



February 6, 2026

WA Department of Ecology  
Attn: James Hovis, Permit Writer  
PO Box 47696  
Olympia, WA 98504-7696

Dear Mr. Hovis,

Please accept this letter as The Washington State Association of County Engineers' (WSACE) comments regarding the Department of Ecology's (Ecology) draft proposal to reissue the 2022 Bridge and Ferry Terminal Washing General Permit (General Permit).

The Washington State Bridge Inventory System identifies 7,694 bridges and culverts reportable to the National Bridge Inventory (NBI). These are bridges and culverts over twenty feet long. Of these, approximately 56% are owned by counties, cities, and other local jurisdictions. These numbers do not include thousands of short-span bridges (under twenty feet long), pedestrian bridges, and railroad bridges also owned and maintained by local governments.

We appreciate the time and effort that Ecology staff have put into working on this permit rewrite, but we remain concerned that the new draft permit could interrupt, delay, or halt scheduled inspections and, therefore, the repair of Washington's bridges. We agree that protecting water quality is a vital priority; however, because the regulated work at issue is linked directly to public safety, it is critical that Ecology carefully evaluate and balance the need for each additional requirement within an already demanding regulatory framework.

In short, the significant changes to this permit could have substantial impacts on our public works department's ability to complete routine maintenance on these structures, potentially leading to safety concerns for the traveling public.

We respectfully request that the following comments be considered to help make the permit and process more efficient, clear, and cost effective so that local jurisdictions can comply.

**Comment #1: Where appropriate, reconsider allowing low impact activities to be covered by an exemption, existing Municipal NPDES permits, or a General HPA permit.**

Many of the listed activities covered by this general permit (spot cleaning, routine maintenance washing, and preparatory cleaning and washing), are closely associated with actions covered by existing Municipal Stormwater General Permits and Fish and Wildlife's (WDFW) Bridge Maintenance and Preservation General Hydraulic Project Approvals (HPAs). While we respect Ecology's stated goal, to make things "easier for governments;" applying for coverage under this permit is complicated, necessitates substantial planning, involves considerable notice, and includes a significant fee.

We agree that protecting water quality is a critical priority, however, there needs to be a clear explanation why this additional permit coverage remains necessary beyond what is/could be provided by Municipal NPDES permits and HPAs. For example, we believe that the Technology-Based Effluent Limits (AKART & BMPs) in the general permit are still currently based on WSDOT's individual NPDES Waste Discharge Permit. Also, WDFW issues general HPAs under WAC 220-660-190 for bridge maintenance and preservation that could incorporate AKART for water quality through a simple consultation process with Ecology.

**Recommendation:** We again request a more detailed explanation from Ecology explaining the additional value a general permit provides beyond other existing permits and processes. We question why some of the important, but low impact activities listed above cannot be covered under an exemption in Section S1.D of the permit, brought within individual NPDES permits, or addressed through coordination with WDFW regarding general HPAs where appropriate.

**Comment #2: Refine the permit coverage to painted steel bridges and ferry terminals.**

If Ecology determines that there is a continued need for this separate general permit, we recommend the Department clearly state exactly what bridge maintenance activities do not require coverage. Specifically, we request that language from Section S1.D: Activities that are Exempt or Excluded from Permit Coverage, and language from Section S4: DISCHARGE LIMITS, be clarified and harmonized so that permit applicants can understand what activities Ecology requires permit coverage for. We again suggest that the simplest way to achieve this would be to narrow the required permit coverage to those activities done specifically in preparation for painting steel structures. The permit attempts to illustrate a line between AKART/BMPs for spot cleaning and maintenance washing and other activities related to the preparation for painting. The use of high-pressure washers to remove paint from metal structures and prepare them for painting is the line which defines Phase 3 activities and triggers a substantial step up in what is considered AKART.

**Recommendation:** WSACE requests that Ecology simplify the general permit by removing spot cleaning and maintenance washing and instead allowing those limited activities to be exempt or covered under Municipal NPDES permits and plans where appropriate. As a reminder, in response to previous comments Ecology has stated: "coverage under this general permit is not required for the street and sidewalk wash water which are conditionally authorized in municipal stormwater general permits, including washing of streets and sidewalks on a bridge deck."

**If Ecology determines that these activities cannot be more efficiently covered under an exemption or by individual NPDES permits and general HPAs, WSACE would make the following recommendations:**

**Comment #3: Allow local jurisdictions to submit one Notice of Intent for multiple projects and for the duration of the general permit.**

We appreciate that the draft permit allows local jurisdictions to submit one Notice of Intent (NOI) for multiple projects, however, each NOI is only good for one year of the general permit. As mentioned above, coverage under this permit is complicated, necessitates substantial planning, involves considerable notice, and comes with a significant fee. Ecology should accommodate local jurisdictions performing this critical work by allowing them to obtain one permit covering all bridge and ferry terminal washing projects for the duration of the general permit. This will avoid substantial time and cost associated with submitting new NOIs, PNOAs, NOTs, and fees each year. This process could easily be achieved with an annual NOI modification if necessary and by requiring that local jurisdictions coordinate the Public Notice of Application (PNOA) for each project ahead of the estimated start date established in the NOI.

**Recommendation:** Ecology should allow local jurisdictions to submit one NOI covering all anticipated bridge and ferry terminal washing projects in their jurisdiction for the duration of the general permit.

**Comment #4: Explain or eliminate the substantial fee inconsistency between local jurisdictions and WSDOT.**

It was our understanding in 2022 that WSDOT applied for coverage each year for around 100 projects and paid an Annual Fee of \$13,450, or roughly \$134.50 per project. In contrast, local jurisdictions are paying \$4,047.00 per project. WSACE has received feedback that this fee is cost prohibitive enough to limit the number of projects some counties can submit each year. To our knowledge, this discrepancy in fees has not been addressed.

**Recommendation:** Ecology should provide local governments with information regarding the process for updating the fee schedule in WAC 173-224-040. Ecology should also explain if there is currently a significant difference between the NOI review for WSDOT projects and those submitted by local jurisdictions to merit such an inconsistency in fees.

**Comment #5: Streamline and improve public notice requirements.**

We respectfully request that Section S2(C) Public Notice of Application be simplified and improved. This Section requires local jurisdictions to comply with a complicated and expensive notice requirement for each project. The Section references WAC 173-226-130, which seems to outline Ecology's



responsibilities for public notice regarding the General Permit. WSACE is uncertain whether this notice procedure is a requirement for each sub-applicant, or if it's just being delegated by Ecology. Either way, we feel the per project fee paid by local jurisdictions should be more than sufficient to cover the cost for Ecology to provide the PNOA for each NOI. Additionally, each PNOA requires "a certification that the application is correct and accurate, signed by either a principal executive officer or ranking elected official of the municipality." Depending on the structure of the governing body and adopted delegations of authority, this requirement could require a substantial amount of public process for notice of a single spot cleaning or maintenance washing project.

**Recommendation:** Ecology should re-write the public notice requirements for these projects to eliminate complexity, reduce costs, and allow for more accessible and current information to be shared with the public on county websites. Publication of NOI information on a jurisdiction's website should comply with notice requirements. WSACE suggests DOE utilize similar language to Section 2(B)(3)(f): "A Permittee public website showing planned projects and their schedules and kept up-to-date if the schedules change," to not just be an element of notice, but instead, describe compliance.

**Comment #6: Eliminate the requirement to provide a Notice of Termination.**

WSACE appreciates that the draft permit contemplates allowing local jurisdictions to submit one NOI for multiple projects each year. In line with our earlier comments, we also respectfully request that the requirement to submit a Notice of Termination for each project be eliminated from the permit.

Thank you for giving us the opportunity to provide our comments.

Sincerely,

Axel Swanson,

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Managing Director, WSACE