

From: McReynolds, Ryan [ryan_mcreynolds@fws.gov]
Sent: Friday, January 10, 2014 4:23 PM
To: Labib, Foroozan (ECY)
Cc: Schaffner, Larry; Gersib, Dick; Ryan McReynolds; Emily Teachout; Bridget Moran
Subject: Comments for the Draft WSDOT Municipal Stormwater General Permit (WAR043000A)

Comments for the Draft WSDOT Municipal Stormwater General Permit (WAR043000A)

The Washington State Department of Ecology (Ecology) has provided notice of its intent to reissue a National Pollutant Discharge Elimination System and State Waste Discharge Permit for Municipal Stormwater to the Washington State Department of Transportation (WSDOT). Permit No. WAR043000A was last reissued, with minor modifications, during March 2012. Ecology has invited public comment on the revised, draft permit, fact sheet, and accompanying materials, by January 10, 2014. Ecology intends to reissue the permit during March 2014. The reissued permit will have a term of five years (April 2014 - April 2019).

This office has previously offered comment on the draft Municipal Stormwater General Permits issued by Ecology to the WSDOT and to Phase I and Phase II municipalities (Letters Addressed to Kelly Susewind, Water Quality Program Manager; dated December 23, 2011, and February 3, 2012; FWS Ref. No.s 2012-CPA-0042 and 2012-CPA-0056).

Comments (General)

These permits have progressively incorporated new and revised requirements addressing the following: inspection, source control, and maintenance and maintenance accountability; Total Maximum Daily Loads; shared watershed-scale program planning and implementation; new standards and performance measures for low impact development techniques; and, a coordinated strategy for monitoring and obtaining status and trends, stormwater BMP effectiveness, and program effectiveness data.

These requirements and performance measures address planning, programming/budgeting, design, construction, inspection and maintenance, monitoring, reporting, and adaptive management, and in doing so meaningfully and comprehensively improve controls for discharges from regulated stormwater systems. We continue to support the inclusion of these important permit requirements and performance measures. We commend Ecology and their permittees for demonstrating a good faith, cooperative effort to refine and improve municipal stormwater controls.

Comments for Retrofit Guidelines and Prioritization

With our previous comments for Permit No. WAR043000A and the WSDOT's Highway Runoff Manual (HRM), the Service expressed concern that the project thresholds currently in-use for applying Minimum Requirements 5 and 6 to replaced impervious surfaces (runoff treatment and flow control) do not adequately target and scale stormwater retrofits, and therefore miss available opportunities to more completely address existing sources of water quality impairment (December 23, 2011; FWS Ref. No. 2012-CPA-0042; pp. 4-6).

However, based on our review of the current draft of the permit, including Appendix 5 (the WSDOT's approved draft Stormwater Management Program Plan), and of the WSDOT's revised HRM, we believe that these concerns have now been adequately addressed.

Pages 6-1 through 6-6 of the draft Stormwater Management Program Plan, and Chapter 3 of the HRM (pp. 3-4 thru 3-6, 3-32 thru 3-39), outline and describe the general approach, criteria and thresholds,

prioritization, procedures, accounting, and reporting that will guide and inform decisions regarding Stand-Alone, Cleanup Plan-Triggered, Project-Triggered, and Opportunity-Based stormwater retrofits for existing and replaced impervious surfaces.

We agree that stormwater retrofit dollars should be spent at high-priority locations where they will provide the greatest net benefit. The current draft of the permit and revised HRM give us confidence that Ecology and the WSDOT will consider appropriate program and design criteria (site constraints, incremental costs, land use context), in conjunction with biologically-relevant factors (landscape position, hydrology, beneficial uses, baseline environmental condition, and habitat value), when making, implementing, and tracking their retrofit program decisions.

Thank you for the opportunity to review and offer comments for the WSDOT's draft Municipal Stormwater General Permit, and the revised and updated HRM. Ecology and the WSDOT have made good progress refining and implementing the permit and program. We are encouraged by the continued focus and attention to a number of elements which we consider important and essential.

If you have any questions, if our comments require further explanation, or you would like to further discuss the permit and program, please feel free to call or write.

Thank You, Regards,

- Ryan -

Ryan McReynolds
U.S. Fish and Wildlife Service, Lacey WA
Consultation & Conservation Planning Division
ryan_mcreynolds@fws.gov
360.753.6047