



# Stormwater Permit Requirements at the Department of Transportation

Proposed Final Report

Joint Legislative Audit & Review Committee

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## Study Mandated in 2010 Supplemental Transportation Budget



- JLARC to review **options** for meeting the requirements of a **new WSDOT permit to manage and control stormwater**
- Options to include WSDOT, Ecology, a Consortium, or the Private Sector

## Ecology Issued WSDOT New Stormwater Permit in 2009



- WSDOT requested **\$21.6 million** in 2011-13 to meet permit requirements (included 65.5 FTEs, equipment, facilities)
- Federal & State laws require WSDOT and others to obtain permits for **discharging stormwater** into rivers, lakes, saltwater
- First new permit since 1995
- Covers stormwater runoff from state highways, rest areas, and other WSDOT facilities in specific areas of the state

## Stormwater Runoff Causes Water Pollution



- Rain and snow melt flows off paved and other surfaces
- Picks up oil, trash, other pollutants and releases them into local waters
- Uncontrolled flows also cause erosion, flooding, muddy waters

## Study Answers Four Questions and Offers Two Recommendations



<b>1</b>	What are WSDOT's major permit requirements?	Maintenance, monitoring, and inventory
<b>2</b>	How have the requirements changed?	Increased duties, increased coverage area
<b>3</b>	What is WSDOT's plan for meeting requirements?	Primarily in-house (WSDOT)
<b>4</b>	Are there viable options for meeting requirements?	Yes, although no clear winner due to key gaps in information

Two recommendations aimed at filling information gaps: key is obtaining comparative cost data.

## Reviewed Four Options for Meeting Major Permit Requirements



- Determined whether WSDOT, Ecology, Consortium, and/or Private Sector could perform maintenance, monitoring and inventory functions
- Assessed options based on 3 criteria:
  - Timing Needs
  - Organizational Fit
  - Experience of Other Permit Holders
- Consortium not viable for current permit – may be viable for future

## MAINTENANCE: WSDOT and Private Contractors Viable



*71% of budget request*

- ✓ **WSDOT:** Builds on existing capacity and experience
- ✓ **PRIVATE CONTRACTORS:** Maintain privately owned stormwater control devices and built WSDOT's devices
- ✗ **ECOLOGY:** Maintaining highway assets poor organizational fit

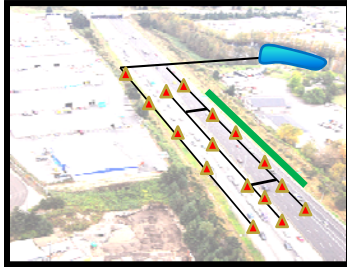
## MONITORING: WSDOT, Private Contractors, and Ecology Viable



*10% of budget request*

- ✓ **WSDOT:** USGS report recommends at least some in-house expertise; plan in place to meet deadlines
- ✓ **PRIVATE CONTRACTORS:** Performed monitoring for WSDOT in past
- ✓ **ECOLOGY:** Technical expertise likely available in-house; already under contract with WSDOT to develop monitoring plan

## INVENTORY: WSDOT and Private Contractors Viable



*9% of budget request*

- ✓ **WSDOT:** Builds on existing efforts and basic asset management
- ✓ **PRIVATE CONTRACTORS:** Experience/expertise in inventory and mapping
- ✗ **ECOLOGY:** Unlikely to have expertise in interpreting highway plans

## No Clear Winner Due to Timing and Lack of Comparable Cost Information



- **Timing:**  
Difficult to predict which option best suited to meet timelines due to new permit requirements
- **Comparable Costs:**
  - Limited historical cost information available due to new and expanded requirements
  - WSDOT has not performed comprehensive cost comparison of options
  - Comparable costs not readily available from other states and local governments

## Due to Size of Maintenance Request, Better Cost Information Needed



### Recommendation 1

To obtain comparative cost information and determine whether contractors can meet permit deadlines, **Legislature should direct WSDOT** to conduct a **pilot program contracting for maintenance of some stormwater control devices**

- *If directed by Legislature, not subject to competitive contracting provisions of RCW 41.06.142*
- *May be subject to collective bargaining*

Although directed to Legislature,  
WSDOT, Ecology, and OFM concur

## For Monitoring and Inventory, Comparative Cost Information Needed



### Recommendation 2

To ensure WSDOT is using the most cost-effective options for performing monitoring and inventory, WSDOT should **prepare comparative cost information on viable options** for future budget cycles

WSDOT, Ecology, and OFM concur

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