



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 21, 2022

Susan Poulosom, Manager
NPDES Permits Unit
United States Environmental Protection Agency - Region 10
1200 Sixth Avenue, Suite 155, OWW
Sent via email: Poulosom.Susan@epa.gov

**RE: Clean Water Act Section 401 Certification for EPA National Pollutant Discharge Elimination System
Naval Magazine Indian Island WA0021997**

Dear Susan Poulosom:

This letter is in response to the US Environmental Protection Agency's letter, dated February 23, 2022, requesting Washington State Department of Ecology (Ecology) provide a Clean Water Act Section 401 Certification for the Final National Pollutant Discharge Elimination System (NPDES) (Naval Magazine Indian Island WA0021997) which provides coverage in order to discharge treated domestic sewage and ship sanitary wastewater to Port Townsend Bay.

With this Section 401 Water Quality Certification, Ecology certifies NPDES Naval Magazine Indian Island WA0021997(Permit) without conditions as found in Order No 21079. The enclosed Order may be appealed by following the procedures described in the Order.

If you have any questions or would like to discuss these matters further, please contact Dave Dougherty, P.E., Environmental Engineer, at 564-999-3586 or david.dougherty@ecy.wa.gov.

Sincerely,

Jeff Killelea, Manager
Program Development Services Section
Water Quality Program

Enclosure: Administrative Order Docket #21079

By Certified Mail # 9489 0090 0027 6096 5312 02

cc: James Earl, Permit Writer, Region 10 EPA
Dave Dougherty, P.E., Environmental Engineer, WQ Program
Angela Zeigenfuse, 401 Certification Coordinator, WQ Program
Vincent McGowan, P.E., Water Quality Program Manager, WQ Program
Loree' Randall, 401 Policy Lead, SEA Program
ecyrefedpermits@ecy.wa.gov – Aquatics ID # 141485

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF GRANTING A WATER)	ADMINISTRATIVE ORDER
QUALITY CERTIFICATION TO)	DOCKET # 21079
U.S. Environmental Protection Agency)	Naval Magazine Indian Island WA0021997
pursuant to 33 U.S.C. 1341 (FWPCA §)	
401), 40 CFR Part 121, RCW 90.48.120,)	
RCW 90.48.260 and chapter 173-201A)	
WAC)	

TO: UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
ATTN: Susan Poulsom
1200 Sixth Ave, Suite 155, OWW
SEATTLE, WA 98101

On February 23, 2022, the US Environmental Protection Agency (EPA) requested a Section 401 Water Quality Certification for the NPDES permit authorizing discharges to a water of the state (defined in chapter 90.48 RCW) from the Naval Magazine Indian Island Wastewater Treatment Plant (WWTP).

The United States Department of the Navy submitted an NPDES permit application to the EPA requesting permit renewal for the permit with an expiration date of April 16, 1990. In response to the United States Department of the Navy application, EPA drafted a renewed NPDES permit to authorize discharges from the Naval Magazine Indian Island into waters of the United States. The discharges consist of treated domestic sewage and ship sanitary wastewater to Port Townsend Bay.

The Naval Magazine Indian Island WWTP serves to treat domestic sewage and ship sanitary wastewater. Naval Magazine Indian Island WWTP is located in Port Hadlock in Jefferson County. The project is located in portions of Section 36, Township T30N, Range R01W.

EPA may not issue an NPDES permit to conduct activity that may result in any discharges into waters of Washington State until Ecology has granted certification under Clean Water Act (CWA) section 401, or has waived its right to certify. 33 U.S.C. 1341 (a)(1); 40 C.F.R. 124.53(a).

This Certification is based on the terms and conditions contained in the proposed draft NPDES permit. If EPA issues a final NPDES permit that contains any changes from the draft NPDES permit that do not include requirements outlined in this Certification, Ecology reserves the right to either modify or revoke this Certification. In accordance with 40 CFR 124.53(e)(3), Ecology has determined that no condition in the draft NPDES permit may be made less stringent without violating requirements in Washington State law.

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, 40 CFR Part 121, 40 CFR §124.53 - 55, RCW 90.48.120, and RCW 90.48.260, Ecology has examined EPA's request for CWA 401 certification of the draft permit pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §1311, 1312, 1313, 1316, and 1317 (FWPCA § 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by chapter 90.48 RCW, and with other applicable state laws;
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010; and
4. Conformance with Washington's prohibition on discharges that cause or tend to cause pollution of waters of the state of Washington as required by RCW 90.48.080.

WATER QUALITY CERTIFICATION CONDITIONS:

With this Certification and through issuance of this Order, Ecology certifies that the discharge as proposed and conditioned by this Certification will comply with applicable water quality standards or other appropriate requirements of State law. In view of the foregoing and in accordance with 33 U.S.C. §1341, 40 CFR Part 121, RCW 90.48.120, RCW 90.48.260, chapter 173-200 WAC, and chapter 173-201A WAC, water quality certification is granted to the Project Proponent subject to the conditions within this Order and Naval Magazine Indian Island WA0021997.

Certification of the proposed draft permits does not authorize the Project Proponent to exceed applicable state surface water quality standards (chapter 173-201A WAC), ground water standards (chapter 173-200 WAC) or sediment quality standards (chapter 173-204 WAC), standards in the EPA's Revision of certain Federal water quality criteria

applicable to Washington (40 CFR 131.45), and other appropriate requirements of State law.

A. General Requirements

1. For purposes of this Order, the term “Project Proponent” shall mean those that are seeking coverage under this permit, and its agents, assignees and contractors.
2. The Federal Agency shall mean the US Environmental Protection Agency. The Federal Agency shall enforce the permit and ensure that the Project Proponent complies with the conditions of the permits at all times.
3. Failure of any person or entity to comply with this Certification may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Certification, pursuant to RCW 90.48.120, 90.48.140 , and 90.48.144.

B. Timing Requirements

1. This Certification is valid until the expiration date including any administrative extension or termination date of the Naval Magazine Indian Island WA0021997 (40 CFR § 122.46).

C. Notification Requirements

1. The Federal Agency shall enforce and the Project Proponent must comply with all the reporting and notification conditions of the NPDES permit in order to comply with this Order and the certification conditions herein, including conditions of the permit requiring the Project Proponent to report to Ecology.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses

Department of Ecology

Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Pollution Control Hearings Board

1111 Israel RD SW
STE 301
Tumwater, WA 98501

Mailing Addresses

Department of Ecology

Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Pollution Control Hearings Board

PO Box 40903
Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Dave Dougherty, P.E.
Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775
564-999-3586
david.dougherty@ecy.wa.gov

MORE INFORMATION

- [Pollution Control Hearings Board Website](#)¹
- [Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board](#)²
- [Chapter 371-08 WAC – Practice And Procedure](#)³
- [Chapter 34.05 RCW – Administrative Procedure Act](#)⁴
- [Chapter 90.48 RCW – Water Pollution Control](#)⁵
- [Chapter 173.204 Washington Administrative Code \(WAC\) Sediment Management Standards](#)⁶
- [Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington](#)⁷
- [Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington](#)⁸

SIGNATURE



Jeff Killelea, Manager
Program Development Services Section
Water Quality Program

¹ <http://www.eluho.wa.gov/Board/PCHB>

² <http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

³ <http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

⁴ <http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>

⁵ <http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

⁶ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

⁷ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>

⁸ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>