

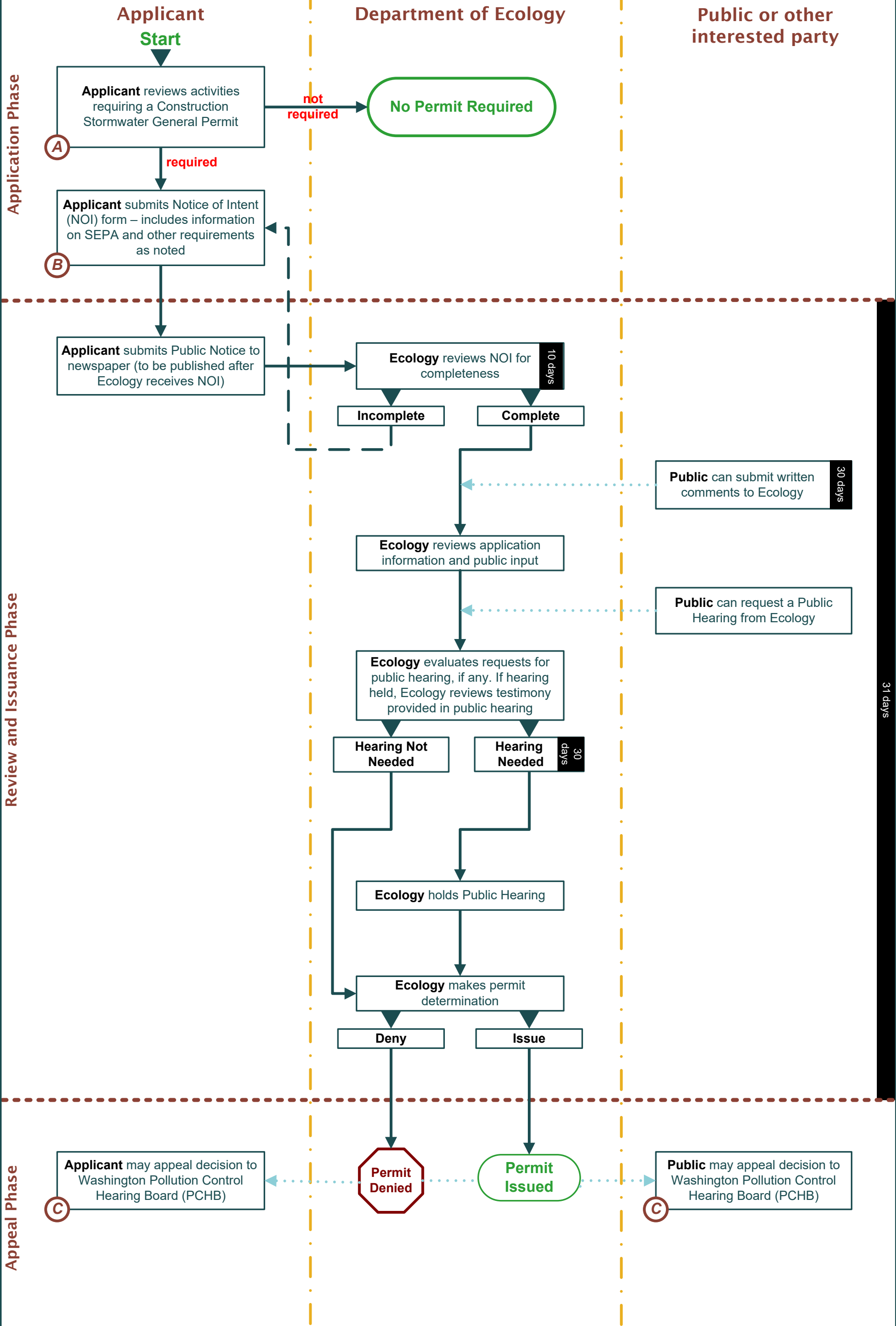


GOVERNOR'S OFFICE
FOR REGULATORY
INNOVATION & ASSISTANCE



DEPARTMENT OF
ECOLOGY
State of Washington

NPDES Construction Stormwater General Permit



31 days

For more information on this permitting process call ORIA at 800-917-0043, visit [oria.wa.gov](https://www.oria.wa.gov) or [Ecology's Construction Stormwater General Permit page](#).

Link A

A. Triggers for Construction Stormwater Permitting

New Permit Coverage is required for:

- Construction activities with any soil disturbance of 1 acre or greater of total land area and have a discharge of stormwater from the site into surface water(s), or into storm drainage systems which
- discharge to a surface water. Surface waters may include wetlands, ditches, rivers, unnamed creeks, lakes, estuaries and marine waters.
- Construction activity is defined as land disturbing operations including clearing, grading and excavation.
- One acre threshold also includes construction activities that result in a land disturbance of less than 1 acre, if the activity is part of a larger common plan of development or sale that is equal to or greater than one acre.

Erosivity Waiver:

The erosivity waiver is available for construction projects **under 5 acres** (and not part of a common plan of development) that are started and completed within certain dry periods in the state. The entire period of construction activity must fall within the following dates of the same year.

- For sites west of Cascades Crest: June 15-September 15
- For sites east of Cascades Crest, except the Central Basin: June 15-October 15
- For sites within the Central Basin (region 2) of Eastern Washington: No time restriction apply

The Central Basin is an area of central eastern Washington with less than 12 inches of precipitation per year (see Region 2 on the map attached to the [erosivity waiver form](#)).

In order to qualify, the rainfall erosivity factor must be less than 5 during the period of construction activity. To calculate rainfall erosivity, go to the [U.S. EPA's Rainfall Erosivity Factor Calculator](#).

Submit an [erosivity waiver form](#) to Ecology at least one week before starting soil disturbing activities. If the operator meets all the requirements of the erosivity waiver, he/she does not need a permit for construction stormwater discharges.

A Permit Coverage is not required for:

- Sites at which all the stormwater is retained on site (discharges to the ground through infiltration basins, dry wells, drain field, or other means of discharge to the ground). Sites which must build these
- retention devices do require coverage.
- Any part of a facility with a stormwater discharge resulting from remedial action conducted by the USEPA or Ecology or a potentially liable/responsible person under an order or consent decree issued
- under the Comprehensive Environmental Response, Compensation, and Liability Act.
- Emergency construction required to protect public health and safety.
- Construction activity for routine maintenance of existing facilities to maintain original line and grade, or hydraulic capacity.
- Nonpoint sources silvicultural (forestry) activities.
- Stormwater from any Federal Operator 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.
- Facilities covered under existing NPDES individual or general permits in which stormwater management or treatment associated with construction activity is already addressed. Check with the Ecology permit manager about this exemption.

[Back to Schematic](#)

Link C

C. Appeal Information

Appeal of Permit Coverage:

You have a right to appeal the terms and conditions of a general permit, as they apply to an individual discharger, to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do all of the following within 30 days of the date of receipt of the permit:

File your notice of appeal and a copy of the permit is with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.

Serve a copy of your notice of appeal and the permit on the Department of Ecology by mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

Filing with the PCHB

For the most current information visit the [PCHB web site](#) or call 360-664-9160.

Service on Ecology

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

[Back to Schematic](#)

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address: ecologyappeals@ecy.wa.gov