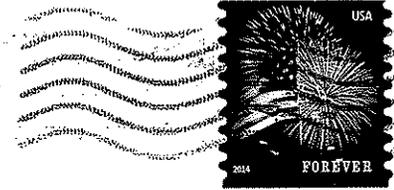




GARY MERLINO
CONSTRUCTION COMPANY, INC.
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SEATTLE WA 980

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Washington State Department of Ecology
Attn: Amy Moon, Water Quality Program
P.O. Box 47696
Olympia, Washington 98504-7600



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GARY MERLINO CONSTRUCTION COMPANY

DEPARTMENT OF ECOLOGY

August 10, 2015

AUG 12 2015

WATER QUALITY PROGRAM

Washington State Department of Ecology
Attn: Amy Moon, Water Quality Program
P.O. Box 47696
Olympia, Washington 98504-7600

Subject: Gary Merlino Construction Company's comments on the draft of the proposed changes for the Construction Stormwater General Permit to be reissued January 1, 2016.

Dear Ms. Moon,

Gary Merlino Construction Company (GMCC) greatly appreciates the opportunity to provide comments on the Department of Ecology's newest draft of the Construction Stormwater General Permit to be reissued January 1, 2016. Gary Merlino Construction Company respectfully submits the following comments:

Comment #1:

Stormwater Associated with Construction Support Activity (S1.C.2) – It appears that on-site portable rock crushers have been redlined within the examples of authorized stormwater discharges from support activities related to permitted construction sites. Gary Merlino Construction Company questions why an onsite portable rock crusher has been removed from this example list? Are stormwater discharges associated with onsite portable rock crushers still authorized under this permit? If not, what is Ecology's justification for this change?

Comment #2:

Authorized Discharges – Non-Stormwater Discharges (S1.C.3.i) – This permit authorizes "Uncontaminated water used to control dust. Permittees must minimize the amount of dust control water used." However, the supporting paragraph at the bottom of S1.C.3 states, " ...At a minimum, discharges from potable water...must undergo the following: dechlorination to a concentration of 0.1 parts per million (ppm) or less, and pH adjustment to within 6.5-8.5 standard units (su), if necessary. The dechlorination requirement should not be required for dust control water. If dust control is necessary, conditions are certainly hot and dry enough to a point where there is not a significant threat for the release of large amounts of chlorine to waterbodies from dust control water. Moreover, potable water from municipal sources contains a residual level of chlorine to control bacterial growth. The residual



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level is extremely low and not a concern to water quality. Potable water is most often the only source of water available at jobsites and it is unrealistic to impose significant restrictions on this use of this water.

Additionally, S9.C.1 Stormwater Best Management Practices (BMP) states that "BMP's must be consistent with: Stormwater Management Manual for Western Washington (most current approved edition at the time this permit was issued,) for sites west of the crest of the Cascade Mountains." In the 2012 version of Stormwater Management Manual for Western Washington there is no requirement and/or mention of dechlorinating the water used for application of this BMP. The language related to chlorinated potable water should be removed from the permit.

Comment 3:

Application Requirements (S2.A.1.f) - Gary Merlino Construction Company is concerned about the logistical feasibility as well as the actual intent behind of the new S2.A.1.f requirement. S2.A.1.f obligates applicants to notify Ecology as a part of the NOI if they are aware of contaminated soils and/or groundwater associated with the construction activity. Ecology also requires that applicants include detailed documentation such as a TESC Plan, SWPPPs, dewatering plans and/or sampling results. However, contractors/owners generally do not have this type of detailed information available at the time of application. Contractors generally receive sampling results and devise a plan and move forward with excavations within a matter of days if not hours. As such, Ecology's timelines for reviewing and processing the information regarding contaminated materials is unreasonable. Thus, if the S2.A.1.f requirement remains as a part of the application process; it has the potential to create significant problems in the form of further complicating and delaying an already long and over burdensome process.

Additionally, Ecology has not defined a threshold as to what is/isn't considered contaminated soils. Will MTCA Method A be the trigger? Contamination is present on 80+ percent of all urban jobs. Contractors are well versed in handling these materials in a manner that is efficient and protective of waters of the state. Why is Ecology now emphasizing its regulation of these materials? Is there any scientific basis or justification indicating that the remediation of contamination is a significant source of pollutants to waters of the state? Gary Merlino Construction Company respectfully requests that this section of the regulation should be removed.

Comment #4:

Recycled Concrete Sampling (S4.D.2) - The new requirement that the permittee must begin weekly pH monitoring when the recycled concrete is first exposed to precipitation and must continue until the recycled concrete is fully stabilized and stormwater pH is in the range of 6.5 to 8.5 (SU) is ambiguous and poorly written. What does Ecology mean by recycled concrete being fully stabilized? Ecology should re-consider language in this section.



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Comment #5:

“Prevent contamination of stormwater runoff by pH-modifying sources” (S9.D.9.f) this requirement is overly burdensome on permittees and unnecessary. Permittees should not be required to prevent contamination of stormwater runoff by pH-modifying sources. There are many common best management practices (BMPs) currently implemented in the field such as containment by berms, grade/elevation changes, portable storage tanks, treatment devices as well as sewer discharge permits, which are used to manage and contain stormwater that has come in contact with such materials to prevent a discharge that does not meet benchmark values set forth by this permit. As long as stormwater is managed in such a way that it successfully meets these benchmarks, permittee should not be subjected to a requirement to prevent stormwater runoff water from coming into contact with sources of pH.

Comment #6:

Adjust the pH of stormwater or authorized non-stormwater if necessary to prevent an exceedance of groundwater and/or surface water quality standards. (S9.D.9.g) Why did ecology insert “groundwater” into this requirement? This is the only place in the entire permit where groundwater quality standards are discussed. The permit has historically discussed surface waters or waters of the state; it does not specifically regulate nor discuss ground water. It is inappropriate and unprofessional for Ecology’s permit writer to insert the reference to groundwater solely “because she wanted to” (Ms. Moon’s comment during South Seattle Community College Information Session). This language should be removed and the existing permit should be retained.

Comment #6

Washout Areas. S9.D9.h states that “assure that wash out of concrete trucks is performed off-site or in designated concrete wash out areas only. Do not wash out concrete trucks or concrete handling equipment onto ground, or in storm drains, open ditches streets, or streams.” However, this requirement is not consistent with what is stated in the most current 2012 version of the Stormwater Management Manual for Western Washington for BMP C154: Concrete Washout Area. Under the conditions of use, it states that “if less than 10 concrete trucks or pumpers need to be washed out on-site, the wash water may be disposed in a formed area awaiting concrete....” The ability to washout concrete truck chutes is a critical function of jobsites. There are limited options for washing out concrete truck chutes and the option of washing into formed areas is critical to ensure smooth jobsite operation. Areas which are formed and set to be paved, receive very little washout water. The small amount of washout water (which has an elevated pH) has no proven impact on groundwater. GMCC requests that this provision be re-written to maintain the established protocols for jobsite washout.



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Comment #7:

Reporting a cause for modification (G6) Contractors should not have to report to Ecology every time there is a discovery of contaminated soils and/or groundwater that may impact the discharge. This is an overly burdensome requirement and opens the contractor to untold liability. Contamination on jobsites is encountered on a daily basis. Contractors are well versed in identifying and dealing with contamination and should not have to report every time they hit an unforeseen pocket of contaminated materials. Also the reporting trigger is unclear. What does Ecology define as contamination? Method A levels? Anything above background levels? Any staining or odor? This requirement would cause undue harm to contractors due to the amount of time necessary to constantly report contaminated materials to Ecology.

Thank you for your consideration of these comments. Please feel free to contact me directly should you have any questions.

Thank you,

A handwritten signature in black ink, appearing to read 'Jimmy Blais', with a long horizontal flourish extending to the right.

Jimmy Blais

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