

February 26, 2009

USEPA Docket Center
Environmental Protection Agency
Docket Number EPA-HQ-OW-2008-0465
Mailcode 2822T, 1200
Pennsylvania Ave., NW
Washington, DC 20460

RE: Docket Number EPA-HQ-OW-2008-0465
Effluent Limitations Guidelines and Standards
For the Construction and Development Point Source Category

The City of Sturgis, South Dakota, has reviewed the proposed storm water effluent limitation guidelines for the construction and development industry as published in the Federal Register, Volume 73, No. 230, Friday, November 28, 2008. On behalf of the City of Sturgis, South Dakota, we are concerned with many of the proposed changes and we offer the following comments:

Issue: p. 72575 "... require that the effective length of the basin must be at least four times the width of the basin and that such water storage volume be designed to drain over a period of at least 72 hours using a surface outlet (such as a skimmer), unless otherwise designated by the permitting authority."

Comment: Mandatory sizing or design of sedimentation basins to the extent of "the effective length of the basin must be at least four times the width of the basin..." is much too rigid. The design of the basin should be flexible to fit multiple design variables for a project. A mandatory design feature would be extremely difficult, if not impossible, especially on linear construction such as roadway projects. Design flexibility should be given to the permittee to allow innovative engineering solutions that fit each project site.

Issue: p. 72575 "Specifically, for portions of sites that drain to one location and will have 10 or more acres distributed at one time, discharges would be required to install a sediment basin to control and treat storm water discharges."

Comment: The description of "watershed" is not clear. Many of our projects are street projects, linear in design, where there may be one outfall. It is unknown how to treat a project larger than 10 acres flowing to one outfall. Would the project need to be divided into 10 acre "watersheds" to meet compliance? We feel "watershed" needs further defining.

Issue: p. 72580 "EPA is soliciting comment on the appropriateness of the numeric turbidity limit of 13 NTUs and the technology basis (i.e. ATS) for Option 2".

Comment: Active water treatment systems (ATS) are very expensive and impractical. The contractors in our City do not possess the technical knowledge or financial resources to meet this requirement. In the City of Sturgis, most of the construction projects do not discharge directly into flowing water. It is unknown how this rule could be implemented with our limited constraints. The City requests more flexibility in the effluent goals and prefer to design solutions based on site conditions and constraints.

Issue: p. 72610 "EPA solicits comments on whether national standards regulating peak flow rates from sediment basins should be included in the effluent guideline in order to limit channel erosion"

Comment: Many site specific issues other than the discharge rate may affect the downstream channel stability. Regulating peak flows may not achieve the desired outcome.

Issue: p. 72610 “EPA solicits comments on the costs and feasibility of requiring that flow from silt fences discharge through a vegetated filter strip or buffer before leaving the construction site.”

Comment: This requirement may not be readily achievable on many construction sites. Vegetation or buffers would be very difficult to sustain in our climate and this requirement is very restrictive. Again, this limits design options that may work for specific sites.

Issue: p. 72610 “EPA solicits comments on requiring porous baffles in sediment basins as minimum requirement” and EPA solicits comments on whether the detention time requirements proposed for sediment basins are appropriate and if other detention time requirements should be considered.

Comment: The specific design standards are very rigid and offer no flexibility to the permittee.

Issue: p. 72613 “Establish, use and maintain stabilized construction entrances and exits. Install, use and maintain wheel wash stations to remove sediment from construction equipment and vehicles leaving the site.”

Comment: Specific design standards should be left to the local jurisdiction. The practice of wheel wash stations is excessive and expensive. This requirement would be nearly impossible to maintain along a linear construction site, such as a roadway. This mandate is not reasonable.

Final Comment: The EPA has historically encouraged best management practices. Many of the requirements outlined would create severe design difficulty as well as a financial hardship for our City and contractors. Local jurisdictions should be allowed to utilize best management practices that work for specific site constraints on each project.

On behalf of the City of Sturgis, South Dakota, we appreciate the opportunity to comment on this EPA docket.

Sincerely,

Eric Tibbetts
Superintendent
City of Sturgis, SD