***How to use this letter template:***

***This template is intended to help WSDOT staff develop a cover letter to submit with the Proposed New Discharge to an Impaired Water Body form to the Department of Ecology (Ecology) if additional detail is necessary. This information is guidance only and each project and associated impairment will be different.  Template instructions:***

1. ***Fill in project specific information where blue italic text (in parenthesis) appears, then delete blue italic text.***
2. ***Review all blue, bolded italic text, which is instructional only and should be deleted.***
3. ***Edit all other applicable text to make it project specific or delete if not applicable.***
4. ***Final letter should not include any blue italic text or text boxes.***

(*Insert date*)

Washington State Department of Ecology

(*Insert address*)

RE: (*Insert project name*) - Proposed New Discharge to an Impaired Water Body

Dear (*Insert name*):

***Include this paragraph if your project may discharge to one or more 303(d)-listed water bodies, otherwise delete this paragraph:*** The Washington State Department of Transportation (WSDOT) has applied for an NPDES Construction Stormwater General Permit for the above named project. (*Insert name of impaired water body(ies)*) is a receiving water body (*are receiving water bodies*) for our project and it is *(they are)* 303(d) listed for (*insert pollutant(s) of concern*). Therefore, the Department of Ecology (Ecology) notified WSDOT that the *Proposed New Discharge to an Impaired Water Body* form must be completed and submitted to Ecology.

***Include this paragraph if your project may discharge to one or more TMDL-listed water bodies, otherwise delete this paragraph:*** The Washington State Department of Transportation (WSDOT) has applied for an NPDES Construction Stormwater General Permit for the above named project. (*Insert name of impaired water body(ies)*) is a receiving water body *(are receiving water bodies)* for our project and it is *(they are)* impaired for (*insert pollutant(s) of concern*). To address this *(these)* impairment(s), the (*insert name of TMDL(s)*) has *(have)* been approved by EPA. Therefore, Ecology notified WSDOT that the *Proposed New Discharge to an Impaired Water Body* form must be completed and submitted to Ecology.

(*Insert brief project description to include purpose, general description of planned changes to roadway and drainage, project location relative to the impairment, post construction BMPs that will be constructed to permanently improve water quality*)

***Information in this box describes WSDOT’s understanding of the issues associated with our proposed project and the pollutant(s) of concern. Include the following explanations depending on pollutant(s) of concern. Add content if necessary to make project specific.***

**Turbidity/fine sediment:** We understand that soil disturbance during construction may lead to erosion issues resulting in the discharge of turbid stormwater.

**Phosphorus:**We assume natural levels of phosphorus may be present in the soil on-site. Construction sites are not known to generate phosphorus. However, we understand that phosphorus can attach to sediment particles and become susceptible to suspension in stormwater if erosion occurs.

**pH:** We understand that use or storage of pH modifying substances (such as concrete, recycled concrete, acid) can lead to elevated or lowered pH in stormwater if not handled properly.

**Nitrogen:** We understand excessive nutrients can lead to water quality problems such as low dissolved oxygen in receiving water bodies. We are aware that high-nitrogen fertilizers, failing septic systems, and human and animal feces are all potential sources of nitrogen.

**Fecal coliform:** We assume natural levels of fecal coliform may be present. Construction sites are not known to generate fecal coliform. However, we understand that fecal coliform can attach to sediment particles and become susceptible to suspension in stormwater if erosion occurs.

**Temperature:** We understand that ponding of stormwater, lack of shading, asphalt, concrete or rip-rap lined channels may contribute to the warming of stormwater.

**PCBs/dioxins/pesticides:** We understand *(insert pollutant of concern)* are known to persist in the environment and are known to bind to sediment. Adjacent and historic land use should be considered when evaluating site conditions pertaining to this/these pollutants.

**Dissolved oxygen:** We understand dissolved oxygen impairments often occur from excessive nutrient levels in a receiving water body. Other causes of dissolved oxygen problems include die-off of algal blooms, stagnant or ponded water, and warm water temperatures.

**TPHs:** We understand TPHs come from petroleum products, which are used and stored on-site for construction equipment.

***Information in this box is applicable if 2a was selected on the Proposed New Discharge to an Impaired Water Body form:***

Soils in the project area have not been tested for (*insert pollutant(s) of concern*), and there is no known source of (*insert pollutant(s) of concern*) contamination on the site. Therefore, there is no reason to suspect the project activities will contribute to the impairment or adversely impact the impaired water body.

***Include the following explanations depending on pollutant(s) of concern:***

**Turbidity/fine sediment: N/A**

**Phosphorus: N/A**

**High pH:** No pH modifying substances will be used or stored on-site during construction (e.g. concrete, etc.).

**Low pH:** No pH modifying substances will be used or stored on-site during construction (e.g. acid, etc.)

**Nitrogen:** No known sources of nitrogen are present on-site.

**Fecal Coliform:** No know sources of fecal coliform exist on the site, outside of natural levels.

**Temperature:** Due to sitecharacteristics (soils, vegetation, drainage, etc.) and time of year that discharges are most likely to occur (October – April), there will not be a source of warm water that would cause an increase in the receiving water temperature.

**PCBs/dioxins/pesticides:** Waterbody sediments are impaired for *(insert pollutant of concern)*, but there are no known sources of the pollutant on the site.

**Dissolved Oxygen:** No known sources of dissolved oxygen lowering sources are on-site.

**TPHs: N/A**

***Information in this box is applicable if 2b was selected on the Proposed New Discharge to an Impaired Water Body form. Include the following explanations depending on pollutant(s) of concern:***

**Turbidity/fine sediment:** Soil/sediment is present on site. Disturbed and exposed soil is susceptible to erosion which can result in turbid stormwater. Actions will be taken to prevent exposure and discharge of turbid stormwater.

**Phosphorus:** Phosphorus is present on-site in the form of *(insert form: particulates know to be bound to soil, compost, fertilizer, etc.).* Actions will be taken to prevent exposure and discharge of turbid stormwater containing phosphorus.

**High pH:** pH modifying substances will be used and/or stored on-site. Actions will be taken to prevent exposure and discharge of high pH stormwater.

**Low pH:** pH modifying substances will be used and/or stored on-site. Actions will be taken to prevent exposure and discharge of low pH stormwater.

**Nitrogen:** Nitrogen sources are or will be present on-site but actions will be taken to prevent discharge.

**Fecal coliform:** Construction activities such as *(insert activity such as decomissioning septic systems)* may expose fecal coliform sources to stormwater, *(and/or)* Construction related earthwork may expose or encourage run-on from adjacent land uses that could contain fecal coliform. Actions will be taken to prevent exposure and discharge of fecal coliform contaminated stormwater.

**Temperature:** Warm stormwater will/may be present on-site. Actions will be taken to prevent discharge of warm stormwater to the impaired water body.

**PCBs/dioxins/pesticides:** Waterbody sediments are impaired for *(insert pollutant of concern)*, we have reason to believe existing sources may be present on site. Actions will be taken to prevent exposure and discharge of contaminated stormwater.

**Dissolved Oxygen:** Nutrients will be used and/or stored on-site that, in excess levels in a receiving water, can lead to low dissolved oxygen. Actions will be taken to prevent exposure and discharge of contaminated stormwater.

**TPHs:** Petroleum products will be used and/or stored on-site but efforts will be made to avoid contact with stormwater prior to discharge.

***Information in this box is applicable if 2c was selected on the Proposed New Discharge to an Impaired Water body form:***

*(Insert pollutant of concern)* is on-site but the discharge is not expected to cause or contribute to an exceedance of water quality standards. Discharges of *(insert pollutant of concern)* will meet in-stream water quality criteria at the point of discharge to the water body. Sampling will be performed to ensure water quality standards are met.

***Information in this box is applicable if 2b or 2c where selected on the Proposed New Discharge to an Impaired Water Body form:***

To mitigate the possibility of discharging (*insert pollutant of concern*), WSDOT will do the following during construction, which are reflected in the project’s Stormwater Pollution Prevention Plan or SWPPP (which consists of the Temporary Erosion and Sediment Control (TESC) and Spill Pollution Control and Countermeasures (SPCC) plans):

***Include the following explanations depending on pollutant(s) of concern:***

**All pollutants:**

* Implement dispersion Best Management Practices (BMPs), where feasible, in an effort to reduce the amount of runoff that may enter the impaired water body.

**Turbidity/fine sediment:**

* Mandatory BMPs and erosion-control practices will be applied in compliance with the NPDES permit requirements. This includes source control BMPs, such as covering soils or seeding soils not being worked within the NPDES permit required timelines, and preserving vegetation where feasible. Also, sediment retention BMPs will be used, such as silt fence and temporary ponds, to remove particulates prior to discharge.
* Monitor and maintain BMPs per the NPDES permit requirements.
* BMPs will be used to protect soil and turbid stormwater will be dispersed and/or infiltrated, where feasible.

**Phosphorus:**

* Eliminate the use of all fertilizers that contain phosphorus from the project.
* Utilize fertilizers in areas that will not discharge to the impaired water body.
* Reduce the use of compost in areas discharging to the impaired water body to amount necessary for vegetation success standards required by permitting agencies.
* Composted areas that could drain to the impaired water body will be treated through infiltration and detention facilities prior to discharge.

**Phosphorus continued:**

* Compost will be worked into the soil, as opposed to a surface application, to improve plant survival and reduce the mobility of the compost.
* Implement source control BMPs such as covering soils or seeding soils not being worked within the NPDES permit required timelines, and preserving vegetation where feasible.
* Implement sediment retention BMPs such as silt fence and temporary ponds to remove particulates prior to discharge.
* Monitor and maintain BMPs per the NPDES permit requirements.
* BMPs will be used to protect soil and turbid stormwater will be infiltrated and/or not allowed to discharge to the impaired water body.

**pH:**

* pH modifying substances will be stored in areas with no possibility of discharge to the impaired water body.
* BMPs will be used to prevent stormwater from coming in contact with pH modifying substances.
* Activities to reduce high pH will be done in accordance with Section 6A-2.33, High pH Neutralization, of *WSDOT’s Highway Runoff Manual*.

**Nitrogen:**

* Eliminate the use of all fertilizers that contain nitrogen from the project.
* Utilize fertilizers in areas that will not discharge to the impaired water body.
* Implement sediment retention BMPs such as silt fence and temporary ponds to remove particulates prior to discharge.
* BMPs will be used to protect soil and turbid stormwater will be infiltrated and/or not allowed to discharge to the impaired water body.

**Fecal coliform:**

* Lawfully maintain portable toilets used on site, which will be located away from the impaired water body.
* Remove residential septic systems and drain-field material on property acquired by WSDOT in accordance with County Department of Health regulations.
* Implement sanitary sewer encasement when working on or around uncovered sanitary sewer lines.
* Implement source control BMPs such as covering soils or seeding soils not being worked within the NPDES permit required timelines, and preserving vegetation where feasible.
* Implement sediment retention BMPs such as silt fence and temporary ponds to remove particulates prior to discharge.
* Monitor and maintain BMPs per the NPDES permit requirements.
* BMPs will be used to protect soil and turbid stormwater will be infiltrated and/or not allowed to discharge to the impaired water body.

**Temperature:**

* All disturbed areas will be vegetated, based on other permit requirements, which will increase shading and help reduce summertime water temperatures.
* Shading vegetation will be placed adjacent to permanent stormwater ponding BMPs to avoid temperature impacts of the discharge.
* Implement sediment retention BMPs such as silt fence and temporary ponds to remove particulates prior to discharge.
* Monitor and maintain BMPs per the NPDES permit requirements.
* BMPs will be used to protect soil and turbid stormwater will be infiltrated and/or not allowed to discharge to the impaired water body

**Dissolved oxygen (or phosphorus/nitrogen/nutrients if they are documented in the TMDL as the cause of the dissolved oxygen impairment):**

* Eliminate the use of all fertilizers from the project; or
* Utilize fertilizers in areas that will not discharge to the impaired water body; or
* Utilize fertilizers that do not contain phosphorus/nitrogen.

**Total petroleum hydrocarbons** (e.g. gasoline, diesel, petroleum products):

* The SPCC plan and TESC plan *(if applicable)* contain measures to ensure that all petroleum products used during construction are covered and contained to prevent the discharge of petroleum hydrocarbons into the impaired water body.

If you have any questions concerning this project, please contact *(insert name and contact information of WSDOT staff person)*.

Sincerely,

*(Insert name)*

*(Insert title)*

Cc: *(Insert project engineer name)*