

## Kale, Nathaniel (ECY)

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**From:** Stone, Ken [StoneK@wsdot.wa.gov]  
**Sent:** Friday, October 03, 2014 2:25 PM  
**To:** ECY RE Stormwater Permit Comments  
**Subject:** Municipal Stormwater Permit 2014 Modification

**Categories:** Blue Category

Dear Sir or Madam,

The Washington State Department of Transportation (WSDOT) submits the following comment on the document entitled “*Municipal Stormwater Permits – Revised definitions explained*”, Draft Definition Guidance 8.14.14.

WSDOT does not favor any expansion of the meaning of the term “waters of the state” beyond that found in the Washington State Water Pollution Control Act, RCW 90.48.020, and the permit. The parties to the appeal of the Phase II permit invested considerable amounts of time and energy to craft agreed-upon definitions that ultimately brought about the resolution of the permit appeal. During these discussions, WSDOT and other permittees expressed in great detail the concern that if stormwater in road ditches were defined as “waters of the state”, it would lay the foundation for an unmanageable situation in which the stormwater treatment point of compliance would change to requiring treatment prior to stormwater reaching the road ditch.

WSDOT believes the wording in the Definition Guidance document undermines the value of those definitions. While it is clear that stormwater discharges can be regulated by federal and state statutes and the regulatory framework of the NPDES program, WSDOT disagrees with the Definition Guidance document’s unnecessary and unhelpful inclusion of stormwater in the definition of the term “waters of the state” for purposes of water quality and NPDES permits.

In order to avoid the confusion and uncertainty that are likely to accompany this expanded definition of “waters of the state”, WSDOT recommends that Ecology remove from the Definition Guidance document all suggestions that “waters of the state” include stormwater.

Thank you for your consideration of this comment.

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