



DEPARTMENT OF ECOLOGY

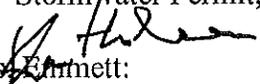
MAR 19 2010

WATER QUALITY PROGRAM

March 16, 2010

Kathleen Emmett
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Subject: Comments on the Draft Washington State Department of Transportation Municipal Stormwater Permit, March 2010.

Dear Ms.  Emmett:

The Department of Natural Resources (DNR) as steward of State Owned Lands has the obligation to manage and protect those lands for present and future citizens of the state to sustain ecosystems and economic viability. The management of sustainable resources is based upon sound science in a transparent manner with the full benefit of public understanding.

The DNR finds that the new draft Washington State Department of Transportation Municipal Permit (Permit) is a considerable improvement over the last draft permit and represents a step in the right direction. The attention to receiving waters exceeding water quality standards is to be commended. However, DNR continues to be concerned with some aspects of the permit.

DNR finds that the following points have not been effectively resolved:

- The permit by requiring reduction to the "maximum extent practical" does not clearly prohibit discharges that may exceed water quality standards.
- Implementation of AKART as statutorily required is not clearly developed for stormwater. If AKART is already present as required statutorily how is possible for additional measures to result in AKART?
- Ecology must devote appropriate resources to resolution of source control in those waters where TMDLs have been created. The discharge of additional contaminants to receiving water already in excess of that water quality standard must not be allowed as a long term policy.
- The few sites that are monitored will assist in the development of stormwater policies, but it is only a snapshot in time and provides only an opening into the complexities of the issues. Unfortunately the data gathered from this study will be used to develop generalities that may or may not have little applicability except to those sites.

Specific Comments:

1. Page 8 S4F1. Is it possible to be excused from notification to Ecology with a single notification?
2. Page 9 S4F3d. Ecology is to be complemented on the development of a compliance schedules or other enforcement orders if implementation of Best Management Practices continues to result in violation of water quality standards.
3. Page 10 S4F3f Ecology is to be complemented that this permit does not provide a shield to Washington State Department of Transportation (WSDOT) for liability resulting from the discharges.
4. Page 10 S5A2 WSDOT designed the SWMP. Did they write it?
5. Page 11 S5 A5 DNR supports the requirement that WSDOT be required to evaluate Low Impact Development for all projects as an alternative.
6. Page 12. S6 The overall approach to Total Maximum Daily Load issues is good, but it suffers from the lack of responsibility of Ecology to resolve source control issues in TMDL waters.
7. Page 13 S7 "Time of concentration" is used several times without definition.
8. Page 18 S7C1 and 3 DNR applauds the use of toxicity testing for the first flush. P.20 S77 The wording is extremely awkward: If necessary to produce knowledge....

The Permit only begins to resolve long term issues associated with stormwater runoff from the state highway system. Much work needs to be done to address major stormwater issues in the high density urban areas of Washington. Ecology is to be complemented on a major step forward. It is hoped that the full implications of this permit are part of long range planning and ongoing commitment of necessary resources at Ecology to the resolution of stormwater issues.

Sincerely,



Lionel Klikoff PhD
Sediment Quality Unit Supervisor

cc: Naki Stevens, Natural Resources Administrations Assistant
Kristin Swenddal, Aquatic Resources Division Manager