



**Fw: waiver for flow control**

**John Palmer** to: Misha Vakoc, Dino Marshalonis

08/27/2012 04:47 PM

Here is Ecology's reply to the question of variances . short answer not done much. Thus, given outwash soils at JBLM and potential of vaults to be used in almost all situations as a last resort - we do not expect many, if any, exemptions from the flow control std at JBLM (we provide the exemption just in case there is some unforeseen circumstance....

----- Forwarded by John Palmer/R10/USEPA/US on 08/27/2012 04:44 PM -----

From: "O'Brien, Ed (ECY)" <eobr461@ECY.WA.GOV>  
To: John Palmer/R10/USEPA/US@EPA  
Cc: "Moore, Bill (ECY)" <BMOO461@ECY.WA.GOV>  
Date: 08/27/2012 03:49 PM  
Subject: RE: waiver for flow control

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John,

I checked the last 3 years of annual reports for the 6 Phase I permittees. Collectively, 7 variances were granted. That represents 18 years of permits for new and redevelopment. That's less than 1 every two years for all of Seattle, Tacoma, and unincorporated Pierce, King, Snohomish, and Clark Counties. Ecology did not review the subject matter for these variances, so I can't tell you how many were variances from the flow control requirement.

Whether a vault would be a "severe and unexpected economic hardship" depends upon the specific situation and the local government's interpretation. Certainly, in cases where there are surface space limitations,, a vault can be the answer. Vaults are probably more frequently used in Seattle than elsewhere.

In the case of the JBLM permit, the flow control requirement would probably be met in most cases by infiltration facilities. Most, if not all of the military reservations have outwash soils that infiltrate rapidly. So, vaults with open bottoms or infiltration trenches/pipes would be used.

Ed

**From:** John Palmer [mailto:Palmer.John@epamail.epa.gov]  
**Sent:** Monday, August 27, 2012 11:17 AM  
**To:** Moore, Bill (ECY); O'Brien, Ed (ECY)  
**Subject:** waiver for flow control

Hi Bill and Ed,

Are you aware of how many, if any, permittees have provide a "exception/variance" (with the required public notice and comment) of the flow control requirement due to " a severe and unexpected economic hardship" ?

Related, due you think it is accurate to say that, at the very least" a vault is economically viable is nearly all

cases to meet the flow control std?

I'm asked these questions to help us respond to comments for the JBLM permit .

Thanks.

John