



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 17, 2012

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 98101-3140

Re: EPA Draft Permit No. WAS-026638 authorizing discharge from Joint Base Lewis McChord, Pierce County, WA

Dear Mr. Lidgard:

The Washington State Department of Ecology (Ecology) received the United States Environmental Protection Agency's (EPA) Draft Fact Sheet and Draft National Pollutant Discharge Elimination System (NPDES) Permit Number WAS-026638 on December 12, 2011. EPA requested a preliminary Clean Water Act (CWA) Section 401 Water Quality Certification (401 Certification) in a letter accompanying the draft permit and fact sheet.

Based on our review, Ecology concurs that the permit will lead to assurance that discharge 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); 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). See comments below regarding water quality standards for ground waters of the state.

Ecology recommends the following process to move toward formal certification:

- EPA should include notification for Ecology's letter of intent to issue 401 Certification in the same public notice as the draft permit.
- EPA must address comments on critical issues of the draft permit and fact sheet.
- After Ecology reviews comments received during the joint public notice and receives a final draft permit from EPA, we will proceed with review for 401 Certification.

We understand EPA will request formal 401 Certification once the permit is finalized. Ecology will issue a certification for the final permit if the following general and detailed comments are addressed. The verb *should* is used to indicate recommendations. The verb *must* is used for issues critical for the state's certification of the permit.

General comments on the draft permit and fact sheet:

1. Washington state water quality standards for ground waters (Chapter 173-200 WAC) are not adequately addressed in the draft permit. Consistent with federal rule, section I.B of the draft



JBLM permit authorizes discharges to waters of the United States. Under state authorities (Chapter 90.48 of the Revised Code of Washington (RCW)), Washington MS4 permits authorize discharges to waters of the *state*, which include groundwater. Section VI.B of the draft JBLM fact sheet also fails to include groundwater standards. The JBLM permit requirements must also be applied to groundwater discharges to comply with all state water quality standards. If this cannot be done through modification of the draft permit, it will be a required condition of the state's 401 Certification.

2. The permit must retain runoff controls for new and redevelopment and construction sites that are functionally equivalent to *2005 Stormwater Management Manual for Western Washington* requirements including at a minimum applicable thresholds and definitions in Appendix 1 of the *Western Washington Phase II Municipal Stormwater Permit* issued by Ecology on January 17, 2007. See specific comments below.
3. Ecology is currently seeking public comment on a draft *2012 Stormwater Management Manual for Western Washington*. The *Low Impact Development Technical Guidance Manual* is also currently under revision on a similar schedule. If these manuals are updated prior to EPA's issuance of the final JBLM MS4 permit, EPA should consider relevant applicable revisions to permit requirements for consistency with the updated manuals.
4. The final permit must retain the draft permit and fact sheet language regarding common plan of development. Ecology concurs with the consideration of JBLM as a common plan of development. Therefore the one-acre threshold currently available to Phase II jurisdictions in Washington does not apply to new and redevelopment on JBLM.

Specific comments on draft permit requirements:

1. *State of Washington Requirements (I.B in permit, VI.B in fact sheet)* – These sections should include a discussion of state water quality standards for groundwater.
2. *Illicit Discharge Detection and Elimination (II.B.3 in permit, VII.D.3 in the fact sheet)* –The draft permit fact sheet specifically requests comments on potential addition of non-routine discharges of HVAC or heat pump cooling water; occasional discharges of product water from water purification equipment; and water mixed with non-toxic dyes as “allowable non-stormwater discharges” in the permit. These discharges have the potential to be significant contributors of pollutants unless certain conditions are met and should not be added to the final permit. Current draft permit language for “other non-stormwater discharges” under II.B.3 already provides a mechanism for JBLM to address these discharges through development of stormwater pollution prevention plans.
3. *Stormwater Management for New and Redevelopment (II.B.5 in permit)*
 - a. *Subsections a) through e)* propose a 5,000 sq. ft. of land disturbance threshold to trigger requirements. Ecology thresholds are 2,000 sq. ft. new or replaced impervious surface area or 7,000 sq. ft. of land disturbance. The draft permit threshold will result in less stringent requirements for projects creating 2,000 to 5,000 sq. ft. of hard surface, and more stringent requirements for projects that disturb 5,000 to 7,000 sq. ft. of land but do not exceed 2,000 sq. ft. of new and replaced hard surface. EPA should consider options for addressing this discrepancy in thresholds
 - b. *Subsection b)* – The second sentence should reference Chapter 3 of Volume I. Also in the second sentence, the “and/or” statement should be “and”. The *Low Impact Technical*

Guidance Manual for Puget Sound (2005) does not cover all the stormwater management issues in Volume I of the Ecology manual. The “or” should be deleted to clarify that use of only the low impact development manual is not an option.

- c. *Subsection e) 2nd bullet* – This requirement could be open to interpretation. It is likely equivalent to existing Ecology requirements. EPA should revisit this requirement consistent with general comment #3 above.
- d. *Subsection e) 3rd bullet* – EPA should clarify that the “pre-development condition” is the same as specified in *Subsection f)*.

4. *Appendix B, Runoff Treatment Requirements*

- a. *Treatment Facility Sizing* – Draft permit language for treatment facility sizing matches current language in the 2005 Ecology manual. However, Ecology is proposing to modify this language in the 2012 update of the manual. EPA should modify the last sentence of the draft permit requirement to; “Alternatively, the simulated daily volume that represents the upper limit of the range of daily volumes that accounts for 91% of the entire runoff volume over a multi-decade period of record when using a continuous runoff model”. This will be consistent with the corrections proposed in Ecology’s update of the manual.
- b. *Water Quality Design Flow Rate, 1. Preceding Detention...* – Ecology is proposing adding the following to this requirement in the 2012 update of the manual: “At a minimum, 91% of the total runoff volume, as estimated by an approved continuous runoff model, must pass through the treatment facility(ies) at or below the approved hydraulic loading rate for the facility(ies)”. EPA should add this statement to the draft permit requirement.
- c. *Water Quality Design Flow Rate, 2. Downstream of Detention Facilities, 2nd bullet* – EPA should replace “PGIS” with “PGHS” for this requirement.

- 5. *Monitoring (IV.A in permit, VII.F in fact sheet)* – The draft permit fact sheet specifically requests comments on a potential option for JBLM to participate in the Regional Stormwater Monitoring Program (RSMP) currently proposed in Ecology’s draft MS4 permits for Western Washington. Ecology is open to further discussion of JBLM’s participation in the RSMP.

If you have any questions regarding the comments on the draft permit and fact sheet, please contact Vincent McGowan at 360-407-7320 or vincent.mcgowan@ecy.wa.gov.

Sincerely,



Robert W. Bergquist, LEED® AP
Southwest Region Manager
Water Quality Program

cc: Misha Vakoc, USEPA Region 10
Bill Moore, Ecology
Vincent McGowan, Ecology

