



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office  
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Lacey, Washington 98503



In Reply Please Refer To:  
**01EWF00-2012-CPA-0117**

**MAR 26 2012**

Michael Lidgard  
NPDES Permits Unit Manager  
Office of Water and Watersheds, OWW-130  
ATTN: JBLM #WAS-026638 (M. Vakoc)  
U.S. EPA – Region 10  
1200 6<sup>th</sup> Avenue, Suite 900  
Seattle, Washington 98101-3140

Dear Mr. Lidgard:

Subject: EPA Draft Permit No. WAS-026638 (NPDES Stormwater), Joint Base Lewis-McChord, Thurston and Pierce Counties, Washington

On January 26, 2012, the U.S. Environmental Protection Agency – Region 10 (EPA) announced its intent to issue a National Pollutant Discharge Elimination System (NPDES) permit to the Joint Base Lewis-McChord (JBLM) Public Works Environmental Division. The proposed NPDES permit would authorize and regulate discharge of stormwater from the municipal separate storm sewer system, or systems (MS4s), owned and operated by JBLM in Thurston and Pierce Counties, Washington.

The draft permit establishes conditions, prohibitions, and best management practices (BMPs) designed to control pollutants in stormwater discharges from the MS4s to the maximum extent practicable. The draft permit requires implementation of a comprehensive municipal stormwater management program (SWMP), which includes: public involvement, education, and outreach; system inventory/mapping, and illicit discharge detection and elimination; controls for construction site stormwater runoff; minimum requirements for stormwater management associated with new development and redevelopment; “pollution prevention and good housekeeping” (i.e., MS4 inspection, operation, and maintenance programs); and, monitoring, recordkeeping, and annual reporting. The proposed NPDES permit would have a term of five years (2012-2017).

Staff from our office reviewed all or portions of the following documents:

- Public Review Draft of NPDES Permit No. WAS-026638
- Fact Sheet for NPDES Permit No. WAS-026638

- Stormwater Management Manual for Western Washington (Washington State Department of Ecology; November 2011 Draft)
- Comment Letter from the Washington State Department of Ecology (January 17, 2012)

Between November 2011 and February 2012, the Washington State Department of Ecology (Ecology) took public comment on a modified MS4 permit for the Washington State Department of Transportation, and on draft Phase I and Phase II MS4 general permits for cities, counties, and other public stormwater systems in western Washington (e.g., port facilities). The U.S. Fish & Wildlife Service (Service) provided comments for these draft permits, and for the revised and updated Stormwater Management Manual for Western Washington (November 2011 Draft). Since Ecology is now considering changes to each of these MS4 permits, we believe the timing is right to ensure the best possible alignment between Ecology's and the EPA's NPDES stormwater permit requirements.

## COMMENTS

- In their comment letter addressed to the EPA, Ecology highlighted several pending changes to the Stormwater Management Manual for Western Washington, and suggested that the EPA should consider revising permit language and/or requirements to be consistent with the pending changes. COMMENT – We support this recommendation, especially where Ecology is close to finalizing important changes to the minimum requirements for new development and redevelopment (including Low Impact Development standards and practices, LID). To ensure the best possible alignment between Ecology's and the EPA's NPDES stormwater permit requirements, we suggest that Permit No. WAS-026638 should avoid citing the outdated 2005 Stormwater Management Manual for Western Washington, and should instead cite or reference the pending 2012 Manual. The EPA's proposed NPDES permit for MS4s owned and operated by JBLM should adopt the best, most current, and effective principles, strategies, and BMPs for controlling stormwater discharges.
- “EPA is proposing to expand the minimum required MS4 permit area at JBLM to include the entire subinstallation within Pierce and Thurston Counties.” “Given JBLM's ... relative proximity to Puget Sound, EPA believes that MS4 discharges occurring within the [entire] JBLM subinstallation ... have a potential to contribute pollutants to Puget Sound.” “Base-wide implementation of a SWMP ... will substantively address pollutants from ... areas operated by JBLM ... [and] reduce current and future impacts to receiving waters.” “Implementation of a comprehensive SWMP throughout the JBLM subinstallation within Pierce and Thurston Counties is consistent with requirements imposed on other regulated MS4 jurisdictions within western Washington.” (Fact Sheet, pp. 7-8) COMMENT – We support the EPA's decision to expand the minimum required MS4 permit area at JBLM to include the entire subinstallation within Thurston and Pierce Counties. We agree that MS4s operated by JBLM throughout the subinstallation have a similar potential to contribute pollutants, affect surface water quality in receiving waters, and affect beneficial uses.

- “Map of Cantonment Areas. Within two years from the effective date of this permit, the permittee must update and maintain a map of the MS4 located within the JBLM cantonment area.” “Map of Training Areas. No later than 180 days prior to the expiration date of this permit, the permittee must develop and submit to EPA a preliminary map identifying the MS4 located outside the cantonment area. The permittee must prioritize development of a training area MS4 map in the Muck Creek watershed/basin.” (Draft Permit, p. 9) COMMENT – We support the EPA’s decision to include these SWMP elements. If fully implemented as proposed, we expect that the required activities will meaningfully improve system inventory/mapping, illicit discharge detection and elimination, and should inform both permit implementation and future decisions regarding needed system improvements.
  
- “EPA includes requirements in the JBLM permit which are functionally equivalent to the 2005 Manual ... EPA notes that, Ecology requested public comment on proposed revisions to the Stormwater Management Manual for Western Washington in October 2011 ... If Ecology updates the [Manual] prior to EPA’s issuance of a final permit for the JBLM MS4, EPA intends to consider all relevant applicable revisions, and will reference the most current available version of the ... Manual.” (Fact Sheet, p. 16) COMMENT – To ensure the best possible alignment between Ecology’s and the EPA’s NPDES stormwater permit requirements, we suggest that Permit No. WAS-026638 should avoid citing the outdated 2005 Stormwater Management Manual for Western Washington, and should instead cite or reference the pending 2012 Manual.
  
- “EPA has ... required JBLM to identify retrofit opportunities in developed areas draining to certain impaired waters (and their tributaries) to reduce existing discharges from impervious areas.” (Fact Sheet, p. 19) “Stormwater Retrofits to Reduce Discharges to Quality-Impaired and Degraded Receiving Waters ... Within three years of the permit effective date, the permittee must develop a stormwater retrofit plan to reduce flows and associated pollutant loadings from existing effective impervious surfaces into Clean Water Act Section 303(d) listed and other degraded water bodies ... The retrofit plan must be consistent with the recommendations contained in the March 2007 Murray/Sequalitchew Watershed Management Plan and the 2008 Chambers-Clover Creek Watershed Action Plan ... The permittee must prioritize identified project locations through an evaluation and ranking process.” (Draft Permit, pp. 23-24) COMMENT – We support the EPA’s decision to include this SWMP element. We agree that protecting and restoring the beneficial uses of the State’s waters, especially aquatic life uses, requires a permit framework that proactively addresses existing sources of water quality impairment. We also agree that coordinated stormwater programs and sub-basin planning are essential to meeting this challenge, and that prioritization will be necessary given the potential large investment required.
  
- “EPA requests comment on whether EPA should include in the permit an opportunity for JBLM to voluntarily opt into participation with any future Puget Sound regional stormwater monitoring efforts as may be sponsored by Department of Ecology or other organizations.” (Fact Sheet, p. 23) COMMENT – We support the option of participation in a cooperatively-funded Regional Stormwater Monitoring Program. This program would provide significant advantages, flexibility, and efficiencies for permittees and

secondary permittees. We believe that Ecology, their permittees, and stakeholders have already made good progress outlining an appropriately focused and scaled strategy for obtaining reliable program effectiveness data, and a reasonably equitable and fair approach to allocating costs among permittees and secondary permittees. We encourage the widest possible support for, and participation in, a Regional Stormwater Monitoring Program.

- “EPA requests public comment on whether, and how ... non-stormwater flows identified by JBLM should be included in the text of the final MS4 permit and considered allowable non-stormwater discharges” (Fact Sheet, p. 27) “Non-Stormwater Discharges. The permittee is authorized to discharge non-stormwater from the MS4 ... [including] diverted stream flows ... rising ground waters ... springs ... [and] flows from riparian habitats and wetlands.” (Draft Permit, pp. 3-4) COMMENT – We request clarification regarding some of the non-stormwater flows identified by JBLM. It is unclear to us why JBLM’s MS4 should convey diverted stream flows, seeps, springs, ground waters, or flows from wetland and riparian habitats. At a minimum, we request that JBLM document such instances with their inventory and mapping effort. However, in addition, when pursuing future stormwater system improvements, we would encourage that JBLM seek to maintain and reestablish natural patterns of surface and subsurface hydrology, and progressively seek to remove such flows from the engineered stormwater conveyance system.
- Draft Permit No. WAS-026638 “...requires the permittee to develop an inspection plan to confirm that stormwater management techniques are installed properly and operational upon completion ... EPA has included specific requirements to assure the long term operation and maintenance of stormwater facilities at sites and properties that will not remain under JBLM’s direct responsibilities. This requirement ... is closely aligned with the ongoing operation and maintenance activities ... related to good housekeeping for municipal operations.” (Fact Sheet, p. 40) COMMENT – We support the EPA’s decision to include the SWMP elements described on pages 19-22 of the Draft Permit, including Inspections, Operation and Maintenance, Maintenance Standards for Structural Stormwater Facilities, Spot Check Inspection, and Compliance. Inadequate maintenance is a common cause of failure for stormwater control facilities, and therefore we fully support the regular inspection, maintenance, and related reporting requirements for constructed stormwater facilities and BMPs. We support maintenance accountability in the form of record-keeping, a log indicating what inspection and maintenance actions were taken, by whom, when, and with what frequency.
- “EPA ... requests public comment on JBLM’s October 2011 request that airfields (including ramps, approaches and runways) be exempt from LID requirements of the permit. JBLM notes that, due to significant restrictions on land use in and around airfields, impounded water in above ground LID structures would attract birds and create a hazard for both the aircraft and wildlife.” (Fact Sheet, p. 41) COMMENT – We request clarification, whether JBLM is seeking relief from LID requirements specifically, or from stormwater control requirements more broadly. We acknowledge that airfield infrastructure likely presents some unique challenges, and JBLM may require additional permit flexibility where this infrastructure is concerned. However, airfields on the

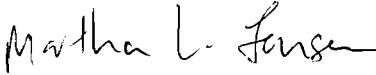
subinstallation may also represent some of the better opportunities to enhance and improve stormwater controls for existing infrastructure. Improving stormwater controls at the airfields on the subinstallation, within and outside cantonment areas (including McChord Field, Gray Army Airfield, and others), may be a high priority for addressing existing sources of water quality impairment. There are alternative stormwater strategies and/or BMPs that could be effective at controlling stormwater discharges from airfield infrastructure, and we hope that the EPA and JBLM will remain open to pursuing practicable stormwater system improvements at airfields on the subinstallation.

- “Stormwater Management for Areas of New Development and Redevelopment ... 5.d) The permittee must require site design that minimizes the project’s roadway surfaces and parking areas, incorporates clustered development, and ensures that vegetated areas are designed to receive stormwater dispersion from all developed project areas.” (Draft Permit, p. 16) COMMENT – This language is vague, may be subject to misinterpretation, and/or regarded as impracticable by some parties. We believe that this is a good example where the EPA’s Draft Permit should seek to achieve greater consistency with the minimum requirements appearing in the revised and updated 2012 Stormwater Management Manual for Western Washington. Ecology is close to finalizing important changes to the minimum requirements for new development and redevelopment, including LID. We encourage the EPA and JBLM to adopt the best, most current, and effective principles, strategies, and BMPs for controlling stormwater discharges, and we believe those practices are best outlined in the pending 2012 Stormwater Management Manual for Western Washington.

We appreciate the opportunity to review and offer comments for the draft NPDES permit authorizing discharge of stormwater from the JBLM’s MS4s in Thurston and Pierce Counties. We are encouraged by the focus and attention on inventory and mapping, program planning and implementation to achieve sub-basin planning objectives, prioritization of future retrofit opportunities, and maintenance and maintenance accountability. We expect that this permit will meaningfully improve controls for discharges from JBLM’s MS4s, and thereby more completely protect and restore the beneficial uses of the State’s waters.

If you have any questions, if our comments require further explanation, or you would like to discuss the MS4 permit and program, please contact Ryan McReynolds at (360) 753-6047, or Martha Jensen at (360) 753-9000, of this office.

Sincerely,

  
for Ken S. Berg, Manager  
Washington Fish and Wildlife Office

cc:  
WDOE, Lacey, WA (V. McGowan)  
JBLM-ENRD, Fort Lewis, WA (P. Steucke)  
USFWS-WFWO, Lacey, WA (T. Thomas)