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August 6, 2015

**RE: CONSTRUCTION STORMWATER GENERAL PERMIT PUBLIC COMMENT**

Ms. Moon:

Thank you for the opportunity to comment on the proposed changes to the Construction Stormwater General Permit (CSWGP) and the electronic Notice of Intent (NOI). The Building Industry Association of Washington (BIAW) is the champion of affordable housing in Washington State and represents nearly 8,000 members engaged in all aspects of new home construction.

BIAW appreciates a number of revisions, including:

**NOI Section IX. Discharge/Receiving Water Information:** Creating a distinction between initial discharge point into a conveyance system that leads to a water body versus the same downstream water body indirectly impacted is a positive change. This has been a small point of contention and the new language offers needed clarification lacking in the previous version. BIAW encourages Ecology to keep this valuable change in the final NOI.

**NOI Section XII. Certificate of Permittees:** Revising the signatory requirements from “vice president” to a “responsible corporate officer” is a welcome and appropriate change.

**S5.F Noncompliance Notification:** BIAW appreciates the change from “immediately” to “within 24 hours” to notify the applicable regional office, this ensures notice of noncompliance happens in a reasonable amount of time and clearly states the timeframe.

**S10.B NOTICE OF TERMINATION** Allowing the Notice of Termination (NOT) to be submitted electronically is also a welcome change. This will help streamline the various reporting requirements as the NOI is required to be an electronic submission, it makes sense to allow the NOT to also be electronic. BIAW encourages DOE to quickly update the website to make electronic submission available sooner rather than later.

In addition to the above improvements to the CSWGP listed above, BIAW recommends a few minor changes to the proposed rule language for the purpose of clarification that we believe the Department was attempting to correct from the underlying and current permit. It is vitally important the permit language be clear so homebuilders know explicitly what is required instead of allowing for inference which leads to different enforcement.

**S9.D.13. Protect Low Impact Development (LID) Facilities:**

- b. Permittees must prevent compacting Bioretention and Rain Garden facilities by ***excluding*** construction equipment and foot traffic. Protect completed lawn and landscaped areas from compaction due to construction equipment.

The use of the word “excluding” makes this portion difficult if not impossible to physically comply with on certain sites. BIAW acknowledges that low impact development (LID) areas do need care not to over work the soils, create stockpiles on LID areas, or stage/park or cycle heavy equipment on an LID area. The wording could be clearer to ensure the LID areas are treated differently, but minor equipment and foot traffic use are inevitable. There is a need to protect these areas so they continue to function by not over compacting the area. We recommend changing it to the following wording:

- b. Permittees must prevent compacting Bioretention and Rain Garden facilities by ***restricting unnecessary use*** of construction equipment and foot traffic. Protect completed lawn and landscaped areas from compaction due to construction equipment.

or:

- b. Permittees must ***maintain porosity of*** ~~prevent compacting~~ Bioretention and Rain Garden facilities by ***protecting against compaction by*** ~~excluding~~ construction equipment and foot traffic. Protect completed lawn and landscaped areas from compaction due to construction equipment.

Finally, BIAW objects to removing the less than one acre sampling exemption in **S4.B.1**. Removing this sampling exemption will add cost and delays to small projects with little to no water quality impact.

Again, thank you for the opportunity to comment on the proposed changes to the CSWGP and NOI. BIAW appreciates much of the clarification that is offered in the proposed rule and hopes that the small changes recommended above are taking into consideration and added into the final permit.

Sincerely,



Art Castle  
Executive Vice President

cc: Bill Moore