



**Request for Clean Water Act
Section 401 Water Quality Certification
Washington State Department of Ecology**
Phone: (360) 407-6076 or E-mail: ecyrefedpermits@ecy.wa.gov

AGENCY USE ONLY

Date Received: **2/13/2023**
Aquatics ID No.: **141755**
Team: **WQ**
Valid Request: **2/14/2023**

This Section 401 Water Quality Certification (WQC) Request form identifies information needed in order to review and process a Section 401 WQC Request. Please see Department of Ecology's (Ecology) [webpage](#) for more information about the Section 401 WQC Request process.

Submit this Section 401 WQC Request form along with a [Joint Aquatic Resources Permit Application](#) (JARPA) and supporting information¹ to ecyrefedpermits@ecy.wa.gov and copy the federal permitting agency.

- A. Federal Permit or License Reference Number, if known:** WAS026638
Department of Ecology (Ecology) Aquatics ID Number, if known: _____
Project Name: Joint Base Lewis-McChord **County:** Pierce and Thurston
- B. Project Proponent Name:** Joint Base Lewis-McChord MS4 Permit
- C. Documentation showing that the Pre-Filing Meeting Request was submitted at least 30 days prior to submitting this Section 401 WQC Request. Attach either of the following:**
- ☒ E-mail acknowledgement of receipt from Ecology
 - ☒ Copy of previously submitted Pre-Filing Meeting Request Form
- D. A completed, signed, and dated JARPA should be submitted with this form.**
Did you attach a JARPA? ☐ Yes ☐ No
- E. The following is a list of documents needed for Ecology's WQC review, along with a brief explanation. Depending on the project, additional information may be requested.**

Please let us know what information you are submitting with this WQC request form.

Required for all projects:

1. State Environmental Policy Act (SEPA) determination and/or checklist:
 - ☐ Final SEPA determination attached
 - ☐ SEPA determination pending
 - ☐ Exempt from SEPA (see [SEPA Guidance](#))
 - ☐ SEPA is not required (e.g., federal agency projects)

¹ To submit documents over 25MB, e-mail ecyrefedpermits@ecy.wa.gov to request a secure link.

To request an ADA accommodation, contact Ecology by phone at (360) 407-6076 or email at ecyrefedpermits@ecy.wa.gov, or visit <https://ecology.wa.gov/accessibility>.

For Relay Service or TTY call 711 or 877-833-6341.

Si necesita este formulario en español, por favor, llámenos a (360) 407-6076
o envíenos un correo electrónico a: ecyrefedpermits@ecy.wa.gov

2. Project drawings attached:

- ☒ Vicinity map
- ☐ Plan view
- ☐ Cross-section(s)
- ☐ Plan set
- ☐ Other: _____

3. Best management practices and construction methodology, provided in the attached:

- ☐ JARPA
- ☐ Water Quality Monitoring and Protection Plan (WQMPP)
- ☐ Project drawings, sheets: _____
- ☐ Mitigation Plan pages: _____
- ☐ Other document(s): _____

Notes:

- This is needed for in-water work (below ordinary high water mark), including wetlands.
- Describe best management practices to be implemented to protect water quality.
- Describe construction sequencing and methodology.

4. Water quality monitoring, provided in the attached:

- ☐ Water Quality Monitoring Plan (WQMP).
- ☐ Water Quality Monitoring and Protection Plan (WQMPP is similar to WQMP, but includes best management practices).
- ☐ Other (please identify location, such as JARPA, Part 8): _____

Notes:

- Include language in the plans that allows Ecology to review and approve all substantive changes to a plan prior to implementation.
- A plan is needed when conducting work in a waterbody (e.g., creek, ditch, river, lake, pond, marine, estuarine).
- Include water quality parameters such as turbidity, oil sheen, pH (e.g., poured in-place concrete, concrete demolition), etc.
- See [State Water Quality Standards for Surface Waters](#) (Chapter 173-201A-200 or -210 WAC)
- If needed, templates are available.

Required depending on the project type:

5. Erosion and sediment control for upland work (above ordinary high water mark) that addresses stormwater during construction and long-term:

This information is included in the attached:

- ☐ JARPA
- ☐ Project drawings, sheets: _____
- ☐ Stormwater Pollution Prevention Plan, pages: _____
- ☐ Mitigation Plan, pages: _____
- ☐ Other document(s): _____

6. Wetland report, including the attached:

- ☐ Wetland delineation report
- ☐ Delineation data sheets
- ☐ Wetland rating forms

Notes:

- Needed when there is a discharge (dewatering, excavation or fill) to wetlands.
- Report needs to include both a wetland delineation and rating.
- Include delineation data sheets and rating forms.
- For more information see [wetland delineation resources](#) and [hiring a qualified wetland professional](#).
- Include language in the plans that allows Ecology to review and approve all substantive changes to a plan prior to implementation.

7. Mitigation, avoidance and minimization

- ☐ Wetland [avoidance and minimization checklist](#)
- ☐ Other aquatic resource avoidance and minimization demonstration
- ☐ Mitigation Plan
- ☐ Other: _____

Notes:

- Wetland [avoidance and minimization webpage](#).

8. Mitigation plan, provided in the attached:

- ☐ Riparian Planting and Monitoring Plan (Needed when riparian vegetation is removed or modified)
- ☐ Wetland or stream/other aquatic resource Mitigation Plan
- ☐ Wetland Mitigation Bank Use Plan (use when proposing mitigation bank use)
- ☐ In-Lieu Fee (ILF) Use Plan (use when proposing ILF mitigation)
- ☐ Project drawings, sheets: _____
- ☐ Other: _____

Notes:

- Needed to offset impacts to wetland, stream, marine, or other aquatic habitat.
- Include language in the plans that allows Ecology to review and approve all substantive changes to a plan prior to implementation.
- For more information, see [wetland compensatory mitigation](#).

9. Dredging

- ☐ Dredging Plan attached
- ☐ Suitability Determination attached

Notes:

- Needed when sediments will be dredged for maintenance, navigation, or other purposes.
- Covers in-water disposal and sediment anti-degradation.
- Dredging Plan should include dredge footprint and depth, dredge type, best management practices, disposal plan, off-loading plan for upland disposal, etc.
- Include language in the plans that allows Ecology to review and approve all substantive changes to a plan prior to implementation.
- For information on suitability determinations, see [Dredged Material Management Office](#).

10. Dewatering

- ☐ Dewatering Plan attached

Notes:

- Needed for complex in-water work or management of excavated/dredged material.

- Include language in the plans that allows Ecology to review and approve all substantive changes to a plan prior to implementation.
- May also be required for some excavation projects.


F. Required Certification Statements:

The project proponent hereby certifies that all information contained herein is true, accurate, and complete, to the best of my knowledge and belief.

Initial BB

The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

Initial BB

Signature: **BILIN BASU**  Digitally signed by BILIN BASU
Date: 2023.02.14 09:46:31 -08'00' Date: 2/14/2023

Print Name: Bilin Basu



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

WATER DIVISION

February 13, 2023

Mr. Vince McGowan
Water Quality Program Manager
Washington Department of Ecology
P.O. Box 47600,
Olympia, WA 98504-7600

(Sent via email to: _ecyrefedpermits@ecy.wa.gov)

Re: Public Notice of Draft Permit for Joint Base Lewis-McChord MS4 Permit, NPDES Permit No. WAS026638 and Request for Final Clean Water Act Section 401 Certification

Dear Mr. McGowan:

By this letter, U.S. Environmental Protection Agency Region 10 requests that the Washington State Department of Ecology (Ecology) provide Clean Water Act Section 401 certification for the draft National Pollutant Discharge Elimination System (NPDES) permit referenced above. We intend to initiate a public review and comment period for the draft permit during the week of February 13, 2023. Transmitted with this letter is a copy of the draft NPDES permit, the Fact Sheet which outlines the basis for the permit, and the public notice as it will appear on our website. A copy of the draft NPDES permit and the Fact Sheet which outlines the basis for the permit can be found at <https://www.epa.gov/npdes-permits/washington-npdes-permits>.

EPA requested a pre-filing certification meeting on June 21, 2022 and has attached documentation of that request. (See 40 CFR § 121.5(b)(7).) EPA requests that your certification follow the federal regulations governing state certification at 40 CFR §124.53(e). The regulations allow for the certifying authority to stipulate more stringent conditions in the permit, if the certification cites the Clean Water Act or State law references upon which that condition is based. The regulations also require the certification to include statements for each condition of the permit that can be made less stringent without violating the requirements of State law.

Final action on this permit cannot be taken until your agency has granted or denied certification under 40 CFR §124.55 or waived its right to certify. Pursuant to 40 CFR §124.53(c)(3), Ecology will be deemed to have waived its right to certify unless that right is exercised within 60 days of the receipt of the draft permit or Ecology has requested an extension (not to exceed the statutory reasonable period time of one year from the date of the original request for certification).

If you have any questions on the permit, please contact Bilin Basu via email at basu.bilin@epa.gov, (206) 553-0029 or 1-800-424-4372 ext. 0029, or

Sincerely,

Susan Poulson, Section Manager
NPDES Permitting Section

Enclosures: (via email) Fact Sheet, Draft Permit, Public Notice

cc: Angela Zeigenfuse, Washington Department of Ecology (azei461@ecy.wa.gov)
Abby Stockwell, Washington Department of Ecology (abst461@ecy.wa.gov)