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Department of Transportation**

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January 19, 2018

Ms. Abbey Stockwell
Washington State Department of Ecology
Water Quality Program
PO Box 47696
Olympia, WA 98504-7696

RE: WSDOT Comments on Preliminary Draft Municipal Stormwater Permits and Stormwater Management Manual for Western Washington

Dear Ms. Stockwell:

The Washington State Department of Transportation (WSDOT) appreciates the opportunity to provide comments to the Washington State Department of Ecology on the preliminary drafts of the municipal stormwater permits and Stormwater Management Manual for Western Washington (SWMMWW). While WSDOT will not receive coverage under the permits, Ecology has shown a long-standing commitment to consistency across permits and manuals. We see value in participating in the dialogue because the proposed changes to these documents may influence the development of the 2019 WSDOT Municipal Stormwater Permit, as well as potentially affecting the content of WSDOT's Highway Runoff Manual.

The comments below follow the order and organization of the draft documents.

S5.C.6 Structural Stormwater Control

1. General comment: WSDOT is interested in the development of this new performance metric as the requirements in our Municipal Stormwater Permit is closely tied to the Phase I permits. We think that there are ways this metric could be improved in the future and would be interested in providing feedback in a process that engages stakeholders to improve the approach.

S5.C.2/S5.C.3 Mapping

2. Draft Mapping Guidance, Section III. Permit mapping terms and definitions – with guidance.

Comment: The definitions for “outfall,” “discharge point,” and “receiving waters” are not consistent with those in the Phase II Municipal Stormwater Permit for Eastern Washington, the WSDOT Municipal Stormwater Permit, or the 2014 settlement agreement (Stipulation and

Agreed Order of Dismissal) resolving the appeal of the 2013 Phase II Municipal Permit for Western Washington. Although WSDOT does not object to the continued use of the existing permit definitions of “outfall,” “discharge point,” and “receiving waters” in the Phase I and Phase II Western Washington stormwater permits, WSDOT does not waive its right to later enforce the original settlement agreement (Stipulation and Agreed Order of Dismissal), if appropriate and as WSDOT deems necessary.

3. Draft Mapping Guidance, Section III. Permit mapping terms and definitions – with guidance, Outfall, 3rd bullet “Map MS4 outfalls at locations where discharges leave the MS4 and enters a private stormwater system, or other conveyance system or pathway, when it is known that discharge will enter a surface receiving water.”

Comment: It is WSDOT’s understanding that “locations where discharges leave the MS4 and enters a private stormwater system, or other conveyance system or pathway” are considered “connections” or “discharge points” and thus are not outfalls no matter where the water ends up. If the final discharge of the system is an outfall the outfall owner is responsible for the water. WSDOT recommends removing this bullet point.

S5.C.4/S5.C.5 Controlling Runoff – site and subdivision scale

4. General comment: Based on recent discussions with Ecology staff, it has come to WSDOT’s attention that Ecology’s current manual equivalency process does not mean manuals contain equivalent requirements. Instead, that the minimum requirements in Ecology’s manual have been met. This makes it difficult for an agency like WSDOT, who must interact with many Phase I and Phase II jurisdictions, due to the nature of our infrastructure, to know if the local jurisdiction requirements are based on Ecology’s mandate or from the local jurisdiction electing to be more stringent. The current proposed language will not address these issues of inequity between our HRM, Ecology’s SWMMWW/EW, and local jurisdiction manuals. WSDOT suggests clearly identifying requirements versus guidance in the Phase I and Phase II permits, defining the process for manual equivalency, and including a description of what manual equivalency means.

S8. Monitoring

5. S8.B.2.B Stormwater discharge monitoring (page 3)

Comment: WSDOT would like Ecology to provide information explaining the value of a discharge monitoring program. Further, Ecology should clearly define its goals and objectives for such a program.

6. Page 3, Note to reviewers box, 4th bullet “Add total PCBs to the runoff characterization list (using 1668C)”

Comment: WSDOT is concerned about adding PCBs to the parameter list, and would like more information regarding the rationale for adding it to the list. WSDOT has concerns that BMPs that meet AKART and remove PCBs are not available, setting up a situation that permittees are documenting discharges that do not and cannot comply with current state water quality standards or future management action requirements. Additionally, if added, WSDOT recommends using test method 608 instead of 1668C because the former meets the rigor and performance criteria established by 40 CFR 136 and would provide for data consistency in decision-making.

SWMMWW

7. General comment: WSDOT has concerns with the removal of infiltration as an option for several construction activities. Removing infiltration as an option in this manual (and thus several other rules and permits) is inconsistent with the reliance on infiltration in the municipal stormwater permits. Further, it poses a number of challenges for WSDOT which could include increasing project costs, project delays, and permit compliance risks due to logistical infeasibility. WSDOT would like to work with Ecology to establish feasible solutions that protect the environment.

BMP C102: Buffer Zones

8. Design and Installation Specifications and Conditions of Use sections

Comment: WSDOT recommends defining the types of buffer zones and clarifying how they may or may not be used. In addition, there should be clear distinction between buffers that are designated for protection of critical areas and buffers that are areas where a project may be able to manage stormwater by establishing a vegetated buffer area. Specifically, WSDOT suggests the following changes:

- Designated Critical Area Buffers – buffers that protect Critical Areas, as defined by the Washington State Growth Management Act, and are established and managed by the local permitting authority. These should not be disturbed and must be protected with sediment control BMPs to prevent impacts. The local permitting authority may expand the buffer widths temporarily to allow the use of the expanded area for removal of sediment.
- Vegetative Buffer Zones – areas that may be identified in undisturbed vegetation areas or managed vegetation areas that are outside any Designated Critical Area Buffer. They may be utilized to provide an additional sediment control area and/or reduce runoff velocities. If being used for preservation of natural vegetation, they should be arranged

in clumps or strips. They can be used to protect natural swales and incorporated into the natural landscaping area.

- Remove the term “natural buffer zone” due to its ambiguity.
- Clarify the term “vegetated buffer zones” by using “vegetated buffer zone BMP” instead.
- Use the term “designated critical areas buffers” for buffers required by the local jurisdiction.

BMP C106: Wheel Wash

9. Conditions of Use, 4th bullet

Comment: WSDOT recommends changing or defining the term “process water” as it is unclear what this means. If “process water” is supposed to mean “process wastewater” as defined in Appendix A of the Construction Stormwater General Permit, WSDOT disagrees with the use of the term here since it is not a byproduct of manufacturing or processing activities as defined in 40 CFR 122.2.

BMP C120 Temporary and Permanent Seeding (also applies to BMP C121 Mulching)

10. Comment: WSDOT recommends grouping chemical-based and chemically-altered mulches and tackifiers into their own distinct BMP categories. These distinct BMP categories should clearly specify expectations for both material content and appropriate use (e.g., require testing for heavy metals, VOCs, PCBs, and other risks as deemed appropriate, identify buffer distances from waterbodies where these products should not be used, and prohibit use where flows may transport material to a water body). Taking this approach would help address the environmental risks associated with these products which are being demonstrated in an increasing body of evidence.

BMP C121 Mulching

11. Conditions of Use, last bullet, “Tackifiers shall be plant based, such as guar or alpha plantago, or chemical based, such as polyacrylamide or polymers.”

Comment: WSDOT recommends considering only allowing plant-based materials. Do chemical-based tackifiers have a qualitative advantage over organic/plant-based products?

12. Maintenance Standards, Table I.2 Mulch Standards and Guidelines, Mulch Material: Compost, far right column for Quality Standards.

Comment: It is WSDOT’s understanding that compost made from biosolids or manure are prohibited in any facility that is being used as a stormwater treatment system (email correspondence from Ecology in 2013, available upon request). Has this changed? If not,

suggest deleting "but may have up to 35% biosolids."

13. Maintenance Standards, Table I.2 Mulch Standards and Guidelines, Mulch Material: Chipped Site Vegetation, Quality Standards, far right column.

Comment: WSDOT recommends the following changes:

1. Delete the first sentence as it is redundant with the more descriptive second sentence.
2. Edit the last sentence to include the underlined items "...If permanent seeding or planting is expected shortly after mulch, the decomposition of the chipped vegetation may tie up nutrients important to grass vegetation establishment."
3. Note that thick application of this material over existing grass, herbaceous species, and some groundcovers could smother and kill vegetation.

BMP C122: Nets and Blankets

14. Design and Installation Specifications

Comment: WSDOT recommends removing the reference to the WSDOT Construction Site Erosion and Sediment Control Course, as this training is dynamic and changes often. Instead, Ecology could reference WSDOT's Standard Specifications Division 8-01.3(3) Placing Biodegradable Erosion Control Blankets and Division 9-14.5(2) Biodegradable Erosion Control Blanket.

BMP C151: Concrete Handling (also applies to BMP C154 Concrete Washout)

15. Design and Installation Specifications, 1st bullet

Comment: WSDOT would like Ecology to provide information demonstrating that the risks associated with washing out into a formed area awaiting pour are greater than pouring concrete by itself. WSDOT also asks that Ecology provide information comparing the benefit of not allowing this activity against the added costs of collecting and treating or otherwise disposing of this water or other information supporting the change to not allow this activity.

16. Design and Installation Specifications, 4th bullet, "...contaminate surface or ground water."

Comment: WSDOT believes this language will likely lead to inconsistent interpretation. Recommend instead, stating it shall "not directly drain to natural or constructed stormwater conveyances."

BMP C252: Treating and Disposing of High pH Water

17. Comment: WSDOT suggests that Ecology work with us and other stakeholders to develop more clear definitions for terminology in this section. Particularly, definitions for the terms

“high pH stormwater,” “concrete wastewater,” and “slurry” would help clarify issues like determining at what point high pH stormwater becomes concrete wastewater. There are many potential implications to various rules and regulations surrounding these terms, so WSDOT sees this as an issue that needs to be addressed separately from this specific comment letter.

18. Causes of High pH, 2nd paragraph

Comment: WSDOT suggests clarifying whether testing is required for calcium hardness. If testing is a requirement, please provide information regarding the need or rationale behind the requirement and guidance on how permittees are expected to comply.

Again, WSDOT appreciates the opportunity to provide comments on this preliminary draft language and support the consistency between the municipal stormwater permits and manuals. Please contact Sheena Pietzold at (360) 570-6644; pietzos@wsdot.wa.gov, or me at (360) 570-6642; stonek@wsdot.wa.gov if you would like to discuss or have questions about our comments.

Sincerely,



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