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| **2019 FACT SHEET REVIEW FORM** |

| **No.** | **Document** | **Page #** | **Section #** | **Comment** | **Proposed Resolution** |
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| 1 | Fact Sheet | N/A | General Comment | Many citations are provided throughout the document but there is not a complete documentation of the references (i.e. bibliography). Without complete documentation of citations, it is difficult for readers to verify the information presented. Further, given the purpose of the Fact Sheet, WSDOT thinks more (and more up-to-date) documentation and citations are needed to support the information and conclusions contained in the document. | Create a *References* section or bibliography |
| 2 |  | 4 | I. Introduction, last paragraph | Grammatical error | Add the words in red: “WSDOT will annually update their SWMP and make it available to the public for review and comment.” |
| 3 |  | 7 | Characterization of Stormwater, last paragraph | Currently this section reads “Many pollution sources contaminate stormwater including land use activities, operation and maintenance activities, illicit discharges and spills...” This paragraph appears to identify “operations and maintenance activities” as a pollution source. While maintenance facilities are covered under the permit, WSDOT thinks this category would fit into the “land use activities.” Operations and maintenance activities are an important part of achieving compliance with the Permit and one of our tools to implement MEP and AKART. We recommend removing it from this description. | Remove “operations and maintenance activities” from the sentence “Many pollution sources contaminate stormwater including land use activities, operation and maintenance activities, illicit discharges and spills, atmospheric deposition, and vehicular traffic conditions.” |
| 4 |  | 9 | First bullet point, second sentence | Grammatical error | Remove “because” from the sentence: “The because National Urban Runoff Program (NURP) findings show no significant differences…” |
| 5 |  | 16 | EPA Rules, first paragraph, last sentence | Repetitive/redundant language from previous sentence. | Remove “state highway systems” from the sentence: “Other examples of other publicly-owned storm sewer systems include state highway systems, ports, drainage districts…” |
| 6 |  | 16 | Second bullet point | Grammatical error | Remove “to” from the sentence: “Permits must to cover a large geographic area…” |
| 7 |  | 18 | Construction Stormwater… | The Construction Stormwater General Permit is issued to many parties, not just WSDOT. We suggest revising the first sentence to clarify this. | Replace “Under this permit, WSDOT” with “Permittees”: “Permittees must adopt and implement measures…” |
| 8 |  | 19 | Large and Medium…Permits, last paragraph (first paragraph on p. 19) | The last sentence inaccurately references “proposed requirements for watershed-based stormwater planning for western Washington Permittees.” This may be a carry-over from the 2014 Permit Fact Sheet but should be deleted as this is no longer applicable/accurate. | Remove “proposed requirements for watershed-based stormwater planning for western Washington Permittees” from the sentence “Ecology has established expectations in this permit for regional coordination in monitoring efforts…” |
| 9 |  | 19 | Wester and Eastern…second paragraph | Grammatical errors | Add or change to the language in red: “Many of the Phase II Permittees in western Washington are located in counties regulated by the Phase I permit. WSDOT shares basins with Phase I and Phase II permittees, has interconnected conveyance systems…” |
| 10 |  | 22 | First paragraph | The last two sentences of the section should be amended to include the planned status and trends monitoring studies in the Lower Columbia River basin. The last sentence should also be revised to include the option WSDOT has to perform outfall monitoring. | Add the language in red: “The proposal for monitoring status and trends in Puget Sound receiving waters as well as the Lower Columbia River basin would provide information to evaluate water quality changes in urban areas where programs are being implemented. The proposed permit requires WSDOT participation in the planned status and trends monitoring studies in Puget Sound basin and the Lower Columbia River basin, or WSDOT could choose to do outfall monitoring as defined in S7.” |
| 11 |  | 22 | S1, last paragraph on p. 22 | This comment is consistent with comment #1 on the Draft Permit Comment Form. Language in the Permit and Fact Sheet need 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: “The permit covers discharges from WSDOT’s Municipal Separate Storm Sewer Systems (MS4s), as defined by EPA at 40 CFR 122.26(b)(4) and (7), in all municipal stormwater 2019 Phase I and Phase II areas on the date the 2019 Permits are issued. Prior to the effective dates of 2019 Permits, the coverage areas are the same as in WSDOT 2014 permit.” |
| 12 |  | 22 | S1, last paragraph on p. 22 | This comment is consistent with comment #3 on the Draft Permit Comment Form. 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 Phase I and Phase II areas, WSDOT shall, at a minimum, be responsible for the TMDL implementation actions found in Appendix 3 of the permit.” 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 in the Permit wording as well as here. |
| 13 |  | 24 | S2.B.3 | Grammatical errors | Remove “are” from the sentence: “This permit requires all other non-stormwater discharges are to be addressed…” Change “These languages were” to “This language was” and add “WSDOT’s” for clarification: “This language was moved from Appendix 5 of WSDOT’s 2014 permit and placed under S2.B.3 for clarity.” |
| 14 |  | 24 | S2.C | The reference to Appendix 5 is not accurate. | Replace “Appendix 5” with “S5.C”: “…stormwater management program required under S5.C. of this permit.” |
| 15 |  | 24 | S2.E | Grammatical errors | Add “the” in two places: “The language in the 2019 permit has been modified from that in the 2014 permit for clarity.” |
| 16 |  | 25 | S4, last sentence | The reference to Appendix 5 is not accurate. | Replace “in Appendix 5” with “required under S5.C”: “…MEP standard by implementing the SWMP required under S5.C…” |
| 17 |  | 28 | S5.A.1, last sentence | Suggest adding clarification | Add “each” to the sentence: “The updated SWMP must be submitted to Ecology with each annual report.” |
| 18 |  | 28-29 | S5.B | Performance indicators and Appendix 2: Table of performance indicators no longer exist as all requirements and timelines were incorporated into the body of the permit. | Add the language in red: “During the initial SWMP development process in 2009, WSDOT identified key activities and performance indicators associated with each minimum required activity. Those performance indicators were incorporated into the body of the 2019 permit as appropriate.” |
| 19 |  | 29 | Legal Authority | Grammatical error | Add “an”: “As an operator of an MS4, WSDOT receives…” |
| 20 |  | 29 | Coordination | Grammatical error | Add “to”: “Internal coordination requires WSDOT to establish communication…” |
| 21 |  | 30 | Municipal Separate Storm Sewer… | Revise section title to be consistent with S5. | Change “Municipal Separate Storm Sewer System Mapping and Documentation” to “MS4 Asset Mapping” |
| 22 |  | 30 | Municipal Separate Storm Sewer… | After the first sentence, the language is all regarding IDDE/spills, not mapping. WSDOT suggests moving this to the IDDE section. | Move everything after “The SWMP contains the procedures and protocols related to responding…” into the IDDE section. |
| 23 |  | 30 | Controlling Runoff…, second paragraph | The HRM is not appended to the permit. WSDOT recommends revising wording to clarify. | Either delete “The HRM will be appended to this permit for public review and comment” or revise with language in red: “The HRM will be available for review during the Permit public review and comment period.” |
| 24 |  | 30 | Controlling Runoff from New Development, Redevelopment, and Construction Sites, last paragraph | Suggest adding the list of required sections of the HRM (see comment #34 on the Draft Permit Comment Form) to clarify that these are the sections that contain the requirements of the HRM that make it functionally equivalent to the required portions of Ecology’s Stormwater Management Manuals. | Add the following language in red to the last paragraph:  “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” |
| 25 |  | 31 | 4th paragraph | This paragraph references “Appendix 1 (HRM)” and “Appendix 1” inaccurately. WSDOT suggests Ecology clarifies that the HRM in its entirety is not an appendix in the Permit and that instead Appendix 1 describes HRM equivalency. As currently worded, that is unclear | Change “Appendix 1 (HRM)” to “the HRM” in the sentence “…demonstrating compliance with the state water quality standards on site and project specific basis as compared to those in the HRM, if they have been approved…” and change “Appendix 1” to “the HRM” in the sentence “…equal protection of receiving waters and equal levels of pollutant control when compared to the provisions in the HRM.” |
| 26 |  | 32 | 2nd paragraph, 2nd sentence | WSDOT is unclear which permit requirement the sentence “Those measures include review of all stormwater site plans submitted prior to construction records of performance of 95% of the required pre-project, active project, and completed project inspections,” is referring to. | Revise this sentence to make it more clear and add a reference to the specific permit requirement that it points to. |
| 27 |  | 32 | 2nd paragraph, 3rd sentence | This sentence references “…Chapter 6 of the HRM, Appendix 1 to the permit.” WSDOT suggests Ecology clarifies that the HRM in its entirety is not an appendix in the Permit and that instead Appendix 1 describes HRM equivalency. As currently worded, that is unclear. | Delete “Appendix 1 to the permit.” |
| 28 |  | 32 | Structural Stormwater Controls | Revise section title to be consistent with S5. | Change “Structural Stormwater Controls” to “Stormwater Retrofit for Existing Highways” |
| 29 |  | 32 | Structural Stormwater Controls | Grammatical error | Move “WSDOT’s” to the beginning of the sentence and add “their”: “WSDOT’s SWMP describes their stormwater BMP retrofit program…” |
| 30 |  | 32 | Structural Stormwater Controls | Suggest deleting the last two sentences in the last paragraph of this section related to TMDLs as the TMDL retrofits are handled under our I-4 Stand-alone Stormwater Retrofits. | Delete the rest of the paragraph after “WSDOT’s retrofit program includes the “Cleanup Plan-triggered” element…” |
| 31 |  | 32-33 | Source Control Program… | WSDOT suggests moving wording in this section to the IDDE section. | Move wording in this section to the IDDE section. |
| 32 |  | 33-34 | Illicit Connections… | Revise section title to be consistent with S5. Additionally, to make the organization of the Fact Sheet consistent with how the requirements are organized in S5, WSDOT suggests moving the Source Control, IDDE, and Proposed changes to the tracking and reporting of IDDEs sections to page 30 in the Fact Sheet between Mapping information and Controlling Runoff. | Change “Illicit Connections and Illicit Discharges Detection and Elimination” to “Traffic Collision Related Spills, Illicit Discharges, and Illicit Connections” and move this section (along with the Source Control section (see comment #31 above) and the Proposed changes to the tracking and reporting of IDDEs section) to page 30 in the Fact Sheet between Mapping information and Controlling Runoff. |
| 33 |  | 33 | Proposed changes… | Typographical error | Add “r” in “tacking”: “Proposed changes to the tracking and reporting of IDDEs” |
| 34 |  | 37 | Public Involvement, last sentence | The word “likely” adds confusion and is unnecessary. | Delete “likely” from the sentence “Ecology expects that existing public involvement and participation opportunities conducted by WSDOT are likely sufficient to satisfy this requirement.” |
| 35 |  | 37 | Stormwater Management for… | This section doesn’t make sense here. WSDOT suggests moving this section to page 32 under the renamed (per comment #28 above) Stormwater Retrofit for Existing Highways section. | Move this section to page 32 under the renamed (per comment #13 above) Stormwater Retrofit for Existing Highways section. |
| 36 |  | 37 | S6, second paragraph (last paragraph on p. 37) | The Permit needs to be clear and consistent about where the requirements are supposed to be implemented. 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 the second sentence in the paragraph: “Section S6 and Appendix 3 of the permit have the TMDL requirements applicable…” |
| 37 |  | 39 | First paragraph | The sentence “WSDOT was not included in the cost allocations for the 2013 permit but WSDOT is included in the cost allocations for regional receiving water monitoring in the 2019 permit,” does not acknowledge that WSDOT contributed to Puget Sound status and trends monitoring under the 2014 permit. | Add the language in red: “WSDOT was not included in the cost allocations for the 2013 Phase I and II permits but contributed funds to Puget Sound status and trends monitoring as required under WSDOT’s 2014 permit. WSDOT is included in the cost allocations…” |
| 38 |  | 39 | Specific Parameters of Interest | The date for the proposed permit is inaccurate: | Add “and 2014” to the sentence after “2009” and change the existing “2014” to “2019”: “…for monitoring under the 2009 and 2014 permits and will continue in the proposed 2019 permit, where applicable” |
| 39 |  | 45 | General Conditions, G3 | G3 inaccurately states that “G3 is revised in the proposed permit to include notification and response procedures for traffic-related spills.” This may be a carry-over from the 2014 Permit Fact Sheet but should be deleted as this is no longer applicable/accurate. | Suggest deleting the last sentence under G3: “G3 is revised in the proposed permit to include notification and response procedures for traffic-related spills.” |
| 40 |  | 45 | General Conditions, G9 | G9 should be revised to say that records shall be retained for the life of the permit plus five years, which is consistent with S7. | Change “three years” to “five years.” |