



**Washington State
Department of Transportation**

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Secretary of Transportation

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July 14, 2015

Ms. Abbey Stockwell
Water Quality Program
Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

RE: WSDOT Comments on the Draft *Stormwater Control Transfer Program - Out of the Basin* Guidance Document

Dear Ms. Stockwell:

The Washington State Department of Transportation (WSDOT) appreciates the opportunity to provide comments on the draft *Stormwater Control Transfer Program* guidance document. WSDOT supports Ecology's efforts to develop a stormwater control transfer program and believes this option will provide jurisdictions with additional tools to achieve environmental benefits and focus project funds where they are needed most. We see parallels between the proposed transfer program and our own needs to mitigate in-kind, offsite via our opportunity-based retrofits, which are outlined in our Stormwater Management Program Plan. We would like to provide the following comments that reflect the knowledge we've gained implementing our stormwater retrofit program:

1. The framework presented in the draft guidance needs to provide more flexibility on how stormwater impacts are quantified, how they are transferred to the high priority watershed, and how they are tracked. For flow control, WSDOT suggests tracking transferred requirements using volume and/or dollars instead of area. The "volume" tracked is the difference between a detention pond sized to the duration standard for a forested pre-developed condition versus a detention pond sized to meet the duration standard for an existing pre-developed condition. This would help alleviate any conflicts when trying to match 1:1 land cover conversions between the project site and the high priority watershed.
2. WSDOT suggests reframing the stormwater transfer control program to something more familiar, like building Regional Detention Facilities and Regional Runoff Treatment Facilities. WSDOT believes this may be easier for readers to understand

and that tracking of mitigation and costs would be easier if using this type of scheme. See specific comments for more details.

3. For clarity and consistency of interpretation, WSDOT suggests adding a glossary to define terms.

In addition to the general comments above, WSDOT has the following specific comments:

4. Page 3 Item 3: *“Any facilities in priority watersheds built to provide flow control, runoff treatment, or LID improvements in lieu of making those improvements at a project site must be online before any project may rely on the facility to help meet its stormwater requirements.”*

Comment: Requiring advanced stormwater mitigation projects to be constructed before a project can transfer mitigation introduces some challenges that may limit its usefulness.

- This implies a pay-it-forward approach, and as described, a regional detention facility approach would be applicable. If this is the intent, we suggest adding a discussion on the pay-it-forward concept to the draft guidance document.
- If the intent is that projects transfer funds directly to pay for new construction of BMPs in high priority watersheds (i.e., not using the pay-it-forward concept with regional detention facilities), we suggest adding language in the guidance document clarifying this. Allowing projects to transfer project funds into a general stormwater control fund for the transferrable portion of the stormwater requirements would make tracking of mitigation easier. This would allow the fund to grow until enough money is available to fully fund a contract (to build the BMP in the high priority watershed). We also suggest adding the option to track by dollars instead of 1:1 square foot to square foot transfers.
- There may be timing difficulties associated with constructing the mitigation project first. Project delays related to fund transfers, the need to develop two separate contracts (one for the main project and one for the transferred BMP), or any construction delays associated with the BMP project would delay the main project. Therefore, WSDOT suggests allowing the timing requirement

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to be flexible. The BMP in the high priority watershed could be built within “X” years after the completion of the main project, or at least allow concurrent construction of the BMP and main project.

- There may also be increased costs to the project if using the Transfer Program. Two projects will require separate contract documents and associated construction costs (mobilization, traffic control, etc.). These factors should be discussed in the draft guidance.

5. Page 3 Item #4: *“In no case can a permitted jurisdiction allow less stormwater improvement than what would have been realized (i.e., equivalent acreage, runoff treatment level, or LID performance standard) by following the jurisdiction’s adopted stormwater runoff controls program...”*

Comment: WSDOT suggests including a discussion for the scenario where a high priority watershed falls under the 40% by 1985 condition and the flow control standard is using “existing” conditions. Does this still meet the intent of the stormwater transfer program since the new flow control facility in the high priority watershed would be designed to existing conditions and not historic forested conditions?

6. Page 3, number 5: *“The Permittee must track runoff treatment, flow control, and/or LID improvement transfers for each project as explained in a related guidance.”*

Comment: WSDOT suggests adding a reference or footnote for the “related guidance.”

7. Page 3, number 6: *“The Permittee shall provide annual reports to Ecology documenting runoff treatment, flow control, and LID capacity or credits used/available in offsite facilities associated with this program.”*

Comment: WSDOT questions how to evaluate when a high priority watershed is fully mitigated and won’t accept any more stormwater transfers. Suggest describing this in the draft document.

8. Page 3, number 7: *“Any Permittee implementing a “fee-in-lieu” option must establish dedicated flow control, runoff treatment, and LID sub-accounts to manage any “fee-in-lieu” payments (public and private) that it collects. These funds will not*

be used for any capital investment outside of this program and are not transferable among sub-accounts.”

Comment: WSDOT suggests adding more details for the fee-in-lieu concept. For example, if there are funds in the LID subaccount, does that money pay for only the BMP construction or does it also pay for other project components (such as contract creation and administration, TESC, etc.) associated with construction?

9. Page 4, number 5: *“Consider converted vegetation areas, and those impervious and other hard surfaces that are effective at conveying runoff: a) when calculating those impervious and other hard surfaces that are proposed for transfer, and b) when using an approved continuous runoff model for producing the pre-project flow durations. See Appendix 1 of the municipal stormwater permits for Western Washington for a definition of effective impervious surface.”*

Comment: WSDOT suggests defining what to do with converted vegetation areas and if their impacts are transferrable.

10. Page 5 and 6, MR#6: Runoff Treatment Improvement Transfer Options for projects in non-priority watersheds.

Comment: For clarity, we suggest revising *“Runoff Treatment Improvement Transfer Options”* (column 2) to state “None” for rows 2, 3, and 4. For consistency, we suggest revising *“Runoff Treatment required at Project Site”* (column 3) to state “Provide 100% of necessary runoff treatment,” or “Provide all necessary runoff treatment at project site” for rows 2, 3, and 4.

11. Page 6, number 2: *“Transfers will be based on land cover (impervious and other hard surfaces, lawn/landscape, and pasture) and equivalent acreage.”*

Comment: For consistency, we suggest making this sentence and Page 4 Item 2 the same if the intent is for flow control transfer criteria (land cover and area) and LID transfer criteria to be the same.

12. Page 6, number 3: *“Consider converted vegetation areas, and those impervious and other hard surfaces that are effective at conveying runoff: a) when calculating those impervious and other hard surfaces that are proposed for transfer, and b) when*

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using an approved continuous runoff model for producing the pre-project flow durations. See Appendix 1 of the municipal stormwater permits for Western Washington for a definition of effective impervious surface.”

Comment: See comment number 9.

13. Page 6, number 5: *“Ideally, LID improvement transfers will occur with the transfer of flow control improvements so that a single project within the priority watershed generates flows that approximate durations ranging from 8% of the 2-year peak through the 50-year peak flow. Where a project transfers its LID improvements and flow control improvements to separate locations within a high priority watershed, an equivalent pre-project land cover must have its flow durations controlled to flow durations produced by a pre-developed land cover at both locations. One location controls flows within the LID Performance Standard range; the other controls flows within the range required by Minimum Requirement #7.”*

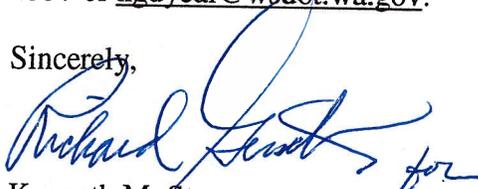
Comment: WSDOT suggests adding a discussion on the pros and cons of building two BMPs versus one BMP and the associated long term maintenance obligation considerations.

14. Page 9, 2nd paragraph: *“The watershed receiving the improvements (“receiving watershed”) must have a higher priority than the watershed from which the improvements are transferred (“sending watershed”).”*

Comment: WSDOT suggests clarifying whether lateral transfers (i.e., from a high priority to another high priority) are allowed.

Thank you for the opportunity to provide input regarding the draft *Stormwater Control Transfer Program* guidance document. Please direct questions regarding these comments to Jana Ratcliff, Municipal Stormwater Permit Coordinator, at 360-570-6649 or ratclij@wsdot.wa.gov; or Alex Nguyen, Highway Runoff Program Manager, at 206-440-4537 or nguyeal@wsdot.wa.gov.

Sincerely,


Kenneth M. Stone
Resource Programs Branch Manager
Environmental Services Office