



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

May 18, 2020

Susan Poulsom, P.E., Manager
NPDES Permits Unit
United States Environmental Protection Agency - Region 10
1200 Sixth Avenue, Suite 155, OWW
Seattle, WA 98101

**RE: Clean Water Act Section 401 Final Certification for
EPA National Pollutant Discharge Elimination System Permit No. WA0002780
US Department of Defense, Department of Navy,
Naval Supply Fleet Logistics Center Puget Sound, Manchester Fuel Department**

Dear Susan Poulsom:

This letter is in response to the U.S. Environmental Protection Agency's (EPA) letter, dated March 20, 2020, requesting Washington State Department of Ecology (Ecology) provide a Clean Water Act Section 401 Certification for the Final National Pollutant Discharge Elimination System (NPDES) Permit WA0002780 for **Naval Supply Fleet Logistics Center Puget Sound Manchester Fuel Department**.

With this Section 401 Final Water Quality Certification, Ecology certifies NPDES Permit No. WA0002780 (Permit) complies with applicable provisions of Section 301, 302, 303, and 306 of the Clean Water Act, as amended, and applicable state laws. This Certification is subject to the conditions regarding the stormwater pollution prevention plan and monitoring contained in the enclosed Order No. 18130. The Enclosed Order may be appealed by following the procedures described in the Order.

If you have questions or would like to discuss these matters further, please contact Jeanne Tran, P.E. at jeanne.tran@ecy.wa.gov or (425) 531-8311.

Sincerely,

A handwritten signature in blue ink, reading "Jeff Killelea".

Jeff Killelea
Acting Program Development Services Section Manager
Water Quality Program

Enclosure

cc: Jeanne Tran, Department of Ecology, WQ Program
Brian Nickel, Permit Writer, Region 10 EPA
Loree' Randall, Department of Ecology, SEA Program
ecyrefedpermits@ecy.wa.gov

By Certified Mail: 9489 0090 0027 6066 2467 61

IN THE MATTER OF GRANTING A)	ORDER # 18130
WATER QUALITY)	Naval Supply Fleet Logistics Center
CERTIFICATION TO)	Puget Sound, Manchester Fuel Department
U.S. Environmental Protection Agency)	located in Manchester, Washington
in accordance with 33 U.S.C. 1341)	(NPDES Permit No. WA0002780)
(FWPCA § 401), 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 March 20, 2020, the U.S. Environmental Protection Agency (EPA) requested a Section 401 Water Quality Certification from the Department of Ecology (Ecology) for EPA's NPDES permit authorizing discharges to a water of the state (defined in RCW 90.48) from the Naval Supply Fleet Logistics Center Puget Sound Manchester Fuel Department (Navy). This Section 401 Water Quality Certification (Certification) imposes additional conditions, beyond the conditions of the draft NPDES permit, on the Applicant or Permittee. The Certification conditions within this Order must be incorporated into EPA's final NPDES permit.

On July 10, 2000, the Navy submitted a NPDES Permit application to the EPA requesting permit renewal for the permit with an expiration date of January 8, 2001. In response to the Navy's application, EPA drafted a renewed NPDES Permit to authorize discharges from the Navy's Manchester Fueling operation into waters of Washington State. The discharges consist of treated wastewater from the Oily Wastewater Treatment Plant and industrial stormwater to Clam Bay, Little Clam Bay, and Puget Sound. The facility discharges from six outfalls: 001B, 002A, 004A, 006A, 007A and 008A.

The Naval Supply (NAVSUP) Fleet Logistics Center (FLC), Puget Sound, provides logistics support services and products to fleet and shore commands of the United States Navy and other military commands and governmental agencies in the Pacific Rim. NAVSUP FLC Puget Sound's Manchester Fuel Department is located on the Puget Sound just north of the community of Manchester, Washington. The 234-acre facility is located in portions of sections 15 & 16, T24N, R2E; it supplies diesel and aircraft fuel to the Navy. This is the only naval underground fuel bulk storage facility in the Northwest and the largest on the West Coast.

This Certification is based on the terms and conditions contained in the October 2018 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, EPA's request for Certification is denied and EPA must request a new

Certification for the final NPDES Permit. Ecology reserves the right to modify or revoke this Certification if there is no longer reasonable assurance that there will be compliance with 33 U.S.C §§ 1311, 1312, 1313, 1316 and 1317 due to changes in the operation of the facility, changes in the characteristics of the waters into which discharges occur, changes in water quality criteria applicable to those waters, or changes to applicable effluent limits or other requirements.

AUTHORITIES:

In exercising authority under 33 U.S.C. § 1341, 16 U.S.C. § 1456, 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; and
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.
4. Conformance with Washington's prohibition on discharges that cause or tend to cause pollution of waters of the state of Washington. RCW 90.48.080

WATER QUALITY CERTIFICATION CONDITIONS:

With this Certification and through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned by this Certification will be conducted in a manner that will not violate applicable water quality standards and 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 Applicant subject to the conditions within this Order and NPDES Permit No. WA0002780.

Certification of the Applicant's proposed final permits does not authorize the Permittee to exceed applicable state surface water quality standards (Chapter 173-201A WAC), groundwater standards (Chapter 173-200 WAC) or sediment management 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 Conditions

1. For purposes of this Order, the term “Applicant” shall mean U.S. Environmental Protection Agency (EPA).
2. For purposes of this Order, the term “Permittee” shall mean Naval Supply Fleet Logistics Center Puget Sound Manchester Fuel Department.
3. The Applicant shall enforce the permit and ensure that the Permittee complies with the conditions of the permit at all times.
4. Ecology may request access to the facility for site inspections, monitoring, and/or necessary data collection to ensure that the conditions in this Order are being met. Access is subject to standard military protocols for allowing access to the facility.
5. Nothing in this Certification waives Ecology’s authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental orders, if additional impacts due to project construction or operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
6. In the event of changes or amendments to the state water quality, groundwater quality, or sediment quality standards, or changes in or amendments to the state Water Pollution Control Act (RCW 90.48) or the federal Clean Water Act, Ecology may issue an amendment to this Certification to incorporate any such changes or amendments applicable to this project.
7. Failure of any person or entity to comply with this Certification may result in action, whether administrative or judicial, to enforce the terms of this Certification.

B. Water Quality

1. This Certification does not authorize exceedances of water quality standards established in Chapter 173-201A WAC.
2. Stormwater Pollution Prevention Plan (SWPPP):

The Permittee’s SWPPP and any revisions must be submitted to the Applicant for review and approval to ensure the plan is comprehensive, complete and accurate. The Applicant’s review is required to ensure that the SWPPP is adequate to provide for compliance with technology-based stormwater requirements and state water quality standards.

Ecology concurs that BMPs in the SWPPP are an appropriate mechanism for the purposes of source control and eliminating pollutants into receiving waters. The Manchester Fueling Department is a 234-acre facility which supplies diesel and aircraft fuel to the Navy. This Naval underground fuel bulk storage facility in the

Northwest is the largest tank farm on the West Coast. For an operation of 234 acres, the SWPPP is a vital element in the NPDES Permit to regulate industrial stormwater. The SWPPP must identify all areas associated with industrial activities that have been or may potentially be sources of pollutants, including but not limited to outdoor storage of materials or products, and on-site waste treatment, storage or disposal. The SWPPP must describe each BMP selected and used to eliminate or reduce the potential to contaminate discharges from the facility's stormwater outfalls. BMPs must be equivalent to BMPs in the Department of Ecology's Stormwater Management Manual for Western Washington (2019)¹.

3. Discharge characterization for Outfall 006A:

As described in the 2020 Five-Year Review Report for the Naval Supply Fleet Logistics Center Puget Sound, Site 302 is identified as the Polychlorinated Biphenyl (PCB) cleanup site (see <https://apps.ecology.wa.gov/gsp/CleanupSiteDocuments.aspx?csid=106>). In the 1990s, the Navy conducted independent cleanup of the area by removing PCB contaminated soil off-site and capping the area with clean soil. In 1997, the Navy requested a No Further Action (NFA) determination from Ecology. On September 2000, Ecology-Toxic Cleanup Program issued a NFA letter for this area to the Navy.

Given the historical practices at Site 302, and the stormwater runoff and natural groundwater flow from this area to Outfall 006A, the Applicant must require the Permittee to monitor PCB concentrations of the discharge at outfall 006A to characterize the PCB levels in the discharge. The Applicant must require the Permittee to conduct quarterly monitoring of PCB in the discharge for a minimum period of one year to generate at least four representative sample results. At a minimum, EPA test method 608.3 is required. The State would support use of an analytical test method with lower quantitation levels for PCB characterization if proposed.

4. Quality Assurance Plan (QAP) for PCB monitoring:

To ensure quality data is collected, the Applicant should require the Permittee to develop and submit a QAP for PCB monitoring for EPA's review and approval prior to sampling. The Permittee must follow the approved QAP.

C. Timing Requirements

1. This Certification is valid until the expiration date including any administrative extension or termination date of NPDES Permit No. WA0002780.

¹ <https://fortress.wa.gov/ecy/ezshare/wq/Permits/Flare/2019SWMMWW/2019SWMMWW.htm>

D. Notification Requirements

1. The Applicant shall enforce and the Permittee must comply with all the reporting and notification conditions of the NPDES permit.

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	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Jeanne Tran, P.E.
Department of Ecology
3190 160th Ave SE
Bellevue, WA 98008

(425) 531-8311
jeanne.tran@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 Washington Administrative Code (WAC) Sediment Management Standards**
<http://www.ecy.wa.gov/biblio/wac173204.html>
- **Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173200.html>
- **Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173201A.html>

SIGNATURE



May 18, 2020

Jeff Killelea
Acting Program Development Services Section Manager
Department of Ecology
State of Washington