



May 9, 2025

Kendra Henderson
WA Department of Ecology
PO Box 47696
Olympia, WA 98504-7696

Subject: Draft 2026 Construction Stormwater General Permit

Dear Kendra,

Thank you for the opportunity to provide comments on the draft 2026 Construction Stormwater General Permit.

As a public organization whose goal is to promote sustainable economic development, optimize transportation gateways, and manage publicly owned land and facilities to benefit Whatcom County, we have a vested interest in ensuring a balance between permit requirements which both ensure the protection of the natural resources that define our region and allow for cost effective implementation of Port improvements.

To that end, the comments below seek to reduce the ambiguity of certain permit language by providing clarifying language, definitions, and objective thresholds to reduce the potential for subjective interpretation by permit administrators and project proponents alike.

Port of Bellingham Comments:

1. The language in S1.B.1.b.ii. is redundant, as construction support activity is already explicitly listed in S1.B.1.a., and construction support activity is defined in the appendices.
2. The separation of S1.B.1b. from it's previous location of S1.B.1.a.i. reads as though all forest practices that prepare a site for construction and all construction support activities, regardless of size, are required to seek coverage under the permit. Consider moving these determination criteria back to their previous location as a sub-bullet of S1.B.1.a. to improve clarity.



3. Section S1.B.1.c creates ambiguity on how and when coverage is required. With no thresholds for coverage how is an owner/operator expected to know if coverage is required under this section? Do the thresholds vary depending on contamination levels? Do they vary depending on project size? How is “significant contributor of pollutants” defined? How does Ecology determine if it “reasonably expects” a project to cause a violation of water quality standards?
4. Haul roads and construction roads should be defined in the permit to only include roads within areas of ground disturbance and prior to crossing the construction entrance BMP. Clean vehicles that are beyond the limits of soil disturbance, beyond the limits of the construction entrance BMP, and on private or public roads outside of the direct control of the contractor should be subject to the requirements of the applicable municipal stormwater permit and not the CSWGP. Similarly, materials hauled in cleaned trucks on public streets and highways are transported to destinations miles away from the site that are not part of the permit area.
5. Administrative Orders, where applicable, should only apply to portions of the site with potential exposure to contaminated soils. Physically separate construction support activities which do not contain, expose, store, or process contaminated materials should be held to the treatment, monitoring, and discharge requirements of the CSWGP, but not the Administrative Order.
6. Date of Receipt, Operational Hours are defined in Appendix A but are not used in the text.

Thank you again for the opportunity to provide comments on the draft 2026 Construction Stormwater General Permit, and please reach out if any questions arise during your final revisions and preparation of comment responses.

Regards,

A handwritten signature in blue ink, appearing to read "Brian Gouran".

Brian Gouran

Director of Environmental and Planning Services