APPENDIX F

RESPONSE TO COMMENTS
ON THE
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
MUNICIPAL STORMWATER PERMIT
MAJOR MODIFICATION

March 7, 2012

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INTRODUCTION

The Department of Ecology (Ecology) issued a permit to the Washington State Department of Transportation (WSDOT) on February 4, 2009. The permit covers discharges from its municipal separate storm sewer system (MS4). MS4s are conveyances or a system of conveyances including roads with drainage systems, streets, catch basins, ditches, man-made channels, and storm drains. A minor modification was made to this permit on May 1, 2009, to correct minor, non-substantive errors found after permit issuance.

A second modification added substantive language to the permit as a result of a settlement agreement between the Departments of Ecology and Transportation and Puget Soundkeeper Alliance. Permit sections modified include: S6.C, S7. E.2.d, S8.E, Appendix 7, Stormwater Management Program Plan, Sections 3 and 3.1, 5.4, 6.2, and Appendix 3, Applicable TMDL Requirements.

The second permit modification required Ecology to modify or issue an administrative order establishing new TMDL-related permit requirements for WSDOT at least every eighteen months. The November 2011 draft modifications made substantive changes to the permit including adding new TMDL-related permit requirements in Appendix 3, making references to the 2011 updated Highway Runoff Manual (HRM) instead of 2008 HRM, and updating the Stormwater Management Program Plan (SMPP) in Appendix 7.

This Response to Comments provides Ecology's responses to comments received during the public notice period of the permit modification.

PUBLIC REVIEW OF PROPOSED CHANGES TO THE PERMIT

On November 1, 2011, Ecology filed a notice with the State Register to modify WSDOT's NPDES and State Waste Discharge Permit for Municipal Stormwater. Ecology invited public comment on the modified permit and accepted written and oral comments on the proposed changes to the permit until 5 p.m., December 23, 2011.

Ecology held a hearing at Ecology Headquarters in Lacey, Washington on December 19, 2010 at 9 am. The purpose of the hearing was to provide an opportunity for formal oral testimony and comments on the proposed permit.

SUMMARY OF CHANGES TO THE DRAFT PERMIT MODIFICATION

The proposed modification adds substantive language to the permit. Ecology also made numerous changes to improve clarity and readability of the permit. Permit sections modified include: S5.4, S6.A, E.2.d., S8.E.5, Appendix 3, TMDL Requirements, and several sections of Appendix 7, Stormwater Management Program Plan.

LIST OF COMMENTERS

Those who commented are listed below. Their comments can be read in full on our website at:

http://www.ecy.wa.gov/programs/wq/stormwater/municipal/WSDOTpermitdocs.html

United States Fish and Wildlife Service
Squaxin Island Tribe
Washington state Depart of Transportation

THE RESPONSE TO COMMENTS

Each page of comments received has been copied below and is followed by Ecology's responses. In addition, Ecology received over 180 other comments considered minor on the permit and HRM. Those comments addressed typo corrections, grammatical corrections, rewording clarifications, and correcting references and publications sited in the permit and HRM. These corrections and clarifications were incorporated in the final permit and HRM and are not reproduced in this appendix. Also, some comments addressed other parts of the permit and HRM which were not changed in this modification and thus were not subject to public comment.

COMMENTS FROM THE UNITED STATES FISH AND WILDLIFE SERVICE

USF&WS comments on page 3:

Kelly Susewind 3

the timing is right to ensure the best possible alignment with these long term Action Agenda priorities.

COMMENTS FOR PUBLIC REVIEW DRAFT PERMIT NO. WAR043000A

We agree that the permit modifications implemented during 2009 and 2010, and the permit modifications now pending, are appropriate and will meaningfully improve controls for discharges from the WSDOT's regulated stormwater systems. We support the new and revised permit requirements addressing Total Maximum Daily Loads, a WSDOT program for stormwater monitoring, source control, and maintenance and maintenance accountability.

Paragraphs

#1 ▪ S5. Stormwater Management Program (p. 12). "WSDOT shall request adequate resources from the Legislature to maintain compliance with this permit … WSDOT shall track the cost of development and implementation of the [Program] required by this section". COMMENT – We believe that the WSDOT and Ecology have a shared responsibility to communicate with the Legislature regarding funding needs in support of stormwater systems management and control. We believe that a joint effort to communicate the importance of adequate funding is more likely to succeed.

#2 ▪ S7. Monitoring (pp. 13-29). COMMENT – We believe that Ecology and the WSDOT have outlined an appropriately focused and scaled strategy for obtaining reliable program effectiveness data. We appreciate the attention to annual average daily traffic, quantification of toxics, and "first flush" and whole effluent toxicity. When consulting with the WSDOT on recent, large capital improvement projects (e.g., the State Route 520 Bridge Replacement), we have advocated for Best Management Practices (BMP) effectiveness monitoring. We hope and expect that the WSDOT will continue to seek and take the best available opportunities for obtaining performance data specific to the highway environment.

#3 ▪ G2. Proper Operation and Maintenance (p. 33). COMMENT – See comments below, for Appendix 7. Stormwater Management Program Plan. Maintenance and Maintenance Accountability.

#4 ▪ Appendix 7. Stormwater Management Program Plan. Stormwater Facilities Inventory and Documentation (pp. 2-8, 2-9). COMMENT – We believe that the WSDOT is making good progress where facilities inventory and documentation is concerned.

#5 ▪ Appendix 7. Stormwater Management Program Plan. Stormwater Management for New Facilities (pp. 5-1 thru 5-4). COMMENT – We support program elements directed at field-verification of the as-built condition, and digital documentation of new features and locations.

#6 ▪ Appendix 7. Stormwater Management Program Plan. Stormwater BMP Retrofit for Existing Facilities (pp. 6-1 thru 6-7). COMMENTS – This program element outlines a strategy for implementing "stand-alone", "project-triggered", and "opportunity-based" stormwater system retrofits. We believe that the strategy considers the correct factors when prioritizing "stand-alone" and "opportunity-based" retrofits. Furthermore, we appreciate the flexibility built-into the strategy for satisfying "project-triggered" retrofit obligations, and agree that retrofit dollars should be spent at high-priority locations where

Response to USF&WS comments on page 3:

1. Thank you for your comments. This section of the permit did not change and was not subject to public comment in this permit modification. However, Ecology maintains communication with the legislator regarding funding needs for WSDOT compliance with this permit.

2. Thank you for your comments. The monitoring program will continue over the remainder of the permit.

3. Thank you for your comments.

4. Thank you for your comments.

5. Thank you for your comments.

6. Thank you for your comments. The applicability of the project thresholds to replaced impervious surfaces did not change and therefore was not subject to public comment in this permit modification. This requirement has been in the stormwater manual for Western Washington for over 10 years. Back in 1999 – 2000, after receiving extensive input from stormwater committees and other stakeholders, Ecology considered the requirement reasonable and adopted it in the stormwater manual for Western Washington.

USF&WS comments on page 4:

they are likely to provide the greatest net benefit. However, given the context previously described (see BACKGROUND), we question the project thresholds currently in-use for applying Minimum Requirements 5 (runoff treatment) and 6 (flow control) to replaced impervious surfaces. We believe, that where capital improvement projects create more than 5,000 square ft of new pollution-generating impervious surface, the WSDOT should be held responsible for applying and meeting Minimum Requirements 5 and 6 for an area equivalent to all of the new, as well as all of the replaced impervious surfaces. We understand this would have the effect of increasing the size of WSDOT's "project-triggered" retrofit obligations for some capital improvement projects, but we doubt in most cases that this change would unreasonably increase associated costs. [Note: please see our additional, related comments for the HRM.]

#7 ▪ Appendix 7. Stormwater Management Program Plan. Maintenance and Maintenance Accountability. Regarding Street Sweeping Operations, and Catch Basin and Inlet Maintenance (pp. 7-3 thru 7-5). COMMENT – For the current reporting period, WSDOT reports successful meeting of funded levels of service (LOS) targets (WSDOT 2011 Annual Stormwater Report, pp. 44, 47). We acknowledge and support the WSDOT's maintenance efforts to implement source control. However, the current legislatively funded and mandated LOS target for catch basin maintenance is set at "D+" (WSDOT 2011 Annual Stormwater Report, p. 47). Ecology and the WSDOT should evaluate the stormwater control benefits that could be achieved with a higher-performing LOS, and should consider whether funding at a higher LOS target is warranted and feasible.

#8 ▪ Appendix 7. Stormwater Management Program Plan. Maintenance and Maintenance Accountability. Regarding Maintenance of Stormwater Treatment and Flow Control BMPs (pp. 7-5, 7-6). COMMENT – The permit requires WSDOT to annually inspect permanent stormwater treatment and flow control BMPs beginning March 2012. These inspections may trigger the need for follow-up maintenance and corrective work on schedules outlined by the permit. WSDOT reports that funds have been secured to implement the inspection program, and WSDOT will document inspections, follow-up maintenance activities, and any needed capital improvements (WSDOT 2011 Annual Stormwater Report, pp. 48, 49). The current legislatively funded and mandated LOS target for stormwater BMP maintenance is set at "C". We acknowledge and support the WSDOT's efforts to implement an effective stormwater BMP inspection and maintenance program. We hope and expect that Ecology and the WSDOT will use inspection and maintenance records to evaluate LOS targets for benefits and feasibility.

#9 ▪ Appendix 7. Stormwater Management Program Plan. Maintenance and Maintenance Accountability. Regarding the Maintenance Accountability Program and Maintenance Program Evaluation (pp. 7-13, 7-14, 7-19, 7-20). COMMENT – The WSDOT uses random condition surveys to evaluate and compare performance against LOS targets. Ecology and the WSDOT should ensure that random condition surveys accurately depict source control, inspection, and maintenance performance trends for the MS4 system(s) as a whole. The WSDOT should identify and report any persistent barriers to successfully meeting funded and mandated LOS targets.

Response to USF&WS comments on page 4:

7. Thank you for your comments. The catch basin cleaning operation is set at C+ on Page 7-4, Appendix 7, of the permit and not D+ stated in the 2011 Annual report.

8. WSDOT will adjust the inspection schedules to minimize the length of time a facility is in a condition that requires maintenance action (Page 7-6 of the permit).

9. Thank you for your comments. This section of the permit was not changed and is not subject to public comment in this permit modification. However, your suggestions are helpful and will be communicated to WSDOT for consideration.

USF&WS comments on page 5:

#10 ▪ Other Comments for Public Review Draft Permit No. WAR043000A. Regarding Discharges to MS4s with Combined Sewer Overflows. COMMENT – We believe that the permit and HRM should speak to the applicable requirements where WSDOT infrastructure discharges to systems conveying Combined Sewer Overflows.

COMMENTS FOR DRAFT HIGHWAY RUNOFF MANUAL

#11 ▪ Chapter 2. Stormwater Planning and Design Integration. Regarding Maintenance Review (p. 2-8). "Overall maintenance costs must be considered when selecting BMPs … including personnel, equipment, and long term costs through the BMP's expected life cycle". COMMENT – We agree that stormwater systems planning and design should consider long term, full life-cycle costs, beyond the initial costs of construction. We encourage Ecology and the WSDOT to further examine life-cycle costs and long term performance of BMPs widely employed in the highway environment, including media filter drain, compost-amended vegetated filter strips, and constructed stormwater treatment wetlands.

#12 ▪ Chapter 3. Minimum Requirements. Regarding Project Thresholds for Applicability (pp. 3-2 thru 3-7). Project thresholds currently in use for applying the Minimum Requirements state that for road-related projects, runoff from the replaced hard surfaces (including pavement, shoulders, curbs, and sidewalks) shall meet all the Minimum Requirements if the new hard surfaces total 5,000 square feet or more and total 50 percent or more of the existing hard surfaces within the project limits. COMMENTS – Given the context previously described (see BACKGROUND), we question the project thresholds currently in use for applying Minimum Requirements 5 (runoff treatment) and 6 (flow control) to replaced impervious surfaces. We believe that where capital improvement projects create more than 5,000 square ft of new pollution-generating impervious surface, the WSDOT should be held responsible for applying and meeting Minimum Requirements 5 and 6 for an area equivalent to all of the new, and all of the replaced impervious surfaces. We understand this would have the effect of increasing the size of WSDOT's "project-triggered" retrofit obligations for some capital improvement projects, but we doubt in most cases that this change would unreasonably increase associated costs.

#13 ▪ Chapter 3. Minimum Requirements. Regarding Project Thresholds for Applicability (pp. 3-2 thru 3-7). COMMENTS – The same project thresholds for applying the Minimum Requirements can be found in Ecology's new, draft Stormwater Management Manual for Western Washington (November 2011; Publication No. 05-10-029; pp. 2-10 thru 2-17). Here Ecology has explained, "Redevelopment projects have the same requirements as new development projects in order to minimize the impacts from new surfaces. To not discourage redevelopment projects, replaced surfaces aren't required to be brought up to new stormwater standards unless the noted cost or space thresholds are exceeded … This is consistent with other utility standards" (p. 2-15). We request a fuller explanation for how Ecology has decided on the "50 percent threshold" where existing, new, and replaced hard surfaces are concerned. Achieving the primary goals established for Ecology's MS4 permit program will require a concerted effort to retrofit and upgrade existing stormwater systems within municipal permit areas. Road-related projects are generally planned and designed in response to known system safety or mobility

Response to USF&WS comments on page 5:

10. Thank you for your comments. Existing WSDOT MS4 system within a Combined Sewer System was not a subject of this permit modification. Existing discharges to combined sewer systems are regulated under a municipality's NPDES permit for the combined sewer system. In accordance with the NPDES permit, municipalities with combined sewer systems have all developed and are implementing plans to control and reduce any untreated combined sewer overflows from their system. Typically, no new stormwater discharge is allowed to an existing combined sewer system.

11. Thank you for your comments.

12. Thank you for your comments. The applicability of project thresholds was not changed and therefore was not subject to public comment in this permit modification. This requirement has been in the stormwater manual for Western Washington for over 10 years. After receiving stakeholders input, Ecology considered the threshold reasonable and adopted it in the stormwater manual for Western Washington.

13. Thank you for your comments. The "50 percent threshold" applicable to redevelopment is outside of this permit modification. The 50 percent threshold has been in the stormwater manual for Western Washington for over 10 years. After receiving stakeholders input, Ecology considered the threshold reasonable and adopted it in the stormwater manual for Western Washington.

USF&WS comments on page 6:

deficiencies, and we doubt that the costs associated with retrofitting replaced impervious surfaces act as a significant disincentive for redevelopment or system improvements. We appreciate the flexibility built-into the HRM for satisfying "project-triggered" retrofit obligations, and agree that retrofit dollars should be spent at high-priority locations where they are likely to provide the greatest net benefit.

#14 ▪ Chapter 3. Minimum Requirements. Operation and Maintenance (p. 3-30). COMMENT – We agree that the WSDOT should develop and maintain individual operation and maintenance manuals (or plans) for constructed stormwater facilities and BMPs.

#15 ▪ Chapter 5. Stormwater BMPs. BMP Validation and Cost-Effectiveness (pp. 5-24, 5-25). COMMENT – We agree that long term maintenance requirements must be a basic consideration in design and in determination of costs. We encourage Ecology and the WSDOT to further examine and refine life-cycle costs and long term performance of BMPs widely employed in the highway environment. Better, more complete cost-effectiveness data are needed to improve decision-making by project designers and program-level managers.

We appreciate the opportunity to review and offer comments for the WSDOT's National Pollutant Discharge Elimination System and State Waste Discharge Permit for Municipal Stormwater (Permit No. WAR043000A), and the revised and updated 2011 HRM. Ecology and the WSDOT have made good progress refining and implementing the MS4 permit and program. We are encouraged by the renewed focus and attention on monitoring, source control, and maintenance and maintenance accountability, since we expect all of these elements are essential.

If you have any questions, if our comments require further explanation, or you would like to discuss the MS4 permit and program, please contact Ryan McReynolds at (360) 753-6047, or John Grettenberger at (360) 753-6044, of this office.

Sincerely,

Ken S. Berg, Manager
Washington Fish and Wildlife Office

cc:
WSDOT-ESO, Olympia WA (M. White)
WSDOT-ESO, Olympia WA (D. Gersib)
NMFS, Seattle WA (M. Grady)
USFWS, Lacey WA (E. Teachout)
USFWS, Lacey WA (M. Jensen)

Response to USF&WS comments on page 6:

14. Thank you for your comments.

15. Thank you for your comments.

COMMENTS FROM SQUAXIN ISLAND TRIBE

Squaxin Island Tribe provided the comments shown in red below, proposing modifications to the action items for "Oakland Bay Tributaries/Hammersley Inlet Fecal Coliform and Temperature TMDL" specified on page 58, Appendix 3, of the permit.

- *WSDOT will take early action on a limited number of Hwy 3 stormwater discharge locations to Oakland Bay and the stormwater conveyance system directly discharging to this receiving water identified as high priority from credible water quality data collected by Mason County or the Squaxin Island Tribe. WSDOT will apply best management practices from their SWMPP or perform remediation to correct the situations.*

  (Current biennium)

- *Longer term, WSDOT will independently inventory highway stormwater discharge locations, implement pollutant source identification, and identification of illicit sources of bacteria to WSDOT's stormwater conveyance system at the following locations within the TMDL boundary:*

  - *SR 3 stormwater discharge locations to Oakland Bay and the stormwater conveyance system directly discharging to this receiving water.*
  - *SR 3 stream crossings and the stormwater conveyance system directly discharging to these receiving waters.*
  - *US 101 stream crossings and the stormwater conveyance system directly discharging to these receiving waters.*

  (Submit budget request to the Office of Financial Management and the Governor for funding to implement this action in the 2013-15 biennium; complete implementation by 2015)

- *If discharges that transport bacteria over natural background levels or the National Shellfish Sanitation Program standards for safe shellfish harvest (whichever is less), to the listed receiving waters are found, WSDOT will apply best management practices from their SWMPP or perform remediation to correct the situation.*

- *If discharges that transport suspended solids over natural background levels to the listed receiving waters are found, WSDOT will apply best management practices from their SWMPP or perform remediation to correct the situation.*

  (As needed based on discharge inventory and source identification findings)

- *WSDOT will present on how their newly developed illicit discharge program works to the OBCWD Advisory Committee once the program is developed.*

  (Complete no later than November 2009)

Response to Squaxin Island Tribe comment.

In order to better assess WSDOT's Highway 3 contribution to the fecal bacteria discharges to Oakland Bay, Squaxin Island Tribe representative arranged a field visit to the upper end of the bay. Staff from Ecology, WSDOT, and Mason County met with the Squaxin Island Tribe representative and visited the concerned sites. Based on observations during the site visit, the action items for WSDOT in Oakland Bay TMDL have been modified as follows:

- WSDOT will work with Ecology, Squaxin Island Tribe, and Mason County to determine potential sources of fecal coliform within WSDOT's right-of-way and control on a limited number of high priority Highway 3 stormwater discharge locations to Oakland bay. This work may include but is not limited to site visits, data review, and collaborative problem solving. If sources are identified within WSDOT's control, WSDOT will develop a plan and initiate efforts to apply best management practices from their SWMPP or perform remediation to correct the situations.
  (On-going)
- WSDOT will inventory highway stormwater discharge locations, implement pollutant source identification, and identification of illicit sources of bacteria to WSDOT's stormwater conveyance system at the following locations within the TMDL boundary:
  - SR 3 stormwater discharge locations to Oakland Bay and the stormwater conveyance system directly discharging to this receiving water.
  - SR 3 stream crossings and the stormwater conveyance system directly discharging to these receiving waters.
  - US 101 stream crossings and the stormwater conveyance system directly discharging to these receiving waters.

  (Submit budget request to the Office of Financial Management and the Governor for funding to implement this action in the 2013-15 biennium; Complete implementation by 2015.)
- If stormwater discharges that transport bacteria over natural background levels to listed receiving waters are found from sources within WSDOT's right-of-way and control, WSDOT will apply BMPs from their SWMPP or perform remediation to correct bacteria discharges. For run-on sources of bacteria identified by WSDOT that are from outside of WSDOT's right-of-way, WSDOT will notify Ecology and work cooperatively with Ecology, the local jurisdiction, and other parties involved for their resolution.
  (As needed based on discharge inventory and source identification findings)
- WSDOT will present on how their newly developed illicit discharge program works to the OBCWD Advisory Committee once the program is developed.
  (Complete no later than November 2009)

COMMENTS FROM THE DEPARTMENT OF TRANSPORTATION

WSDOT provided comments on the permit modifications and HRM. There were numerous minor comments (over 180) most of which corrected for typos and references, corrected grammatical errors, and reworded sentences for more clarification. Those changes did not need Ecology response and are incorporated in the permit and HRM. The following are Ecology responses to WSDOT comments:

Comment #1 - WSDOT comment on page 54, Appendix 3: Applicable TMDL Requirements

- Recommend changing the text in the first paragraph under "Appendix 3: Applicable TMDL Requirements" to, "The tables in this appendix identify the actions items for WSDOT associated with the applicable TMDLs. Where TMDLs have determined Waste Load Allocations (WLAs) for WSDOT stormwater discharges, compliance with the action items identified in the tables is compliance with the WLA(s). This appendix lists the applicable TMDLs in two parts. Part 1 includes TMDLs that require action items that are above and beyond those required in the permit. Part 2 lists TMDLs that require WSDOT to implement the permit obligations that address the TMDL-listed pollutant in the TMDL areas." "Part 1 – For TMDLs listed in this part, compliance with the action items identified below shall constitute compliance with the TMDL WLA(s)."

Response to comment #1

- Ecology agrees with changing "WLA" to WLA(s)" and incorporated them in the modified permit.

The following comments from WSDOT are on modifying the fecal coliform related action items in TMDL areas:

Comment #2 - WSDOT comment on page 55, Appendix 3: Revision to the Hangman Creek Fecal Coliform, Temperature, and TSS/Turbidity TMDL; the second bulleted action item.

Comment #5 - WSDOT comment on page 57, Appendix 3: Revision to Issaquah Creek Basin Fecal Coliform TMDL, second bulleted action item.

Comment #6 - WSDOT comment on page 57, Appendix 3: Revision to Little Bear Creek Watershed Fecal Coliform TMDL, second bulleted action item.

Comment #8 - WSDOT comment on page 58, Appendix 3: Revision to the Oakland Bay Tributaries/Hammersley Inlet Fecal Coliform and Temperature TMDL, third bulleted action item.

Comment #10 - WSDOT comment on page 59, Appendix 3: Revision to the Palouse River Watershed Fecal Coliform TMDL, second bulleted action item.

Comment #12 - WSDOT comment on page 60, Appendix 3: Revision to the South Fork Palouse River Fecal Coliform TMDL, second bulleted action item.

Comment #13 - WSDOT comment on page 60, Appendix 3: Revision to the South Prairie Creek Watershed Fecal Coliform and Temperature TMDL, second bulleted action item.

Comment #14 - WSDOT comment on page 61, Appendix 3: Revision to the Stillaguamish River Watershed Fecal Coliform, Dissolved Oxygen, Turbidity, pH, Mercury, Arsenic, and Temperature TMDL, second bulleted action item.

Comment #15 - WSDOT comment on page 61, Appendix 3: Revision to the Swamp Creek Basin Fecal Coliform TMDL, second bulleted action item.

Comment #16 - WSDOT comment on page 62, Appendix 3: Revision to the Totten, Eld and Skookum Inlets Tributaries Fecal Coliform and Temperature TMDL, second bulleted action item.

For the above mentioned TMDLs, WSDOT proposed modifying the fecal bacteria action item as follows:

- ……. "If stormwater discharges that transport bacteria over natural background levels to the listed receiving waters are found, from sources within WSDOT's right-of-way and control, WSDOT will apply BMPs from their SWMPP or perform remediation to correct bacteria discharges. Issues identified by WSDOT that are from sources outside of WSDOT's right-of-way and control will be turned over to the local jurisdiction or Department of Ecology for resolution.

Response to comment #s 2, 5, 6, 10, 12, 13, 14, 15, 16.

- Based on the permit section "2.6 Legal Authority" WSDOT has adequate legal authority to control discharges to municipal separate storm sewer systems WSDOT owns or operate. The requirement is modified throughout the permit as follows:

- If stormwater discharges that transport bacteria over natural background levels to listed receiving waters are found from sources within WSDOT's right-of-way and control, WSDOT will apply BMPs from their SWMPP or perform remediation to correct bacteria discharges. For run-on sources of bacteria identified by WSDOT that are from outside of WSDOT's right-of-way, WSDOT will notify Ecology and work cooperatively with Ecology, the local jurisdiction, and other parties involved for their resolution.

Response to comment #8.
Following a visit to sites contributing flows within the Oakland Bay TMDL area by staff from Ecology, WSDOT, Squaxin Island Tribe, and Mason County, the action items are modified in the permit as follows:

- WSDOT will work with Ecology, Squaxin Island Tribe and Mason County to determine potential sources of fecal coliform within WSDOT's right-of-way and control on a limited number of high priority Highway 3 stormwater discharge locations to Oakland bay. This work may include but is not limited to site visits, data review, and collaborative problem solving. If sources are identified within WSDOT's control, WSDOT will develop a plan and initiate efforts to apply best management practices from their SWMPP or perform remediation to correct the situations.

(On-going)

- WSDOT will inventory highway stormwater discharge locations, implement pollutant source identification, and identification of illicit sources of bacteria to WSDOT's stormwater conveyance system at the following locations within the TMDL boundary:
    - SR 3 stormwater discharge locations to Oakland Bay and the stormwater conveyance system directly discharging to this receiving water.
    - SR 3 stream crossings and the stormwater conveyance system directly discharging to these receiving waters.
    - US 101 stream crossings and the stormwater conveyance system directly discharging to these receiving waters.

  (Submit budget request to the Office of Financial Management and the Governor for funding to implement this action in the 2013-15 biennium; Complete implementation by 2015.)
- If stormwater discharges that transport bacteria over natural background levels to listed receiving waters are found from sources within WSDOT's right-of-way and control, WSDOT will apply BMPs from their SWMPP or perform remediation to correct bacteria discharges. For run-on sources of bacteria identified by WSDOT that are from outside of WSDOT's right-of-way, WSDOT will notify Ecology and work cooperatively with Ecology, the local jurisdiction, and other parties involved for their resolution.
  (As needed based on discharge inventory and source identification findings)
- WSDOT will present on how their newly developed illicit discharge program works to the OBCWD Advisory Committee once the program is developed.
  (Complete no later than November 2009)

Comment #4 - WSDOT comment on page 56, Appendix 3: Format revision to the Fecal Coliform Programmatic Approach Flow Chart.

- Recommend moving this flow chart to the end of Part 1 on page 63, or adding it as a separate appendix because the programmatic approach is referenced as an action item for many TMDLs in Part 1.

Response to comment #4

- Ecology agrees with moving the flow chart location. The flow chart is moved to the end of Appendix 3.