



May 9, 2025

Kendra Henderson
General Permit Writer
WA Department of Ecology
Delivered electronically via the online comment form web portal

Dear Kendra Henderson,

Thank you for the opportunity to participate in informational sessions on the draft 2026 Construction Stormwater General Permit (CSGP). We appreciate the insight provided and submit the following comments as a part of the public process.

The Washington Public Ports Association (WPPA) is a coordinating trade agency that represents Washington's 75 port districts across the state to help manage some of the state's most valuable resources in promoting trade, economic development, and environmental stewardship. We carry out our mission through advocating, educating, and connecting to serve our port members.

Ports are local economic engines in Washington connecting communities to global markets, creating good-paying jobs, and investing heavily in projects that enhance both economic and environmental outcomes. WPPA places a priority on practices that can benefit the environment and be implemented in ways that minimize negative impacts on our state's global trade competitiveness and basic port competitiveness.

We hope to see a final 2026 CSGP that correctly balances the protection of our environment, the preservation of public funds, and the continued economic viability of the activities subject to the permit. With the potential implications for the success of many of our ongoing projects, we seek clarity on many items in the proposed draft 2026 CSGP.

Concern/Clarification Needed: Construction Support Activities

The permit proposal includes a new definition for construction support activities and lists broad examples. We are wondering what the justification is for the new definition being included in the permit? Further, we seek clarity on this definition and listed activities. We seek additional clarification on pervious versus impervious surfaces and how this is interpreted by the department in regard to permit coverage and under this new proposed definition. For example, are existing impervious parking areas used for contractor's personal vehicles required to both contribute to the overall acreage and fall under the requirements of the permit? Furthermore, haul roads and construction roads should be defined to avoid confusion between areas within the contractor's control and areas outside the contractor's control.

Washington Public Ports Association

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Concern/Clarification Needed: Contamination Reporting and Contaminated Sites

The permit proposal does not provide clarification on whether notification to Ecology of the presence of contaminated soils and/or contaminated groundwater applies only within the limits of ground disturbance vs. known adjacent contaminated sites. We recommend clarification of this determination.

The permit proposal requires that known, historical, or remediated contamination needs to be noted in NOI. We generally support this effort if it decreases review time with this information in hand. However, we recommend some additional clarity on what type of information would be expected to be reported or if it could be done upon request by the department. Depending on expectations this may be quite laborious, and we do not want this requirement to result in the need to hire additional consultants or duplicative efforts.

Sites or adjacent sites that have been remediated and closed out are no longer considered to be contaminated. The same applies to historically contaminated sites. We do not believe that sites that are only "remediated" or "historically contaminated" should be required to provide the supporting information/documentation to the department under this permit. This effort could be potentially financially burdensome and duplicative. We recommend that if additional information is determined to be needed, it be provided upon request by the department for clarity.

Further, we recommend removal of the reference to "remediated" from S2.A.1.e and move "historically contaminated" to S2.A.1.f which would not include the required supporting documentation details listed in S2.A.1.e.i-iv

Concern/Clarification Needed: Common Plan of Development

The permit does not provide clarity on how the common plan of development is considered by the department. Separate projects, unrelated but located near each other, are sometimes required to be under the same permit that is kept open throughout the entirety of the project. In certain cases, this can result in the need for permit coverages for two distinct sites which are individually under an acre, but together exceed an acre, thus triggering permit coverage.

Additionally, under the previous example, if one of these two distinct construction projects are on a contaminated site, a restrictive administrative order may be placed on both sites discharge, adding unnecessary expenses to a project which is not located on contaminated or historically remediated site. Furthermore, in these instances where a common area of development has CSGP coverage instead of obtaining coverage during each project or phase of construction which comprises this common plan of development, the permittee is required to pay permit fees (albeit these may be reduced) and often tasked with burdensome and expensive inspections and monthly reporting during what can be very long pauses in work between projects.

Concern: Daily Dewatering Sampling

The permit proposal requires daily sampling if dewatering occurs to 303(d)-listed waterbodies. We have concerns with this new requirement and the justification that it is to mirror EPA requirements. The EPA dewatering benchmark threshold for turbidity is 50 NTU compared to Ecology's dewatering effluent limit of 25 NTU. The CSGP already includes a numeric effluent

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limit for discharges to certain 303(d)-listed waterbodies. Therefore, we recommend this be removed from the permit. We support including a new requirement for daily monitoring for dewatering (if discharging) as a 25 NTU benchmark under a new condition in S8.C.5 of the permit.

Concern: Site Inspections:

The permit requires that all permittees must have site inspections conducted by a Certified Erosion and Sediment Control Lead (CESCL) and sites less than one (1) acre may have a person without CESCL certification conduct inspections. We do not believe a CESCL inspection should be required under the permit due to construction support activities only. These construction support activities often do not include soil disturbance and the qualifications of a CESCL are not needed in these instances. This may be a financial burden and cause additional project delays. Therefore, we recommend its removal or qualified personnel inspection allowance.

We further recommend the definition for "Qualified Personnel" to mean those who (1) possesses the knowledge and skills to assess conditions and activities at the facility that could impact stormwater quality and (2) can evaluate the effectiveness of best management practices required by this permit for this specific facility and its unique operations.

Thank you for the opportunity to provide comments on the draft 2026 CSGP. We hope our concerns and recommendations are considered, and the final permit balances the protection of our environment, the preservation of public funds, and the continued economic viability of the activities subject to the permit.

Please reach out if there are questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Carly Michiels".

Carly Michiels
Senior Director of Environmental Policy
Washington Public Ports Association
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