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July 11, 2011

Mr. Greg Schaner
U.S. Environmental Protection Agency, Office of Water (4203M)
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460

RE: Comments on Construction General Permit, Docket ID No. EPA-HQ-OW-2010-0782

The Water Environment Federation is pleased to submit comments on the proposed Construction General Permit (CGP) to update the 2008 CGP.

Formed in 1928, WEF is a not-for-profit technical and educational organization with 36,000 individual members and 75 affiliated Member Associations representing water quality professionals around the world. WEF and its Member Associations proudly work to achieve our shared mission of preserving and enhancing the global water environment.

These comments, developed via a WEF workgroup process, are listed below.

1. Regarding the 2-year, 24-hour design requirement for stormwater controls - what is the definition of "stormwater controls" in this context? Is this design requirement valid for <u>all</u> features or basins only? If for all, this seems to be a larger design storm event than is normally used (up to four times as much - see the 3600 cubic foot per acre requirement in many states for sediment trap sizing - that is equivalent to 1/2" of runoff when allowing for the wet storage in the trap). Also, the example cited in the 2008 CGP for this design requirement is for sediment basins, which are used less often and in few numbers when compared to smaller devices (i.e., sediment traps, check dams, etc.). If the proposed design storm is intended for all features, this may be an overly-conservative approach. A more reasonable approach may be to use a design storm that matches the proposed or expected duration of the project or section of project. For instance, if an area is being disturbed for 2 years, than it is reasonable to expect that a 2-year storm event would occur within that time frame. However, it is not statistically reasonable to design for a 2-year storm if a site, or portion of a site, will be disturbed for only 6 months. In an effort to provide for affordable and reasonable E&SC designs, the duration should determine the design storm event.

2. Section 2.1.3.3 - Maintenance requirements, subsection b - Remove accumulated sediment

    a. Where does the 1/2 of exposed silt fence requirement come from? Many manufacturers state the proper height of removal is at 1/3 of exposed height. This height depends upon the materials used, and whether the silt fencing is backed with chain link fencing ("super silt fencing"). Please specify the context of this requirement.

3. Section 2.1.4.5.

    a. c, i, what are the areas "established" in Section 2.1.2? All Waters of the U.S. or just impaired/sensitive?

    b. c, vi, Why is chitosan given special treatment/allowances by allowing this cationic material to be released when all others may not be?

    c. On shallow groundwater provision - c, ii, is this a seasonal groundwater table depth? It should be the expected groundwater table depth that matches the expected season/duration of the use of the treatment.

    d. b, what is the treatment used is non-proprietary?

4. Section 3.3.1.1.

    a. Local/state information should be available that can provide an estimate of a minimal runoff-producing rainfall event - this should be the minimum rainfall depth required to trigger monitoring efforts.

5. Section 6.3.1.3. c

    a. Why focus on chitosan? What about other chemicals?

    b. Data is available on morbidity rates for various aquatic species - the acceptable level of chitosan (or any other chemical treatment) should be tied to the aquatic species that is most likely to be impacted by the release, as opposed to ANY level of chitosan (or other chemical).

6. Section 3.2, Table 3-2

    a. How are commenters expected to provide comments on a rule with numeric limits when we don't know what those limits are? We would suggest the comment period to be extended until the numeric effluent limit is defined in order to commenters to be able to address this critical aspect of the rule.

7. Using one figure for a numeric effluent limitation for turbidity does not allow recognize the varying soil conditions found throughout the country and situations where sediment-laden runoff entering the site is highly turbid. An alternative provision that allows for a maximum increase in turbidity compared to influent levels would allow more flexibility for both natural background turbidity as well as off-site impacts that increase turbidity levels.

8. What about suggesting the use of vegetative solutions, such as composting, as a first priority, with structural measures to be used as a second priority? This is consistent with the approach to reduce erosion first (pollution prevention) and trap sediment second (pollution treatment). This approach is more technically effective in minimizing sediment discharges from sites and is a more cost-effective approach to erosion and sediment control.

WEF Contact Information

WEF appreciates the opportunity to provide these comments and hopes that they will be helpful to EPA. We would be happy to provide additional information or clarifications.

If you have any questions, please contact Seth Brown, Public Policy Manager and Stormwater Team Leader, WEF Government Affairs, at sbrown@wef.org.

Sincerely,

Tim Williams
Managing Director, WEF Government Affairs