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To whom it may concern:

Recently the Washington State Department of Ecology (Ecology) has issued its draft Construction Stormwater General Permit (CSWGP) that will replace the existing CSWGP set to expire on December 31, 2015. As Ecology is currently accepting public comments on this draft permit through August 10, 2015, we would like to formally comment on one of the proposed amendments to the existing permit.

In Section S2 (Application Requirements) of the special conditions, part 1(f) has been added to the draft CSWGP. This new part requires that "applicants must notify Ecology if they are aware of contaminated soils and/or groundwater associated with the construction activity." The word "aware" is vague in this instance. As it is unclear what constitutes awareness of contamination, we suggest modifying part 1(f) of Section S2 to require notifying Ecology of any sites currently listed on any of Ecology's searchable databases. This would provide a more concrete requirement for what potential sources of contamination should be included with the Notice of Intent (NOI).

In addition, the term "contaminated" is also vague. While "contaminant" is defined as "any hazardous substance that does not occur naturally or occurs at greater than background levels" on page 55 of the draft CSWGP, this definition is dependent on the fact that background levels of any potential hazardous substances are readily available information. We suggest that the use of "contaminated" in part 1(f) of Section S2 be amended to include only those hazardous substances that are above Model Toxics Control Act (MTCA) cleanup levels. As Ecology's searchable databases provide data on whether or not known contaminated sites are above MTCA cleanup levels, this would provide a more concrete benchmark for what sites of known contamination should be reported with the NOI.

Sincerely,

Donnelle Dayao
Associate Engineer