



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

July 8, 2011

Ms. Misha Vakoc
Storm Water Permit Coordinator NPDES Permits Unit
Office of Water and Watersheds
U.S. EPA Region 10
1200 6th Avenue, Suite 900 OWW-130
Seattle, WA 98101

**RE: Revised preliminary draft Municipal Separate Storm Sewer System permit
and fact sheet**

Ms. Vakoc:

The revised preliminary draft Municipal Separate Storm Sewer System (MS4) permit (permit) and fact sheet for the MS4 owned or operated by Joint Base Lewis-McChord (JBLM) look much improved this time around. Thank you for this opportunity for another review. We hope you find our comments helpful.

On the permit, we suggest a few edits to your education and outreach section and have included revised language in Attachment 3. A more central issue is that the permit (p.12) initiates erosion and sediment controls at all sites that disturb 5,000 sq. ft. or more, whereas Washington's permit requires erosion and sediment controls for all projects regardless of size. This may be an item of discussion when we meet. We may also want to discuss more modest issues around II.B.5.d New Development Site Design requirements (p.14) for native cover and impervious surfaces and our comments concerning the Hydrologic Performance Standard (II.B.5.f.). Our detailed comments on the permit are provided in Attachment 1 and comments on the fact sheet are in Attachment 2.

We agree that meeting to discuss any issues or concerns prior to requesting Ecology's 401 certification and the subsequent public comment period on the draft permit may be beneficial, especially regarding some of the minimum requirements. To that end we have scheduled a meeting with you at Ecology's headquarters office in Olympia on July 27, 2011 at 1:30pm.

My lead staff on the 401 Certification will be Vincent McGowan of our Southwest Regional Office. Ecology cannot issue a draft 401 Certification at this time because our 401 will be issued to certify that the final permit meets state water quality standards, not the draft permit, which is subject to change. Instead of a draft 401 certification, we can provide a letter of intent to issue certification for inclusion in your draft permit.



Ms. Misha Vakoc

Page 2

We also ask that you do not formally request 401 Certification in the draft permit. We have only one year to issue a 401 certification once it is formally requested. If the permit is not finalized before then, a 401 certification issued before the final permit is completed may include more conditions than necessary to address potential issues that may be addressed in the final permit. Ecology would prefer that EPA formally request a 401 certification when the final permit is ready for issuance. Then Ecology can certify a final permit, not a draft permit.

If you have any questions, 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: Bill Moore, Ecology

Attachments:

1. Comments on the JBLM Permit
2. Comments on the JBLM Fact Sheet
3. Comments on Education & Outreach

Attachment 1 – Comments on the JBLM Permit

Page 6 – Public Education and Outreach – we recommend format changes for clarity and adding an evaluation component as well as more specific audiences. We have attached our proposed edits in Attachment 3.

Page 7 – Illicit is misspelled in the first sentence of the IDDE section.

Page 9 – Conditional discharges - we are adding spa and hot tub discharges to the swimming pool discharges to clarify that these are in the same category.

Page 10 – Detection and Elimination (II.B.3.d)

Minimum requirements for dry weather screening are not given, beyond that they begin two years after the effective date. You may want to specify a percentage of outfalls, or of the system, to be screened during the permit term (example: “permittee must complete field screening for at least X% of the conveyance system no later than X years from the effective date...”).

Page 12– Construction sites (Part II.B.4.)

The permit initiates erosion and sediment controls at all sites that disturb 5,000 sq. ft. or more. Washington’s permit requires erosion and sediment controls for all projects regardless of size. Submission of a Construction SWPPP and review by the local government initiates at 2,000 sq. ft. Local governments are allowed to create easy to use Construction SWPPP forms for smaller projects (less than 1 acre). The permit does not specify any minimum erosion and sediment control requirements until a site triggers the federal NPDES permit for construction sites, and it allows JBLM to publish its own list of construction site Best Management Practices (BMPs) without any quality control overview from USEPA. Washington’s permit specifies 12 minimum controls for all sites and requires use of the BMPs in the Stormwater Manual for Western Washington, or an approved list of equivalent BMPs.

Page 13 – Preparation of a Stormwater Site Plan (II.B.5.b)

You may want to add “or most recent version” to the reference the 2005 Stormwater Management Manual for Western Washington. We hope to issue an updated version with the permits in 2012. The Low Impact Development Technical Guidance Manual for Puget Sound is also currently being updated.

Page 14 – New Development Site Design (II.B.5.d)

- The 20% native cover and 70% impervious requirements do not match information in the draft fact sheet (page 28). They also do not match BMP T5.30 Full Dispersion in the Ecology Manual. Where do these numbers come from?
- Can “maximum extent feasible” override some of the bulleted requirements (example: % retained or impervious max)? It is not clear from the language.
- Can the retention and max impervious percentages be “shared” with other areas of the base, within the same watershed? Otherwise, these requirements may conflict with planning goals, particularly for commercial/multifamily development.

Page 14 – Onsite SW Management (II.B.5.e) includes this statement:

“At a minimum, stormwater from at least 50% of the impervious surfaces from the new development project site must be infiltrated or dispersed through roof downspout BMPs, bioretention, permeable surfaces, or other Low Impact Development (LID) practices.”

This is a less stringent use of LID than is contemplated for the Phase I and II Municipal stormwater permits. The existing (2009) Phase I and II municipal stormwater permits require ALL roof runoff to be infiltrated or dispersed using the practices in Chapter 3 of Volume III (the JBLM permit references those too). Roofs comprise a big portion of the impervious area of many projects. Where that is true, the project will be able to use these simplistic approaches to meet the 50% requirement – without having to consider applying any bioretention facilities or permeable pavements. The permit requirement would be closer to Ecology’s proposed LID requirements if it said ALL, rather than 50%. Still, it may be a less stringent requirement. It depends upon whether USEPA allows projects to identify where LID BMPs are infeasible.

Page 15 – Hydrologic Performance Standard (II.B.5.f)

This requirement seems to apply to all sites. If so, it is more stringent than Ecology’s proposal because: 1) It doesn’t allow use of a mandatory list option; 2) it applies regardless of what is done to meet Section 4.e.; 3) It applies beginning at 5,000 sq. ft. of disturbed area rather than 10,000 sq. ft. of hard surface area or $\frac{3}{4}$ acres of disturbed area; 4) Ecology would exempt projects that drain to a “Flow Control Exempt” waterbody to be exempt from the portion of the flow duration curve between 50% of the 2-year through the full 50-year return flow; and 3) USEPA has not included the caveat of “MEP” or to the “extent feasible.”

USEPA should be aware that it will not be possible for small projects to demonstrate compliance with the proposed hydrologic standard for 2 reasons: 1) Particularly on the outwash soils common on the JBLM, the model will not be able to generate a flow duration curve because the pre-project surface runoff flows are nonexistent or too small; and 2) our restriction on discharge orifices not being smaller than 0.5 inches. We would recommend that USEPA not require projects below our proposed thresholds (10,000 sq. ft. of hard surface or conversion of $\frac{3}{4}$ acres from native vegetation to lawn/landscaping) to comply with the hydrologic performance standard. But rather, just make them comply with Section 4.e., revised as suggested above.

Page 16 – Maintenance of LID facilities.

- Ecology is asking for input on this in our informal comment session. There may be different requirements for frequency of inspection and timelines for correcting. For example, there may need to be some changes due to the need to replant vegetation at certain times of the year - seasonally dependent maintenance.
- Also - on catch basin cleaning. Some jurisdictions report far better results from cleaning the conveyance lines, so we are allowing them to provide info to document an alternative approach.

Page 20 – Edit on II.C.2.c – delete “list of” before the word prioritized in first sentence.

Page 29 – Monitoring Objectives

The last sentence of this section is incomplete. Should “receiving waters” be added?

Appendix B: Treatment Requirements – The reference to a threshold of 5,000 sq. ft. of pollution-generating *impervious* surface should be changed to 5,000 sq. ft. of pollution-generating *hard* surface. Our draft proposal includes a definition for “hard” surfaces. If USEPA does not make this change, then projects which use permeable pavements for roads and parking lots will not trigger the treatment threshold. Thus, they will be able to pass stormwater into the ground from large road and parking surface areas without regard to impacts on the groundwater. That would be an unfortunate outcome.

Attachment 2 – Comments on the JBLM Fact Sheet

Page 2 – State of Washington Certification: we suggest editing this section to reference an Ecology letter of intent to issue certification. Ecology’s process for 401 Certification does not include issuance of draft certification for draft permits. We will issue certification of the final permit with a 30 day comment period. We suggest you include the following for contact information; “For more information about this letter of intent, please contact Vincent McGowan at (360) 407-7320”.

Page 6 – The last paragraph on this page, second sentence, is missing “joint base areas” or some other descriptor after “Fort Lewis and McChord”.

Page 9 – First paragraph says “XX” acres. At the bottom of the page, the General Information section should specify what parts of Puget Sound receive flows, i.e., Cormorant Passage, Tatsolo Point, Nisqually River Delta to Gordon Point, Carr Inlet from Nisqually Delta to Gordon Point. Puget Sound is impaired for various parameters at various locations.

Page 10 – Table 1. Puget Sound is designated for salmonid spawning, rearing and migration.

Page 15 – Footnote 14 references “Administrative Record” where is this located? Could you provide a link?

Page 27 – You reference Ecology LID performance standards but the footnote is blank.

Page 28 – See Attachment 1 comments above on differences noted between percentages referenced in the permit (20/70) and the fact sheet (65/10).

Page 37 and page 49 (Appendix C) – See comment for Page 2 above

Attachment 3 – Public Education and Outreach on Stormwater Impacts

- a) Within two years of the effective date of this permit, the permittee must develop, implement, and evaluate an ongoing education and outreach program to educate targeted audiences about the adverse impacts of stormwater discharges on local water bodies and the steps that they can take to reduce pollutants in stormwater runoff. The education and outreach program must target the following audiences:
 - Project Managers
 - Contractors
 - Tenants
 - Students
 - Environmental staff
 - Business owners and operators

- b) The goal of the education and outreach program is to reduce or eliminate specific behaviors and practices that cause or contribute to adverse stormwater impacts.

- c) The permittee must include in its public education and outreach program the following behaviors and practices targeted at the appropriate audiences:
 - Proper use, storage, and disposal of household hazardous waste.
 - Proper recycling.
 - Appropriate storm water management practices for commercial, food service, and automotive activities, including carpet cleaners, home based, or mobile businesses.
 - Appropriate yard care techniques for protecting water quality, including proper timing and use of fertilizers.
 - Proper pet waste management.
 - Appropriate spill prevention practices.
 - Proper management of street, parking lot, sidewalk, and building wash water.
 - Proper methods for using water for dust control.
 - Proper design and use of Low Impact Development techniques at new development and redevelopment sites.
 - Impacts of illicit discharges and how to report them.

- d) Beginning two years from the effective date of this permit, the permittee must measure understanding and adoption of the targeted behaviors among targeted audiences. The resulting measurements must be used to direct or redirect education and outreach resources most effectively and to evaluate changes in adoption of the targeted behaviors.

- e) The permittee must document the specific education program goals, and track and maintain records of public education and outreach activities in the SWMP document.