



September 9, 2010

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

Re: Comments on Draft NPDES Construction Stormwater Permit

Ms. Bakeman,

We appreciate both the work that Ecology has expended to draft the new Construction NPDES permit and the difficult issues the department must address. As a current Permittee, we are concerned about its impact.

A. S4.C.2 (a) and (b) Monitoring Requirements, Benchmarks, Reporting Triggers and Limits

This section requires sampling weekly when there is a discharge from the site or when it enters waters of the state. There are cases where a discharge infiltrates and or evaporates offsite with no potential of reaching surface waters. Please consider re-wording this to read “when there is a discharge to waters of the state” or add a clause akin to “or the discharge is fully infiltrated offsite under written agreement with the affected parcel owner.”

B. S8 Discharges to 303(d) or TMDL Waterbodies

- S8.A. Change “Numeric Effluent Limits” to “Benchmarks”
- S8.B.1 Requiring a construction project to locate and sample (as often as daily) the final discharge point of a storm sewer (public or private) raises safety, access, and logistical issues that should not be borne by the project. In Longview, ditch access is limited – most sites are steep, deep, slippery, and next to hazards such as quicksand-like muddy channel bottoms and high flows when pumps are running.
- S8.B.2 Requiring a construction site to meet the surface water quality standards for turbidity is silly. Stormwater from clean, well-maintained developed areas often cannot achieve this standard. This should be a benchmark only. Otherwise, the risk of violations and increased legal liability may stifle honest adaptive management and/or discourage development.

C. S9.D.5 Stabilize Soils

The City acknowledges that temporary stabilization practices reduce erosion at construction sites. However, the current temporary stabilization criteria are often wasteful and contentious. We have encountered numerous cases when favorable weather did not

necessitate the 2 or 7 day thresholds. Contractors resent inspectors when, as all predicted, costly cover is graded over after its application, all under blue skies. Please consider a more common sense approach, and require cover "prior to any measureable precipitation event." Though simple, it is a stricter standard because it lacks a 2-7 day lag before cover is required.

D. S4.C.5.c Numeric Effluent Limit: Turbidity >280 NTU

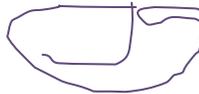
Please strike this section. As a result, a lawsuit filed by the National Association of Home Builders (NAHB) and petitions filed by both NAHB and the federal Small Business Administration Office of Advocacy (SBA), the Justice Department filed a motion recently with the 7th Circuit Court of Appeals, asking it to vacate the new effluent limitation guidelines (ELGs) for the construction and development industry and place a hold on the litigation until 2012.

If you have any questions, please contact us.

Sincerely,



Josh Johnson, PE
Street Stormwater Manager
City of Longview
josh.johnson@ci.longview.wa.us
(360) 442-5210



Jeanette Scibelli
Executive Director
Lower Columbia Contractors Association
lcca@lcca.net
(360) 425-8820