



"Building Our Future Together"

September 10, 2010

President

DUSTIN CHRISTENSEN

Sharleen Bakeman – Permit Comments

Water Quality Program

1st Vice President

JAY BOLLINGER

Washington State Department of Ecology

P.O. Box 47600

Olympia, WA 98504

2nd Vice President

RYAN KELSO

RE: Public Comment on Draft CSGP

Secretary

JIM BLAIR

Treasurer

LISA CARNES

Dear Ms. Bakeman:

Immediate Past President

STEVE SADLER

The intent of this letter is to respond to the draft CSGP. I've finally had a chance to read through everything and have the following comments:

National Directors

RANDY GOLD

JIM BLAIR

General

Schedule:

I want to express frustration that we only accidentally found out about this at the 11th hour. I've called around the area, and in the greater Wenatchee area *not one engineer, contractor or jurisdiction that I've talked to was aware of this proposed change until last week.* And that only happened by accident while searching the website for the NOI application. While I'm sure you followed the letter of the law, with the ease of mass email the lack of notification is frustrating and leads to distrust.

In addition, the comment window seems very short: only July 21 through September 10. Your workshops were scheduled from August 23rd to September 1, leaving barely a couple weeks for response. Seems pretty tight to me.

Phase-In:

The EPA anticipated implementation in two phases: sites that disturb more than 20-acres would have 18 months, and then sites that disturb more than 10-acres would have four years. Of course DOE has chosen immediate implementation of everything. Is there a valid reason this can't be phased-in as anticipated by EPA?

Executive Officer

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Application Form

Part V. Existing Site Conditions

This is entirely new. What is the purpose of these questions? In eastern Washington it's pretty common for land to be mildly contaminated from prior agricultural uses. So, if we answer 'yes' to either of these questions, then a detailed description of contaminants is required. This can be very expensive, and to what end? How detailed does this need to be as the costs of the evaluation could be a deal killer for small projects? Will this be used for other DOE enforcement actions?

Part VIII. Discharge/Receiving Water Information

The second bullet includes: "... *with no potential to reach surface waters under any conditions.*" I'm not even sure what that means as ALL water *eventually* reaches surface water. It may migrate 10 miles, but eventually it will reach surface water. It would be better to simply ask: "Will construction runoff be discharged into the ground with 100% infiltration?"

Part IX. SEPA

How do you handle projects that don't need SEPA review? SEPA is triggered by a permit, and *if an agency doesn't require a permit then they can't issue a SEPA determination.* Period. For example, many rural jurisdictions don't have a fill/grade permit ... and without a permit they can't issue SEPA. In these cases, **since DOE is requesting the permit they then become the lead agency for issuing SEPA.** Is this really what DOE wants?

A simple solution would be to eliminate the SEPA requirement when a local permit is not required.

Part XI. Electronic DMRs

This seems to require that all DMRs be filed electronically. Is this the case, or can they still be filed by mail if necessary?

Construction Stormwater General Permit

Page 8, Application

Is there a reason you can't adopt an eNOI system similar to the EPA? Under the EPA's eNOI system, an applicant can go to work within seven days of the NOI. Is there a valid reason that DOE can't follow the EPA example?

Item A.1.b requires the NOI to be submitted at least 60 days before discharging stormwater (which effectively means before starting work). And then the same paragraph states the "coverage ... will automatically commence on the thirty-first day following receipt, or issuance of the permit." Isn't this contradictory? Besides, 60 days is much too excessive and, quite frankly, will kill many projects that aren't bid until late summer. For example, if a project is awarded in early September, to wait 60 days would put the start date in November --- right in the winter months. This effectively removes 2 months from the building season.

Page 9, Public Notice

The costs for advertising can be expensive. Here in Wenatchee, each advertisement is typically around \$150 for a total cost of \$300. However, in other parts of the state the

cost is much higher. In this day and age is it the most effective means to reach its intended audience? Rather, why not remove the paper requirement and allow online notices?

Page 33, Termination

In today's economic climate a developer may desperately need to sell a few lots. However, if the buyer won't accept transfer of coverage the developer is left holding the bag. The responsibility should be on the buyer to accept transfer or obtain the permit. Please consider changing the language to allow termination once the developer transfers *operational control* of the site.

Economic Impact Analysis

I have a number of questions and problems with this EIA, and quite frankly think it's grossly incomplete. Ecology has determined it will cost \$4,130 to comply with the permit for small sites. ***Yet you have omitted several significant costs from the analysis, including: SEPA, Public Notices, NOI permit fees, and – most importantly – the actual SWPPPs and BMPs.*** This is clearly inconsistent with RCW 19.85 which requires consideration of ALL costs to small business. Only with this complete information can reasonable cost-benefit decisions be made.

Your evaluation uses an estimated labor cost of \$32.50/hour which seems too low. Generally, in the real world, the onsite foreman has the responsibility of monitoring erosion control who has higher labor cost. The idea that this will be assigned to a junior, off-the-street carpenter just isn't realistic. Throw in prevailing wages and the hourly cost will be higher yet. And, of course, independent consultants would be MUCH higher.

Adding these expenses together and not including cost-saving features such as online posting, and you have clearly failed to accurately show the true cost of the work proposed.

We appreciate the opportunity to provide comment and your consideration of the North Central Home Builders Association's concerns and suggestions.

Sincerely,



John A. Torrence, PE

Torrence Engineering, LLC

North Central Home Builders Association – Government Affairs Committee, Vice Chair