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August 10, 2015

Department of Ecology  
P.O. Box 47696  
Olympia, WA 98504-7696

Attn: Ms. Amy Moon, Water Quality Program

Re: Draft Construction Stormwater General Permit

Dear Ms. Moon:

We offer the following comments on the Draft Construction Stormwater General Permit published July 1, 2015.

- S1.C.3.i: The word “Uncontaminated” has been added to water used to control dust. Why has this word been added? What will be required to show that the dust control water is uncontaminated? Do not use the term uncontaminated as it will lead to confusion.
- S2.A.1.c: This section is now unclear as so much has been deleted. This now just states “as required by WAC173-226-200(2). The “as” is lower case and appears to start in the middle of a sentence.
- S2.A.1.f: This requirement has been added to the permit. “Applicants must notify Ecology if they are aware of contaminated soils.” At permit application time, the applicant would not know if there is contaminated soil or have developed any TESC, SWPPPS, dewatering plans, etc. This is a STORMWATER PERMIT not a contaminated soil permit. Ecology has other requirements for handling contaminated materials. S2.A.1.f should be deleted from this permit.
- S4.D.2 pH Sampling Requirements: “For sites with recycled concrete, the permittee must begin the weekly pH monitoring period... and must continue until the recycled concrete is fully stabilized...” How is fully stabilized determined? What proof does Ecology have to show this requirement is needed? During a listening session I asked what Best Available Science (BAS) Ecology had to prove pH from recycled concrete is contaminating surface water. Ecology stated they did have BAS and would send it to me. What I received was violations for runoff from a site that was not taking care of their responsibilities. This is an

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enforcement problem, not BAS. Any requirements within this permit for recycled concrete should be eliminated as Ecology lacks BAS.

- S9.D.9.g: This requirement mentions an exceedance of pH to groundwater. By rule this permit does not include discharges to groundwater. The word groundwater should be removed.
- S9.D.13: Why is there a requirement for Low Impact Development (LID) BMPs? Requirements for LID are a local government's permitting requirement. Ecology should not be involved with permits issued by other government's authorities. Please delete this requirement.

Thank you for the opportunity to comment.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'DL' followed by a long horizontal flourish and the initials 'DL' at the end.

Dave Lewis