



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
WATER AND  
WATERSHEDS

NOV 22 2013

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. Paul Steuke, Chief  
Environmental Division, Joint Base Garrison  
Department of the Army  
Box 339500, Mail Stop 17  
Joint Base Lewis-McChord, Washington 98433-9500

Re: Notification of Stayed Permit  
Joint Base Lewis-McChord Municipal Separate Storm Sewer System  
National Pollutant Discharge Elimination System (NPDES) Permit No. WAS-026638

Dear Mr. Steuke:

The above-referenced NPDES Permit No. WAS-026638 (Permit) was issued to Joint Base Lewis-McChord (JBLM) on August 22, 2013. The Permit authorizes discharges from JBLM's municipal separate storm sewer system (MS4). On November 5, 2013, the U.S. Department of the Army, JBLM, filed a petition for review of the Permit (Appeal No. NPDES 13-09). This letter serves as notification pursuant to 40 C.F.R. § 124.16(a)(2) of those permit conditions that are stayed as a result of the filed petition for review.

The following contested conditions of the Permit are stayed until final agency action under 40 C.F.R. § 124.19(f):

- In Part II.B.5, entitled "Stormwater Management for Areas of New Development and Redevelopment" - The following sentences of the first paragraph are stayed:  
*"Not later than one year from the effective date of this permit, the Permittee must implement a program to manage stormwater from developed areas in a manner that preserves and restores the area's predevelopment hydrology. The Permittee must use an ordinance (or other regulatory mechanism available under the legal authorities available to JBLM) to implement and enforce a program to control stormwater runoff from all public and private new development or redevelopment project sites that will disturb 5,000 square feet or more of land area."*
- Part II.B.5.b - The subpart entitled "Preparation of a Stormwater Site Plan" is stayed.
- Part II.B.5.d - The following provision of II.B.5.d is stayed: *"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."*
- Part II.B.5.e - The subpart entitled "Hydrologic Performance Requirement for On-site Stormwater Management" is stayed.

- Part II.B.5.f - The subpart entitled “Hydrologic Performance Requirement for Flow Control” is stayed.
- Part II.B.5.j - The first sentence from subpart entitled “Operation and Maintenance” is stayed: *“The Permittee must ensure long term operation and maintenance (O&M) of all permanent stormwater facilities used for onsite management, flow control, and treatment.”*
- Part II.C.2 - The requirements pertaining to development of a plan for stormwater retrofits to reduce discharges to impaired and degraded receiving waters is stayed.
- The following deadlines are stayed; however, the program actions required in the stated permit parts remain in effect:
  - Part II.A.3, regarding development of a Stormwater Management Program [SWMP] Document within one year from the permit effective date;
  - Part II.B.2.c, regarding making the SWMP Document available to the public within one year from the permit effective date, and annually thereafter;
  - Part II.B.3.g, regarding training of staff responsible for required Illicit Discharge Detection and Elimination program activities within two years from the permit effective date;
  - Part II.B.4.g, regarding the development of a Construction Site Inspection Plan within six months of the permit effective date;
  - Part II.B.4.h, regarding training of staff responsible for the Construction Site Stormwater Runoff Control program activities throughout the permit term;
  - Part II.B.5.i, regarding implementation of an inspection program to verify proper installation of permanent stormwater facilities within fourteen (14) months of the permit effective date;
  - Part II.B.5.k; regarding training of staff responsible for Stormwater Management for New Development and Redevelopment activities no later than one year from the permit effective date;
  - Part II.B.6.g, regarding ongoing training of staff responsible for the Pollution Prevention and Good Housekeeping for Municipal Operations and Maintenance activities;
  - Part IV.A.5, regarding conduct of Stormwater Discharge Monitoring into American Lake no later than eighteen (18) months from the permit effective date;
  - Parts IV.A.6.a and IV.A.6.b, regarding initiating conduct of Water Quality

Monitoring of the JBLM Canal, Clover Creek and Murray Creek, respectively, within one year of the permit effective date;

- Part IV.C.1, regarding submittal of Stormwater Discharge, Water Quality, and Biological Monitoring Reports beginning two years from the permit effective date; and
- Parts IV.C.2, regarding annual submittal of the updated SWMP document as part of the required Annual Report beginning no later than January 30, 2015.

The remainder of the NPDES permit conditions are uncontested and severable from the contested conditions, and, in accordance with 40 C.F.R. § 124.16(a)(2), will become fully effective and enforceable 33 days after the date this notice is mailed. Please feel free to contact Misha Vakoc, of my staff, at (206) 553-8257 should you have questions regarding this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel D. Opalski for".

Daniel D. Opalski, Director  
Office of Water and Watersheds

cc: Environmental Appeals Board

Mr. Martin Bums, Directorate of Public Works, Joint Base Lewis-McChord

Ms. Jennifer Smith, Directorate of Public Works, Joint Base Lewis-McChord

Ms. Deborah Cornett, WA Department of Ecology,  
SW Regional Office, Water Quality Program

Ms. Kari Hadley, Environmental Litigation Center,  
United States Department of the Army