



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

May 15, 2023

Susan Poulsom, Manager  
NPDES Permits Unit  
United States Environmental Protection Agency - Region 10  
1200 Sixth Avenue, Suite 155, OWW  
Seattle, WA 98101  
Sent by email: [poulsom.susan@epa.gov](mailto:poulsom.susan@epa.gov)

**RE: Clean Water Act Section 401 Certification for EPA National Pollutant Discharge Elimination System United States Department of the Navy, Naval Base Kitsap Bangor (#WA0025577)**

Dear Susan Poulsom:

This letter is in response to the US Environmental Protection Agency's letter, dated Feb. 14, 2023, requesting Washington State Department of Ecology (Ecology) provide a Clean Water Act Section 401 Certification for the draft National Pollutant Discharge Elimination System (NPDES) United States Navy Naval Base Kitsap Bangor Permit ( #WA0025577), which provides coverage to discharge non-contact cooling water and drydock flood water to the Hood Canal. On Feb. 28, 2023, Ecology issued a public notice for the project.

With this Section 401 Water Quality Certification, Ecology certifies Naval Base Kitsap Bangor WA0025577(Permit) with general conditions as found in Order No. 21643. 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 Joey Jiang, P.E., Facility Manager, at 206-507-8283 or [joey.jiang@ecy.wa.gov](mailto:joey.jiang@ecy.wa.gov).

Sincerely,

Jeff Killelea, Manager  
Program Development Services Section  
Water Quality Program

**Enclosure: Order No. 21643**

**By Certified Mail #: 9489 0090 0027 6086 4106 09**

Susan Poulsom

May 15, 2023

Page 2

cc: Brian Nickel, Permit Writer, EPA Region 10  
Joey Jiang, Permit Writer, 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](mailto:ecyrefedpermits@ecy.wa.gov) – Aquatics ID # 141668

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

<b>IN THE MATTER OF GRANTING A WATER</b>	)	<b>ADMINISTRATIVE ORDER</b>
<b>QUALITY CERTIFICATION TO</b>	)	<b>DOCKET # 21643</b>
<b>U.S. Environmental Protection Agency</b>	)	<b>US Navy Naval Base Kitsap Bangor (Permit</b>
pursuant to 33 U.S.C. 1341 (FWPCA §	)	<b>#WA0025577)</b>
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 Feb. 14, 2023, the US Environmental Protection Agency (EPA) requested a Section 401 Water Quality Certification (WQC) for the NPDES permit authorizing discharges to water of the state (defined in chapter 90.48 RCW) from the United States Navy Naval Base Kitsap Bangor (#WA0025577).

On Mar. 2, 2015, the United States Department of the Navy (Navy) submitted an NPDES permit application to the EPA requesting permit renewal for the US Navy Naval Base Kitsap Bangor Permit with an expiration date of Aug. 31, 2015. In response to the US Navy application, EPA drafted a renewed NPDES permit to authorize discharges from the Naval Base Kitsap Bangor into the waters of the United States. The discharges consist of non-contact cooling water through outfall 001 and drydock flood water through outfall 002 to Hood Canal.

The Navy owns and operates Naval Base Kitsap Bangor (NBK Bangor). NBK Bangor is located in Silverdale, Kitsap County. The project is located in portions of Section 25, T26N R01W. NBK Bangor's facility performs repairs and renovations to support the TRIDENT missile system and performing repairs and renovations on Navy submarines. Non-contact cooling water is discharged through outfall 001 and drydock floor water is discharged through the cassion opening, which is outfall 002. Non-contact cooling water is the auxiliary salt water withdrawn from Hood Canal for cooling. Drydock floodwater is the water in which submarines are floated into the drydock, then discharged in order to create a dry work environment.

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).

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, 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 that the discharge as proposed 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, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Federal Agency subject to the conditions within this Order # 21643 and NPDES Permit No. WA0025577.

Certification of the proposed draft permit 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 the purposes of this Order, the term “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.
  - a. Justification - Ecology needs to identify that conditions of this WQC Order apply to anyone conducting work on behalf of the Project Proponent to ensure compliance with the water quality standards and other applicable state laws.
  - b. Citation - 40 CFR 121.1(j), Chapter 90.48 RCW, RCW 90.48.080, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC, Chapter 173-201A WAC, and WAC 173-225-010.
2. 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.
  - a. Justification - Ecology needs to identify that conditions of this WQC Order apply to anyone conducting work on behalf of the Project Proponent to ensure compliance with the water quality standards and other applicable state laws.
  - b. Citation - 40 CFR 121.1(j), Chapter 90.48 RCW, RCW 90.48.080, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC, Chapter 173-201A WAC, and WAC 173-225-010.
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.
  - a. Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses. Ecology has independent state authority to ensure protection of state water quality. Civil penalties and other enforcement actions are the primary means of securing compliance with water quality requirements.
  - b. Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.037, RCW 90.48.080, RCW 90.48.120, RCW 90.48.140, RCW 90.48.142, RCW 90.48.144, and WAC 173-225-010.

**B. Timing Requirements**

1. This Certification is valid until the expiration date including any administrative extension or termination date of the Naval Base Kitsap Bangor NPDES permit, #WA0025577 (40 CFR§ 122.46).
  - a. Justification - Certifications are required for any federal license or permit that authorizes an activity that may result in a discharge or fill material into waters of the state. This WQC Order is not valid until the Federal agency issues a permit. Additionally, Ecology needs to be able to specify how long the WQC Order will be in effect.
  - b. Citation - Chapter 90.48 RCW, Chapter 173-201A WAC, and WAC 173-225-010.

**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 (40 CFR § 121.11).
  - a. Justification - Ecology has independent state authority to ensure protection of state water quality. Ecology must be aware of when a project starts and ends and whether there are any issues. This allows Ecology to evaluate compliance with the state water quality requirements.
  - b. Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.120, Chapter 173-201A WAC, WAC 173-201A-300 - 330, Chapter 173-204 WAC, and WAC 173-225-010.

### 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:

Joey Jiang, P.E.  
Department of Ecology  
1500 Dayton Ave N, Shoreline, WA 98133  
206-507-8283  
[joey.jiang@ecy.wa.gov](mailto:joey.jiang@ecy.wa.gov)

#### MORE INFORMATION

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

#### SIGNATURE



---

Jeff Killelea, Manager  
Program Development Services Section  
Water Quality Program

---

<sup>1</sup> <https://elaho.wa.gov/content/11>

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

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

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

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

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

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

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