparency is 6 cm or less) the Permittee shall notify the appropriate Ecology regional office by phone within 24 hours of analysis.

B. Discharge Monitoring Reports

1. Permittees required to conduct water quality sampling in accordance with Special Conditions S.4.C (Turbidity/Transparency), S4.D (pH) and/or S8 [303(d)/TMDL sampling] shall submit the results to Ecology monthly on Discharge Monitoring Report (DMR) forms provided by Ecology.

Permittees are authorized and encouraged to submit electronic DMRs using the "E-DMR Form" on Ecology's Construction Stormwater web site:

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

2. The Permittee shall submit DMR forms electronically or by mail to be received by Ecology within 15 days following the end of each month. If there was no discharge during a given monitoring period, the Permittee shall submit the form as required with the words "no discharge" entered in place of the monitoring results. If the Permittee is unable to submit discharge monitoring reports electronically, the Permittee may mail reports to the address listed below:

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

C. Records Retention

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

D. Recording of Results

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

1. Date, place, method, and time of sampling or measurement;
2. The individual who performed the sampling or measurement;
3. The dates the analyses were performed;
4. The individual who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all analyses.

E. Additional Monitoring by the Permittee

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

F. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit which may cause a threat to human health or the environment, the Permittee shall:

1. Immediately notify Ecology of the failure to comply.
2. Immediately take action to prevent the discharge/pollution, or otherwise stop or correct the noncompliance, and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to Ecology within five (5) days after becoming aware of the violation.

3. Submit a detailed written report to Ecology within five (5) days, unless requested earlier by Ecology. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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

G. Access to Plans and Records

1. The Permittee shall retain the following permit documentation (plans and records) on-site, or within reasonable access to the site, for use by the operator; or on-site review by Ecology or the local *jurisdiction*:
 - a. General Permit;
 - b. Permit Coverage Letter;
 - c. Stormwater Pollution Prevention Plan (SWPPP); and
 - d. Site Log Book
2. The Permittee(s) shall address written requests for plans and records listed above (Condition S5.G.1) as follows:
 - a. A copy of plans and records shall be provided to Ecology within 14 days of receipt of a written request from Ecology.
 - b. A copy of plans and records shall be provided to the public when requested in writing. Upon receiving a written request from the public for the Permittee's plans and records, the Permittee shall either:
 - i. Provide a copy of the plans and records to the requestor within 14 days of a receipt of the written request; or
 - ii. Notify the requestor within 10 days of receipt of the written request of the location and times within normal business hours when the plans and records may be viewed, and provide access to the plans and records within 14 days of receipt of the written request; or
 - iii. Within 14 days of receipt of the written request, the Permittee may submit a copy of the plans and records to Ecology for viewing and/or copying by the requestor at an Ecology office, or a mutually agreed upon location. If plans and records are viewed and/or copied at a location other than at an Ecology office, the Permittee will provide reasonable access to copying services for which a reasonable fee may be charged. The Permittee shall notify the

requestor within 10 days of receipt of the request where the plans and records may be viewed and/or copied.

S6. PERMIT FEES

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

S7. SOLID AND LIQUID WASTE DISPOSAL

Solid and liquid wastes generated by construction activity such as demolition debris, construction materials, contaminated materials, and waste materials from maintenance activities, including liquids and solids from cleaning catch basins and other stormwater facilities, shall be handled and disposed of in accordance with:

1. Special Condition S3, Compliance with Standards, and
2. WAC 173-216-110, and other applicable regulations.

S8. DISCHARGES TO 303(D) OR TMDL WATERBODIES

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

1. 1. Permittees that discharge to water bodies listed as impaired by the State of Washington under Section 303(d) of the *Clean Water Act* for turbidity, fine sediment, high pH, or phosphorus, shall conduct water quality sampling according to the requirements of this section.
2. All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current listing by Ecology of impaired waters that exists on November 16, 2005, or the date when the operator's complete permit application is received by Ecology, whichever is later.

B. Discharges to 303(d)-Listed Waterbodies (Turbidity, Fine Sediment, or Phosphorus)

1. Permittees which discharge to waterbodies on the 303(d) list for turbidity, fine sediment, or phosphorus shall conduct turbidity sampling at the following locations to evaluate compliance with the water quality standard for turbidity:
 - a. Background turbidity shall be measured in the 303(d)-listed *receiving water* immediately upstream (upgradient) or outside the area of influence of the discharge; and
 - b. Discharge turbidity shall be measured at the point of discharge into the 303(d) listed receiving waterbody, inside the area of influence of the discharge; **or**

Alternatively, discharge turbidity may be measured at the point where the discharge leaves the construction site, rather than in the receiving waterbody.

2. Based on sampling, if the discharge turbidity exceeds the water quality standard for turbidity (more than 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or more than a 10% increase in turbidity when the background turbidity is more than 50 NTU), all future discharges shall comply with a numeric effluent limit which is equal to the water quality standard for turbidity.
3. If a future discharge exceeds the water quality standard for turbidity, the Permittee shall:
 - a. Review the SWPPP for compliance with Condition S9 and make appropriate revisions within 7 days of the discharge that exceeded the standard;
 - b. Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but within 10 days of the discharge that exceeded the standard;
 - c. Document BMP implementation and maintenance in the site log book;
 - d. Notify the appropriate Ecology Regional Office by phone within 24 hours of analysis;
 - e. Continue to sample daily until discharge turbidity meets the water quality standard for turbidity.

C. Discharges to waterbodies on the 303(d) list for High pH

1. Permittees which discharge to waterbodies on the 303(d) list for high pH shall conduct sampling at one of the following locations to evaluate compliance with the water quality standard for pH (in the range of 6.5 – 8.5):
 - a. pH shall be measured at the point of discharge into the 303(d) listed waterbody, inside the area of influence of the discharge; or
 - b. Alternatively, pH may be measured at the point where the discharge leaves the construction site, rather than in the receiving water.
2. Based on the sampling set forth above, if the pH exceeds the water quality standard for pH (in the range of 6.5 – 8.5), all future discharges shall comply with a numeric effluent limit which is equal to the water quality standard for pH.
3. If a future discharge exceeds the water quality standard for pH, the Permittee shall:
 - a. Review the SWPPP for compliance with Condition S9 and make appropriate revisions within 7 days of the discharge that exceeded the water quality standard;

- b. Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but within 10 days of the discharge that exceeded the standards;
- c. Document BMP implementation and maintenance in the site log book;
- d. Notify the appropriate Ecology Regional Office by phone within 24 hours of analysis; and
- e. Continue to sample daily until discharge meets the water quality standard for pH (in the range of 6.5 – 8.5) or the discharge stops or is eliminated.

Parameter identified in 303(d) listing	Parameter/Units	Analytical Method	Sampling Frequency	Water Quality Standard
Turbidity Fine Sediment Phosphorus	Turbidity/NTU	SM2130 or EPA180.1	Weekly, if discharging	If background is 50 NTU or less: 5 NTU over background; or If background is more than 50 NTU: 10% over background
High pH	pH/Standard Units	pH meter	Weekly, if discharging	In the range of 6.5 – 8.5

D. Sampling and Limitations For Sites Discharging to Applicable TMDLs

- 1. Discharges to a waterbodies subject to an applicable Total Maximum Daily Load (TMDL) for turbidity, fine sediment, high pH, or phosphorus, shall be consistent with the assumptions and requirements of the TMDL.
 - a. Where an *applicable TMDL* sets specific *waste load allocations* or requirements for discharges covered by this permit, discharges shall be consistent with any specific waste load allocations or requirements established by the applicable TMDL.
 - ii. The Permittee shall sample discharges weekly, or as otherwise specified by the TMDL, to evaluate compliance with the specific waste load allocations or requirements.
 - iii. Analytical methods used to meet the monitoring requirements shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136. Turbidity and pH methods

need not be accredited or registered unless conducted at a laboratory which must otherwise be accredited or registered.

- b. Where an applicable TMDL has established a general waste load allocation for construction stormwater discharges, but no specific requirements have been identified, compliance with Conditions S4 (Monitoring) and S9 (SWPPPs) will be assumed to be consistent with the approved TMDL.
 - c. Where an applicable TMDL has not specified a waste load allocation for construction stormwater discharges, but has not excluded these discharges, compliance with Conditions S4 (Monitoring) and S9 (SWPPPs) will be assumed to be consistent with the approved TMDL.
 - d. Where an applicable TMDL specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.
2. Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus, which has been completed and approved by EPA prior to November 16, 2005, or prior to the date the operator's complete permit application is received by Ecology, whichever is later. TMDLs completed after the operator's complete permit application is received by Ecology become applicable to the Permittee only if they are imposed through an administrative order by Ecology, or through a modification of permit coverage.

S9. STORMWATER POLLUTION PREVENTION PLAN

An adequate Stormwater Pollution Prevention Plan (SWPPP) for construction activity shall be prepared and implemented in accordance with the requirements of this permit beginning with initial soil disturbance and until *final stabilization*.

A. The SWPPP shall meet the following objectives:

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

B. General Requirements

1. The SWPPP shall include a narrative and drawings. All BMPs shall be clearly referenced in the narrative and marked on the drawings.

The SWPPP narrative shall include documentation to explain and justify the pollution prevention decisions made for the project. Documentation shall include:

- a. Information about existing site conditions (topography, drainage, soils, vegetation, etc.);

- b. Potential erosion problem areas;
 - c. The 12 elements of a SWPPP in S9.D.1-12, including BMPs used to address each element;
 - d. Construction phasing/sequence and general BMP implementation schedule;
 - e. The actions to be taken if BMP performance goals are not achieved; and
 - f. Engineering calculations for ponds and any other designed structures.
2. The Permittee shall modify the SWPPP if, during inspections or investigations conducted by the owner/operator, or the applicable local or state regulatory authority, it is determined that the SWPPP is, or would be, ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the site. The Permittee shall take the following actions:
 - a. Review the SWPPP for compliance with Condition S9 and make appropriate revisions within 7 days of the inspection or investigation;
 - b. Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but no later than 10 days from the inspection or investigation; and
 - c. Document BMP implementation and maintenance in the site log book.
 3. The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance at the construction site that has, or could have, a significant effect on the discharge of pollutants to waters of the state.

C. Stormwater Best Management Practices (BMPs)

BMPs shall be consistent with:

1. Stormwater Management Manual for Western Washington (most recent edition), for sites west of the crest of the Cascade Mountains;
2. Stormwater Management Manual for Eastern Washington (most recent edition), for sites east of the crest of the Cascade Mountains; or
3. Other stormwater management guidance documents or manuals which provide an equivalent level of pollution prevention and are approved by Ecology; or
4. Documentation in the SWPPP that the BMPs selected provides an equivalent level of pollution prevention, compared to the applicable Stormwater Management Manuals, including:

- a. The technical basis for the selection of all stormwater BMPs (scientific, technical studies, and/or modeling) which support the performance claims for the BMPs being selected; and
- b. An assessment of how the selected BMP will satisfy AKART requirements and the applicable federal technology-based treatment requirements under 40 CFR part 125.3.

D. SWPPP – Narrative Contents and Requirements

The Permittee shall include each of the 12 elements below in S9.D.1-12 in the narrative of the SWPPP and ensure that they are implemented unless site conditions render the element unnecessary and the exemption from that element is clearly justified in the SWPPP.

1. Preserve Vegetation/Mark Clearing Limits

- a. Prior to beginning land disturbing activities, including clearing and grading, clearly mark all clearing limits, *sensitive areas* and their *buffers*, and trees that are to be preserved within the construction area.
- b. The duff layer, native top soil, and natural vegetation shall be retained in an undisturbed state to the maximum degree practicable.

2. Establish Construction Access

- a. Construction vehicle access and exit shall be limited to one route, if possible.
- b. Access points shall be stabilized with a pad of quarry spalls, crushed rock, or other *equivalent BMP*, to minimize the tracking of sediment onto public roads.
- c. Wheel wash or tire baths shall be located on site, if the stabilized construction entrance is not effective in preventing sediment from being tracked onto public roads.
- d. If sediment is tracked off site, public roads shall be cleaned thoroughly at the end of each day, or more frequently during wet weather. Sediment shall be removed from roads by shoveling or pickup sweeping and shall be transported to a controlled sediment disposal area.
- e. Street washing is allowed only after sediment is removed in accordance with S9.D.2.d. Street wash wastewater shall be controlled by pumping back on site or otherwise be prevented from discharging into systems tributary to waters of the state.

3. Control Flow Rates

- a. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the velocity and peak volumetric flow rate of stormwater runoff from the project site, as required by local plan approval authority.

- b. Where necessary to comply with S9.D.3.a., stormwater retention or *detention* facilities shall be constructed as one of the first steps in grading. Detention facilities shall be functional prior to construction of site improvements (e.g., impervious surfaces).
 - c. If permanent infiltration ponds are used for flow control during construction, these facilities shall be protected from siltation during the construction phase.
4. Install Sediment Controls
- a. Stormwater runoff from disturbed areas shall pass through a sediment pond or other appropriate sediment removal BMP, prior to leaving a construction site or prior to discharge to an infiltration facility. Runoff from fully stabilized areas may be discharged without a sediment removal BMP, but shall meet the flow control performance standard of S9.D.3.a.
 - b. Sediment control BMPs (sediment ponds, traps, filters, etc.) shall be constructed as one of the first steps in grading. These BMPs shall be functional before other land disturbing activities take place.
 - c. BMPs intended to trap sediment on site shall be located in a manner to avoid interference with the movement of juvenile salmonids attempting to enter off-channel areas or drainages.
5. Stabilize Soils
- a. Exposed and unworked soils shall be stabilized by application of effective BMPs that prevent erosion. Applicable BMPs include, but are not limited to: temporary and permanent seeding, sodding, mulching, plastic covering, erosion control fabrics and matting, soil application of polyacrylamide (PAM), the early application of gravel base on areas to be paved, and dust control.
 - b. Depending on the geographic location of the project, no soils shall remain exposed and unworked for more than the time periods set forth below to prevent erosion:
 - West of the Cascade Mountains Crest
 - During the dry season (May 1 - Sept. 30): 7 days
 - During the wet season (October 1 - April 30): 2 days
 - East of the Cascade Mountains Crest, except for Central Basin*
 - During the dry season (July 1 - September 30): 10 days
 - During the wet season (October 1 - June 30): 5 days
 - The Central Basin*, East of the Cascade Mountains Crest
 - During the dry Season (July 1 - September 30): 30 days
 - During the wet season (October 1 - June 30): 15 days
- *Note: The Central Basin is defined as the portions of Eastern Washington with mean annual precipitation of less than 12 inches.

The time period may be adjusted by a local jurisdiction, if the jurisdiction can show that local precipitation data justify a different standard.

- c. Soils shall be stabilized at the end of the shift before a holiday or weekend if needed based on the weather forecast.
 - d. Soil stockpiles shall be stabilized from erosion, protected with sediment trapping measures, and where possible, be located away from *storm drain* inlets, waterways, and drainage channels.
6. Protect Slopes
- a. Design and construct cut and fill slopes in a manner that will minimize erosion. Applicable practices include, but are not limited to, reducing continuous length of slope with terracing and diversions, reducing slope steepness, and roughening slope surfaces (e.g., track walking).
 - b. Off-site stormwater (run-on) or groundwater shall be diverted away from slopes and disturbed areas with interceptor dikes, pipes, and/or swales. Off-site stormwater should be managed separately from stormwater generated on the site.
 - c. At the top of slopes, collect drainage in pipe slope drains or protected channels to prevent erosion.
 - i. West of the Cascade Mountains Crest: Temporary pipe slope drains shall handle the peak 10-minute velocity of flow from a Type 1A, 10-year, 24-hour frequency storm for the developed condition. Alternatively, the 10-year, 1-hour flow rate predicted by an approved continuous runoff model, increased by a factor of 1.6, may be used. The hydrologic analysis shall use the existing land cover condition for predicting flow rates from tributary areas outside the project limits. For tributary areas on the project site, the analysis shall use the temporary or permanent project land cover condition, whichever will produce the highest flow rates. If using the WWHM to predict flows, bare soil areas should be modeled as "landscaped area."
 - ii. East of the Cascade Mountains Crest: Temporary pipe slope drains shall handle the expected peak flow velocity from a 6-month, 3-hour storm for the developed condition, referred to as the short duration storm.
 - d. Excavated material shall be placed on the uphill side of trenches, consistent with safety and space considerations.
 - e. Check dams shall be placed at regular intervals within constructed channels that are cut down a slope.
7. Protect Drain Inlets
- a. All storm drain inlets made operable during construction shall be protected so that stormwater runoff does not enter the conveyance system without first being filtered or treated to remove sediment.

- f. BMPs shall be used to prevent or treat contamination of stormwater runoff by pH modifying sources. These sources include, but are not limited to: bulk cement, cement kiln dust, fly ash, new concrete washing and curing waters, waste streams generated from concrete grinding and sawing, exposed aggregate processes, dewatering concrete vaults, concrete pumping and mixer washout waters. Permittees shall adjust the pH of stormwater if necessary to prevent violations of water quality standards.
 - g. Permittees shall obtain written approval from Ecology prior to using chemical treatment, other than CO₂ or dry ice to adjust pH.
10. Control De-Watering
- a. Foundation, vault, and trench de-watering water, which have similar characteristics to stormwater runoff at the site, shall be discharged into a controlled conveyance system prior to discharge to a sediment trap or sediment pond.
 - b. Clean, non-turbid de-watering water, such as well-point ground water, can be discharged to systems tributary to, or directly into surface waters of the state, as specified in S9.D.8, provided the de-watering flow does not cause erosion or flooding of receiving waters. Clean de-watering water should not be routed through stormwater sediment ponds.
 - c. Other de-watering disposal options may include:
 - i. infiltration
 - ii. transport offsite in a vehicle, such as a vacuum flush truck, for legal disposal in a manner that does not pollute state waters,
 - iii. Ecology-approved on-site chemical treatment or other suitable treatment technologies,
 - iv. sanitary sewer discharge with local sewer district approval, if there is no other option, or
 - v. use of a sedimentation bag with *outfall* to a ditch or swale for small volumes of localized de-watering.
 - d. Highly turbid or contaminated dewatering water shall be handled separately from stormwater.

11. Maintain BMPs

- a. All temporary and permanent erosion and sediment control BMPs shall be maintained and repaired as needed to assure continued performance of their intended function in accordance with BMP specifications.
- b. All temporary erosion and sediment control BMPs shall be removed within 30 days after final site stabilization is achieved or after the temporary BMPs are no longer needed.

12. Manage the Project

- a. Development projects shall be phased to the maximum degree practicable and shall take into account seasonal work limitations.
- b. Inspection and Monitoring

All BMPs shall be inspected, maintained, and repaired as needed to assure continued performance of their intended function. Site inspections and monitoring shall be conducted in accordance with S4.

- c. Maintaining an Updated Construction SWPPP

The SWPPP shall be maintained, updated, and implemented in accordance with Conditions S3, S4 and S9.

E. SWPPP – Map Contents and Requirements

The SWPPP shall also include a vicinity map or general location map (e.g. USGS Quadrangle map, a portion of a county or city map, or other appropriate map) with enough detail to identify the location of the construction site and receiving waters within one mile of the site.

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

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

10. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.

S10. NOTICE OF TERMINATION

- A. The site is eligible for termination when either of the following conditions have been met:
 1. The site has undergone final stabilization, all temporary BMPs have been removed, and all stormwater discharges associated with construction activity have been eliminated; or
 2. All portions of the site which have not undergone final stabilization per S10.A.1 have been sold and/or transferred (per Condition G9), and the Permittee no longer has operational control of the construction activity.
- B. When the site is eligible for termination, the Permittee shall submit a complete and accurate *Notice of Termination* (NOT) form, signed in accordance with General Condition G2, to:

Department of Ecology
Water Quality Program - Construction Stormwater
PO Box 47696
Olympia, Washington 98504-7696
- C. The termination is effective on the date the NOT form was received by Ecology, unless the Permittee is notified by Ecology within 30 days that termination request is denied because the eligibility requirements in Condition S10.A have not been met.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

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

G2. SIGNATORY REQUIREMENTS

A. All permit applications shall bear a certification of correctness to be signed:

1. In the case of corporations, by a responsible corporate officer of at least the level of vice president of a corporation;
2. In the case of a partnership, by a general partner of a partnership;
3. In the case of sole proprietorship, by the proprietor; or
4. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

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

1. The authorization is made in writing by a person described above and submitted to the Ecology.
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

C. Changes to authorization. If an authorization under paragraph G2.B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph G2.B.2 above shall 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 shall make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated

the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

G3. RIGHT OF INSPECTION AND ENTRY

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

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

G4. GENERAL PERMIT MODIFICATION AND REVOCATION

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

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

G5. REVOCATION OF COVERAGE UNDER THE PERMIT

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

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

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

G6. REPORTING A CAUSE FOR MODIFICATION

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

G7. COMPLIANCE WITH OTHER LAWS AND STATUTES

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

G8. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G9. TRANSFER OF GENERAL PERMIT COVERAGE

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

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

When a current discharger (Permittee) transfers a portion of a permitted site, the current discharger shall also submit an updated application form (NOI) to the Director indicating the remaining permitted acreage after the transfer. When a current discharger (Permittee) transfers all portions of a permitted site to one or more new dischargers, the current discharger shall also submit a notice of termination (NOT) form to the Director.

G10. REMOVED SUBSTANCES

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

G11. DUTY TO PROVIDE INFORMATION

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

G12. OTHER REQUIREMENTS OF 40 CFR

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

G13. ADDITIONAL MONITORING

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

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment 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 shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten

thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G15. UPSET

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

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

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

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

G16. PROPERTY RIGHTS

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

G17. DUTY TO COMPLY

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

G18. TOXIC POLLUTANTS

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

G19. PENALTIES FOR TAMPERING

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

G20. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, give notice to Ecology of planned physical alterations, modifications or additions to the permitted construction activity, which will result in:

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

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

G21. REPORTING OTHER INFORMATION

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

G22. REPORTING ANTICIPATED NON-COMPLIANCE

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

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

G23. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER THE PERMIT

Any discharger authorized by this permit may request to be excluded from coverage under the general permit by applying for an individual permit. The discharger shall submit to the Director an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. These reasons shall fully document how an individual permit will apply to the applicant in a way that the general permit cannot. Ecology may make specific requests for information to support the request. The Director shall either issue an individual permit or deny the request with a statement explaining the reason for the denial. When an individual permit is issued to a discharger otherwise subject to the construction stormwater general permit, the applicability of the construction stormwater general permit to that Permittee is automatically terminated on the effective date of the individual permit.

G24. APPEALS

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

G25. SEVERABILITY

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

G26. BYPASS PROHIBITED

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

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

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

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

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

This bypass is permitted only if:

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

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

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

- f. the projected date of bypass initiation;
 - g. a statement of compliance with *SEPA*;
 - h. a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and
 - i. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
5. For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the Stormwater Pollution Prevention Plan (SWPPP) and shall 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:

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

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

B. Duty to Mitigate

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

APPENDIX A – DEFINITIONS

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

Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus, which has been completed and approved by EPA prior to November 16, 2005, or prior to the date the operator’s complete permit application is received by Ecology, whichever is later.

Applicant means an operator seeking coverage under this permit.

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

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

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

Calendar Week (same as Week) means a period of seven consecutive days starting on Sunday.

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

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

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

Common plan of development or sale means a site where multiple separate and distinct construction activities may be taking place at different times on different schedules, but still under a single plan. Examples include: 1) phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g., a development where lots are sold to separate builders); 2) a development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and 3) projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility.

If the project is part of a common plan of development or sale, the disturbed area of the entire plan shall be used in determining permit requirements.

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

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

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

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

Department means the Washington State Department of Ecology.

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

De-watering means the act of pumping ground water or stormwater away from an active construction site.

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

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

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

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

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

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

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

Final Stabilization (same as fully stabilized or full stabilization) means the establishment of a permanent vegetative cover, or equivalent permanent stabilization measures (such as riprap, gabions or geotextiles) which prevents erosion.

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

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

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

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

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

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

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

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

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

Outfall means the location where stormwater leaves the site. It also includes the location where stormwater is discharged to a surface waterbody within a site, but does not include discharges to on-site stormwater treatment/infiltration devices or storm sewer systems.

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

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

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

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

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

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

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

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

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

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

Sedimentation means the depositing or formation of sediment.

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

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

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

Significant Concrete Work means greater than 1000 cubic yards poured concrete or recycled concrete.

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

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

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

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

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

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

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

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

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

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

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

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

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

Turbidity The clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

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

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

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

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

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

APPENDIX B – ACRONYMS

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

Appendix E – Site Inspection Forms (and Site Log)

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

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

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

compliance, the inspection report shall include a summary of the remedial actions required to bring the site back into compliance, as well as a schedule of implementation.

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

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

Site Inspection Form

General Information

Project Name:		Title:	
Inspector Name:		CESCL # :	
Date:		Time:	
Inspection Type:	<input type="checkbox"/> After a rain event <input type="checkbox"/> Weekly <input type="checkbox"/> Turbidity/transparency benchmark exceedance <input type="checkbox"/> Other		

Weather

Precipitation	Since last inspection	In last 24 hours
Description of General Site Conditions:		

Inspection of BMPs

Element 1: Mark Clearing Limits

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

Element 2: Establish Construction Access

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

Element 3: Control Flow Rates

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:							
Location	Inspected			Functioning			Problem/Corrective Action
	Y	N		Y	N	NIP	

Element 4: Install Sediment Controls

BMP:							
Location	Inspected			Functioning			Problem/Corrective Action
	Y	N		Y	N	NIP	

BMP:							
Location	Inspected			Functioning			Problem/Corrective Action
	Y	N		Y	N	NIP	

BMP:							
Location	Inspected			Functioning			Problem/Corrective Action
	Y	N		Y	N	NIP	

BMP:							
Location	Inspected			Functioning			Problem/Corrective Action
	Y	N		Y	N	NIP	

BMP:							
Location	Inspected			Functioning			Problem/Corrective Action
	Y	N		Y	N	NIP	

Element 5: Stabilize Soils

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

Element 6: Protect Slopes

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

Element 7: Protect Drain Inlets

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

Element 8: Stabilize Channels and Outlets

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

Element 9: Control Pollutants

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

Element 10: Control Dewatering

BMP:

Location	Inspected	Functioning	Problem/Corrective Action

		Y	N		Y	N	NIP	

BMP:

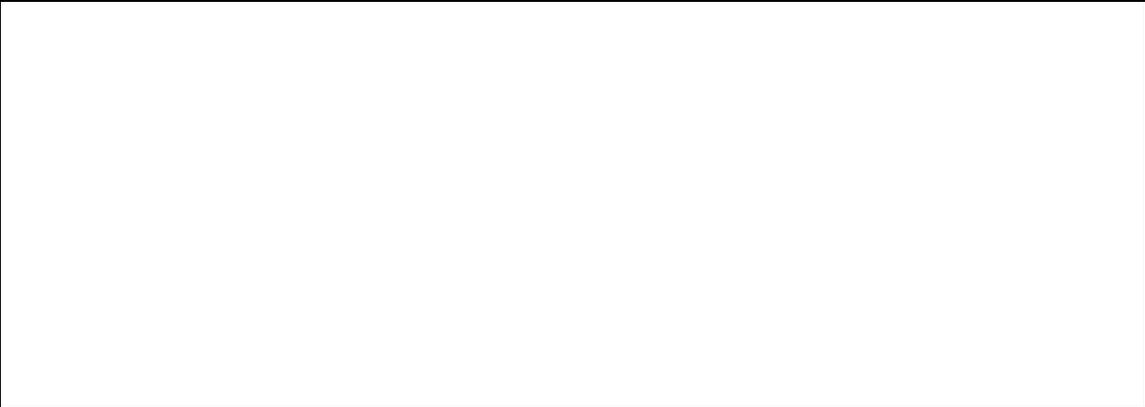
Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

BMP:

Location	Inspected		Functioning			Problem/Corrective Action
	Y	N	Y	N	NIP	

Stormwater Discharges From the Site						
Location	Observed?	Problem/Corrective Action				
		Y	N			
Turbidity						
Discoloration						
Sheen						
Location						
Turbidity						
Discoloration						
Sheen						

Water Quality Monitoring	
Was any water quality monitoring conducted?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If water quality monitoring was conducted, record results here:	
If water quality monitoring indicated turbidity 250 NTU or greater; or transparency 6 cm or less, was Ecology notified by phone within 24 hrs?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Ecology was notified, indicate the date, time, contact name and phone number below:	
Date:	
Time:	
Contact Name:	
Phone #:	
General Comments and Notes	
Include BMP repairs, maintenance, or installations made as a result of the inspection.	
Were Photos Taken?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If photos taken, describe photos below:	



ENVIRONMENTAL CHECKLIST

12/21/00

Thank you in advance for your cooperation and adherence to these procedures. If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

INTRODUCTION**Purpose of the Checklist:**

The State Environmental Policy Act (SEPA), chapter 43.21c RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City of Bellevue identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the City decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly, with the most precise information known, or give the best description you can. You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the Planner in the Permit Center can assist you. The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. Include references to any reports or studies that you are aware of which are relevant to the answers you provide. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

Use of a Checklist for Nonproject Proposals: *A nonproject proposal includes plans, policies, and programs where actions are different or broader than a single site-specific proposal.*

For nonproject proposals, complete the Environmental Checklist even though you may answer "does not apply" to most questions. In addition, complete the Supplemental Sheet for Nonproject Actions available from Permit Processing.

For nonproject actions, the references in the checklist to the words *project*, *applicant*, and *property* or *site* should be read as *proposal*, *proposer*, and *affected geographic area*, respectively.

Attach an 8½" x 11" vicinity map which accurately locates the proposed site.

REVIEWED*By Kevin LeClair at 11:09 am, Jul 29, 2009*

City of Bellevue Submittal Requirements	27a
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ENVIRONMENTAL CHECKLIST

12/21/00

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

BACKGROUND INFORMATION

Property Owner: **City of Bellevue**

Proponent: **City of Bellevue, Parks and Community Services, Utilities and Transportation Departments**

Contact Person: **Kenny Booth, The Watershed Company**
 (If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: **750 Sixth Street South, Kirkland, WA 98033**

Phone: **(425) 822-5242**

Proposal Title:

Programmatic Permit – Critical Areas Land Use Permit/Clear and Grade/SEPA

Proposal Location (Street address and nearest cross street or intersection) Provide a legal description if available:

Various locations throughout the City of Bellevue. See the attached map for locations of areas within the City where public rights-of-way and parks/open spaces abut or cross critical areas and their buffers.

Please attach an 8½" X 11" vicinity map that accurately locates the proposal site.

REVIEWED
By Kevin LeClair at 11:09 am, Jul 29, 2009

Give an accurate, brief description of the proposal's scope and nature:

1. General description: **The City of Bellevue Parks and Community Services, Utilities and Transportation Departments are seeking programmatic SEPA coverage to allow for a variety of routine vegetation management activities within critical areas and critical area buffers. Activities will occur within City owned rights-of-way and City owned parks and open spaces. Proposed activities include sight distance and obstruction clearing; hazard tree removal; invasive species removal; forest health; and restoration/habitat improvement. Activities will occur within wetlands and on steep slopes, as well as within the buffers of wetlands, steep slopes, streams, shorelines, and ponds less than 20 acres in size. The main objective of the proposal is to manage and maintain critical areas and critical area buffers in order to ensure that the adjacent improved right-of-way is not threatened by hazard trees, overgrown by vegetation, impaired by visual barriers, damaged by growing root systems, or otherwise impacted.**
2. Acreage of site: **Acreages will vary by location and activity. The programmatic permit includes acreage thresholds for each activity.**
3. Number of dwelling units/buildings to be demolished: **Not applicable.**
4. Number of dwelling units/buildings to be constructed: **Not applicable.**
5. Square footage of buildings to be demolished: **Not applicable.**
6. Square footage of buildings to be constructed: **Not applicable.**
7. Quantity of earth movement (in cubic yards): **Activities authorized under the programmatic permit do not include any excavation or fill.**
8. Proposed land use: **Maintenance activities will occur throughout the City in a wide variety of land use districts, including, residential, commercial, and industrial.**
9. Design features, including building height, number of stories, and proposed exterior materials: **Not applicable.**
10. Other

Estimated date of completion of the proposal or timing of phasing:

Vegetation management activities are likely to begin upon approval of the programmatic permits. Activities are expected to occur year round. However, all activities must comply with the rainy season provisions as established in Chapter 23.76 of the Bellevue Land Use Code.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

The vegetation management activities proposed under this programmatic permit are not expected to be expanded upon.

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

REVIEWED

By Kevin LeClair at 11:10 am, Jul 29, 2009

The Watershed Company. July 13, 2009. Programmatic Permit: Critical Areas Land Use Permit/Clear and Grade/SEPA

Tobin, C. and L. Pendergrass. 1997. Bellevue Historic and Cultural Resources Survey. City of Bellevue, Design and Development Department. March 1993. Survey updated July 1997.

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

There are no known pending permits that could impact the proposed vegetation management activities.

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

The proposal seeks programmatic approval of a Critical Areas Land Use Permit and a Clearing and Grading Permit. State and/or federal permits may be needed on a case-by-case basis for work proposed within wetlands.

Please provide one or more of the following exhibits, if applicable to your proposal. **N/A**
(Please check appropriate box(es) for exhibits submitted with your proposal):

- Land Use Reclassification (rezone)
Map of existing and proposed zoning
- Preliminary Plat or Planned Unit Development
Preliminary plat map
- Clearing & Grading Permit
Plan of existing and proposed grading
Development plans
- Building Permit (or Design Review)
Site plan
Clearing & grading plan
- Shoreline Management Permit
Site plan

This SEPA determination will be attached to the Clearing and Grading Permit with the City of Bellevue under file # 09-119605-XB.

REVIEWED
By Kevin LeClair at 1:55 pm, Jul 29, 2009

A. ENVIRONMENTAL ELEMENTS

1. EARTH

- a. General description of the site (circle one): Flat Rolling Hilly Steep slopes Mountains Other:

Slopes within the right-of-way and adjacent areas are generally flat or rolling. However, some activities may occur on steep slopes within City owned open spaces.

- b. What is the steepest slope on the site (approximate percent slope)?

It is possible that work may occur on steep slope areas that are up to 60 percent in slope.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Soil types will vary from location to location, but soils in Bellevue rights-of-way generally are Alderwood, Arent, Beausite, Bellingham, Everett, Indianola, Kitsap, Ovall, and Urban Land classifications.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Soil stability is likely to vary from location to location. It is possible that unstable soils could be found on steep slopes. In those instances, proper erosion control measures, including appropriate BMPs, will be implemented.

BMPs will be fully described in the programmatic permit submittals and are required on all projects as necessary.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Grading and filling will not occur as part of any activity proposed under the programmatic permit.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Erosion is not expected to occur during implementation of maintenance activities proposed under the programmatic permit. However, appropriate temporary erosion control BMPs would be utilized as needed. BMPs are outlined in detail in the programmatic permit.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

The proposed programmatic permit does not include the placement of any permanent impervious surfaces.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

The BMPs cited within the programmatic permit are adequate to control erosion.

REVIEWED

By Kevin LeClair at 1:56 pm, Jul 29, 2009

2. AIR

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Any air quality impacts associated with maintenance activities, including construction vehicle emissions and dust generation, would be temporary and rapidly dissipated. After project completion, no further impacts to air would occur.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

There are not anticipated to be any off-site sources of emissions that will affect proposed maintenance activities.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Standard methods of reducing impacts to air would be utilized, including managing disturbed soils as described in the programmatic permit.

3. WATER

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The map titled "Vegetation Management Programmatic Map" shows the locations where maintenance activities may occur. It is possible for activities to occur in close proximity to streams throughout the City, as well as both Lake Washington and Lake Sammamish. The permit also authorizes certain activities within wetlands.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Yes, maintenance activities could occur within 200 feet of previously mentioned waters. Activities may also occur within wetlands. However, no work will occur in streams or lakes.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Grading will not occur as part of any activity proposed under the programmatic permit. Therefore, no filling or dredging in surface waters or wetlands will occur.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No in-water work is proposed. Therefore, surface water withdrawals or diversions will not occur.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

REVIEWED

By Kevin LeClair at 1:57 pm, Jul 29, 2009

Maintenance activities could occur within areas designated as 100-year floodplains. However, maintenance activities will not impact flood storage capacity or alter the floodplain in any way.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No intentional discharges of waste materials would occur during maintenance activities. All appropriate BMPs would be implemented to prevent such discharges.

b. Ground

1. Will ground water be withdrawn, or will water be discharged to ground water? Give a general description, purpose, and approximate quantities if known.

There will be no withdrawal of or discharge to ground water associated with the proposed maintenance activities.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

There will be no waste material from septic tanks or other sources discharged into the ground as part of the proposed maintenance activities.

c. Water runoff (including stormwater):

1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

In each maintenance activity location, runoff from the immediate project site is not expected except at natural, near pre-project rates. In some cases, restoration plantings may decrease the overall amount of runoff from the project area.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

During maintenance, fuel, lubricant or other material spills from hand-held power equipment could enter ground or surface waters. However, spill cleanup equipment shall be present on-site for all maintenance activities.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

The erosion control measures described under question 1h would help control impacts to surface and runoff water.

4. PLANTS

- a. Check types of vegetation found on the site and circle appropriate measurements or list species:

- deciduous trees:
- evergreen tree:
- shrubs:

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By Kevin LeClair at 1:57 pm, Jul 29, 2009

- pasture
- crop or grain
- wet soil plants:
- water plants:
- other types of vegetation:

Tree hazard evaluation and mitigation will be carried out and documented in compliance with programmatic clearing and grading permit BMPs and industry standards.

b. What kind and amount of vegetation will be removed or altered?

The primary vegetation to be removed includes Himalayan blackberry, evergreen blackberry, reed canarygrass, cherry (hedge) laurel, English holly, and ivy species. Tree removal will be limited to hazard trees and trees that endanger utilities. Shrub removal will occur only when necessary for access or maintenance activities. All temporarily impacted areas will be replanted with native trees and shrubs. Areas to be replanted will be cleared of all remaining non-native vegetation before replanting.

c. List threatened or endangered species known to be on or near the site.

No known threatened or endangered plant species have been documented in the City of Bellevue.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Any removed vegetation will be replaced with appropriate native species, following the guidelines in the Critical Areas Handbook.

5. ANIMALS

a. Circle any birds and animals that have been observed on or near the site or are known to be on or near the site:

birds: **bald eagle, peregrine falcon, red-tailed hawk, osprey, pileated woodpecker, Vaux's swift, purple martin, merlin, great blue heron, green heron, common loon, native songbirds**

mammals: **bats, small mammals (mice, voles, squirrels), coyote, deer, beaver**

fish: **bass, salmon, trout**

b. List any threatened or endangered species known to be on or near the site.

Adult and juvenile chinook salmon and steelhead trout (listed as Threatened under the Federal Endangered Species Act) migrate through Lake Washington and Lake Sammamish. Adults migrate upstream to reach spawning grounds in tributaries throughout the City; juveniles migrate downstream from their natal streams to reach the ocean. Lakes and streams within the City also contain coho salmon (Species of Concern under the Federal Endangered Species Act). Lake Washington and Lake Sammamish potentially contain bull trout, a salmonid listed as Threatened under the Federal Endangered Species Act.

Although federally delisted in June 2007, the bald eagle is a Washington State Sensitive species and a City of Bellevue Species of Local Importance. It is also protected under the Migratory Bird Act. They occur in the City of Bellevue at all lifecycle stages, including breeding.

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By Kevin LeClair at 2:00 pm, Jul 29, 2009

- c. Is the site part of a migration route? If so, explain.

As described above, adult and juvenile salmon migrate up and downstream, respectively, through Lake Washington, Lake Sammamish, Kelsey Creek and several small streams within the City. Migrating waterfowl may use the lakes as resting and foraging areas during spring and fall migrations.

- d. Proposed measures to preserve or enhance wildlife, if any:

All significant trees will be preserved, with the exception of hazard trees or those that impede utility function or maintenance. Cut trees will be retained as wildlife snags where possible, and cut and pruned material will be left onsite, with the exception of invasive species material. Temporarily impacted areas will be replanted with native trees and shrubs.

6. ENERGY AND NATURAL RESOURCES

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

The types of energy likely to be used to complete the proposed maintenance activities include hand-held gas powered equipment. After maintenance activities are complete, no forms of energy will be necessary.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

No forms of energy are necessary for the completed maintenance activities.

7. ENVIRONMENTAL HEALTH

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Typical hazards related to hand-held gas powered equipment are associated with proposed maintenance activities.

- 1) Describe special emergency services that might be required.

Emergency services are not anticipated to be necessary. However, in the unlikely event that an accident (spill, fire, other exposure) occurs involving toxic chemicals or hazardous wastes, the local Fire Department's Hazardous Materials Team would respond. If necessary, local medical services might also be required. The full range of safety and accident response supplies would be on-site to treat any emergency during construction.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

Standard precautions would be taken to ensure the safety of the work crew. The construction manager would be contacted by a crew member immediately upon discovery of a spill. The construction manager would then ensure that the spill is cleaned up in the

REVIEWED

By Kevin LeClair at 2:18 pm, Jul 29, 2009

manner dictated by the chemical use instructions and would contact the appropriate authorities.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Because some maintenance activities are likely to occur within or adjacent to the right-of-way, noise associated with traffic is likely. However, the noise will not affect the maintenance activities.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Noise associated with the proposed maintenance would be restricted to use of hand-held power equipment. Noise would be limited to normal daytime working hours pursuant to Bellevue City Code 9.18. There would be no long-term noise associated with the completed maintenance activities.

- 3) Proposed measures to reduce or control noise impacts, if any:

The short-term nature of the maintenance activities coupled with compliance with the noise regulations established in Bellevue City Code 9.18 will minimize noise impacts to an insignificant level.

8. LAND AND SHORELINE USE

- a. What is the current use of the site and adjacent properties?

Maintenance activities will occur throughout the City in a wide variety of land use districts, including, residential, commercial and industrial.

- b. Has the site been used for agriculture? If so, describe.

Maintenance activities could occur in locations used for agriculture.

- c. Describe any structures on the site.

Maintenance activities will likely occur in locations void of structures.

- d. Will any structures be demolished? If so, what?

No.

- e. What is the current zoning classification of the site?

Zoning classifications vary throughout the City and include, residential, commercial, and industrial.

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By Kevin LeClair at 2:18 pm, Jul 29, 2009

- f. What is the current comprehensive plan designation of the site?

Comprehensive plan designations vary throughout the City and include residential, commercial, and industrial.

- g. If applicable, what is the current shoreline master program designation of the site?

Maintenance activities may occur within 200 feet of "shorelines of the state" and would therefore fall within shoreline jurisdiction. Shorelines within the City of Bellevue do not contain a shoreline master program designation.

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

All maintenance activities proposed as part of the programmatic permit will take place within wetlands, steep slopes, or the buffers of wetlands, steep slopes, shorelines, streams and ponds less than 20 acres in size.

- i. Approximately how many people would reside or work in the completed project?

Not applicable.

- j. Approximately how many people would the completed project displace?

Not applicable.

- k. Proposed measures to avoid or reduce displacement impacts, if any:

No measures are necessary.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Proposed maintenance activities do not affect existing land use.

9. HOUSING

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable.

- c. Proposed measures to reduce or control housing impacts, if any:

No measures are necessary.

10. AESTHETICS

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

REVIEWED

By Kevin LeClair at 2:19 pm, Jul 29, 2009

No structures are proposed as part of any maintenance activity.

- b. What views in the immediate vicinity would be altered or obstructed?

Views will likely be improved in many instances through the removal of non-native and invasive vegetation.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

No measures are necessary.

11. LIGHT AND GLARE

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

No light or glare will be produced by the proposed maintenance activities.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

- c. What existing off-site sources of light or glare may affect your proposal?

Proposed maintenance activities will not be affected by off-site sources of light or glare.

- d. Proposed measures to reduce or control light and glare impacts, if any:

No measures are necessary.

12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Some maintenance activities will occur within or adjacent to City parks.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

No measures are necessary.

13. HISTORIC AND CULTURAL PRESERVATION

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

According to the Office of Archeology and Historic Preservation's (OAHP) WISAARD (Washington Information System for Architectural and Archaeological Records Data) website, there are two sites within Bellevue located on City owned property. The sites are the Wilburton Trestle (Washington Heritage Register) and the Frederick W. Winters House (Washington Heritage Register and National Register).

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By Kevin LeClair at 2:19 pm, Jul 29, 2009

The City of Bellevue's *Historic and Cultural Resources Survey* (Tobin and Pendergrass 1997) identifies additional sites on City owned property as historically significant. These include the Miller Homestead (Robinswood Community Park), Twin Valley Barns (Kelsey Creek Park), Fraser House (Kelsey Creek Park), Masunaga House (Larsen Lake), and the Larsen Lake Blueberry Farm.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

As described in 13.a, historic sites exist with City owned properties throughout the City. Therefore, maintenance activities may occur within the vicinity of the sites. However, proposed activities include only vegetation maintenance within critical areas and critical area buffers. Therefore, no impacts to existing historic sites will occur.

- c. Proposed measures to reduce or control impacts, if any:

Should historic, archeological, scientific or culturally significant items be encountered during implementation of maintenance activities, work would be temporarily stopped while the appropriate agencies are notified.

14. TRANSPORTATION

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Some of the proposed maintenance activities will take place within or adjacent to the right-of-way of streets that abut critical areas or their buffers. The attached map, titled "Vegetation Management Programmatic Map" details the locations of such occurrences.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Not applicable.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

Not applicable.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Not applicable.

REVIEWED

By Kevin LeClair at 2:20 pm, Jul 29, 2009

- g. Proposed measures to reduce or control transportation impacts, if any:

No measures are necessary.

15. PUBLIC SERVICES

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

No measures are necessary.

16. UTILITIES

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Not applicable.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable.

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature

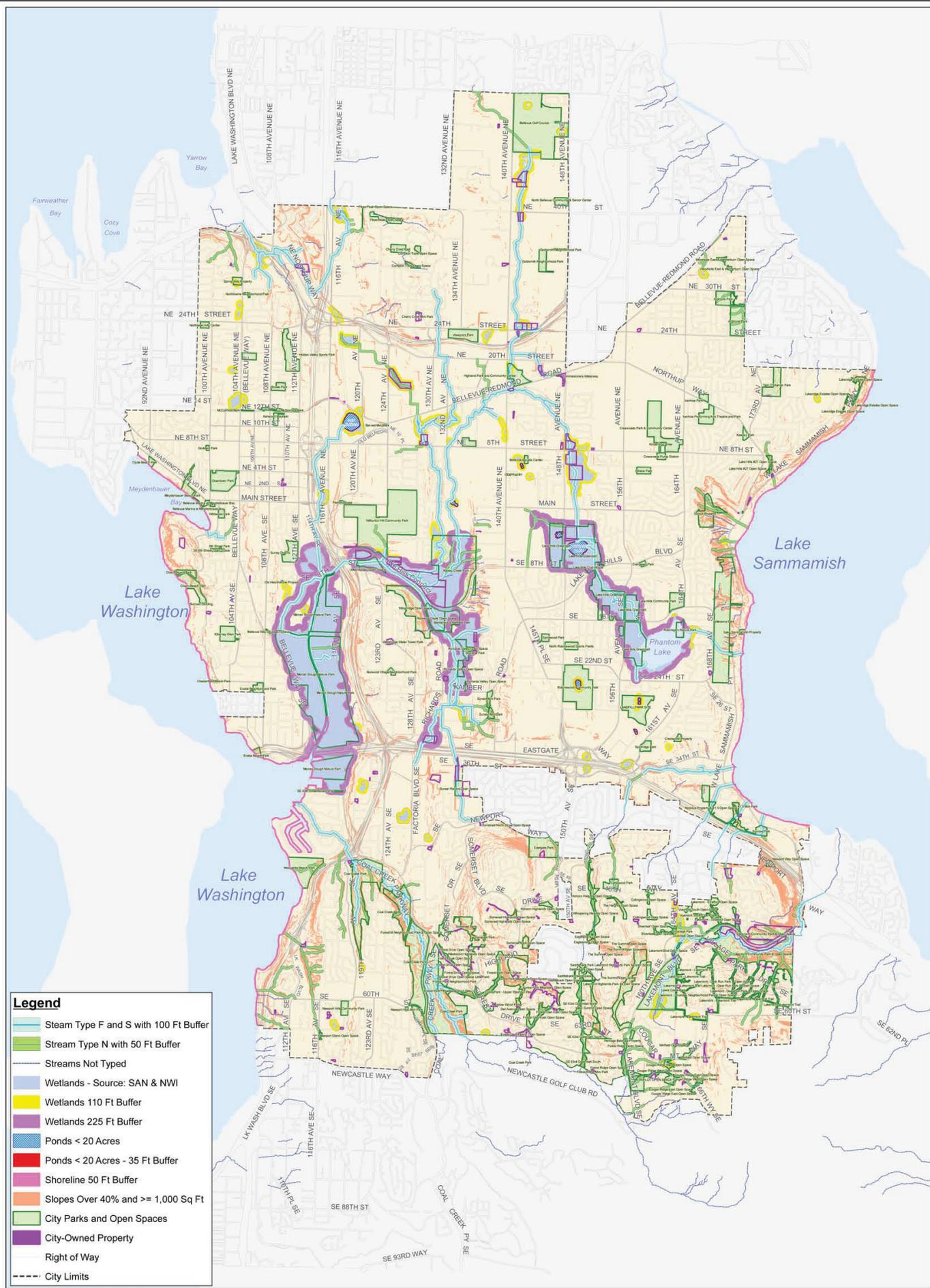


Kenny Booth, AICP
Associate Planner
The Watershed Company

APPROVED
By Kevin LeClair at 2:21 pm, Jul 29, 2009

Date Submitted:

Submitted on July 14, 2009



- Legend**
- Stream Type F and S with 100 Ft Buffer
 - Stream Type N with 50 Ft Buffer
 - Streams Not Typed
 - Wetlands - Source: SAN & NWI
 - Wetlands 110 Ft Buffer
 - Wetlands 225 Ft Buffer
 - Ponds < 20 Acres
 - Ponds < 20 Acres - 35 Ft Buffer
 - Shoreline 50 Ft Buffer
 - Slopes Over 40% and >= 1,000 Sq Ft
 - City Parks and Open Spaces
 - City-Owned Property
 - Right of Way
 - City Limits

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NORTH

City of Bellevue
IT Department
GIS Services

Plot Date: 11/10/2008

City of Bellevue

Vegetation Management Programmatic Map

The information on this map is a geographic representation derived from the City of Bellevue Geographic Information System. The City of Bellevue does not guarantee that the information on this map is accurate or complete. This map is provided on an "as is" basis and disclaims all warranties, express or implied, including but not limited to warranties of merchantability, fitness for a particular purpose and non-infringement. Any commercial use or sale of this map or portions thereof, is prohibited without express written authorization by the City of Bellevue. The City of Bellevue is not responsible for any damages arising from the use of information on this map. Use of this map is at user's risk. Users should verify the information before making project commitments.

**Programmatic Vegetation Management - 09-119604-XE
Activity Notification**

**Land Use and
Clearing & Grading**

09-_____ -XB

Please provide applicable Clearing and Grading Permit Number

Notification Date: _____

(Notification must occur a minimum of 48 hours before start date)

Timing of Proposed Work:

Estimated Start Date: _____

Estimated End Date: _____

Contact Information:

Name of Contractor Performing Work (if applicable): _____

Address: _____

Contact: _____

Phone #: _____

Contact Person (Responsible for ensuring BMPs are followed): _____

Department: _____

Contact Phone #: _____

Area of Proposed Work:

Map showing location is attached

Unimproved Right-of-way

Adjacent Roadway: _____ Nearest Cross Street: _____

City Park/Open Space:

Park Name: _____ Parcel Number (if known): _____

Critical Area(s) Affected:

Stream Buffer

Shoreline Buffer

Wetland Buffer

Steep Slope Buffer

Wetland

Steep Slope

Submittal Items (attach along with form when applicable):

Enhancement Plan

Is Phasing Proposed? Yes No

Size of Additional Phases: _____ square feet

Wetland Delineation/Determination (required for work in wetlands)

Geotechnical Report [required for soil disturbances > 5,000 square feet in a geologic hazard critical area (steep slope) or its 50-foot top-of-slope buffer]

Type of Work Proposed:

[Circle the proposed activity, the affected area and the applicable threshold.]

Activity	Area	Threshold	Threshold (w/ Enhancement Plan)	Threshold (w/ Enhancement Plan and Phasing)
Sight Distance & Obstruction Clearing	Unimproved ROW	0.50 acre	---	---
	Outside ROW	0.50 acre	---	---
	Wetland	0.10 acre	---	---
	Steep Slopes	0.10 acre	---	---
Hazard Tree Removal	Unimproved ROW	4 trees/acre	6 trees/acre	8 trees/acre
	Outside ROW	4 trees/acre	6 trees/acre	8 trees/acre
	Wetland	1 tree/acre	2 trees/acre	---
	Steep Slopes	2 trees/acre	4 trees/acre	---
Forest Health	Unimproved ROW	0.50 acre	1.0 acre	2.0 acres
	Outside ROW	0.50 acre	1.0 acre	2.0 acres
	Wetland	0.25 acre	<1.0 acre	---
	Steep Slopes	0.25 acre	<1.0 acre	---
Invasive Species Removal	Unimproved ROW	0.50 acre	1.0 acre	2.0 acres
	Outside ROW	0.50 acre	1.0 acre	2.0 acres
	Wetland	0.25 acre	<1.0 acre	---
	Steep Slopes	0.25 acre	<1.0 acre	---
Habitat Enhancement	Unimproved ROW	0.50 acre	1.0 acre	2.0 acres
	Outside ROW	0.50 acre	1.0 acre	2.0 acres
	Wetland	---	<1.0 acre	---
	Steep Slopes	---	<1.0 acre	---

Briefly describe the existing site conditions that require the proposed work:

Briefly describe the scope of work proposed:

Upon completion, this Notification Form shall be forwarded to the following addresses:

- landusereview@bellevuewa.gov
- aroden@bellevuewa.gov
- momalley@bellevuewa.gov

NOTE: The Clearing & Grading Inspector shall log inspections into Amanda.