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| **2019 DRAFT MUNICIPAL PERMIT REVIEW FORM** |

| **No.** | **Document** | **Page #** | **Section #** | **Comment** | **Proposed Resolution** |
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| 1 | Draft Permit | 1 | S1.B.1. | Language in the permit needs to clearly define where the Permit needs to be implemented, and when, so that WSDOT can fully comply during the entire permit term. The Permit coverage area is based on the Phase I and II Municipal Stormwater Permit areas, which can change over time due to jurisdictions’ annexations or those permits being reissued or modified during the course of this Permit’s term. WSDOT urges Ecology to clarify that the Permit coverage area is based on the Phase I and II Permit coverage areas on date that those permits are issued, and does not change over the permit term (except when the 2019 Phase I and II Permits are issued) even though the Phase I and II Permits coverage areas may change. As currently written, it could be interpreted that the coverage area is the Phase I and II coverage area at any point during the five year permit term rather than just at one point in time. | Add the clarifying language in red: “This permit covers stormwater discharges from municipal separate storm sewer systems (MS4s) owned or operated by WSDOT in areas covered by the 2019 Phase I Municipal Stormwater Permit, the 2019 Eastern Washington Phase II Municipal Stormwater Permit, and the 2019 Western Washington Phase II Municipal Stormwater Permit (2019 Permits) on the date the 2019 Permits are issued.” |
| 2 |  | 1 | S1.B.1. | Permit coverage wording needs to be consistent between sections. Currently this section refers to “tribal lands as stated in S2.E” however, S2.E does not use the same wording. | Change “tribal lands” to “Indian Country” to be consistent with S2.E. |
| 3 |  | 1 | S1.B.2. | The Permit needs to be clear and consistent about where the requirements are supposed to be implemented. The Permit also needs to be consistent between sections. Currently this section states “For TMDL areas that are not within the areas described in S1.B.1 above WSDOT shall, at a minimum, be responsible for the TMDL implementation actions found in Appendix 3.” The words “at a minimum” add confusion around the compliance expectations for TMDLs outside of Phase I and II Permit areas (described in S1.B.1.) that assign a WLA to WSDOT. The compliance expectations for TMDLs are fully described in Appendix 3, so the wording here needs to be consistent with that. | Remove “at a minimum” from the last sentence. |
| 4 |  | 2 | S2.B.3. | Grammatical error | In the sentence “The discharge is from another illicit or non-stormwater discharge that is managed by WSDOT as provided in the following sections S2.B.3.a and S2.B.3.b.,” change the underlined “and” to “or.” |
| 5 |  | 2 | S.2.B.3.a.xii. | Reduce redundancy, this item is already stated in S2.B.1. | Remove this item. |
| 6 |  | 3 | S3.A. | The Permit needs to be clear and consistent about where the requirements are supposed to be implemented. The Permit also needs to be consistent between sections. The compliance expectations for TMDLs are fully described in Appendix 3, so the wording here needs to be consistent with that. | Add the language in red to clarify and be consistent with other sections: “WSDOT shall comply with all of the conditions of this permit for the regulated MS4s it owns or operates within the geographic area covered pursuant to S1.B.1. WSDOT shall comply with the implementation actions found in Appendix 3 within the geographic areas covered pursuant to S1.B.2.” |
| 7 |  | 7, 8, 9, 11, 12, 13, 20, 21 | S5.C.3.b., S5.C.3.c., S5.C.5.b., S5.C.7.b.i., S5.C.7.c.i., S5.C.7.d., S5.C.7.f., S8.F.16., and S8.F.18. | The Permit needs to be clear and consistent about where the requirements are supposed to be implemented. Currently, the wording in these sections describing where the requirements need to be implemented makes it unclear which actions need to be implemented in TMDL areas. The actions required in TMDL areas are fully described in Appendix 3, so the wording here needs to be consistent with that. These sections should point back to the description of the Phase I and II permit coverage area in S1.B.1. | In each section, replace “…within areas covered by the Phase I Municipal Stormwater Permit, the Eastern Washington Phase II Municipal Stormwater Permit, the Western Washington Phase II Municipal Stormwater Permit, and as applicable TMDL areas included in this permit” with “within areas described in S1.B.1.” |
| 8 |  | 8 | S5.C.3.c. | Typographical error | Add an “s” at the end of “year”: “No later than three years from the effective date…” |
| 9 |  | 8 | S5.C.4.c.i. | The Permit requirements related to notifications need to be consistent between sections. Currently the wording here is “Immediately take appropriate action for all illicit discharges, including spills, which are determined to constitute a threat to human health, welfare or the environment, consistent with requirements in General Condition G3.” The underlined text is not consistent with G3. | Make this illicit discharge notification requirement consistent with G3 by changing “are determined to constitute” to “could constitute.” |
| 10 |  | 9 | S5.C.5.a. | Grammatical error | Add “the” before “Washington”: “WSDOT shall apply the minimum requirements, thresholds, adjustments, and definitions in the Washington State Highway Runoff Manual (HRM)…” |
| 11 |  | 9 | S5.C.5.b. | The Permit needs to be clear about which parts of the HRM are required. The Permit also needs to be consistent between sections. Currently the wording here is “WSDOT shall apply the technical standards in HRM or an Ecology approved alternative approach…” The underlined text is not consistent with S5.C.5.a. or the HRM. | Replace “technical standards” with the wording in red: “WSDOT shall apply the minimum requirements, thresholds, adjustments, and definitions in the HRM or an Ecology approved alternative approach demonstrating compliance with Washington State Water Quality Standards…” |
| 12 |  | 10 | S5.C.6. | Typographical error | Remove the extra “P” at the end of “SWMPP” |
| 13 |  | 10 | S5.C.6.b., and S5.C.6.c. | Grammatical errors | Add “the” before “HRM”: “WSDOT shall retrofit (i.e. provide stormwater treatment or flow control to) existing highways if a project triggers runoff treatment or flow control requirements as defined in the HRM,” and “For projects located within the Puget Sound Basin that trigger runoff treatment or flow control requirements as defined in the HRM…” |
| 14 |  | 11 | S5.C.7.a. | WSDOT proposes adding language consistent with the Phase I permit that states exceeding the maintenance standard between inspections and/of maintenance is not a permit violation. | Add the following language in red: “The purpose of the maintenance standard is to determine if maintenance is required. The maintenance standard is not a measure of the facility's required condition at all times between inspections. Exceeding the maintenance standard between inspections and/or maintenance is not a permit violation." |
| 15 |  | 12 | S5.C.7.c.iii. | Typographical error | Change “and” to “an”: “Unless there are circumstances beyond WSDOT’s control, when an inspection…” |
| 16 |  | 15 | S6. | The Permit needs to be clear and consistent about where the requirements are supposed to be implemented. The Permit also needs to be consistent between sections. Currently the wording here states “WSDOT shall meet the timeframes identified in either the TMDL or associated implementation documents.” This contradicts S6.1. just above. The actions required in TMDL areas are fully described in Appendix 3, so the wording here needs to be consistent with that. | Delete “WSDOT shall meet the timeframes identified in either the TMDL or associated implementation documents” from the end of S6. Add “and timeframes” to S6.1.: “WSDOT shall comply with implementation actions and timeframes listed in Appendix 3. |
| 17 |  | 16 | S7.B. | Typographical error | Add a space between the first and second sentences “WSDOT shall use EPA’s 2009 or most recent version of the Urban Stormwater BMP Performance Monitoring as additional guidance for preparing the BMP evaluation. Monitoring…” |
| 18 |  | 17 | S7.D. | Grammatical errors | Add an “s” at the end of “submittal”, add “both” and change “studies” to “study’s”: “Within one year following the submittals of both the facilities and highways study’s final monitoring reports or no later than October 1, 2021…” |
| 19 |  | 18 | S7.F.3. | To allow for necessary flexibility in implementing monitoring requirements including QAPP revisions after implementation has already begun, WSDOT suggests changing the language to allow for Ecology approval outside of a formal letter. Based on experiences during the current permit cycle, WSDOT thinks this change would ensure compliance while negating potential paperwork lag time. | Delete the word “letters.” Instead it would read “WSDOT shall obtain Ecology approval for each QAPP prior to implementation.” |
| 20 |  | 20 | S8.F.2. | This information is required to be provided upon Ecology’s request in S5.A.2. For consistency, it should be removed here. | Remove this item. |
| 21 |  | 23 | G3. | Grammatical error | Add the words in red “For spills which might cause bacterial contamination of shellfish, such as those which might result from broken sewer lines…” |
| 22 |  | 26 | G9.F. | Grammatical error | Add comma between “install” and “calibrate”: WSDOT shall install, calibrate and maintain…” |
| 23 |  | 26 | G9.F. | The Permit needs to be consistent between sections. S8.D. and G9.B. both state records must be kept for the life of the permit plus five years. This section currently says three years. | Change “three” to “five”: “WSDOT shall retain calibration records for the life of this permit plus five years.” |
| 24 |  | 26 | G10. | Currently this section references Ecology’s 2012 Stormwater Management Manual for Western Washington, Volume IV, Appendix IV-G. This needs to be updated. | Update reference to Ecology’s SWMMWW. |
| 25 |  | 26 | G10. | Clarify that solid waste is regulated by local Health Departments. Current language states “Solids generated from maintenance of the MS4 may be reclaimed, recycled, or reused when allowed by local codes and ordinances.” Since these actions may not be allowed, WSDOT suggests simplifying and clarifying language. | Replace “Solids generated from maintenance of the MS4 may be reclaimed, recycled, or reused when allowed by local codes and ordinances” with “solid waste is regulated by local Health Departments.” |
| 26 |  | 29 | G19.B. | Typographical error | Add a space between “overall” and “development”: “… is no longer accurate because a different individual or position has responsibility for the overall development and implementation…” |
| 27 |  | 31 | Definition: Component | Currently this definition states WSDOT’s Stormwater Management Program Plan appears in Appendix 5 of this permit. This is inaccurate. | Remove the language “appearing in Appendix 5 of this permit.” |
| 28 |  | 34 | Definition: Receiving waterbody | Typographical error | Remove the “ed” from “discharged.” |
| 29 |  | 34 | Definition: Regional Stormwater Monitoring Program | The second paragraph in this definition states “for this permit term, RSMP status and trends monitoring will be conducted in the Puget Sound basin only.” This is inaccurate. | Either remove “for this permit term, RSMP status and trends monitoring will be conducted in the Puget Sound basin only,” or add the Lower Columbia River basin: “for this permit term, RSMP status and trends monitoring will be conducted in the Puget Sound basin and the Lower Columbia River basin.” |
| 30 |  | 35 | Definitions: Stormwater Management Manuals | Both the definitions for the Stormwater Management Manual for Western Washington and the Stormwater Management Manual for Eastern Washington refer to published dates that are in the future. Since these dates may or may not be accurate, WSDOT recommends removing them. | Remove “published by Ecology in August 2019” and “published by Ecology in September 2019.” |
| 31 |  | 36 | Definition: VFS | Typographical error | Add the “V” at the beginning: “VFS” |
| 32 |  | 37 | Appendix 1 | WSDOT suggests Ecology revises this appendix title to clarify that the Highway Runoff Manual itself is not an appendix in this Permit and thus not an expansion of permit requirements under S3.C. which states “unless otherwise noted, all appendices to this permit are incorporated by this reference as if set forth fully within this permit.” Rather, Ecology should clarify that instead this appendix describes HRM equivalency similar to Appendix 10 of the Phase I Permit. | Change Appendix 1 title to include the word equivalency: “Appendix 1: Highway Runoff Manual (HRM) Equivalency” |
| 33 |  | 37 | Appendix 1 | WSDOT suggests Ecology clarifies that the Highway Runoff Manual in its entirety is not an appendix in this Permit and that instead this appendix describes HRM equivalency similar to Appendix 10 of the Phase I Permit. S5.C.5.a. references the HRM “as specified in Appendix 1.” WSDOT recommends adding wording that specifies which sections of the HRM are requirements making it functionally equivalent to the required portions of Ecology’s Stormwater Management Manuals. | Add the language in red:  The Washington State Department of Ecology determined that the following sections of WSDOT’s 2019 Highway Runoff Manual are functionally equivalent to the required portions of Ecology’s 2019 Stormwater Management Manuals:  HRM Chapter 3 Minimum Requirements  HRM Chapter 5 Stormwater Best Management Practices Design Criteria  HRM Maintenance Standards Tables 5-12 through 5-24  HRM Chapter 6 Temporary Erosion and Sediment Control Manual  HRM Glossary Definitions |
| 34 |  | 37 | Appendix 1 | WSDOT suggests Ecology revises this appendix to clarify that the Highway Runoff Manual itself is not an appendix in this Permit and that instead this appendix describes HRM equivalency similar to Appendix 10 of the Phase I Permit. WSDOT suggests removing the website to the HRM from the Permit to make this separation more clear and allow the flexibility of WSDOT moving the HRM in its websites or changing the URL in the future. | Remove web address and link to the HRM and add wording in red: “A link to WSDOT’s 2019 HRM can be found on Ecology’s website.” |
| 35 |  | 79 | Appendix 3, Part 2, #12 | Henderson Inlet Watershed Fecal Coliform TMDL was move from Part 1 to Part 2 because WSDOT completed the specific action item (retrofit) required under the current permit. The Permit needs to be clear and consistent about where the requirements are supposed to be implemented. Henderson Inlet is only partially covered by the Phase I permit so expectations need to be clarified similar to the other TMDLs in this part which are partly within Phase I and II areas. | Under the Henderson Inlet Watershed Fecal Coliform TMDL, add a bullet point stating “WSDOT’s obligations apply to Phase II municipal permit areas only” |
| 36 |  | 79 | Appendix 3, Part 2 | Adding the Henderson Inlet Watershed Fecal Coliform TMDL to the end of the list is inconsistent with the alphabetical organization of the existing list. | Move Henderson Inlet Watershed Fecal Coliform TMDL in between the Green River Temperature TMDL and Liberty Bay Watershed Fecal Coliform Bacteria TMDL. |
| 37 |  | 96 | Appendix 6, Recordkeeping and Reporting, Annual Monitoring Reports | The last sentence states “For the Annual Stormwater Discharge Monitoring Report to be considered on time, the EIM data submission process must be initiated before April 1 of each relevant year, and completed by June 15 of each relevant year.” This wording is consistent with the Phase I Permit language as well as their required annual report timelines. WSDOT suggests changing the dates to be in line with the annual report requirements in this Permit. | Change “April 1” to “November 1” and “June 15” to “the following January 15”: “For the Annual Stormwater Discharge Monitoring Report to be considered on time, the EIM data submission process must be initiated before November 1 of each relevant year, and completed by the following January 15 of each relevant year. |