



# Frequently Asked Questions about Reporting Illicit Discharges and Spills

from Ecology's Water Quality Program



## Illicit Discharges and Spills under the Municipal Stormwater NPDES Permits

### Q: What is an illicit discharge?

**A:** The municipal stormwater permits define an illicit discharge as a discharge **into** the municipal separate storm sewer system (MS4) that is not composed entirely of stormwater. Illicit discharges may be deliberate or mistaken, direct or indirect. Generally, illicit discharges fit one of the following categories:

1. Non-stormwater connections to the stormwater conveyance system, including sewage and industrial wastewater.
2. Non-stormwater illegal discharges, dumping and improper disposal, including:
  - Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water.
  - Discharges from lawn watering and other irrigation runoff (except agricultural runoff).
  - Swimming pool water that has not been dechlorinated, cleaning wastewater and filter backwash.
  - Street and sidewalk wash water, water used to control dust, and routine external building washdown.
  - Un-permitted de-watering water.
3. Spills which must be cleaned up, are incidental and short-lived, and are of a substance that has the potential to compromise water quality.



### DEFINITION IN PERMIT

*Illicit discharge means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to an NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.*

### Q: Under what conditions do the municipal stormwater permits require specific notification and/or reporting?

**A:** Three kinds of situations require notification and reporting to Ecology:

1. Illicit discharges **into the MS4** that present a severe or imminent threat to human health or the environment.
2. Discharges **from the MS4** that may cause or contribute to an imminent threat to human health or the environment or that are causing or contributing to a violation of water quality standard.



3. Illicit discharges that **do not** present severe or imminent threats to human health or the environment, and **do not** cause the MS4's discharge to contribute to a violation of water quality standards.

**Q: How do I report a spill into my MS4 that presents a severe or imminent threat to human health or the environment? (G3)**

**A:** Immediately, but no later than 24 hours after obtaining the knowledge, contact the appropriate Ecology regional office hotline (see below).

Northwest Region: 1-425-649-7000  
Southwest Region: 1-360-407-6300  
Central Region: 1-509-575-2490  
Eastern Region: 1-509-329-3400

For all spills, you must retain records of the incident and associated response actions. You must report that information in your Municipal Stormwater Permit Annual Report and upon request.

**Q: How do I report a spill of oil or hazardous materials into my MS4 that presents a severe or imminent threat to human health or the environment? (G3)**

**A:** Immediately but in no case later than within 24 hours of obtaining the knowledge, contact:

National Response Center: 1-800-424-8802  
AND  
Washington Emergency Management Division: 1-800-258-5990 OR 1-800-OILS-911  
AND

The appropriate Ecology regional office hotline (use phone numbers in previous answer)

For all spills, you must retain records of the incident and associated response actions. You must report that information in your Municipal Stormwater Permit Annual Report and upon request.

**Q: How do I report a spill into my MS4 which might cause bacterial contamination of shellfish? (G3)**

**A:** Immediately contact the Washington State Department of Health: 1-360-236-3330

AND

The appropriate Ecology regional office hotline (use phone numbers in previous answer)

For all spills, you must retain records of the incident and associated response actions. You must report that information in your Municipal Stormwater Permit Annual Report and upon request.

**Q: What reporting and notification should I perform when a spill occurs into my MS4, and my MS4 actually discharges into another local jurisdiction's MS4?**

**A:** When this occurs, notify the local jurisdiction receiving the discharge. This will allow them to manage the discharge more effectively. A permit requires the ports of Seattle and Tacoma to contact that local jurisdiction (Phase I S6.E.7.f) and their assigned Ecology regional permit specialist. For additional applicable notification requirements, refer to the previous questions about spills that present a severe or imminent threat to human health or the environment. You must retain records of all spills and associated response actions. You must report that information in your Municipal Stormwater Permit Annual Report and upon request.

**Q: Phase I Permits only: How do I report an illicit connection to my MS4, or a source control violation, that presents a severe or imminent threat to human health or the environment?**

**A:** The Phase I permit requires you to report illicit connections (S5.C.8.b.vii.3) and source control violations (S5.C.7.b.iv) when they present a severe threat. To meet these conditions, you should contact your regional Ecology permit specialist immediately by phone or email and tell them about the nature of the connection or violation and the actions you are taking to address the problem. Your regional Ecology permit specialist will respond by email confirming receipt of the information and provide additional instructions if necessary. You must retain records of the illicit connection or source control violation and associated response actions. You must report that information in your Municipal Stormwater Permit Annual Report and upon request.

**Q: How do I report a discharge from my MS4 that may cause or contribute to an imminent threat to human health or the environment? (G20)**

**A:** Immediately, but no later than 24 hours after obtaining the knowledge, contact the appropriate Ecology regional office hotline (same numbers as above). You must retain records of the discharge and any associated response actions. You must report that information in your Municipal Stormwater Permit Annual Report and upon request.

**Q: How do I report a discharge from my MS4 that is causing or contributing to a violation of water quality standards? (G20 and S4.F)**

**A:** When you become aware that a discharge from your MS4 may cause or contribute to a violation of state water quality standards, you must notify your regional Ecology permit specialist in writing within 30 days of becoming aware of the failure to comply with the permit terms and conditions. Your written notification must include the relevant information listed in S4.F. Your regional Ecology permit specialist will respond in writing. You must retain records of the discharge and any associated response actions. You must report that information in your Municipal Stormwater Permit Annual Report and upon request.

**Q: If I have already reported a spill, do I also need to report under S4.F?**

**A:** No. Notification under S4.F applies to ongoing discharges (for example, discharges that occur over time) that you know cause or contribute to a violation of water quality standards in the receiving water body. You do not need to report ongoing problem discharges that Ecology was already aware of at the time the permit became effective under S4.F. Examples of problem discharges already known to Ecology include discharges contributing pollution to a water body already included on the state's 303(d) list for that pollutant (or one with a water cleanup plan already in effect), or discharges being evaluated as part of a cleanup or corrective action project under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), the Model Toxics Control Act (MTCA), or the Resource Conservation and Recovery Act (RCRA).

**Q: How do I report illicit discharges that do not present severe or imminent threats to human health or the environment and do not cause the MS4's discharge to contribute to a violation of water quality standards?**

**A:** You must address incidents that fall into this category as part of your Illicit Discharge Detection and Elimination (IDDE) program or, for Phase I Permittees, your Source Control program. You need not immediately report to Ecology or other authorities. In accordance with your applicable program, you must retain records of the illicit discharge and your associated response actions. You must also report that information in your Municipal Stormwater Permit Annual Report.

## Ecology contacts

If you need to report an illicit discharge or spill, call the appropriate hotline as directed by this FAQ. For all other questions, contact the following Ecology staff:

<i>Island, Skagit and Whatcom Counties</i>	<b>Christina Maginnis</b> <a href="mailto:cmag461@ecy.wa.gov">cmag461@ecy.wa.gov</a>	360-715-5212
<i>Phase II Cities within Kitsap and Snohomish Counties</i>	<b>Sarah Davenport-Smith</b> <a href="mailto:sada461@ecy.wa.gov">sada461@ecy.wa.gov</a>	425-649-7263
<i>Phase I Permittees (City of Seattle, King and Snohomish Counties)</i>	<b>Rachel McCrea</b> <a href="mailto:rmcc461@ecy.wa.gov">rmcc461@ecy.wa.gov</a>	425-649-7223
<i>Phase II Cities within King County</i>	<b>Anne Dettelbach</b> <a href="mailto:adet461@ecy.wa.gov">adet461@ecy.wa.gov</a>	425-649-7093
<i>Clallam and Pierce Counties</i>	<b>Kurt Fremont</b> <a href="mailto:kufr461@ecy.wa.gov">kufr461@ecy.wa.gov</a>	360-407-0245
<i>Clark, Cowlitz, Grays Harbor, Lewis, and Thurston Counties</i>	<b>Greg Winters</b> <a href="mailto:gwin461@ecy.wa.gov">gwin461@ecy.wa.gov</a>	360-690-7120
<i>Benton, Chelan, Douglas, Kittitas, and Yakima Counties</i>	<b>Terry Wittmeier</b> <a href="mailto:twit461@ecy.wa.gov">twit461@ecy.wa.gov</a>	509-574-3991
<i>Asotin, Franklin, Grant, Spokane, Walla Walla, and Whitman Counties</i>	<b>Dave Duncan</b> <a href="mailto:ddun461@ecy.wa.gov">ddun461@ecy.wa.gov</a>	509-329-3554

The following tables provide a quick reference for illicit discharge and spill reporting requirements.

*If you need this publication in an alternate format, please call Water Quality Program at 360-407-6401. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341*

**Table 1 – Summary of Illicit Discharge Notification and Reporting  
for All Permittees and Secondary Permittees under the Municipal Stormwater NPDES Permits**

Note that for all spills and other incidents described, as well as for your typical program implementation activities, you must retain records of the incident or situation and associated response actions and report that information upon request and, as applicable, in your Municipal Stormwater Permit Annual Report. Any special reporting is described in the table below.

<b>Type of Illicit Discharge</b>	<b>Permit Citation</b>	<b>Who to Notify (and phone numbers)</b>	<b>Time to Notify</b>	<b>Special Reporting</b>
A spill into my MS4 that presents a severe or imminent threat to human health or the environment.	G3	Local Ecology Office:  Northwest Region: 1-425-649-7000 Southwest Region: 1-360-407-6300 Central Region: 1-509-575-2490 Eastern Region: 1-509-329-3400	Immediately but no later than 24 hours after obtaining the knowledge.	None.
A spill of oil or hazardous materials into my MS4 that presents a severe or imminent threat to human health or the environment.	G3	National Response Center: 1-800-424-8802  AND  Washington Emergency Management Division: 1-800-258-5990 OR 1-800-OILS-911, AND  Local Ecology Office:  Northwest Region: 1-425-649-7000 Southwest Region: 1-360-407-6300 Central Region: 1-509-575-2490 Eastern Region: 1-509-329-3400	Immediately but no later than 24 hours after obtaining the knowledge.	None.

Type of Illicit Discharge	Permit Citation	Who to Notify (and phone numbers)	Time to Notify	Special Reporting
A spill into my MS4 which might cause bacterial contamination of shellfish.	G3	Washington State Department of Health: 1-360-236-3330  AND  Local Ecology Office:  Northwest Region: 1-425-649-7000 Southwest Region: 1-360-407-6300 Central Region: 1-509-575-2490 Eastern Region: 1-509-329-3400	Immediately.	None.
A discharge from my MS4 that may cause or contribute to an imminent threat to human health or the environment.	G20	Local Ecology Office:  Northwest Region: 1-425-649-7000 Southwest Region: 1-360-407-6300 Central Region: 1-509-575-2490 Eastern Region: 1-509-329-3400	Immediately but no later than 24 hours after obtaining the knowledge.	None.
A discharge from my MS4 that is causing or contributing to a violation of water quality standards.	G20 and S4.F	Notify your assigned regional Ecology permit specialist in writing.	Within 30 days of becoming aware of the failure to comply with the permit terms and conditions.	Your regional Ecology permit specialist will respond in writing in accordance with the applicable provisions in S4.F.
Illicit discharges that do not present severe or imminent threats to human health or the environment and do not cause the MS4's discharge to contribute to a violation of water quality standards.	S5.C.3.e	Document in your Municipal Stormwater Permit Annual Report.	Include in your annual report submittal.	None.

**Table 2 – Summary of Illicit Discharge Notification and Reporting for Phase I Permittees and the Ports of Tacoma and Seattle**

This table includes any notification and reporting requirements specific to the Phase I permit that are in addition to those requirements specified in Table 1. Note that for all spills and other incidents described, as well as for your typical program implementation activities, you must retain records of the incident or situation and associated response actions and report that information upon request and, as applicable, in your Municipal Stormwater Permit Annual Report. Any special reporting is described in the table below.

<b>Type of Illicit Discharge</b>	<b>Permit Citation</b>	<b>Who to Notify (and phone numbers)</b>	<b>Time to Notify</b>	<b>Special Reporting</b>
<p>Port of Seattle and Port of Tacoma: A spill occurs into my MS4 and my MS4 actually discharges into another local jurisdiction's MS4.</p>	<p>Phase I S6.E.7.f</p>	<p>Notify the local jurisdiction receiving the discharge and your assigned Ecology regional permit specialist. For additional potentially applicable notification requirements, refer to the previous information about spills that present a severe or imminent threat to human health or the environment.</p>	<p>Immediately.</p>	<p>None.</p>
<p>Phase I Permittees: An illicit connection to my MS4, or a source control violation, that presents a severe or imminent threat to human health or the environment.</p>	<p>Phase I S5.C.8.b.vii.3 and S5.C.7.b.iv</p>	<p>Contact your assigned regional Ecology permit specialist immediately by phone or email and tell them about the nature of the connection or violation and the actions you are taking to address the problem. For assistance with addressing the problem, you may need to refer to the previous contact information about spills that present a severe or imminent threat to human health or the environment.</p>	<p>Immediately.</p>	<p>Your regional Ecology permit specialist will respond by email confirming receipt of the information and providing you with additional instructions if necessary.</p>