

November 12, 2020

Electronic Public Comments Submittal

RE: WSDOT review comments for the draft Little Spokane River Dissolved Oxygen, pH, and Total Phosphorus Total Maximum Daily Load Water Quality Improvement Report and Implementation Plan (draft TMDL); Publication No. 20-10-033

Dear Mr. Curtis Johnson,

The Washington State Department of Transportation (WSDOT) Environmental Services Office has reviewed the draft TMDL and appreciates the opportunity to provide public comments. First and foremost, WSDOT is committed to working collaboratively with the Department of Ecology (Ecology) and others to help improve water quality across the state.

WSDOT understands the draft TMDL is based on older data and development of this TMDL was put on hold due to other priorities. WSDOT believes that proactive stakeholder engagement from Ecology could have minimized our comments, or at least provided the clarity needed to understand Ecology's approach in the draft TMDL. We respectfully ask that Ecology work collaboratively with TMDL stakeholders prior to releasing public comment draft TMDLs in the future, rather than using the short timelines of the public comment mechanism to address potentially substantive issues.

WSDOT's current Municipal Stormwater Permit (MS4 Permit) has 31 TMDLs statewide, which makes consistency very important for tracking and compliance assurance purposes. WSDOT is interested in having higher-level discussions with Ecology regarding inconsistencies across the state on TMDL approaches, wasteload (WLA) vs. load allocation (LA) calculations and assignments, and NPDES implications. WSDOT seeks additional clarification on existing policies for TMDL development related to these topics, especially related to WLAs vs. LAs as demonstrated by the following comments.

Specific comments and recommendations:

1. (p. 18, third paragraph) "A zero WLA is the equivalent of no WLA. A few permitted sources are listed in this table as having zero WLA; these are instances where it might not be obvious that this source does not have a discharge to surface waters."

Comment: This is inconsistent with WSDOT's understanding of what a zero WLA means and is potentially precedent setting. WSDOT does not agree that a WLA needs to be assigned in "instances where it might not be obvious that this source does not have a discharge to surface waters." If a permitted point source does not have a discharge to surface waters, they should not be assigned a WLA.

Recommendation: Remove WLAs of zero from the TMDL. If Ecology does not agree, WSDOT requests a discussion about the intent and future implications of a zero WLA prior to TMDL approval.

2. (p. 18, fourth paragraph)

Comment: WSDOT appreciates the efforts made to clarify the areas where the MS4 Permit requirements apply. However, the extent to which the TMDL boundary falls outside MS4 Permit coverage area could be more clear using a visual.

Recommendation: WSDOT recommends using a map to show the TMDL boundary and the Phase I/II MS4 Permit coverage area.

3. (p. 19, Table 6)

Comment: Same as comment #1. As identified in the footnote to Table 6, WSDOT is not a source within our MS4 Permit coverage area. Therefore, WSDOT questions the rationale and future implications behind the assignment of a WLA.

Recommendation: Remove the WLA for WSDOT in this TMDL as we have not been identified as loading source within our MS4 Permit coverage area. If Ecology does not agree, WSDOT requests a discussion about the intent and future implications of a zero WLA prior to TMDL approval.

4. (p. 57)

Comment: Concerns regarding sediment run-on from adjacent lands to our MS4 system outside of our MS4 Permit coverage area (covered by non-point source load allocations in draft TMDL) are already addressed by existing WSDOT operations and other regulatory mechanisms, such as:

- WSDOT Maintenance and Operations to maintain the public safety of our roadways
- WSDOT Illicit Discharge Detection and Elimination program implemented statewide
- Local jurisdictional authority, such as Ecology enforcement of RCW 90.48
- Clean Water Act Section 319 funding mechanisms and actions identified in Ecology's Non-Point Source Management Plan, Publication no. 15-10-015

However, as we've collaborated in the past, we continue to see value in working with Ecology and others to resolve identified challenges presented by sediment run-on from adjacent lands into our MS4.

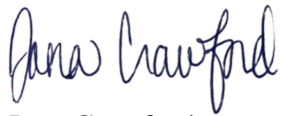
Recommendation: WSDOT remains committed to collaborating with Ecology on the implementation actions identified at the bottom of page 57, even though the area is outside of our MS4 Permit coverage area.

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Thank you for considering our comments. If you have questions or wish to discuss these comments, please contact WSDOT's Statewide TMDL Lead, Elsa Pond, ponde@wsdot.wa.gov.

Sincerely,

A handwritten signature in black ink that reads "Jana Crawford". The signature is written in a cursive style with a large initial "J" and "C".

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