



August 7, 2015

Amy Moon  
Water Quality Program  
Washington State Department of Ecology  
P O Box 47696  
Olympia, WA 98504-7696

RE: PSE Comments on 2016 Construction Stormwater General Permit

Dear Amy:

Thank you for a final opportunity to comment on the new draft of the Construction Stormwater General Permit (CSWGP). I have reviewed the new permit and noted a few positive changes, including the updated signatory requirements. This update is a significant improvement over the current process and much appreciated.

Puget Sound Energy has been a frequent applicant under the current CSWGP, and we have worked closely with you and other Ecology staff to ensure compliance with permit conditions. We have also voiced concern over shortcomings in the way the current permit is applied to public right-of-way and highway projects that are considered "common plan of development". It does not appear that the new permit addresses two of our key concerns, which include:

- Duplicative public noticing requirements that increase the cost and can delay the completion of publicly funded road improvements
- Application of the full CSWGP process to minor utility adjustments that generate very little additional stormwater runoff and have very low potential for contaminant discharge, yet are considered part of a common plan of development on road improvement projects

**Public Notice**

In most instances state and local road improvement projects will go through environmental review under the State Environmental Policy Act, which includes a public comment period. In addition, public notice is required under WAC 173-226-130 (5) to cover the road construction activities under the CSWGP. There is little value added in providing further public notice by multiple utility companies – each requiring separate coverage under the CSWGP – when they adjust their facilities to accommodate the road construction. We encourage the Department of Ecology to review the number of instances that public comments have been submitted utility relocation that is part of a common plan of development, and reconsider the requirements accordingly.

**Recommendation:** Provide guidance on how noticing requirements apply to common plan of development work, with an emphasis on eliminating the need for additional notice on projects that have overlapping disturbance limits and where the potential for additional stormwater runoff is low.

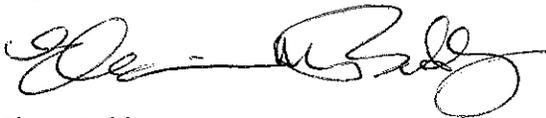
**Minor Utility Adjustments**

As the current permit is written and enforced, utilities must apply for coverage for any construction activities needed to correct utility conflicts. This one-size-fits-all approach binds utilities to a permit process that takes a minimum of 65 days to complete; which is typically longer than the total time necessary for utilities to complete their work. In the case of projects that require minimal utility adjustments or short notice to complete the relocation, a more flexible approach is needed. PSE requests that further consideration be given to this issue and that Ecology develop a streamlined approach for "de minimis" utility work performed as part of a common plan of development.

**Recommendation:** Please refer to the attached document for recommendations and more background information.

Thank you for your continued involvement in the update process and for your consistent support when questions arise. We look forward to finalizing the update process and any responses you have to our comments. If you need further information or wish to discuss this further, please contact me at (425) 462-3805, or [elaine.babby@pse.com](mailto:elaine.babby@pse.com)

Regards,



Elaine Babby  
Senior Land Planner

Attachment