

# STORMWATER PERMIT REQUIREMENTS STUDY

## SCOPE AND OBJECTIVES

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STATE OF WASHINGTON  
JOINT LEGISLATIVE AUDIT  
AND REVIEW COMMITTEE

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## Why a JLARC Study of the Department of Transportation's Stormwater Permit Requirements?

The 2010 Supplemental Transportation Budget (ESSB 6381 §108) directs JLARC to analyze options for implementing the Washington State Department of Transportation's (WSDOT) stormwater discharge permit issued in February 2009 by the Department of Ecology. JLARC was asked to assess the advantages and disadvantages of WSDOT's planned approach and of potential alternative approaches to meeting the new permit requirements.

## Stormwater Runoff Causes Water Pollution

Stormwater runoff is rain and snow melt that flows off landscape and surfaces such as paved sidewalks, streets, highways, and parking lots. Water running off these surfaces can pick up oil, fertilizers, pesticides, trash, and other pollutants. Areas with large amounts of impervious surfaces prevent stormwater runoff from soaking naturally into the ground, where the pollutants can be filtered out. Untreated stormwater can release these pollutants into local waterways. Uncontrolled stormwater can also cause erosion, flooding, and muddy waters that may suffocate salmon and other aquatic life.

Stormwater runoff is often transported to local waters through conveyance systems owned by public entities, such as WSDOT. Conveyance systems include the roads, catch basins, ditches, pipes, and channels that move water from road surfaces into waterways.

## Both Federal and State Pollution Laws Address Stormwater

Both the federal Clean Water Act and the state's Water Pollution Control law (Chapter 90.48 RCW) place requirements on entities discharging stormwater into the state's waterways. The Department of Ecology is responsible for issuing stormwater permits required under these federal and state laws. WSDOT is one of the entities that has to obtain a permit to discharge stormwater into waters of the state. WSDOT's permit covers stormwater discharges from its highways, ferry terminals, park and ride lots, maintenance shops and yards, and rest areas located in several counties and all urban areas throughout the state.

## New Stormwater Permit Expands WSDOT Responsibilities and Costs

In 2009, Ecology issued a new stormwater permit to WSDOT, replacing a permit that had been in place since 1995. The 2009 permit covers a significantly larger geographic area than the previous permit, and adds new stormwater management responsibilities for WSDOT. These responsibilities include annual inspections and maintenance of all stormwater facilities and increased monitoring and reporting on permit compliance. Many of these responsibilities

have implementation deadlines between 2011-2013. A preliminary estimate from WSDOT indicates that it may require approximately \$22 million in additional operating funds in the 2011-13 Biennium to meet the permit requirements.

## Study Scope

This JLARC study will focus on how WSDOT will meet the requirements of the 2009 stormwater discharge permit issued by the Department of Ecology. JLARC will describe the approach WSDOT is taking to meet the permit's requirements and determine whether there are alternatives to WSDOT's planned approach. JLARC will assess the advantages and disadvantages of WSDOT's planned approach against any alternative approaches identified.

## Study Objectives

This study will analyze WSDOT's 2009 permit requirements and different approaches to meeting those requirements by answering the following questions:

- 1) What are the major requirements in WSDOT's 2009 stormwater discharge permit?
- 2) What are the major changes in requirements between WSDOT's 1995 permit and the 2009 permit?
- 3) What is WSDOT's current plan for implementing the 2009 permit requirements?
- 4) Are there alternative approaches to implementing some or all of the permit requirements? For example,
  - Can other entities (public or private) implement stormwater permit requirements, both for WSDOT and for other public agencies with stormwater permits?
  - Specifically, can the Department of Ecology implement the permit requirements?
- 5) What are the advantages and disadvantages of WSDOT's planned approach and any alternative approaches identified to meeting the permit requirements?

## Timeframe for the Study

Staff will present the preliminary report at the December 2010 JLARC meeting and the final report at the January 2011 JLARC meeting.

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