**Comments to the 2025 Washington Department of Ecology Draft Construction Stormwater General Permit (“CGP”)**

Submitted to the Washington Department of Ecology (“DOE”)

* Suggested additions in blue, **bold print**, and *italics*
* Suggested removals in red, ~~strikethrough~~, and *italics*
1. Part S1.B.1.b (i) proposes the following:

*Construction support activities including equipment staging, borrow pit, material storage areas, dump areas, haul roads, construction roads, side-cast areas, onsite potable rock crusher, staging yards, parking areas, off-site construction support activities, and other soil disturbing activities.*

Additionally, Appendix A proposes the following changes to the Construction Support Activity definition:

*Construction Support Activity means on or off-site acreage that will be disturbed as a direct result of the construction project and will discharge stormwater. Construction-support activities may include, but are not limited to: equipment staging, borrow pit, material storage areas, dump areas, haul roads, construction roads, side-cast areas, on-site portable rock crusher, staging yards, parking areas, off-site construction support activities and all other soil disturbing.*

DOE’s proposed expansion of the activities included under the construction support activities definition is overly broad and unduly burdensome, particularly given the expanded scope of the definition covering “off-site” activities which does not contain any geographical limitations (it does not have to be contiguous and it could even be located in another state). As an alternative, we note that the U.S. Environmental Protection Agency (“EPA”) Construction General Stormwater Permit includes a definition of Construction Support activities as follows:

*“Construction Support Activity” – a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.*

Therefore, we request that the following portions of the draft CGP be **modified** as follows:

Part S1.B.1.b (i):

*Construction support activities including* ***onsite*** *equipment staging, borrow pit, material storage areas, dump areas, ~~haul roads, construction roads, side-cast areas,~~ onsite potable rock crusher, staging yards, parking areas, ~~off-site construction support activities,~~ and other soil disturbing activities.*

And, the definition of Construction Support Activity in Appendix A:

*Construction Support Activity means on ~~or off~~-site acreage that will be disturbed as a direct result of* ***and specifically supports*** *the construction project and will discharge stormwater. Construction-support activities may include, but are not limited to: equipment staging, borrow pit, material storage areas, dump areas, ~~haul roads, construction roads, side-cast areas,~~ on-site portable rock crusher, staging yards, parking areas, ~~off-site construction support activities~~ and ~~all~~ other soil disturbing.*

1. Part S1.D of the draft CGP list the prohibited discharges under this permit; however, the first listed prohibition is incomplete. Part S1.D.1 states:

*Concrete wastewater*

We request that this prohibited discharge be updated to align with Part 1.3 of EPA’s CGP and Part S1.D.1 be **modified** as follows:

*Concrete wastewater****, unless managed by an appropriate control,***

1. Part S4.B.4 of the draft CGP states:

*The Permittee must summarize the results of each inspection in an inspection report or checklist and maintain that with the site logbook. Inspection reports/checklists must also be attached.*

In many cases, permittees, and third-party inspection companies utilized by permittees, have improved technology that has made such reports electronic (reports completed electronically and stored in a database). To afford the permittees the use of available technologies for documenting the weekly inspection reports, we request that Part 1.E.3 of the draft GP be modified to read:

*The Permittee must summarize the results of each inspection in an inspection report or checklist and maintain ~~that with the site logbook~~* ***such report either physically onsite or electronically accessible through your environmental system so that they can be made available at the time of an onsite inspection or upon request by the Department****. ~~Inspection reports/checklists must also be attached.~~*

1. The footnotes on Page 15 of the draft CGP, Footnote No. 3 needs to **updated** to No. ***6***.
2. Part S4.D.1 proposes the following:

*The Permittee must perform pH analysis on site with a calibrated pH meter~~, pH test kit, or wide range pH indicator paper~~.*

We request that the DOE provide the regulated community with the technical reasoning behind this proposed change. If pH test kits and pH indicator paper were allowed in the past, is there now new information showing that they are no longer accurate? We prefer to keep the flexibility of multiple options for pH testing, and not having the expense and burden of having to use a calibrated pH meter at all times, particularly for remote sites.

1. Part S4.G.1 of the draft CGP states:

*The Permittee must retain the following permit documentation (plans and records) on*

*site, or within reasonable access to the site, for use by the operator or for on-site review*

*by Ecology or the local jurisdiction:*

*a. General Permit*

*b. Permit Coverage Letter*

*c. Stormwater Pollution Prevention Plan (SWPPP)*

*d. Site Log Book*

*e. Erosivity Waiver (if applicable)*

We request that Part S4.G.1 be **modified** as follows:

*The Permittee must retain the following permit documentation (plans and records) on*

*site, or within reasonable access to the site, for use by the operator or for on-site review*

*by Ecology or the local jurisdiction:*

*a. General Permit*

*b. Permit Coverage Letter*

*c. Stormwater Pollution Prevention Plan (SWPPP)*

*d. Site Log Book* ***(Inspection reports can be either physically onsite or electronically accessible through your environmental system so that they can be made available at the time of an onsite inspection or upon request by the Department)***

*e. Erosivity Waiver (if applicable)*

1. We request that the analytical method listed Table 4 and 5 in the draft CGP for determining turbidity be **modified** as follows:

***Analytical Method***

*SM2130* ***or******EPA 180.1***