

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL APPEALS BOARD

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)  
In the Matter of: )

JOINT BASE LEWIS-McCHORD )  
MUNICIPAL SEPARATE STORM )  
SEWER SYSTEM )

NPDES Permit No. WAS-026638 )  
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Appeal No. NPDES 13-09

**EPA REGION 10'S EXCERPTS  
OF THE ADMINISTRATIVE RECORD**

The United States Environmental Protection Agency, Region 10 ("Region") submits the following documents pursuant to 40 C.F.R. § 124.19(b)(2) which requires the Region to submit "the relevant portions of the administrative record" with the response brief. The Region has also included the relevant citations to the Certified Index to the Administrative Record ("AR").

1. Rationale for a "Threshold of Concern" in Stormwater Release Rates, Center for Urban Water Resources Management, University of Washington, Derek Booth, dated May 2, 1997, AR 43
2. Relevant excerpts from the Chambers-Clover Creek Watershed Management Committee Watershed Action Plan, Pierce County Public Works and Utilities, dated Oct. 1997, AR 227
3. Relevant excerpts from the Corrected Final Design Report, Fort Lewis Stormwater Improvement Outfalls 002, 003, and 007, Contract DAC A67-99-R-10, WA Eng. Inc., dated May 2001, AR 50

4. Forest Cover, Impervious Surface Area, and the Mitigation of Stormwater Impacts, Journal of the American Water Resources Association, Booth et al., dated June 2002, AR 56
5. Fort Lewis Army Base NPDES Application for Regulated Small MS4 Permit, dated March 5, 2003, AR 4
6. Relevant excerpts from the Chambers-Clover Creek Management Plan, Tacoma/Pierce County Health Dept., dated June 8, 2004, AR 231
7. 2004 MS4 Annual Report, Fort Lewis, dated March 31, 2005, AR 7
8. Relevant excerpts from the Clover Creek Basin Plan, Volume I – Basin Plan & SEIS, Pierce County, dated Aug. 2005, AR 232
9. Relevant excerpts from the Muck Creek Basin Plan, Volume I – Basin Plan & SEIS, Pierce County, dated Sept. 2005, AR 233
10. Relevant excerpts from National Management Measures to Control Nonpoint Source Pollution From Urban Areas, EPA, Publication No. EPA-841-B-05-004, dated Jan. 2006, AR 76
11. EPA Summary of Services' Comments on Department of Ecology's MS4 Permits, dated May 19, 2006, AR 78
12. Letter from Steve Landino, NMFS, and Ken Berg, USFWS, to Jay Manning, Ecology, re: Draft Phase I & II Western WA Municipal Stormwater NPDES & State Waste Discharge Permits, dated May 19, 2006, AR 321
13. Relevant excerpts from the Fundamentals of Urban Runoff Management Technical and Institutional Issues, Shaver, et al., dated 2007, AR 84
14. Ecology Phase II Municipal Stormwater Permit for Western Washington, issued in Jan. 2007, AR 88
15. Ecology Phase I Municipal Stormwater Permit, issued in Jan. 2007, AR 87
16. Relevant excerpts from the Murray/Sequalitchew Watershed Management Plan, prepared for ENSR and U.S. Army, Fort Lewis Garrison, dated March 2007, AR 285
17. Report to West Virginia Dept. of Environmental Protection – Options for WV's General Stormwater Permit Under NPDES Phase II, EPA and Tetra Tech, dated Nov. 1, 2007, AR 96
18. Relevant excerpts from Managing Stormwater in Your Community: A Guide for Building an Effective Post-Construction Program, David Hirschman & John Kosko, Center for Watershed Protection, EPA Publication No. 833-R-08-001, dated July 2008, AR 110

19. *Puget Soundkeeper Alliance, et al. v. Washington Dept. of Ecology*, Findings of Fact, Conclusions of Law, and Order (Phase I), PCHB No. 07-021, et al., dated Aug. 7, 2008, AR 114
20. Relevant excerpts from *Urban Stormwater Management in the United States*, National Research Council Report, dated Oct.15, 2008, AR 117
21. *Managing Wet Weather with Green Infrastructure Municipal Handbook*, Jennifer Bitting and Christopher Kloss, Low Impact Development Center, EPA Publication No. EPA-833-F-08-008, dated Dec. 2008, AR 119
22. Relevant excerpts from the *Puget Sound Action Agenda*, Puget Sound Partnership, dated Dec. 1, 2008, AR 122
23. *Building Soil: Guidelines and Resources for Implementing Soil Quality and Depth BMP T5.13 in the WDOE Stormwater Management Manual for Western Washington*, Washington Organic Recycling Council, dated 2009, AR 68
24. *Linking Hydrologic Alteration to Biological Impairment in Urbanizing Streams of the Puget Lowland, Washington, USA*, *Journal of the American Water Resources Association*, Curtis DeGaspari et al., dated April 2009, AR 335
25. *Outfall #4 Design Narrative*, Stormwater Treatment Facility, Fort Lewis WA Outfall #4, AHBL Project No. 207246.10, AHBL, dated April 2009, AR 404
26. *Outfall #4 Hydrologic Report*, Stormwater Treatment Facility, Fort Lewis, WA Outfall #4, Contract No. W912Dw-07-C-0025 PN 65933, dated April 2009, AR 404
27. *Municipality of Anchorage and Alaska Department of Transportation and Public Facilities MS4 NPDES Permit*, NPDES Permit No. AKS-052558, EPA Region 10, dated Oct. 29, 2009, AR 141
28. *Development of Low Impact Development Standards*, Advance Materials for Technical Advisory Committee Meeting #1, Ecology, dated Nov. 2, 2009, AR 140
29. Memorandum from Dorothy Robyn, Deputy Under Secretary of Defense, Installations and Environment, to Acting Asst. Secretary of the Army, et al. re: DoD Implementation of Storm Water Requirements under Section 438 of the Energy Independence and Security Act (EISA), dated Jan. 19, 2010, AR 149
30. Relevant excerpts from the *MS4 Permit Improvement Guide*, EPA, EPA Publication No. 833-R-10-001, dated April 2010, AR 150
31. *Frequently Asked Questions, Implementing the Flow Control Standard in Ecology's Western Washington Municipal Stormwater Permits*, Ecology, Publication No. 10-10-024 1 04/10, dated May 2010, AR 154

32. Development of Low Impact Development (LID) Standards for Municipal Stormwater General Permits, Joint Advisory Committee, Ecology, dated May 12, 2010, AR 153
33. Meeting agenda between EPA and JBLM with Misha Vakoc's notes, dated June 10, 2010, AR 12
34. Email message from Harriet Beale, Ecology to Misha Vakoc, EPA re: Ecology comments on draft permit, dated June 30, 2010, AR 27
35. Proposed Requirements and Timelines to Update Development Codes to Incorporate LID, Ecology, dated July 28, 2010, AR 159
36. Green Infrastructure and Storm Depth Retention Criteria, Andrew Reese, et al., Stormwater Magazine, dated July/Aug. 2010, AR 157
37. Letter from Paul Steucke, JBLM to Michael Lidgard, EPA re: revised NPDES MS4 permit application related to the merger of the Army and Air Force Base to create JBLM, dated Aug. 31, 2010, AR 13
38. Task 1: Urban Stormwater Runoff Preliminary Needs Assessment Technical Memorandum, Final Review Draft, prepared for Puget Sound Partnership, dated Oct. 2010, AR 168
39. Memorandum from Katherine Hammack, Asst. Secretary of the Army, Installations, Energy and Environment, to Army Distribution List re: Sustainable Design and Development Policy Update (Environmental and Energy Performance, dated Oct. 27, 2010, AR 170
40. Letter from Dennis McLerran, EPA to Ted Sturdevant, Ecology re: Re-issuance of Western Washington MS4 Permits, dated Nov. 18, 2010, AR 171
41. Stormwater Compliance for Air Force Bases, G. Krishnan, et al., The Military Engineer, dated Jan/Feb 2011, AR 179
42. Setting Targets for Puget Sound Recovery – Revised Addendum to Technical Memorandum dated March 23, 2011, Puget Sound Partnership, dated May 16, 2011, AR 268
43. Sustainable Joint Base Lewis-McChord, 2008-2010 Progress Report, JBLM, dated June 2011, AR 185
44. Email from Misha Vakoc, EPA to Martin Burris, et al., JBLM re: EPA's preliminary draft of the Joint Base Lewis McChord MS4 permit (without attachments), dated June 2, 2011, AR 14

45. Letter from Robert Bergquist, Ecology to Misha Vakoc, EPA re: Revised preliminary draft Municipal Separate Storm Sewer System permit and fact sheet with attachments, dated July 8, 2011, AR 30
46. EPA notes from July 19, 2011 meeting with JBLM, dated July 19, 2011, AR 18
47. Puget Sound Ecosystem Recovery Targets, Puget Sound Partnership, dated July 20, 2011, AR 269
48. Email from Martin Burris, JBLM to Misha Vakoc, EPA re: 19 July 2011 Meeting on Proposed NPDES Municipal Separate Storm Sewer System (Unclassified) with relevant attachment, dated Aug. 26, 2011, AR 19
49. District of Columbia MS4 NPDES Permit, dated Oct. 7, 2011, AR 187
50. Email message from Martin Burris, JBLM to Misha Vakoc, EPA re: Comments on preliminary draft fact sheet for NPDES Permit # WAS-026638 Joint Base Lewis-McChord MS4 with relevant attachments, dated Oct. 13, 2011, AR 20
51. Email message from Martin Burris, JBLM to Misha Vakoc, EPA with relevant attachments, dated Nov. 18, 2011, AR 21
52. Letter from Michael Lidgard, EPA to Robert Bergquist, Ecology, re: Request for Preliminary Certification of NPDES Permit #WAS-026638 Joint Base Lewis-McChord Municipal Separate Storm Sewer Systems (without attachments), dated Dec. 9, 2011, AR 33
53. Letter from Robert Bergquist, Ecology to Michael Lidgard, EPA re: EPA Draft Permit No. WAS026638 authorizing discharge from JBLM, Pierce County, WA attaching Draft 401 Certification, dated Jan. 17, 2012, AR 35
54. Public Notice of JBLM MS4 NPDES Permit, dated Jan. 26, 2012, AR 388
55. Draft JBLM MS4 Permit, dated Jan. 26, 2012, AR 392
56. Fact Sheet for JBLM MS4 Permit, dated Jan. 26, 2012, AR 393
57. Letter from Michael Bussell, EPA to Kelly Susewind, Ecology re: Comments Ecology's draft Phase I and Western Washington Phase II Municipal Separate Storm sewer System (MS4) Permits Proposed October 2011 for Effective Date August 1, 2013, dated Feb. 3, 2012, AR 198
58. Email from Jocelyn Jones, Ecology, to Interested (External) Parties of the Ecology Stormwater Email Listserve, re: Draft Municipal Stormwater Discharge Permit for JBLM, WA, dated Feb. 15, 2012, AR 396
59. EPA Agenda and Public Meeting Sign-In Sheet, dated March 19, 2012, AR 400 & 401

60. EPA Public Meeting Presentation, Proposed NPDES Permit for Municipal Stormwater Discharges from Joint Base Lewis-McChord, Misha Vakoc & Dino Marshalonis, EPA, dated March 19, 2012, AR 399
61. Letter from Ken Berg, FWS to Michael Lidgard, EPA re: EPA Draft Permit No. WAS-026638 (NPDES Stormwater, Joint Base Lewis-McChord, Thurston and Pierce Counties, Washington, dated March 26, 2012, AR 408
62. Letter from Robert Shirley, DoD Regional Environmental Coordinator Region 10 to Michael Bussell, EPA re: EPA Region 10 Municipal Separate Storm Sewer Systems (MS4s) Permit, dated March 28, 2012, AR 412
63. Letter from Paul Steucke, JBLM to Whom it May Concern re: Comments on JBLM MS4 Permit, dated March 29, 2012, AR 433
64. Relevant excerpts from the Stormwater Management Manual for Western Washington, Volume I, dated Aug. 2012, AR 206
65. Stormwater Management Manual for Western Washington, Volume III, dated Aug. 2012, AR 206
66. Stormwater Management Manual for Western Washington, Volume IV, dated Aug. 2012, AR 206
67. Stormwater Management Manual for Western Washington, Volume V, dated Aug. 2012, AR 206
68. Ecology Phase II Municipal Stormwater Permit for Western Washington, issued in Aug. 2012, AR 208
69. Ecology Phase I Municipal Stormwater Permit, issued in Aug. 2012, AR 209
70. Response to Comments on Western Washington Phase II Permit, Ecology, dated Aug. 1, 2012, AR 207
71. Relevant excerpts from Response to Comments on the Municipal Stormwater Permits, Ecology, dated Aug. 1, 2012, AR 207
72. Response to Comments on Appendix 1 & Low Impact Development for Phase I and Western Washington Phase II Permits, Ecology, dated Aug. 1, 2012, AR 207
73. Response to Comments on Phase I Permit, Ecology, dated Aug. 1, 2012, AR 207
74. EPA Region 10's Impervious Analysis of JBLM, dated Aug. 14, 2012, AR 213
75. EPA Region 10's Canopy Analysis, dated Aug. 14, 2012, AR 214

76. Email from Ed O'Brien, Ecology to John Palmer, EPA re: waiver for flow control, dated Aug. 27, 2012, AR 215
77. Ada County Highway District, Boise State University, City of Boise, City of Garden City, Ada County Highway Drainage District #3, and Idaho Transportation Department District #3 MS4 NPDES Permit, NPDES Permit No. IDS027561, dated Dec. 12, 2012, AR 220
78. Biological Evaluation and Essential Fish Habitat Assessment for Issuance of NPDES Permit #WAS-026638 For Discharges from the Joint Base Lewis-McChord Municipal Separate Storm Sewer System (MS4), dated April 2013, AR 367
79. Stormwater Technical Meeting between EPA, NMFS & USFWS, with handwritten notes, dated April 25, 2013, AR 368
80. Letter from Martin Burris, JBLM to Misha Vakoc, EPA re: SW Treatment Facility for Outfall #4 – Design Narrative and Hydrologic Reports without attachments, dated March 21, 2013, AR 404
81. Letter from Michael Lidgard, EPA to Greg Zentner, Ecology re: Request for Final Certification under Clean Water Act Section 401 for NPDES Permit #WAS026638-JBLM MS4 (without attachments), dated June 7, 2013, AR 36
82. Letter from Ken Berg, FWS to Michael Lidgard, EPA re; Informal ESA Consultation – EPA Issuance of NPDES Permit No. WAS-026638, Joint Base Lewis-McChord, Thurston and Pierce Counties, Washington, dated June 20, 2013, AR 373
83. Letter from William Stelle Jr., NOAA-NMFS, to John Palmer, EPA re: Endangered Species Act Section 7 Informal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for JBLM MS4 NPDES Authorization, Pierce County WA (6<sup>th</sup> Filed HUC 17110090304 Chambers Creek-Frontal Puget Sound, dated July 12, 2013, AR 374
84. Letter from Deborah Cornett, Ecology to Michael Lidgard, EPA re: CWA 401 Certification for NPDES Permit WAS026638, dated Aug. 7, 2013, AR 37
85. Agenda and Notes from Discussion Meeting between JBLM and EPA, dated Aug. 8, 2013, AR 406
86. Response to Comments on the NPDES Permit for Discharges from the Joint Base Lewis-McChord MS4, NPDES Permit No. WAS-026638, dated Aug. 22, 2013, AR 483
87. Final JBLM MS4 NPDES Permit, dated Aug. 22, 2013, AR 484
88. Letter from Dan Opalski, EPA to William Stelle, Jr., NMFS re: Joint Base Lewis-McChord MS4, NPDES Permit #WAS-026638 (without attachments), dated Aug. 26, 2013, AR 375

89. Letter from Dan Opalski, EPA to Ken Berg, USFWS re: Joint Base Lewis-McChord MS4, NPDES Permit #WAS-026638 (without attachments), dated Aug. 26, 2013, AR 376
90. Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the EISA, EPA 841-B-09-001, Dec. 2009, AR 144

DATED: January 15, 2014

Respectfully Submitted



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**CERTIFICATE OF SERVICE**

I certify that the foregoing "EPA Region 10's Excerpts of the Administrative Record" was sent to the following persons, in the manner specified, on the date below:

By electronic filing (and hard copy via U.S. Mail) to:

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DATED: January 15, 2014



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