

September 10, 2010

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

RE: Port of Vancouver Comments on the Draft Construction Stormwater General Permit

Dear Ms. Bakeman:

The Port of Vancouver (POV) provides these comments on the draft Construction Stormwater General Permit (draft permit) currently open for public comment. The POV takes environmental stewardship seriously, and it is our commitment to strive for programs and policies that allow nature and industry to successfully coexist. We appreciate the opportunity to submit these comments on the draft permit and look forward to your response.

S4. Page 12, Line 3, Table 3

Table 3 (Summary of Monitoring Requirements) has been updated to clarify that sites under 1 acre require monitoring only if they are part of a larger Common Plan of Development. There are no entries in the table for the requirements for Weekly Sampling w/Transparency Tube, or Weekly pH Sampling for the sites that disturb 10 acres or more and exceed 280 NTU.

Recommendation

For clarity, we recommend the newly added last row of the table (sites that disturb 10 acres or more and exceed 280 NTU), include entries in the last two columns (not required for Weekly Sampling w/ Transparency Tube) and (required for Weekly pH Sampling).

S4.B. Page 12, Line 13

Under S4.B. in the draft permit, “The Permittee must report changes in personnel for responsibilities listed under S4.B of this permit to the applicable Ecology permit administrator.” According to the draft permit, the person responsible for carrying out these duties under S4.B. must be a CESCL; however, there is no requirement to name the CESCL when the Permittee submits the NOI. Additionally, there are situations where a CESCL for a project could routinely change such as: a large municipality with many CESCL on staff; a large project with a contractor providing CESCL services for which the contractor may send different CESCLs to the site over time; or the CESCL may go on

vacation. All of these examples would create a very burdensome process if Ecology was to be notified each time the CESCL changed at a site. Also note that there is no requirement under the draft permit for Ecology to acknowledge or approve the “replacement” CESCL.

Recommendation

It does not make sense for a Permittee to be required to notify Ecology of the change in the CESCL for the site since the identity of the CESCL is not required to be disclosed and since it is the responsibility of the Permittee to assure that a CESCL is used. Since Ecology does not review or approve of CESCLs, there seems to be no purpose in requiring this notification. We understand that in many cases the on-site contact is the CESCL but there are also many examples where this is not the case. There is also the possibility to have multiple CESCLs manage a site. Therefore it is recommended that the requirement to Notify Ecology of the change in the CESCL be removed from the permit.

S4. Page 16, Line 1, Table 4

Footnote 2 on Table 4 is confusing. It implies that a single discharge reading can exceed what is termed the “highest allowable daily discharge” since the term “daily discharge” means an average over a calendar day.

Recommendation

The footnote should be reworded to avoid misinterpretation.

S4.C.5.b.v. Page 17, Line 8

The “and/or” terminology in S4.C.5.b.v is confusing. Is sampling required until the turbidity/transparency reading are as indicated AND the CESCL has demonstrated compliance with the water quality limit, or can he CESCL demonstrate compliance without achieving the appropriate specified benchmarks?

Recommendation

The “and/or” terminology should be reworded to “or” avoid misinterpretation and unnecessary work.

S10. Page 33, Line 16

When the Permittee has completed final stabilization for a portion of a project site, that portion still requires sampling under the current draft permit due to it still being part of the site and the fact there is no mechanism to partially terminate completed and finally stabilized portions of your project site. This is problematic for projects that are phased over long periods of time, especially projects covering large areas with many discharge points.

Recommendation

After an area of the site has undergone final stabilization and no longer receives runoff from areas of the project still under construction, Ecology should develop a mechanism for partial termination of a project site, potentially those over 10 acres to limit workload, when portions of the site have undergone final stabilization and are no longer receiving

construction stormwater. Another possible solution is to allow the Permittee to discontinue sampling in these areas and amend their Stormwater Pollution Prevention Plan to reflect these changes.

Permit Transfers

Currently, Ecology allows partial transfers of permits when another Permittee gains control of a portion of the project site. Ecology issues a new permit number to the new Permittee. However, if the original Permittee regains control of the partially transferred property which is common in development projects, the new permit number is retained by the original Permittee and the entire original site then must be managed with two different permits requiring two SWPPPS, two DMRs, two site visit forms, etc. This is cumbersome and not effective in managing the site's construction stormwater.

Recommendation

Ecology should come up with a mechanism to allow either the temporary partial transfer of a site during the time another party has control of the site (acting as the Permittee) or devise a mechanism to merge the original site and the partially transferred site back into one permit for ease of administration.

The Port of Vancouver appreciates the Department of Ecology's consideration of the above comments on the current draft permit. If you have any questions, please contact me at my direct line at 360-992-1125.

Thank you for your time.

Sincerely,



Mary Mattix
Environmental Specialist

