



Comments, proposed MS4 for federal facilities

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06/13/2008 04:27 PM

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Greg:

Below are comments on the proposed MS4 Federal Facility Permit in addition to the ones expressed at our meeting 6 Jun in Colorado Springs.

2.5.8 bears reiteration: monthly inspections by the MS4 of ALL

construction sites is an extreme hardship.

Colorado's March 2008

renewed permit has two inspection categories:

 "A) Full Level Inspections assessing the adequacy of BMPs and overall site management, performed by an inspector adequately trained to determine compliance with the requirements of the permittee's CDPS Stormwater Management Program.

 B) Reconnaissance/Indicator Inspections conducted to only assess sites for indicators of noncompliance. Reduced Level Inspections do not fully assess the adequacy of BMPs and overall site management and/or are not performed by an inspector adequately trained to determine compliance with the requirements of the permittee's CDPS Stormwater Management Program. "

Please consider a phased approach for federal facilities.

2.6.1 The concern with this section of the 2007 EISA is the lack of design consideration: a 10 year storm will require far less consideration to meet the objective than will a 100 year storm. And although it is in the language of the Act itself, the concept of "maximum extent technically feasible" would require the expenditure of scarce public resources for incremental improvements. Technically feasible is an extremely high standard --- most of our construction projects are already underfunded due to the cost increase of building materials in the past few years. We understand the language and intent of Section 438 of EISA; somehow we need a realistic approach to

implementing it.

2.6.2 Phase 2 Fact Sheet 2.6, page 2, acknowledges limitations on regulatory legal authority; we likely will not develop an ordinance, but will continue to pursue some other enforcement mechanism.

2.6.4 Due to the complexities of contracting for construction on a military installation, it may not be possible for the installation to ensure ALL contracts contain appropriate clauses, as we control only a small portion of the contracts for construction.

2.6.5 The only way to realistically implement this item is for each installation to develop and maintain a hydrologic model. Resources? Capabilities to implement?

2.6.7.2 should read "...other regulatory mechanism" rather than "...other regulatory ordinance"?

4.1.1 What is meant by "stream structure?"

4.1.2 Many of the requirements identified in the permit for inclusion in the SWMP are activity based -- we count numbers, beans if you will: conduct outreach, provide training and information, conduct inspections and review documents. These activities do not lend themselves to measurable changes in stream stability or water quality. We do not want to see a requirement to collect in-stream water quality data when our programs do not provide that direct link to water quality improvements. Rather than a monitoring program, we would prefer to develop an evaluation program, based on the installation-specific goals for the permit, which may include water quality monitoring if indicated.

Personal interjection: One of the pitfalls with water quality data collection is that unless you measure EVERYTHING that is occurring in a watershed, it is difficult to connect individual program activities to actual water quality changes. This was drilled into my head both in the nonpoint source program and by the monitoring team in Colorado. Drawing conclusions with water quality data can be

dangerous if you
don't have all the information. Determining
impairment is one thing --
either the data meets the 85th percentile or not.
Determining success
-- water quality impact -- of programmatic
activities is something
altogether different.

Personal interject #2: I also understand the need to
measure success,
to measure the effectiveness of the MS4 program. I
participated on a
couple national work groups when the nonpoint source
program was first
dealing with the PART analyses in the early 2000s,
trying to develop
consistent approaches to reporting success that would
work for all
programs nationwide. It was and is a huge challenge.

We are not opposed to monitoring; we believe there
needs to be a
context. As part of an evaluation program it may be
appropriate.
Stand-alone, it is far more complicated.

We appreciate the opportunity to provide comments and
hope to continue
the dialog on the MS4 program.

Respectfully,

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