

City of Seattle (Jessica Huybregts)

The City of Seattle appreciates the opportunity to provide comments on the draft 2026 WSDOT MS4 Permit. Please reach out with questions.

Topic: Responsibilities of Permittee

Permit condition: S3

Comment: Continued active WSDOT involvement in Lower Duwamish Waterway (LDW) Source Control is an essential component of preparing for, and protecting, the LDW Superfund cleanup. Seattle suggests including a statement about LDW Source Control activities under Special Condition S3, or elsewhere in the WSDOT Permit as appropriate: "WSDOT shall actively coordinate with other agencies for the purpose of advancing Lower Duwamish Waterway (LDW) Source Control activities."

Topic: Stormwater Retrofits for Existing Highways

Permit condition: S5.C.6.a.iii

Draft language: "WSDOT shall actively seek input from Tribes, Ecology, and natural resource agencies, and involve interested parties and the public throughout the prioritization process and updates."

Comment: Seattle suggests that the words "local government" or "Permittees that own or operate interconnected MS4 assets" to the list of entities from which WSDOT should seek input.

Topic: Stormwater Retrofits for Existing Highways

Permit condition: S5.C.6.b

Comment: To advance system functionality, potentially improve cost-effectiveness, and prevent possible incongruity, add the following statement either in S5.C.6, under S5.C.6.b, or under S5.C.6.b.iii: "WSDOT shall coordinate with the owners/operators of any inter-connected stormwater conveyance systems that may contribute stormwater to, or be impacted by, WSDOT stormwater retrofit projects."

Topic: Stormwater Retrofits for Existing Highways

Permit condition: S5.C.6.b

Draft language: "S5.C.6.b: WSDOT shall implement an ongoing and long-term stand-alone stormwater retrofit program for projects within prioritized highway segments. Unless there are circumstances beyond WSDOT's control, no later than June 30, 2031, WSDOT shall:" and S5.C.6.b.iv.: "Circumstances beyond WSDOT's control include limitations on funding, delay of necessary permit approvals, emergencies, or other unexpected project implementation delays. If these circumstances exist within this permit cycle, WSDOT shall document and report the circumstances, how they were beyond WSDOT's control, and at a minimum complete project planning for prioritized highway segments totaling \$20 million or 40 equivalent acres of PGIS managed by stormwater retrofits."

Comment: Noting inconsistency between draft 2026 WSDOT Permit and 2024 Phase I MS4 Permit. In the 2024 Phase I MS4 Permit, there are no exceptions to the 1000 SMED Program Point deadline (3/31/2028) for circumstances beyond the Permittee's control. For consistency with requirements that Phase I MS4 Permittees must follow, Seattle suggests removing the exception based on circumstances.

Topic: Stormwater Retrofits for Existing Highways

Permit condition: S5.C.6.b.ii

Draft language: Implement stand-alone stormwater retrofit projects that manage stormwater from 40 equivalent acres of existing PGIS as determined in Appendix 6.

(a) XX equivalent acres may be achieved through project design phase.

(b) XX equivalent acres shall be achieved through completed construction phase. Additional completed construction phase acres may be used to substitute design phase equivalent acres.

Comment: Add correct acreage that was mistakenly left out. Should say 15 and 25 equivalent acres, respectively.

Topic: Street Sweeping Program

Permit condition: S5.C.7.e.ii.a

Draft language: "Program timing: Sweep priority: (a) Highway areas at least once between July and September and at least two additional times a year as determined by WSDOT to provide additional water quality benefits. "

Comment: Noting inconsistency between draft 2026 WSDOT Permit and 2024 Phase I MS4 Permit. In the 2024 Phase I MS4 Permit, Permittees are required to priority areas at least once between July and September and at least three additional times a year. It's unclear why the WSDOT requirements are not consistent with the Phase I Permittee's requirements.

Topic: Monitoring

Permit condition: S7

Comment: It's important that ensure that MS4 assets are operating as designed to support the monitoring program. Seattle suggests including language around the need to complete necessary MS4 assets maintenance ahead of monitoring.

Topic: Notification of spill

Permit condition: G3

Draft language: "If WSDOT has knowledge of a spill into a municipal storm sewer which could constitute a threat to human health, welfare, or the environment, WSDOT shall..."

Comment: Noting inconsistency between draft 2026 WSDOT Permit and 2024 Phase I MS4 Permit. In the 2024 Phase I MS4 Permit, the sentence states "...Permittee has knowledge of a discharge, including a spill, into or from a MS4, which..." The draft WSDOT permit does not require reporting if a spill "from" an MS4 constitutes a threat. As a municipality that connects (at the downstream end) to WSDOT's MS4 (e.g., at I-5 in Seattle), it's important for the City to be aware of discharges from WSDOT's MS4 that could enter Seattle's MS4. Seattle suggests adding the words "or from" to the G3 sentence.

Thanks again,

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City of Seattle - Stormwater Permit Manager