



Gary Merino Construction Company Inc.

May 09, 2025

Washington State Department of Ecology
Attn: Kendra Henderson
P.O. Box 47600
Olympia, Washington 98504-7600

Subject: Gary Merlino comments on The Formal Draft of the Construction Stormwater General Permit

Dear Ms. Henderson,

Gary Merlino Construction Company (GMCC) appreciates the opportunity to provide comments and suggestions on the Department of Ecology's Formal Draft of the Construction Stormwater Permit. Gary Merlino Construction is submitting the following comments:

S1. PPERMIT COVERAGE

B.1.a (Page 4) Clearing, grading, excavation, **construction support activities and other soil disturbing activityies (S1.B.1.a.ii.)** that results in the disturbance of one or more acres (including off-site disturbance acreage related to construction-support activity as authorized in S1.C.2) and discharges stormwater to surface waters of the State; and clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the State.

Response: Can you please confirm that only areas of disturbance count towards that 1-acre threshold. i.e paved haul roads and existing gravel roads wouldn't count?



S2. APPLICATION REQUIREMENTS

1.e. (Page 9) Applicants must notify Ecology if they are aware of contaminated soils and/or contaminated groundwater associated with the construction activity. Contamination including sites with known, remediated, or historically contaminated groundwater and or soil Provide detailed information with the NOI (as known and readily available) on the nature and extent of the contamination (concentrations, locations, and depth), as well as pollution prevention and/or treatment BMPs proposed to control the discharge of soil and/or groundwater contaminants in stormwater.

Response: This added section in red is unnecessary and will cause construction delays. Nearly every urban property has been remediated or has had some sort of historical contamination.

S2. MONITORING REQUIREMENTS, BENCHMARKS, AND REPORTING TRIGGERS

D1. (Page 19) The Permittee must perform pH analysis on site with a calibrated pH meter, ~~pH test kit, or wide range pH indicator paper.~~ The Permittee must record pH sampling results in the site log book.

Response: pH test kits or indicator paper should be allowed. It has been proven that many times that they are more accurate than the actual pH meter. These replaced meters can add more financial cost to smaller projects.

S9. STORMWATER POLLUTION PREVENTION PLAN

D.2.b (Page 32) Stabilize access points with a pad of quarry spalls, crushed rock, or other equivalent BMPs, to minimize tracking sediment onto roads. Do not use crushed concrete, cement, or calcium chloride for construction access stabilization.

Response: Why would we not use crushed concrete? If its effective and you're continuously monitoring for pH and the pH runoff doesn't leave the site, I don't see an issue with this.

D.2.c (Page 32) Locate wheel wash or tire baths on site, if the stabilized construction entrance is not effective in preventing tracking sediment onto roads. Wheel wash and tire baths must should comply with special condition S9.D.9.d to prevent discharge to surface waters and ensure appropriate treatment and disposal methods of wash water.

Response: Why is additional language needed is S9.D.9 exists?

D.13 (Page 38) ~~Protect Low Impact Development (LID) Infiltration BMPs~~ Permittees must protect existing and proposed infiltration BMPs during construction. The primary purpose of on-site LID



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Stormwater Management (often referred to as low impact development, or LID) is to reduce the disruption of the natural site hydrology through infiltration. LID BMPs are permanent facilities.

Response: Please clarify if they only have to be protected if they are to remain LID

Thank you for the opportunity to provide comments.

Sincerely,

Caylah Lunning



**Gary Merino
Construction Company, Inc.**

Caylah Lunning | Environmental Manager

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