



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON FORT HUNTER LIGGETT
BUILDING 233 CALIFORNIA AVENUE
FORT HUNTER LIGGETT, CA 93928-7000

August 17, 2017



Subject: Comment Letter – Small MS4 Permit Amendment

Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Townsend,

This letter provides U. S. Army Garrison Fort Hunter Liggett's (FHL) comments concerning the proposed amendment. Comments specifically address FHL's inclusion in both the current and proposed Small MS4 Permit Amendment as stated below.

Attachment to Order WQ-2017-XXXX-DWQ, Draft Fact Sheet Page 143, Non-Traditional Small MS4s Table.

Fort Hunter Liggett, Army Garrison is listed and designated by the Central Coast Regional Board (Regional Water Board) as a non-traditional small MS4 with the justification of "Within urbanized area". Fort Hunter Liggett objects to this designation and requests that Fort Hunter Liggett be removed from the non-traditional small MS4 list. First, FHL is not in an area meeting the U.S. Census Bureau definition of an urbanized area, or the State Water Board's definition of an urbanized area under 40 CFR 123.35(b) board-developed criteria. Fort Hunter Liggett does not discharge into an area of special biological significance and does not meet the high population and population density criteria. Fort Hunter Liggett has a population of less than 5,000 with a population density of less than 1,000 per square mile.

Second, the Regional Water Boards may designate Small MS4s outside of urbanized areas on a case-by-case basis and such case-by-case basis determination of designation "shall be based on the potential of a Small MS4's discharges to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts." Fort Hunter Liggett's discharges have not resulted in any exceedances of water quality standards, nor is there the potential of its discharges resulting in any exceedances of water quality standards. The vast majority of training activities at Fort Hunter Liggett occur outside the developed areas of the installation. These training areas are not connected to Fort Hunter Liggett's municipal storm sewer system and are not contributors to urban runoff. There is no impairment of designated uses or other significant water quality impacts, including habitat and biological impacts, in the water bodies to which Fort Hunter Liggett discharges.

Finally, Fort Hunter Liggett does not contribute “substantially to the pollutant loadings of a physically interconnected municipal separate storm sewer that is regulated by the NPDES storm water program.” Fort Hunter Liggett does not discharge more than 10 percent of its storm water to another permitted MS4, nor does its discharge make up more than 10 percent of the other permitted MS4’s total storm water volume and is not a significant contributor of pollutants to the permitted MS4. Due to the remote location of Fort Hunter Liggett, its storm water does not discharge or contribute to any permitted MS4. Therefore, Fort Hunter Liggett does not meet the criteria selected and should not be designated as an MS4 to be regulated.

In Responses to Comments from May 21, 2012, the Regional Water Board agreed to revise the permit to reflect this same comment raised by the Department of Defense at that time. However, the permit was not revised as agreed. A copy of the Department of Defense comment and Water Board response is attached for reference. Thank you for your consideration

Sincerely,

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Michael B. Moeller
Acting Chief, Environmental Division
USAG Fort Hunter Liggett

Enclosure

Responses to Comments May 21, 2012 Draft

Letter #	Comment #	Agency	Section of Permit	Comment Summary	Response
64	5	Department of Defense	Finding 17	In DoD's comments on the June 2011 draft, we recommended stating that the permit requirements apply only to DoD Cantonment, or industrial areas, where the activities and population density resemble that of a traditional small MS4. We also recommended clarifying military training ranges remain outside the scope of this permit.	This permit provision has been revised to address the comment.
64	6	Department of Defense	Section F.5.f.9	In accordance with DoD Instruction 4150.07, DoD has already used integrated pest management (IPM) techniques to reduce pesticide usage by 55% of the 1993 baseline amount. While DoD continues to look for further reduction opportunities, such opportunities may not currently exist.	Comment noted. The intent of the General Permit is to utilize existing resources and programs. Please See Section F.3., Maximize Efficiency, where Permittees may incorporate the required storm water provisions into already existing programs and leverage existing staff to implement BMPs during its day to day business and operations. If Permittees already implement IPM, take credit, but ensure the program includes the minimum program elements that the permit provision requires.
64	7	Department of Defense	Section F.4.a(iii)	Requiring small MS4s to obtain legal counsel to sign an annual report is an undue imposition of burden on the permittee and is not typical practice. The signature of an authorized representative is sufficient certification of the legal authority.	The permit has been revised to address this comment.
64	8	Department of Defense	Attachment F, Page 4, Paragraph II	Signatory requirements should be revised to correspond with the language approved by the SWRCB in Order No. 2010-0014-DWQ.	The permit has been revised to address this comment.
64	9	Department of Defense	Attachment B	Non-Traditional Small MS4 permittees with population less than 5,000 should not be included in Attachment B based on criteria discussed at public workshops, and Draft Phase II Small MS4 General Permit Designation Flow Chart dated May 18, 2012. Several DoD installations included in Attachment B have populations less than 5,000. None of these installations were designated by the applicable Regional Board.	The permit has been revised to address this comment.
64	10	Department of Defense	Attachment B	Camp Pendleton was mistakenly listed on Attachment A as well as Attachment B. It is not a Traditional Small MS4 permittee so it only should be listed on Attachment B.	The permit has been revised to address this comment.