



King County

King Street Center
201 South Jackson Street,
Seattle, WA 98104-3855

September 8, 2010

Sharleen Bakeman
Water Quality Program
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504

RE: Comments on Draft Construction Stormwater General Permit (National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activity) issued July 21st, 2010

Dear Ms. Bakeman:

King County Department of Natural Resources and Parks and King County Department of Transportation have reviewed the Public Notice Draft of the Construction Stormwater General Permit (CSWGP) issued by your group on July 21st, 2010. We wish to thank you for the opportunity to provide comments. Our comments and suggestions on a few topics are listed below.

Many of the changes proposed by Ecology are to bring the Washington State Construction NPDES permit into alignment with the EPA Effluent Limit Guidelines (ELG). This included the adoption of the proposed maximum 280 NTU discharge level for projects with greater than 10 acres of disturbance. If discharges exceeded this number, the project would be in violation of the permit. The ELG 280 NTU discharge level was appealed and EPA made a motion to the court to vacate the 280 NTU discharge level so they can re-evaluate the standard (<http://newsletters.agc.org/environment/files/2010/08/epas-elg-motion.pdf>). EPA's motion to the Court was decided on August 24, 2010, and the motion was granted. Ecology is assuming that the 280 NTU limit will be removed by EPA through a process that will include a Federal Register notice. Ecology included the 280 NTU in the first place in response to the EPA's rule; because EPA has cited their own need for re-analysis as one of the reasons to remand the 280 NTU, Ecology feels it is appropriate to remove the related language from the proposed CSWGP. King County is presuming that the 280 NTU limit language will be removed, and the turbidity language will revert back to the language in the current 2005 permit.

The following items are comments specific to the permit language and errata comments found in the review of the permit.

- Hyperlink on page 9 (<http://ei.tamu.edu>) does not work.
- Why are there two blank cells in Table 3? If those actions are not required, the table should indicate that effect.
- S4.B.5.e requires the CESCL to “note the presence of suspended sediment, turbidity, discoloration, and oil sheen, as applicable.” By what measure is the CESCL supposed to assess the level of suspended sediment? Total suspended solids are normally measured in a laboratory setting as opposed to a visual check in the field. If the CESCL is only checking for visual suspended sediment, how is it different than a visual check for turbidity? Acceptable methods of measuring turbidity are discussed elsewhere in the draft permit but suspended solids are not.
- S4.D and S4.D.2 both contain a definition for engineered soils as “amendments including but not 36 *Draft Construction Stormwater General Permit – July 21, 2010* Page 18 limited to Portland cement-treated base [CTB], cement kiln dust [CKD], or fly ash”. Rather than defining a term multiple times in the text, it should be defined once, either the first use in the text or in a glossary.
- S8.B.2 should be edited to read: (no more than 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or no more than a 10% increase in turbidity when the background turbidity is more than 50 NTU).
- S8.B.3.e should be edited as follows:
 - Continue to sample daily until discharge turbidity meets the water quality ~~meets the water quality~~ standard for turbidity.
 - Correct typo on line 20 of page 27.
 - Correct typos on line 36 of page 27.
- S9.D.9.d requires disposal of wheel wash or tire bath wastewater in a manner that will not result in a discharge to surface or groundwater. However, it lists upland land application as a suitable disposal method. Wastewater that infiltrates in an upland setting will eventually reach groundwater (or possibly sheet flow into a surface water body). The amount of treatment it receives while infiltrating will depend on the characteristics of the vadose zone.
- Correct typos on lines 1 & 2 of page 32.
- S9.D.11.b requires temporary ESC BMPs to be removed “within 30 days after achieving final site stabilization or after the temporary BMPs are no longer needed.” What is the rationale for the 30 day timeline if the alternative is as

open-ended as “no longer needed”? How would the requirement change if the 30 day timeline were removed?

- Consider rephrasing S9.D.12.a. As written it is awkward.

We wish to express our thanks for the opportunity for this review. We look forward to working with you on the implementation of this permit in a way that provides protection to the environment, using solutions that are effective and attainable by our programs.

Sincerely,

Douglas D. Navetski
Supervising Engineer
King County DNRP

Ronda Strauch
Supervising Engineer
King County DOT

CC: Curt Crawford, PE, Stormwater Services Section Manager, WLRD, King County DNRP
David Batts, Engineer III, SWSS, WLRD, King County DNRP
Mark Wilgus, Senior Engineer, SWSS, WLRD, King County DNRP
Jennifer Keune, Environmental Scientist III, RSD, King County DOT
Peter Dumaliang, Environmental Scientist III, KCIA, King County DOT
Julia Turney, Engineer II, RSD, King County DOT