

Based on research and discussions with SR 520 permitting staff, it is anticipated that the Tunnel and Tunnel Systems Contract (Contract Unit 03) Design Builder (DB) will obtain an NPDES Construction Stormwater General permit and possibly an NPDES General Sand and Gravel permit. The AWW Permitting Team examined the possibility that the Tunnel and Tunnel Systems Contract (Contract Unit 03) may qualify for an NPDES Construction Stormwater Individual permit; however, given our experience on the I-405 project and previous coordination with Ecology, general permits will likely be more appropriate. Additionally, the AWW Permitting Team investigated the opportunity and feasibility to apply for an NPDES Construction Stormwater General permit that would cover multiple program contracts.

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Information included in this document:

- 1) What is the NPDES permit application timeline; how long does it take to receive coverage?
- 2) How long are the permits valid for?
- 3) Can one permit cover multiple contracts?
- 4) What are the program-wide recommendations?

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NPDES Construction Stormwater General Permit

The NPDES Construction Stormwater General permit authorizes stormwater discharges to surface water and is required for any land disturbing activities such as clearing, grading, excavating, and/or demolition that: 1) disturbs one or more acres of land area, or 2) are "part of a larger common plan of development or sale" that will ultimately disturb one or more acres of land, and 3) discharges stormwater from the site into state surface water(s) or into storm drainage systems, which discharge to state surface waters. Stormwater associated with construction support activities (e.g., off-site equipment staging yards, material storage areas, borrow areas, etc.) are also covered by this permit.

Deleted: NPDES General Sand and Gravel Permit for Portable Facilities – The purpose of the Sand & Gravel General Permit is to control the discharge of pollutants from sand and gravel mining operations and related facilities into waters of the state. This general permit provides coverage for discharges of process water, stormwater, and mine dewatering water associated with sand and gravel operations, rock quarries and similar mining activities, including stockpiles of mined materials, concrete batch operations, and hot mix asphalt operations. ¶

¶ The NPDES General Sand and Gravel would cover the slurry mixing plant if the DB selects the Slurry Shield Tunnel Boring Machine (TBM). If the DB elects the Earth Pressure Balance TBM this permit may not be required. **Need to confirm with Eldon Abbott if any friction reduction agent is required for the Earth Pressure Balance TBM.** ¶

¶ *Application Timeline* ¶

The permit takes approximately 45 days for issuance from the time the application is submitted. This includes public notice for two consecutive weeks in a widely distributed newspaper and a 30 day public comment period. ¶

¶ *Expiration Date* ¶

Ecology reissues all sand and gravel permits every 5 years. All facilities with permit coverage must reapply for coverage 180 days before the expiration date. The current permit expires on February 4, 2010. ¶

Application Timeline

Once Ecology receives a completed application, it will take a minimum of 38 days before permit coverage can be issued. This includes two public notices (7 days apart) in the local newspaper, followed by a 30 day public comment period. Site coverage under this permit cannot be issued any sooner than 31 days from the 2nd public notice date. Ecology will issue coverage under the general permit within 30 days of receiving a completed application or 31 days after the second public notice, whichever is later.

Expiration Date

Site coverage under this permit is effective until coverage is revoked or terminated, or the expiration date of the general permit (12/16/2010), whichever is sooner. General permits have a duration of 5 years. Per conversations with the Program Ecology representative, all active construction sites will receive a renewal request 180 days prior to December 16, 2010.

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Program-wide NPDES Recommendations

The NPDES General Sand and Gravel permit, if required, would only need to cover operations during the Tunnel and Tunnel Systems Contract – Contract 03. This approach will be confirmed with the Department of Ecology.

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The NPDES Construction Stormwater General permit will be required for the Tunnel and Tunnel Systems Contract – Contract 03 and likely for the following other program contracts**:

- Contract Unit 01 – 1st Ave Ground Replacement Contract
- Contract Unit 02 – Tunnel Boring Machine Substation
- Contract Unit 04 – South Access Contract
- Contract Unit 05 – South End Surface Improvement Contract
- Contract Unit 06 – North Portal Detour and Utility Relocation Contract
- Contract Unit 07 – North Access Contract
- Contract Unit 08 – North End Surface Improvement Contract
- Contract Unit 09 – Alaskan Way Demolition Contract
- Contract Unit 10 – ITS Signage Contract

**It is likely that these contracts will require an NPDES Construction Stormwater General permit but will need to be verified that the projects meet the requirements of the permit, as stated above.

Because the DB will be obtaining the NPDES Construction Stormwater General permit for Contract 03, it is our recommendation that the scope covers only elements under that contract.

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The rest of the contracts, all design bid-build, should be evaluated based on schedule, location, and duration of each contract. Since it is anticipated that WSDOT will be

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applying for the NPDES Construction Stormwater General permits for the design bid-build contracts (not the contractor), covering multiple contracts would make sense in the following groupings:

- South End Pre Tunnel– Contract Units 01, 02
- South End Post Tunnel – Contract Unit 04
- South End Post Tunnel – Contract Unit 05 ***Construction Dates Unknown
- North End Pre Tunnel– Contract Units 06, 07
- North End Post Tunnel – Contract Unit 08 ***Construction Dates Unknown
- Viaduct Removal – Contract Unit 09
- Misc – Contract Unit 10

The rationale for the groupings not only makes sense geographically, but more importantly from a timing perspective. It is anticipated each of the grouping will occur generally around the same time and continuously overlap through construction, whereas the timing difference between the south end contracts and the Viaduct removal contracts can be timing difference of several years.

An important factor that was considered when seeking coverage over multiple contracts is the construction hiatus, if any, occurring between contracts. During a hiatus (i.e., no construction), WSDOT must incur the costs associated with continuous monitoring in areas covered under the permit between construction. This occurred during the WSDOT I-405 Kirkland Nickel project where the project was permitted as a single project but constructed in stages. Because the timing between phases was not continuous the permit needed to be terminated to avoid WSDOT from continuing unnecessary monitoring. It is our recommendation that the scheduling assumptions be confirmed and this permitting approach be coordinated with the Department of Ecology.