

Construction Stormwater General Permit

Fact Sheet Addendum for the Draft Permit Modification

Response to Public Comments on the Draft Permit Modification

March 22, 2017

The Washington State Department of Ecology (Ecology) received two public comment letters on the Construction Stormwater General Permit (CSWGP) draft modification that was released for public comment on December 21, 2016. No oral testimony was provided at the Public Hearing held on February 6, 2017. Public comments were submitted by the Washington State Department of Transportation (WSDOT) and the City of Redmond prior to the close of the public comment period on February 10, 2017.

Ecology has assembled the public comments in this document, and organized them by topic and/or permit condition. Ecology has provided a written response to comments on proposed permit conditions, and indicated where revisions were made to the CSWGP draft modification. Underlined language is used to indicate new final CSWGP language compared to the 2015 CSWGP.

Copies of all public comment letters and a recording of the Public Hearing are posted on Ecology's Construction Stormwater General Permit website:

<http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html>

Public Comments on the December 2015 Construction Stormwater General Permit Draft Modification

The following comments on the Construction Stormwater General Permit Draft Modification were submitted to Ecology during the public comment period.

Commenter	Comment
City of Redmond	Letter & Email
Washington State Department of Transportation	Letter

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Comments on Special Conditions

Condition S1. Permit Coverage

S1.C.3.i. Non-Stormwater Discharges - Dust Control

Commenters: City of Redmond

Summary of the Range of Comments:

- The proposed change now includes “uncontaminated or potable water used for dust control.” Washington Department of Ecology and Department of Health published the Reclaimed Water and Reuse Standards in 1997. These Standards identify Class C or better reclaimed water as permissible to use for dust control. Class C or better reclaimed water is not potable, and the City requests clarification if Washington Department of Ecology considers reclaimed water “uncontaminated” and permissible for use to control dust on construction sites under the NPDES Construction Stormwater General Permit.

Response:

Reclaimed water is considered uncontaminated water for the purpose of dust control per the 1997 Reclaimed Water and Reuse Standards. No changes to the permit are proposed.

Condition S4. Monitoring Requirements, Benchmarks, and Reporting

S4.A. Site Log Book

Commenter: Washington State Department of Transportation

Comment:

WSDOT recommends adding language to S4.A and/or S5.G to accommodate electronic copies of required site documentation. The language in S5.G “or within reasonable access to the site” can be interpreted to mean that maintaining electronic documentation onsite is an acceptable practice. Maintaining electronic copies onsite also greatly cuts down on paper usage and waste. WSDOT understands comments are only being solicited on the modifications and therefore this may not be the appropriate forum for this comment. However, this comment is loosely related to the modifications proposed in S9.B because the modifications relate to site documentation.

Response:

Ecology appreciates your comment and agrees that electronic copies of the log book is an acceptable form of documentation provided the requirements in S4. Monitoring Requirements, Benchmarks, and Reporting are captured. However, this comment is outside the proposed modification to the permit and no changes will be made to the permit at this time.

S4.D. pH Sampling Requirements – Significant Concrete Work or Engineered Soils

Commenter: Washington State Department of Transportation

Comment:

WSDOT supports the change made in S4.D to include recycled concrete in the definition of significant concrete work but recommends that engineered soils also be included in that definition. The basis for excluding engineer[ed] soils in the significant concrete work definition is unclear and it seems to add unnecessary complexity to the Permit.

Response:

Ecology appreciates your comment; however it is outside the proposed modification to the permit and no changes will be made to the permit.

S4.D.1 pH Sampling Requirements – Significant Concrete Work

Commenter: Washington State Department of Transportation

Comment:

WSDOT recommends clarifying the pH sampling requirements in S4.D.1, 2 and 3 because the “curing period” and “until fully stabilized” descriptions may not be interpreted consistently. As an example of additional clarifying language WSDOT uses to manage various interpretations, WSDOT’s Temporary Erosion and Sediment Control Manual states:

“Once the incorporation of all pH modifying substances is complete in a contributing runoff area, two weeks of naturally compliant discharge samples (runoff is between 6.5-8.5 without needing to be neutralized) is adequate to document compliance.”

Response:

Ecology appreciates your comment and supports WSDOTs use of the clarifying language in their Temporary Erosion and Sediment Control Manual; however, S4.D.1 is outside the proposed permit modification and no changes will be made to the permit.

S4.D.2 pH Sampling Requirements – Recycled Concrete

Commenter: Washington State Department of Transportation

Comment:

WSDOT recommends clarifying the pH sampling requirements in S4.D.1, 2 and 3 because the “curing period” and “until fully stabilized” descriptions may not be interpreted consistently. As an example of additional clarifying language WSDOT uses to manage various interpretations, WSDOT’s Temporary Erosion and Sediment Control Manual states:

“Once the incorporation of all pH modifying substances is complete in a contributing runoff area, two weeks of naturally compliant discharge samples (runoff is between 6.5-8.5 without needing to be neutralized) is adequate to document compliance.”

Response:

Ecology appreciates your comment and supports WSDOTs use of the clarifying language in their Temporary Erosion and Sediment Control Manual as a way to meet the conditions of S4.D.2. No changes will be made to the permit.

S4.D.3 pH Sampling Requirements –Engineered Soils

Commenter: Washington State Department of Transportation

Comment:

WSDOT recommends clarifying the pH sampling requirements in S4.D.1, 2 and 3 because the “curing period” and “until fully stabilized” descriptions may not be interpreted consistently. As an example of additional clarifying language WSDOT uses to manage various interpretations, WSDOT’s Temporary Erosion and Sediment Control Manual states:
“Once the incorporation of all pH modifying substances is complete in a contributing runoff area, two weeks of naturally compliant discharge samples (runoff is between 6.5-8.5 without needing to be neutralized) is adequate to document compliance.”

Response:

Ecology appreciates your comment and supports WSDOTs use of the clarifying language in their Temporary Erosion and Sediment Control Manual; however, S4.D.3 is outside the proposed permit modification and no changes will be made to the permit.

Condition S5. Reporting and Recordkeeping Requirements

S5.G. Access to Plans and Records

Commenter: Washington State Department of Transportation

Comment:

WSDOT recommends adding language to S4.A and/or S5.G to accommodate electronic copies of required site documentation. The language in S5.G “or within reasonable access to the site” can be interpreted to mean that maintaining electronic documentation onsite is an acceptable practice. Maintaining electronic copies onsite also greatly cuts down on paper usage and waste. WSDOT understands comments are only being solicited on the modifications and therefore this may not be the appropriate forum for this comment. However, this comment is loosely related to the modifications proposed in S9.B because the modifications relate to site documentation.

Response:

Ecology appreciates your comment and agrees that electronic copies of the log book is an acceptable form of documentation provided the requirements in S5.G Access to Plans and Records are met. However, this comment is outside the proposed modification to the permit and no changes will be made to the permit at this time.

Condition S9. Stormwater Pollution Prevention Plan

S9.B.1.f. General Requirements - Engineering Calculations

Commenter: City of Redmond

Comment:

The proposed change is unclear when engineering calculations for ponds, treatment systems, and other designed structures are needed. Redmond recommends adding the

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following underlined text so that the permit condition is clear: “Engineering calculations do not need to be included in the SWPPP for treatment systems that do not require such calculations per the 2012 Stormwater Management Manual for Western Washington as Amended in December 2014 or equivalent Ecology approved manual.” As proposed it’s unclear how a permittee determines when engineering calculations are needed.

Response:

S9.C Stormwater Best Management Practices (BMPs) states that BMPs must be consistent with the most current approved edition at the time this permit was issued. Adding an additional statement to S9.B.1.f referencing the Stormwater Management Manual is not necessary.

S9.D.9.h. Control Pollutants - Concrete Washout

Commenters: City of Redmond

Comment:

The proposed changes make it acceptable to washout concrete equipment other than truck drums (i.e. concrete shoots, pumper trucks, forms, and concrete handling tools) to the “ground, into storm drains, open ditches, streets, or streams.” The same provision says “concrete spillage or concrete discharge directly to groundwater or waters of the State is prohibited.” This statement seems to further condone concrete washout into groundwater and waters of the State and allows “spillage or concrete discharge” onto the ground, into storm drains, open ditches and streets. Like many local governments, the City of Redmond has an NPDES Municipal Stormwater Permit that prohibits discharge of concrete washout, discharges, or spillage from entering storm drains, ditches and streams. Redmond is proactive in protecting groundwater and waters of the State in our jurisdiction. We recommend that this section be reduced to the first sentence and the last sentence of the section, requiring that concrete washout, discharge or spillage be allowed only in designated concrete washout, discharge, or spillage areas.

Clarification to the Above Comment:

We recommend/suggest changing S9.D.9.h to only say: Assure that washout of concrete trucks is performed off-site or in designated concrete washout areas only. Do not wash out to formed areas awaiting LID facilities.

If we could make a change to the first sentence without causing issues with the settlement you are trying to address, we would suggest the first sentence to say: Assure that washout of concrete trucks and concrete handling equipment is performed off-site or in designated concrete washout areas only.

The changes seem to make it permissible to wash concrete handling equipment into storm drains, on streets, etc. and we don’t want to allow that locally nor do we want to start allowing it.

Response:

Ecology agrees that the washout of concrete handling equipment (chutes, buckets, wheelbarrows, etc.) into storm drains, open ditches, streets, or streams is prohibited. However,

the washout of concrete handling equipment to formed areas awaiting concrete where it will not contaminate surface or ground water is consistent with BMP C154.

Revision:

Assure that washout of concrete trucks is performed off-site or in designated concrete washout areas only. Do not wash out concrete trucks ~~drums~~ or concrete handling equipment onto the ground, or into storm drains, open ditches, streets, or streams. Washout of concrete handling equipment may be disposed of in a designated concrete washout area or in a formed area awaiting concrete where it will not contaminate surface or ground water. Do not dump excess concrete on site, except in designated concrete washout areas. Concrete spillage or concrete discharge directly to groundwater or to surface waters of the State is prohibited. Do not wash out to formed areas awaiting LID facilities.

Comments on the Notice of Intent

Section I. Site Information – Concrete/Engineered Soils

Commenter: Washington State Department of Transportation

Comment:

WSDOT recommends changing the two fill-in-the blank questions to one yes-or-no question to meet the needs of both Ecology inspectors and the permittee (suggested question below). As written, the questions require the applicant to provide specific quantities of concrete materials that will be used over the life of the project, which may be unknown prior to construction. Some uses of concrete material are designed and therefore may be known prior to construction; however, the extent to which recycled concrete and engineered soils will be used on-site are generally unknown prior to and may change during construction. This is a potential concern for WSDOT because G20 requires the Permittee give notice to Ecology of “planned physical alterations, modifications or additions to the permitted construction activity.” If these NOI questions remain as is, it is unclear as to when such a G20 notice would be required based on changes to the quantities of concrete materials used versus what was specified in the NOI. The NOI questions seem to introduce unintended consequences that could be avoided because the Permit already requires pH monitoring and sampling based on the usage of pH modifying substances.

Suggested question: Will 1000 cubic yards or more of pH modifying substance (e.g., fresh concrete, recycled concrete, engineered soils) be used over the life of the project? Yes or No

Response:

Ecology agrees with the suggestion to add a yes/no check box, rather than a specific amount of poured concrete and/or recycled concrete and has revised the draft Notice of Intent (NOI) accordingly. However, engineered soils are outside the proposed modification to the permit and no changes will be made at this time.

Revision:

Revise the NOI, Section I. Concrete/Engineered Soils as follows:

Will 1,000 cubic yards or more of poured concrete or recycled concrete be used over the life of the project? Yes ____ No ____

Appendix A - Definitions

Significant Concrete Work

The definition of Significant Concrete Work was not addressed in the Settlement Agreement; however, changes to S4.D require that the definition also be updated.

Revision:

Revise the definition of Significant Concrete Work as follows:

Significant Concrete Work means greater than 1,000 cubic yards poured concrete or recycled concrete used over the life of a project.