



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 7, 2013

Certified Mail: 7012 1010 0003 0195 6219

Mr. Michael Lidgard
NPDES Permits Unit Manager
Office of Water and Watersheds
U.S. EPA Region 10
1200 6th Avenue, Suite 900 OWW-130
Seattle, WA 98101

Re: Clean Water Act (CWA) Section 401 Certification for EPA National Pollutant Discharge Elimination System (NPDES) Permit No. WAS-026638 Joint Base Lewis-McChord Municipal Separate Storm Sewer System

Dear Mr. Lidgard:

The U.S Environmental Protection Agency (EPA) submitted on June 7th, 2013 the above-referenced final draft NDPEs Permit (the Permit) to the Washington State Department of Ecology (Ecology) for review and to request CWA Section 401 Certification. Ecology hereby certifies that the Permit, subject to conditions listed below, will lead to assurance that discharges from the municipal separate storm sewer system (MS4) of Joint Base Lewis-McChord (JBLM) will comply with Chapter 173-201A (Surface Water Quality Standards) of the Washington Administrative Code (WAC); Groundwater Standards (Chapter 173-200 WAC); Sediment Management Standards (Chapter 173-204 WAC); and human health-based criteria in the national Toxics Rule (Federal Register, Vol.57, No. 246, Dec. 22, 1992, pages 60848-60923).

The permit represents several years of effort by the EPA Region 10, the Department of Defense, and Ecology. In response to Ecology's receipt of the draft Permit on December 12, 2011, Ecology provided comment to the EPA on January 17, 2012, with provisions necessary for 401 Certification in a letter of intent. EPA proposed this letter of intent to issue 401 Certification along with the draft permit for public comment from January 26, 2012, through March 31, 2012. Ecology thanks the EPA for including those provisions in the final draft Permit received June 7th, 2013.

If you have any questions or would like to discuss these matters further, Deborah Cornett 360-407-7269 or Deborah.Cornett@ecy.wa.gov.

Sincerely,

Deborah Cornett
Acting Section Manger
SWRO

Enclosure



Washington State 401 Certification Conditions for Permit No. WAS-026638 Joint Base Lewis-McChord Municipal Separate Storm Sewer System

The below conditions are based upon and in accordance with Chapter 90.48 of the Revised Code of Washington (RCW), under which the discharge of toxicants to waters of the State of Washington which would violate any water quality standard, including toxicant standards, sediment criteria, and dilution zone criteria is prohibited. RCW 90.48 requires the permittee to use all known, available, and reasonable methods of prevention, control and treatment (AKART) to prevent and control pollution of waters of the state of Washington. Additionally, CWA §402(p)(3)(B)(iii) requires the permittee to reduce the discharge of pollutants to the maximum extent practicable (MEP). Certification of the Permit does not authorize JBLM's MS4 discharges to exceed applicable state water quality standards (Surface Water Quality Standards Chapter 173-201A WAC); Groundwater Standards (Chapter 173-200 WAC); Sediment Management Standards (Chapter 173-204 WAC); and human health-based criteria in the national Toxics Rule (Federal Register, Vol.57, No. 246, Dec. 22, 1992, pages 60848-60923). Furthermore, nothing in this certification absolves or releases JBLM from liability for contamination or any subsequent cleanup of surface waters, ground waters, or sediments resulting from discharges from JBLM's MS4.

1. Permit requirements shall be applied to groundwater discharges to comply with State Groundwater Standards.
2. All references in the Permit to the *Stormwater Management Manual for Western Washington* and the *Low Impact Development Technical Guidance Manual for the Puget Sound* shall cite to the 2012 versions of those documents.
3. The Permit shall consider JBLM a common plan of development.

Additional Recommended Permit Condition for Permit No. WAS-026638 Joint Base Lewis-McChord Municipal Separate Storm Sewer System

The Permit shall give JBLM the option to either comply with the monitoring provisions as specified in Permit section *IV.A Monitoring* or, as a complete substitute for that section, join the Regional Stormwater Management Program (RSMP) Status and Trends Monitoring as described in the *Western Washington Phase II Municipal Stormwater Permit (2013-2018) S8.B.1*. The Permittee shall select a single option for the duration of this permit term. Should JBLM choose the latter option they shall pay into a collective fund to implement the RSMP small streams and marine nearshore status and trends monitoring in Puget Sound. The EPA shall inform JBLM that their annual payment amount is calculated on a per capita basis, a calculation used for other MS4 permittees in Puget Sound. JBLM will have 90 to 120 days from the date the Permit is effective to notify the EPA of their decision whether they choose to join the RSMP or to conduct their own monitoring under section *IV.A* of the permit. Should JBLM choose to join the RSMP their first annual payment will be due August 15, 2014 and subsequent payments will be due every August 15 through the duration of the permit.