



November 9, 2023

Jeff Killelea
Water Quality Program - Permit and Technical Services Manager
Washington State Department of Ecology
300 Desmond Drive SE
Lacey, WA 98501

Dear Mr Killelea:

Sound Transit appreciates the opportunity to submit this letter and attached comments, which provide our input and perspective on the recently released public comment draft Western Washington Phase II Municipal Stormwater General Permit (MS4 Permit) and Stormwater Management Manual for Western Washington (SWMMWW), which was released by the Department of Ecology (Ecology) on August 16, 2023. We acknowledge and appreciate the effort undertaken by Ecology to reissue the MS4 Permits and Manual. Sound Transit recognizes the importance of updating and reissuing the Permit and Manual to continue to make improvements to our region's water quality.

In 2019, Sound Transit and Ecology signed a Memorandum of Understanding (MOU) committing Sound Transit and Ecology to work cooperatively to conduct a study to characterize the quality of stormwater discharged from light rail guideway and work cooperatively to evaluate coverage as a secondary permittee under the Phase II MS4 Permit for Western Washington. It is within the context of the MOU that we provide the following comments.

Regarding the draft MS4 Permit and SWMMWW, we would like to highlight several key points and concerns:

- Listing Sound Transit as a Permittee:** We note that the draft proposes to list Sound Transit as a secondary permittee under the MS4 Permit. As per our MOU, discussions regarding municipal stormwater permit coverage are ongoing between Sound Transit and Ecology. If mutually agreeable coverage terms are reached, Sound Transit intends to apply for the permit.
- Light Rail Vehicle Specific BMPs:** We agree with Ecology that including light rail guideway specific BMPs in the manual will enhance clarity and provide regulatory certainty for Sound Transit and local jurisdictions involved in permitting our projects. However, as noted in our attached comments, we do not agree with all the technical details about the light-rail specific BMPs contained in the draft SWMMWW.

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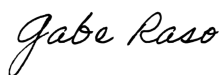
Attached for your review are the additional BMPs that were prepared for overhead guideway treatment and for guideway ballast. The treatment approach is a modified configuration to the standard treatment filter BMP systems in the Ecology manual as applied to overhead guideways. Sound Transit requests that these adjustments to the BMPs only be considered and applied to Sound Transit overhead light rail guideways if treatment is required for direct discharges from overhead guideways to receiving waters. The overhead guideway treatment BMP is not anticipated to be needed as AKART for non-PGIS guideways or discharge to MS4s. The ballast section is provided as a clarification to a standard BMP to be applied to light-rail guideway ballast. Sound Transit ballast sections are designed and built to have no surface water discharge. However, underdrains are installed to provide certainty that the ballast section will remain drained and perform as required for track stability under all conditions and rail operations. This BMP brings the standard Sound Transit ballast section in line with other pervious system BMPs in the Ecology Manual.

3. **Light Rail Guideway as a Pollution-Generating Impervious Surface (PGIS):** While we understand that Ecology has preliminarily classified light rail guideway as a PGIS, this characterization may be premature because it is not yet grounded in Sound Transit light-rail stormwater data. As agreed in the MOU, Sound Transit has a study underway to characterize stormwater runoff from the light rail guideway surface. This study is ongoing and will inform the design of our ST3 light rail extensions currently in the planning phase. Sound Transit's position is that the light rail guideway is a NPGIS. This position is supported by our review of available information and reports on light rail systems, as well as input from consulting experts.
4. **Future Actions:** Sound Transit is committed to continuing to work with Ecology regarding appropriate light rail BMPs, which will be informed by the completed characterization study, a thorough evaluation of All Known, Available, and Reasonable Methods of Prevention, Control and Treatment (AKART), and whether stormwater discharges from the guideway cause any actual violation of surface water quality standards in the receiving water.
5. **Focus on Addressing 6PPD-q:** We commend Ecology for addressing 6PPD-q. Sound Transit's light rail guideway generates no 6PPD-q because it runs without tires. Moreover, our electric-powered light rail system reduces greenhouse gas emissions. Light rail offers a sustainable alternative to driving cars and provides both water quality and other environmental benefits to our region.

Consistent with our discussions with Ecology, Sound Transit appreciates that it will have the opportunity to continue working with Ecology after the close of the comment period and completion of the characterization study to determine whether the light rail guideway is PGIS and to make further revisions to BMPs based on new information that becomes available to us before issuance of the final MS4 Permit and Stormwater Manual.

We value the collaborative relationship between Sound Transit and the Department of Ecology and are committed to ensuring that Sound Transit's planning, construction, and operations align with the best practices that protect our local waterbodies.

Sincerely,



Gabe Raso
Program Manager – Stormwater Compliance