U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 8
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
STATEMENT OF BASIS

PERMITTEE:	United States Department of the Army (DoA)
FACILITY NAME AND ADDRESS:	Fort Carson Municipal Separate Storm Sewer System (MS4) 1626 Evans Street Fort Carson, CO 80913
PERMIT NUMBER:	COR-042001
RESPONSIBLE OFFICIAL:	Garrison Commander 1626 Evans Street, Building 1219 Fort Caron, CO 80913
FACILITY CONTACT:	Hal Alguire, Director Public Works 1626 Evans Street Fort Carson, CO 80913 719-526-8955 Hal.k.alguire.civ@mail.mil
PERMIT TYPE:	Federal Facility, Municipal Separate Storm Sewer Systems, Permit Renewal
FACILITY LOCATION:	1626 Evans Street Fort Carson, CO 80913 Latitude, Longitude: 38.7434° N, 104.7879° W
DISCHARGE LOCATION(S):	Multiple outfalls to: B-Ditch, Clover Ditch, Infantry Creek, and Rock Creek - tributaries of Fountain Creek, Wildhorse Creek, Arkansas River
RECEIVING WATERS:	B-Ditch, Clover Ditch, Infantry Creek, and Rock Creek - tributaries of Fountain Creek, Wildhorse Creek, Arkansas River

1. INTRODUCTION

This statement of basis (SoB) is for the issuance of a NPDES permit (the Permit) to the United States Department of Army (DoA), for Fort Carson's municipal separate storm sewer system (MS4). The Permit establishes discharge limitations for any discharge of municipal stormwater from Fort Carson (FC or the Facility). The SoB explains the nature of the discharges, and the EPA's decisions for

limiting the pollutants in the stormwater, as well as the regulatory and technical basis for these decisions.

The EPA Region 8 is the permitting authority for Colorado federal facilities and provides implementation of federal and state environmental laws within Colorado.

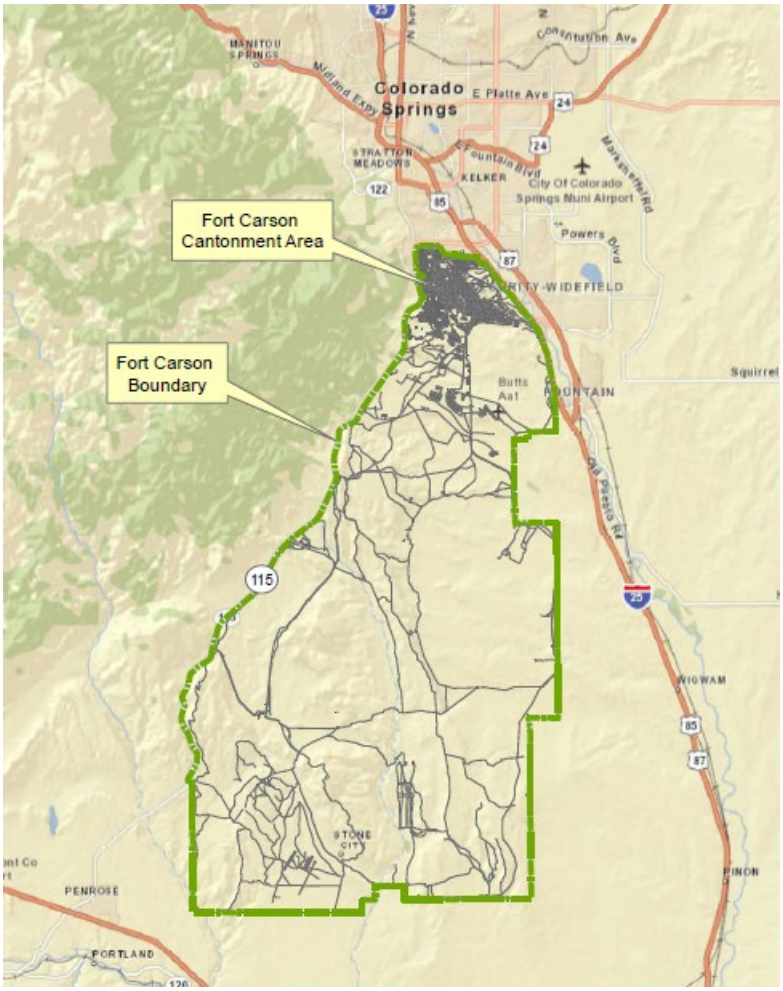
2. FACILITY BACKGROUND INFORMATION

2.1. Facility Overview

The FC military installation is located in central Colorado. The northern edge is located approximately eight miles south of Colorado Springs in El Paso County. The northern portion of the west boundary is adjacent to Colorado State Highway 115. The southern boundary is approximately 10 miles north of and parallel to U.S. Highway 50 in Pueblo County. A small area in the southwestern portion of the post is located in Fremont County. FC as a whole is divided into three areas. The majority of the developed area at FC is referred to as "the cantonment area." This area is approximately 220 square miles and includes the majority of the developed footprint (i.e., housing, industrial facilities, offices). The downrange portion of FC is utilized primarily for military maneuvers and is immediately adjacent to the cantonment area. A third area, the Pinon Canyon maneuver site, is not contiguous with the cantonment and downrange areas, and is located in Las Animas County approximately 100 miles southeast of FC. The Pinon Canyon site is utilized primarily for large scale military maneuvers. This Permit authorizes stormwater discharges from the contiguous area of FC which includes both the cantonment area and the downrange portions of the Facility. The Pinon Canyon site is not included in this Permit as it does not contain a significant developed footprint and is not contiguous with the other areas operated by FC.

The primary purpose of FC is to train troops and provide maintenance and support for vehicles and aircraft. Approximately 18,000 soldiers are stationed at FC. In addition, there is a substantial civilian workforce and many soldier families.

Figure 1 – Facility Location Map



The northern edge of FC is located approximately eight miles south of Colorado Springs in El Paso County.

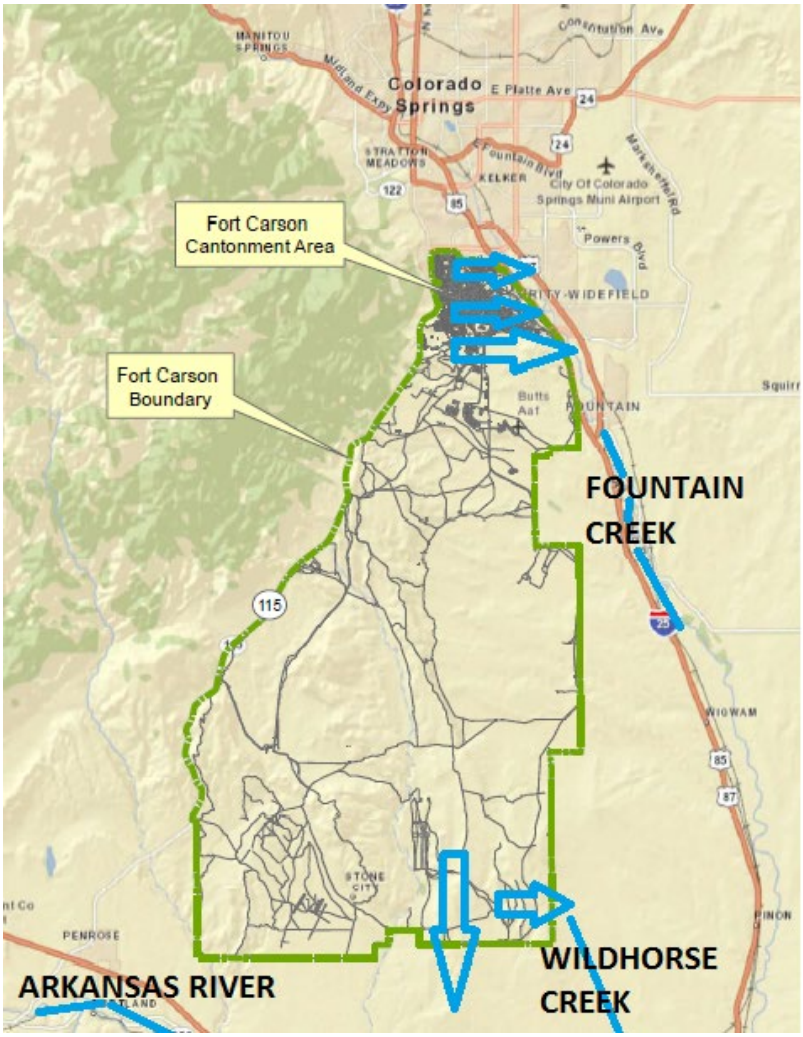
3. WATER QUALITY CONSIDERATIONS

3.1. Description of Receiving Waters

FC is located in the Fountain Creek drainage basin, within the Arkansas River drainage basin. Stormwater runoff in the northern portion of the installation flows into one of four main drainages: B-Ditch, Clover Ditch, Infantry Creek, and Rock Creek, which are all tributaries to Fountain Creek. The southern and western portions of the installation drain directly in the Arkansas River to the south. Maps of hydrology and the developed footprint of FC, as well as a detailed description of the geology impacts to these waterbodies, are available in the Facility's Stormwater Management Plan (SWMP).

The majority of the stormwater runoff from FC, including all portions of the developed cantonment area, ultimately flows to Fountain Creek. Several intermittent drainages discharge stormwater runoff from the far southern end of the undeveloped downrange area. Intermittent drainages in the southwest portion of the downrange area ultimately flow to the Arkansas River and intermittent drainages in the southeast portion of the downrange area ultimately flow to Wildhorse Creek, which is also a tributary to the Arkansas River.

Figure 2 – Receiving Waters Map



Most of the runoff from FC ultimately discharges to Fountain Creek, but a small portion of the undeveloped downrange area discharges to the Arkansas River through intermittent drainages or via Wildhorse Creek.

3.2. Receiving Waters Water Quality Standards

Water quality standards approved by the Colorado Department of Public Health and Environment for the receiving waters from FC are attributed to three (3) different segments. These water body segments are defined as follows:

1. COARFO04d - All tributaries with confluences with Fountain Creek from South Academy Blvd (CO83) to and including the unnamed tributary immediately south of Old Pueblo Road

   Designated uses: Aquatic Warm Cold 2, Recreation E, Agriculture

2. COARMA04a – Mainstem of Wildhorse Creek from the source to the confluence with the Arkansas River.

   Designated uses: Aquatic Life Warm 2, Recreation E, Agriculture

3. COARUA14d – All tributaries, including wetlands, to the Arkansas River and Pueblo Reservoir from the inlet to Pueblo Reservoir to the Colorado Canal headgate

   Designated uses: Aquatic Life Warm 2, Recreation E, Water Supply, Agriculture

Two of the three waterbody segments which receive stormwater runoff from the FC MS4 are listed as impaired in the Colorado Section 303(d) List of Impaired Waters and Monitoring and Evaluation List (Colorado Control Regulation #93); see Table 1 below.

At the time of this Permit issuance, a Total Maximum Daily Load (TMDL) to address these water quality impairments has not been developed. If there is a TMDL issued for this water which includes a wasteload allocation or specific control measure for municipal stormwater point source discharges, it will be included in the Permit upon reissuance. This Permit may also be reopened and modified prior to its expiration date to include wasteload allocations or specific control measures prescribed in a TMDL.

Table 1 - Impaired Waters that receive runoff from the FC MS4

1. Listed portion: COAR004d_A

All tributaries with confluences with Fountain Creek from South Academy Blvd (CO83) including the unnamed tributary immediately south of Old Pueblo Road (38.585843, -104.669591), including tributaries and wetlands, expect for Little Fountain Creek and its tributaries and wetlands, and specific listings in segments 3a, 5a, and 5b. All tributaries with confluences with Fountain Creek from a point immediately above University Blvd (CO47) (38.312846, -104.590524) to the confluence with Arkansas River.

Affected Use	*Analyte*	*Category/List*	*Priority*
Reactional Use	E.coli	5. 303(d) list	H

2. Listed portion: COAR004a_A
Mainstream of Wildhorse Creek from the source to the confluence with the Arkansas River.

Affected Use	*Analyte*	*Category/List*	*Priority*
Reactional Use	E.coli	4a. TMDL	NA

Prior to development of a TMDL, it is important to evaluate relative contributions of pollutants from all MS4s which could cause or contribute to a violation of the water quality impairment.

In order to address the impacts to receiving waters from the FC MS4, FC conducted a multi-year monitoring effort. Reports from these monitoring efforts are available in the permit administrative record and include a Benthic Macroinvertebrate Study and an associated Streambank Stabilization Report. These reports provide information about stressors and the influences of different types of disturbances within the base. These data, coupled with sampling data from FC wastewater treatment plant process water flows and data from stormwater runoff collected from industrial facilities, may possibly provide data in the development of a TMDL. Should the development of a TMDL establish wasteload allocations for the FC MS4, this Permit contains provisions in Part 5.15 which allow the Permit to be reopened and modified to include appropriate effluent limits or other appropriate requirements.

4. PERMIT HISTORY

FC is considered a non-traditional Phase II small MS4. The Facility was originally covered under EPA's Small MS4 General Permit under the certification number COR04201F. On April 30, 2009, FC was issued an individual permit (COR042001) which replaced the certification under the general permit. FC was issued a second iteration of this individual permit on December 2, 2015 which was effective January 1, 2016 and expired on December 31, 2020. FC submitted a timely and complete permit application on October 15, 2020 so the permit was administratively continued. This proposed Permit will be the third iteration of the FC's individual permit.

5. MAJOR CHANGES FROM PREVIOUS PERMIT

- The Phase II stormwater rule was challenged in petitions for review filed by environmental groups, municipal organizations, and industry groups, resulting in a partial remand of the rule. Environmental Defense Center v. U.S. Environmental Protection Agency, 344 F.3d. 832 (9th Cir. 2003) (EDC). The court remanded the Phase II rule's provisions for small MS4 general permits because they lacked procedures for permitting authority review and public notice and the opportunity to request a hearing on Notices of Intent (NOIs) for authorization to discharge under a general permit. In response to the court's remand, EPA revised its Phase II stormwater rules for Phase II permits in 2016 (i.e. Remand Rule). One of the new requirements is that all Phase II MS4 permits have "clear, specific and measurable" conditions. Therefore, all terms and conditions have changed to be "clear, specific and measurable" to comply with the Remand Rule. Additionally, the standard for reducing pollutants to the "maximum extent practicable" (MEP) has been revised (as required by the Remand Rule) to be determined by the permitting authority (EPA) rather than determined by the Permittee (DoA) in this Permit.

- Additionally, EPA added nutrient management terms and conditions to the Permit. In October 2017, the Water Quality Control Commission made changes to Colorado's nutrient management control regulations (Colorado Regulations 85 and 31.17). In response to changing regulations and water quality, both the State of Colorado and EPA added nutrient provisions to all re-issued Phase II MS4 permits.

- The Permittee shall sample quarterly for per- and polyfluoroalkyl substances (PFAS) using CWA wastewater analytical method 1633. This is because PFAS substances have historically been used at the Facility (see Section 8.2 of the SoB), and such monitoring is consistent with EPA's December 5, 2022 memo, "Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs." This data will allow EPA to evaluate any needed controls in future permits to meet the state of Colorado's narrative standard prohibiting toxics, as describes in the state of Colorado's PFAS Policy 20-1. Therefore, the Permittee will be required to monitor quarterly for PFAS pollutant identification. See Section 7.2 of the SoB for more details.

- In addition, a PFAS Discharge Reduction best management practice (BMP) has been added. The Permittee must make an effort to prevent the discharge of any PFAS-containing compounds (including Aqueous Film-Forming Foam, or AFFF) to receiving waters. The Permittee should consider the use and storage of alternatives to PFAS-containing compounds for firefighting activities. For any activity where AFFF is used, including emergency firefighting and training activities, the Permittee must immediately clean up the AFFF as best as possible, including diversions and other measures that prevent discharges to receiving waters. The Permittee must also report the use of AFFF, and any discharges of AFFF, to EPA at the address in section 6.1 within 14 days following the event.

6. FINAL PERMIT LIMITATIONS

6.1.Technology Based Limitations

NPDES permit coverage for these discharges is required in accordance with the 1987 Amendments to the Clean Water Act (CWA) and final EPA regulations for Phase II stormwater discharges (64 FR 68722, December 8, 1999). The 1987 Water Quality Act (WQA) amended the Clean Water Act (CWA) by adding section 402(p) which requires that NPDES permits be issued for various categories of stormwater discharges. Section 402(p)(2) requires permits for the following five categories of stormwater discharges:

6.1.1. Discharges permitted prior to February 4, 1987;

6.1.2. Discharges associated with industrial activity;

6.1.3. Discharges from large municipal separate storm sewer systems (MS4s) (systems serving a population of 250,000 or more);

6.1.4. Discharges from medium MS4s (systems serving a population of 100,000 or more, but less than 250,000); and

6.1.5. Discharges judged by the permitting authority to be significant sources of pollutants or which contribute to a violation of a water quality standard.

The five categories listed above are generally referred to as Phase I of the stormwater program. In Colorado, Phase I MS4 permits have been issued by CDPHE to the cities of Denver, Lakewood, Aurora, Colorado Springs, and the highway system operated by the Colorado Department of Transportation within those cities. In Colorado, NPDES permitting authority for Federal Facilities has not been delegated to CDPHE. Therefore, EPA maintains NPDES primacy for those facilities.

Phase II stormwater regulations were promulgated by EPA on December 8, 1999 (64 FR 68722). These regulations set forth the additional categories of discharges to be permitted and the requirements of the program. The additional stormwater discharges to be permitted include:

6.1.6. Small MS4s (FC is considered a small Phase II MS4) as defined by 40 CFR 122.26(b)(16);

6.1.7. Small construction sites (i.e., sites which disturb one to five acres); and

6.1.8. Industrial facilities owned or operated by small municipalities which were temporarily exempted from the Phase I requirements in accordance with the provisions of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991.

The 1987 CWA amendments clarified the fact that industrial storm water discharges are subject to the best available technology (BAT)/best conventional technology (BCT) requirements of the CWA, and applicable water quality standards. For MS4s, the CWA specifies a new technology related level of control for pollutants in the discharges control to the maximum extent practicable (MEP). However, the CWA is silent on the issue of compliance with water quality standards for MS4 discharges. In September 1999, the Ninth Circuit Court addressed this issue and ruled that water quality standards compliance by MS4s is discretionary on the part of the permitting authority (Defenders of Wildlife v. Browner, No. 9871080).

The technology-based limits for this Permit are largely based on the implementation of a Stormwater Management Plan (SWMP) which addresses six minimum measures. The SWMP and additional measures included in this Permit are the means through which DoA complies with the CWA's requirement to control pollutants in the discharges to the MEP and how EPA discretion addresses compliance with the water quality related provisions of the CWA. The EPA considers MEP to be an iterative process in which an initial SWMP is proposed and then periodically upgraded as new best

management practices (BMPs) are developed or new information becomes available concerning the effectiveness of existing BMPs (64 FR 68754). The Phase II regulations at 40 CFR §122.34 require the following six minimum pollution control measures to be included in the SWMP:

6.1.9. Public Education and Outreach on Storm Water Impacts;

6.1.10. Public Involvement/Participation;

6.1.11. Illicit Discharge Detection and Elimination;

6.1.12. Construction Site Storm Water Runoff Control;

6.1.13. Post-Construction Storm Water Management in New Development and Redevelopment; and

6.1.14. Pollution Prevention/Good Housekeeping for Municipal Operations.

The regulations specify required elements for each minimum measure and include guidance which provides additional information recommended for an adequate program. The Permit includes a number of additional requirements for each minimum measure which were derived from the recommendations of the regulations, recommendations from the State of Colorado, and from inspection/audit findings by EPA inspectors which could affect the implementation of an effective stormwater program.

The technology-based limits and a rationale for these limits are in Part 2 of the Permit.

Limitations on Permit Coverage

In Part 1.4 of the Permit, there are limitations on the types of discharges that are covered under this Permit. Parts 1.4.3 and 1.4.4 are provided to note that stormwater discharges from regulated construction activities and stormwater discharges from regulated industrial activities are not authorized under this Permit. These types of activities need to be authorized under a separate permit.

Part 1.4 of the Permit also defines several types of non-stormwater discharges which are authorized under this Permit unless the Permittee determines they are significant contributors of pollutants. If the Permittee identifies any of the categories as a significant contributor of pollutants, the Permittee must include the category as an illicit discharge.

7. MONITORING REQUIREMENTS

7.1. Monitoring

The Phase II stormwater regulations at 40 CFR §122.34(d)(1) require that small MS4s evaluate program compliance, the appropriateness of the BMPs in their SWMPs and progress towards meeting their measurable goals. Monitoring and assessment activities are included as part of each of the minimum measures of the Permit.

7.2. Per- and Polyfluoroalkyl Substances (PFAS)

Aqueous Film-Forming Foam (AFFF) Descriptions from the DoA's FC Scientific Investigation (SI):

AFFF was historically used and stored at several locations on FC for firefighter training activities. Areas of Potential Interest (AOPIs) were determined based on these activities and sampled in 2019 by DoA or their contractors in order to identify the potential threat to off post human receptors downgradient of the Base.

Historical fire training activities were conducted at the Butts Army Airfield (BAAF) Former Fire Training Area (FFTA) The FFTA was located approximately 80 feet east of the BAAF Sewage Treatment Lagoons and 400 feet southeast of the Former Used Waste Oil Tank at Building 9620. The FFTA was used by fire fighters at the Facility for training activities (potentially every two weeks) from the 1960s (exact date unknown) through December 1993. Training activities consisted of filling a basin with flammable liquids, igniting the liquids, and using water and AFFF to extinguish the fire.

The FFTA consisted of a concrete basin, a flammable storage area, and an oil/water separator. Fire training activities were conducted in the concrete basin, which was approximately 50 by 50 feet in area and 1.5 feet deep. The concrete basin was constructed in 1972 and was demolished in July 1996. Prior to construction of the concrete basin in 1972, the fire training exercises were conducted in an unlined earthen pit located at the site. The former oil/water separator was located adjacent to and west of the concrete basin at the FFTA. It received the water, AFFF, and residual fuel mixture after the fire was extinguished during firefighter training exercises.

In addition to AFFF use at the FFTA, AFFF was historically stored and/or released at several locations at the Facility, as follows:

- **Former Nozzle Test Area** - Nozzle testing was conducted once per week from approximately the 1970s to 1991 with AFFF equipment near the Former Fire Station (Building 9600) located adjacent to the airfield.

- **Building 9608** is a former temporary storage facility at BAAF where an unknown quantity of an unknown type of AFFF contained in blue 55-gallon barrels was stored. In 2018, the barrels were turned in to the Facility's DPW for disposal. Building 9608 has been demolished, and currently Hangar 9680 exists at this location, which does not contain AFFF in its fire suppression system. There are no known releases of AFFF from former Building 9608 while it was in storage.

- **Hangar 9633** at BAAF contained 2,000 gallons of AFFF in the fire suppression system, which was removed in July/August 2018 under contract W9128F-15-D-0034. There are no known releases of AFFF from Hangar 9633 prior to removal.

- **Hangar 9660** at BAAF is the unmanned aerial vehicle hangar at BAAF that contained an unknown quantity of high-expansion foam (ANSUL Jet-X 2% High Expansion Foam

Concentrate) in the fire suppression system. In 2017 the foam contained in the fire suppression system was released into the hangar and filled the hangar up to approximately 5 feet in height. The foam dissipated quickly and drained into a lined holding pond located at BAAF, which is connected to all the fire suppression systems on BAAF.

- **Building 8110** - Foam Storage location historically housed fire trucks with AFFF storage until 2018.

- **ARNG Building 1982** - Foam Storage location historically housed fire trucks with AFFF storage until 2018.

- **Other AFFF Releases** –
  - Mass casualty training was completed periodically with a C130 aircraft at BAAF. The exact location of this training is unknown.
  - AFFF was reportedly used at the refueling site in the northwestern corner of BAAF in response to a helicopter fire in December 1991. The type and quantity of AFFF used is unknown.

Perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA), and/or perfluorobutanesulfonic acid (PFBS) were detected in groundwater above the Office of the Secretary of Defense (OSD) risk screening level of 40 ng/L at all of the AOPI sites listed above. Additionally, the FC Golf Course is nearby AOPIs/PFAS source areas, therefore it was also sampled for the SI. The SI Report found soil levels above levels of detection (LOD) but below soil risk thresholds. However, groundwater was not encountered between 25 to 30 feet at the golf course and therefore, a sample was not collected.

Figure 3 – Location of AFFF Historic Use/Investigation Sites and Areas of Potential Interest (AOPIs)

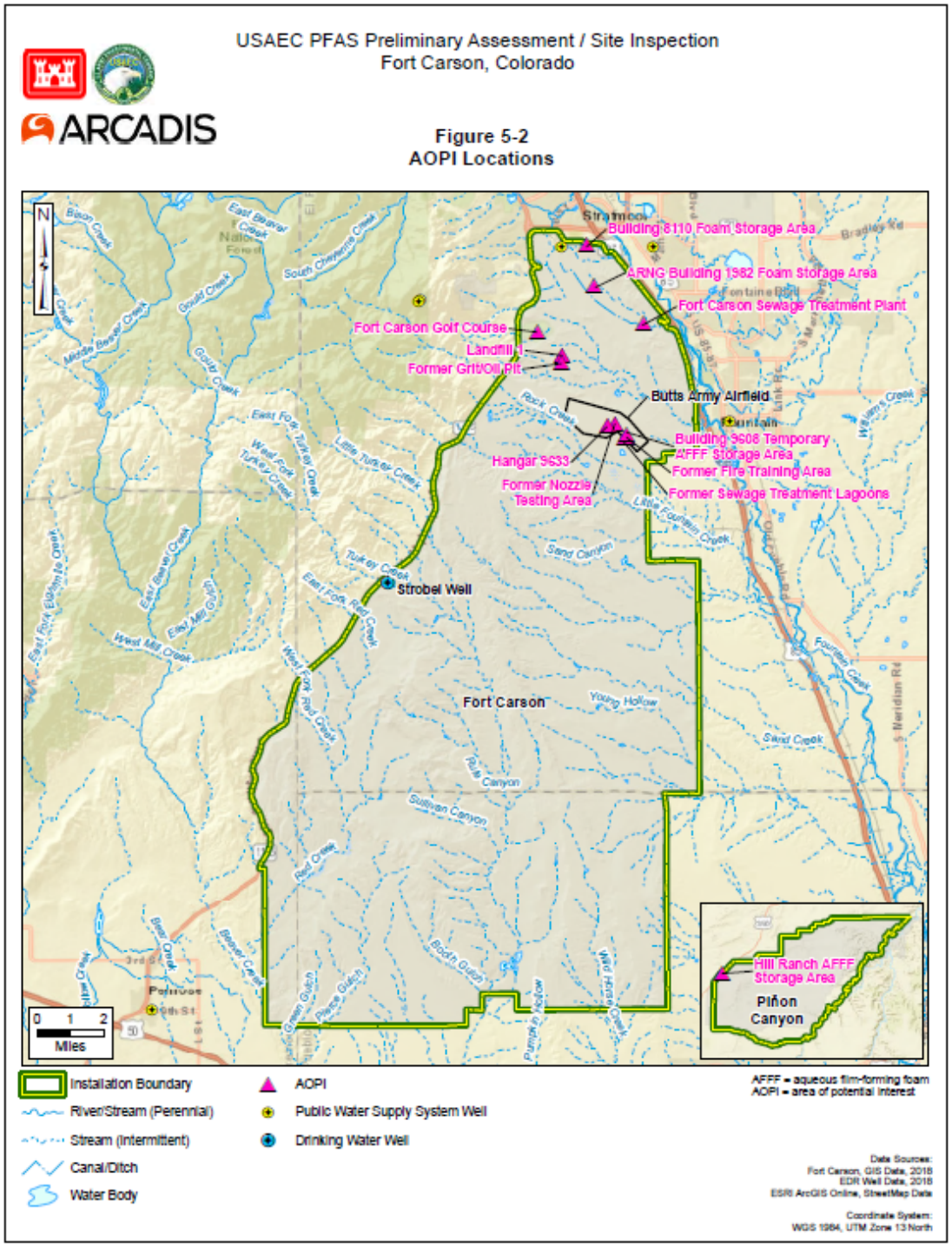


Figure 4 – AOPIs/Locations for Quarterly Sampling

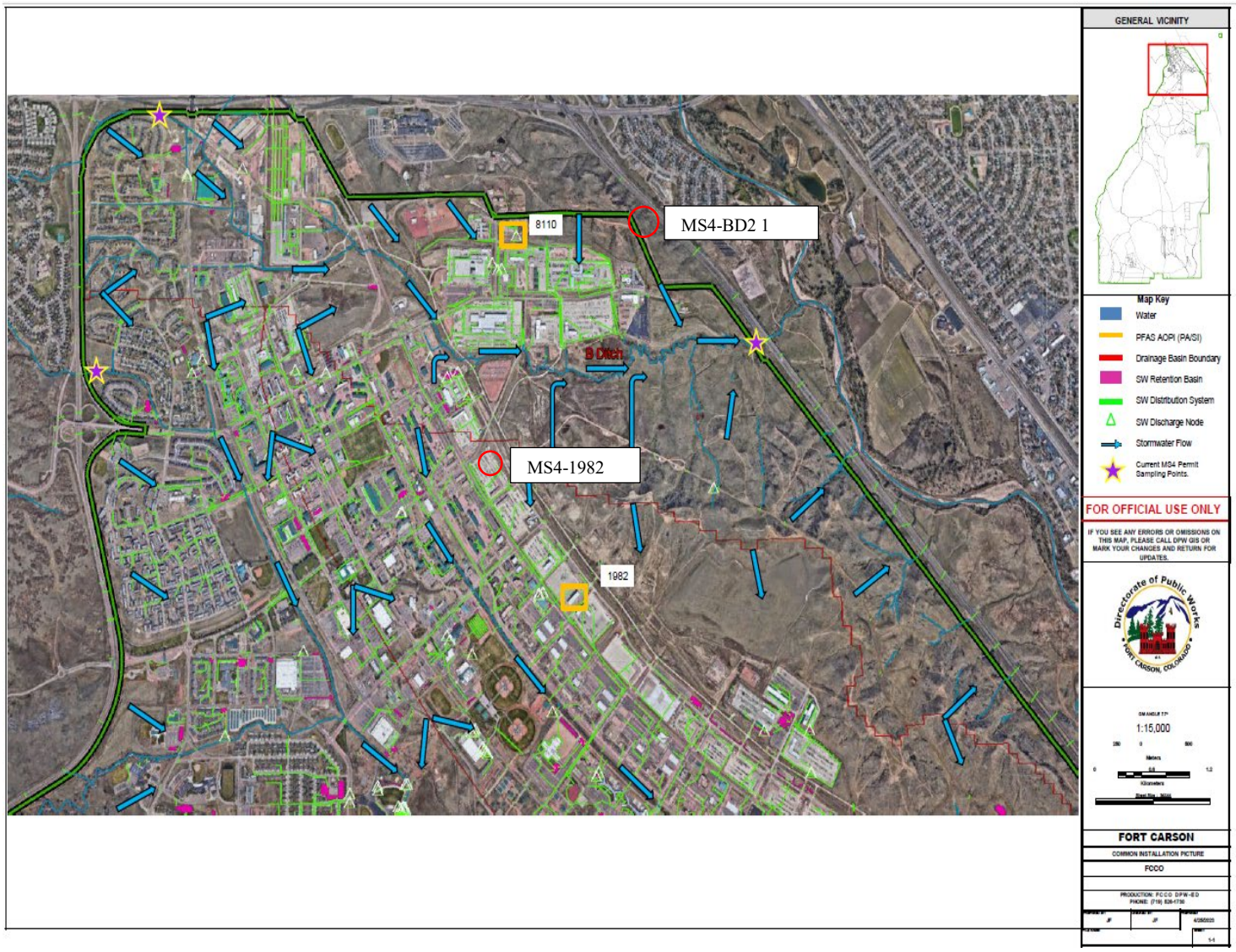


Figure 5 – AOPIs/Locations for Quarterly Sampling

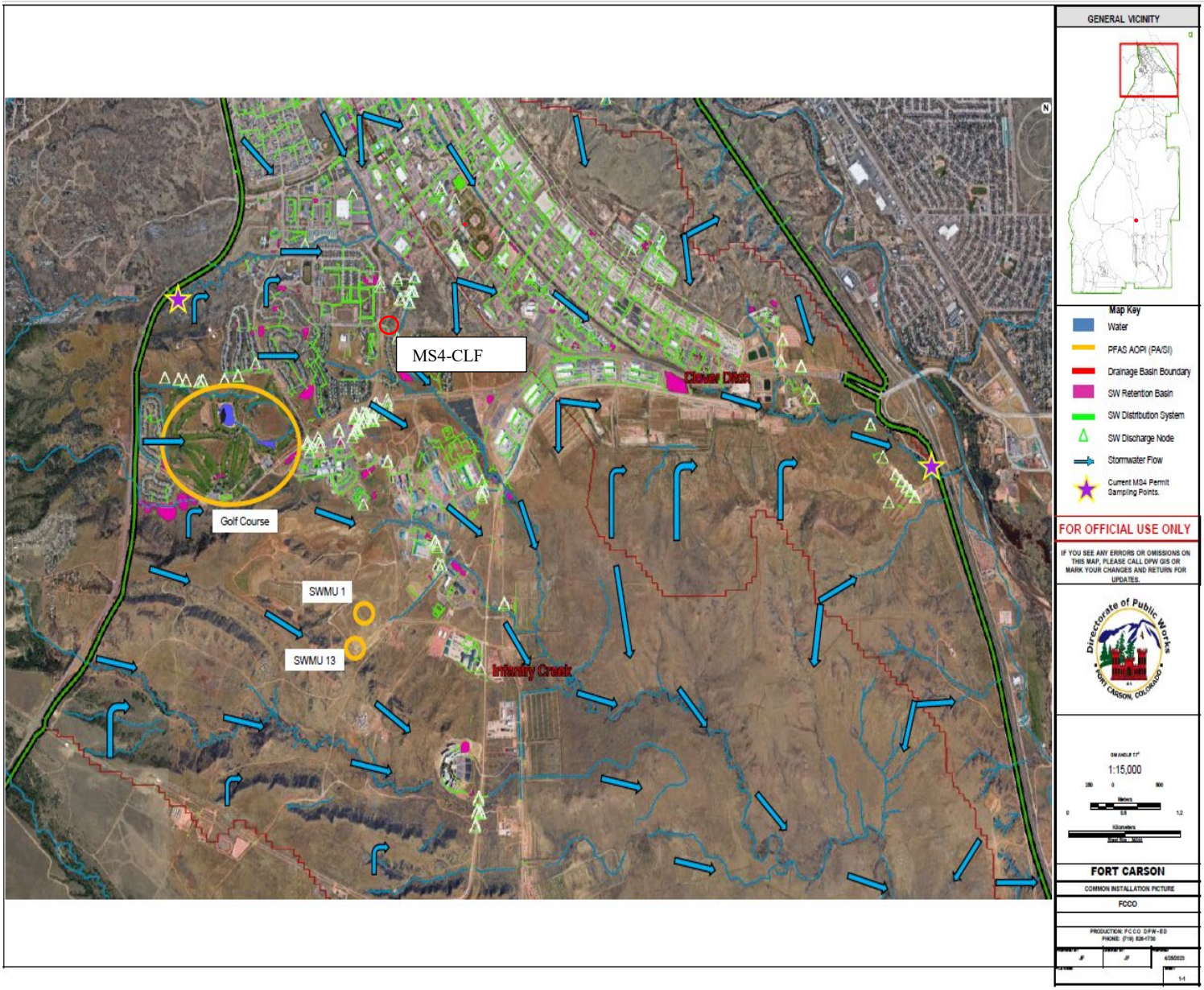


Figure 6 – AOPIs/Locations for Quarterly Sampling

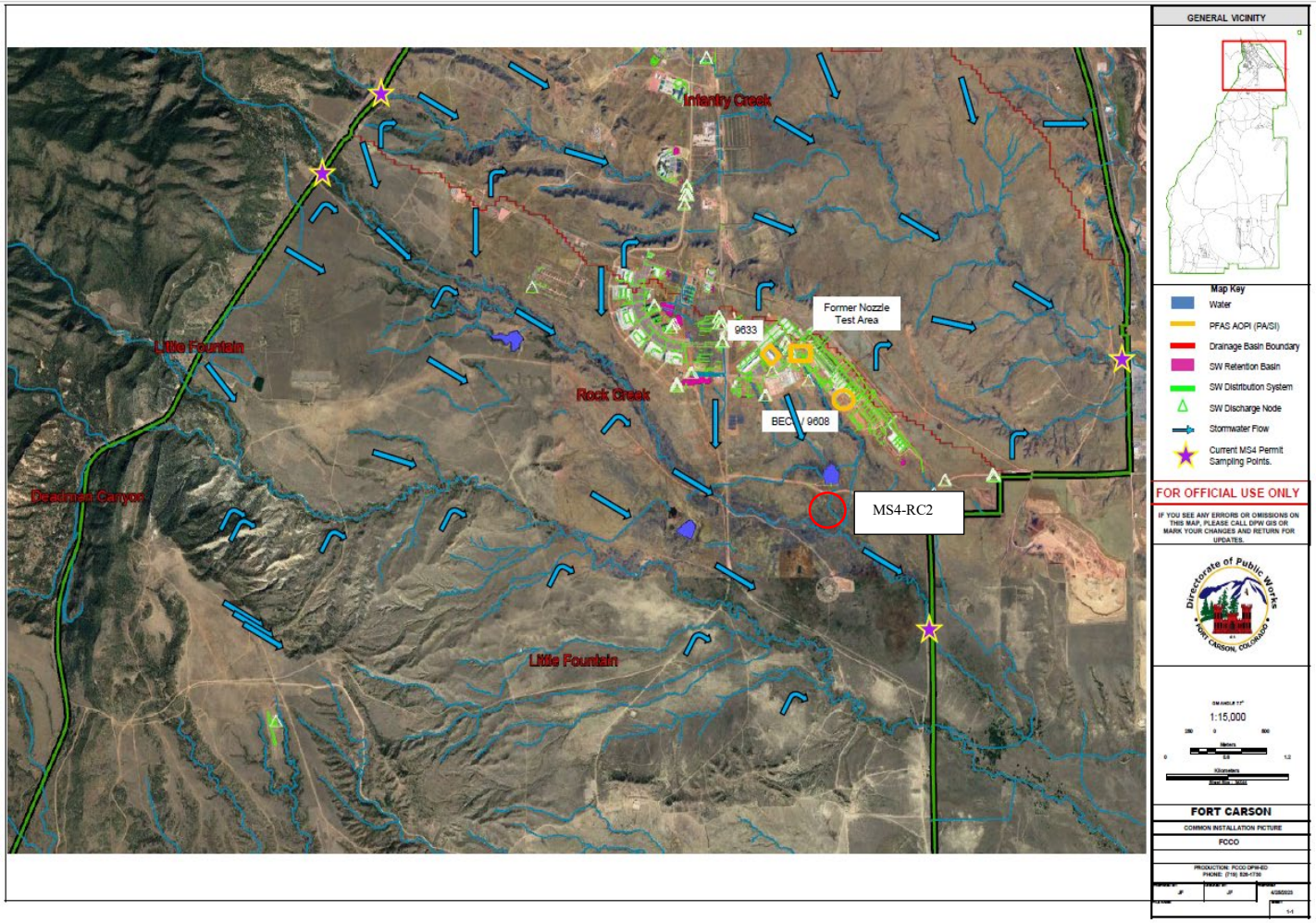


Figure 7 – Overview of Direction of Stream Flow and MS4 Inlets/Outfalls

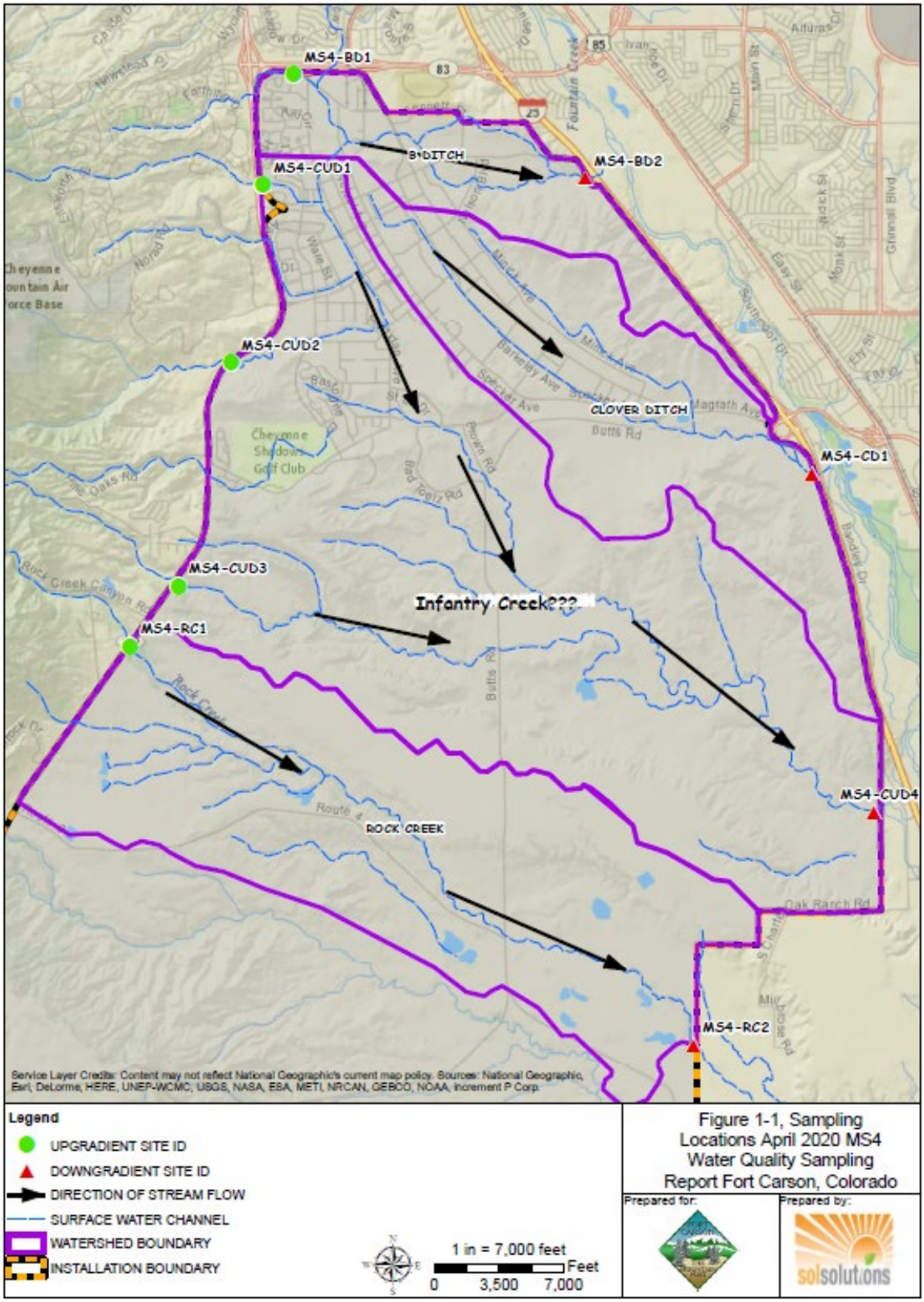


Table 2 - PFAS Monitoring Requirements For Outfalls MS4-BD2, MS4-1982, MS4-CLF, and MS4-RC2[c/]

Stormwater Discharge Characteristic	Frequency	Sample Type [a/]
Per- and polyfluoroalkyl substances (PFAS) µg/L [b/]	Quarterly [b/]	Grab [a/]

a/ See Definitions, Part 1, for definition of terms.

b/ The Permittee must monitor PFAS quarterly using method 1633 and must report a PFAS monitoring result with its Annual Report for each year of permit coverage. Sampling will be required to begin one year after the effective date of this Permit to allow FC to procure contract mechanisms.

c/ If the Permittee completes a Remedial Investigation (RI) under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in which PFAS sampling occurred, the Permittee may submit such sampling data in the Permittee's Annual Report. Such sampling data could be used to request a reduction in the number of PFAS sampling locations required under this Permit. The information contained in any RI will not be used for any other purpose in this Permit other than requesting a reduction in the number of PFAS sampling locations. A reduction in sampling locations may be approved by EPA and would not require additional public notice.

Table 3 – NPDES PFAS Monitoring Locations

Outfall	**Outfall Description**	**AOPI/PFAS Site Identifiers**
MS4-BD2	Outfall will capture runoff from Areas of Potential Interest (AOPI) Building 8110	Building 8110
MS4-1982	Outfall just downstream of AOPI Building 1982 in Clover Ditch	Building 1982
MS4-CLF	Outfall upstream/Northwest of Infantry Creek. Will capture AOPIs in the golf course, Landfill 1 and Grit/Oil Pit (sampling sites SWMU 1 & 13.	Golf Course, Landfill 1, Grit/Oil Pit

S4-RC2	Outfall will capture these AOPIs: 9633, Former Nozzle Test Area and BEC/9608 and will also capture Former Fire Training and Storage Area and Sewage Treatment Lagoons	Building 9633, Former Nozzle Test Area, BEC/9608, Sewage Treatment Lagoons, Former Fire Training and Storage Area

Based upon the Permittee's historic use of AFFF (described in Section 8 below) containing PFAS, EPA will require PFAS monitoring as follows:

Table 4 - PFAS Monitoring Requirements For

Outfalls MS4-BD2, MS4-1982, MS4-CLF, and MS4-RC2[c/]

Effluent Characteristic	Frequency	Sample Type [a/]
Per- and polyfluoroalkyl substances (PFAS) µg/L [b/]	Quarterly [b/]	Grab [a/]

a/ See Definitions, Part 1, for definition of terms.

b/ Therefore, the Permittee must monitor PFAS quarterly using method 1633 and must report a PFAS monitoring result with its Annual Report for each year of permit coverage. Sampling will be required to begin one year after the effective date of this permit.

c/ If the Permittee completes a Remedial Investigation (RI) under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in which PFAS sampling occurred, the Permittee may submit such sampling data in the Permittee's Annual Report. Such sampling data could be used to request a reduction in the number of PFAS sampling locations required under this Permit. The information contained in any RI will not be used for any other purpose in this Permit other than requesting a reduction in the number of PFAS sampling locations. A reduction in sampling locations may be approved by EPA and would not require additional public notice.

7.3 Per- and Polyfluoroalkyl Substances (PFAS) Discharge Reduction BMP

The Permittee must make an effort to prevent the discharge of any PFAS-containing compounds (including AFFF) to receiving waters. The Permittee should consider the use and storage of alternatives to PFAS-containing compounds for firefighting activities. For any activity and specific event in which AFFF is used, including emergency firefighting and training activities, the Permittee must immediately clean up the AFFF as best as possible, including diversions and other measures that prevent discharges to receiving waters. The Permittee must also report the use of AFFF, and any discharges of AFFF, to EPA at the address in section 6.1 of the Permit within 14 days following the event.

8. REPORTING REQUIREMENTS

8.1 Annual Report

40 CFR 122.34(d)(3) requires small MS4s to submit reports to the EPA. Annual reports are required to allow for regular evaluation of the MS4 program. See Part 6.2 of the Permit for specifics on annual reporting requirements.

9. ENDANGERED SPECIES CONSIDERATIONS

The Endangered Species Act (ESA) of 1973 requires all Federal Agencies to ensure, in consultation with the U.S. Fish and Wildlife Service (FWS), that any Federal action carried out by the Agency is not likely to jeopardize the continued existence of any endangered species or threatened species (together, "listed" species), or result in the adverse modification or destruction of habitat of such species that is designated by the FWS as critical ("critical habitat"). See 16 U.S.C. § 1536(a)(2), 50 CFR Part 402. When a Federal agency's action "may affect" a protected species, that agency is required to consult with the FWS, depending upon the endangered species, threatened species, or designated critical habitat that may be affected by the action (50 CFR Part 402.14(a)).

The U.S. Fish and Wildlife Information for Planning and Conservation (IPaC) website program was accessed on March 22, 2024 to determine federally-listed Endangered, Threatened, Proposed and Candidate Species that may be present in the portion of El Paso County, Colorado near the FC (5). EPA did an informal consultation with the Colorado FWS field office representative on March 15, 2024, and provided preliminary information and obtained assistance for the below species. Based upon this informal consultation, EPA determined that this permitting action has "no affect" for five listed species and "may affect, but is not likely to adversely affect" for four listed species.

Table 5 – Potentially Affected Species at this Location

Species	Scientific Name	Species Status	Designated Critical Habitat	Justification
Gray Wolf	*Canis lupus*	Endangered and Experimental Population, Non-essential	None	No affect. Based on the information provided in IPAC, this species only needs to be considered in this area if the activity includes a predator management program. The permitted discharge activity for the facility does not include a predator management program. The gray wolf is a terrestrial species, and is not aquatic dependent.

Species	Scientific Name	Species Status	Designated Critical Habitat	Justification
Tri-Colored Bat	*Perimyotis subflavus*	Proposed Endangered	None	May affect, but is not likely to adversely affect. This is primarily a terrestrial species, but is known to occur in El Paso country. During the winter, tricolored bats are often found in caves and abandoned mines, although in the southern United States, where caves are sparse, tricolored bats are often found roosting in road-associated culverts where they exhibit shorter torpor bouts and forage during warm nights. During the spring, summer, and fall, tricolored bats are found in forested habitats where they roost in trees, primarily among leaves of live or recently dead deciduous hardwood trees, but may also be found in Spanish moss, pine trees, and occasionally human structures.
Preble's Meadow Jumping Mouse	*Zapus hudsonius preblei*	Threatened	None	No affect. This is a terrestrial species. This discharge permitting activity does not directly permit habitat disturbing activities and no changes in physical habitat/habitat modifications from permitted stormwater runoff discharges will occur. Critical habitat does not occur on Fort Carson.
Eastern Black Rail	*Laterallus jamaicensis ssp. jamaicensis*	Threatened	None	No affect. Presently, eastern black rails are reliably located within the Arkansas River Valley of Colorado which Fort Carson is not located within.
Mexican Spotted Owl	*Strix occidentalis lucida*	Threatened	Yes	May affect, but is not likely to adversely affect. Owls are usually found in areas with some type of water source (i.e., perennial stream, creeks, and springs, ephemeral water, small pools from runoff, reservoir emissions). Owl foraging habitat includes a wide variety of forest conditions, canyon bottoms, cliff faces, tops of canyon rims, and riparian areas. Critical habitat does occur on Fort Carson.

Species	Scientific Name	Species Status	Designated Critical Habitat	Justification
Piping Plover	*Charadrius melodus*	Threatened	None	No affect. Based on the information provided in IPAC this species only needs to be considered in this area if the project includes water-related activities and/or use (e.g., water development project or water depletion activity) in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. This permitted activity does not discharge into either of these specified waterbodies and is not a water development project or water depletion activity.
Greenback Cutthroat Trout	*Oncorhynchus clarkii stomias*	Threatened	None	May affect, but is not likely to adversely affect. According to USFWS field office, species known to occur in Zimmerman Lake (Poudre River watershed), Bear Creek near Colorado Springs (south of US Air Force Academy), and Herman Gulch.
Pallid Sturgeon	*Scaphirhynchus albus*	Endangered	None	No affect. Based on the information provided in IPAC this species only needs to be considered in this area if the project includes water-related activities and/or use (e.g., water development project or water depletion activity) in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. This permitted activity does not discharge into either of these specified waterbodies and is not a water development project or water depletion activity.
Monarch Butterfly	*Danaus plexippus*	Candidate	None	The monarch butterfly is a candidate species. No consultation is required for this species but was identified in the area by the IPAC search and has been considered in this review).
Ute Ladies'-tresses	*Spiranthes diluvialis*	Threatened	None	May affect, but is not likely to adversely affect. Based on the IPAC information, this species is primarily found in wetlands, moist meadows associated with perennial stream terraces, floodplains, oxbows, alluvial banks, point bars, seasonally flooded river terraces, sub-irrigated or spring-fed abandoned stream channels and valleys, and lakeshores.

9.1. Biological Evaluations and Conclusions

Biological evaluations of the potential effects of the final action on the eight listed species and their critical habitat are provided below. These biological evaluations are based on information obtained from the IPaC site and knowledge regarding the final action.

The final action is reissuance of this NPDES Permit. This is a continuation of existing operating conditions; no significant changes to habitat or discharge volumes or quality are planned or expected due to the reissuance of this Permit. Since this is a MS4 permit, there is no consumptive use, and no water depletions will result from this Permit. Permit limitations are protective of the immediate receiving water quality.

As Table 5 shows, there is no critical habitat listed for the Gray Wolf, Tri-colored Bat Preble's Meadow Jumping Mouse, Eastern Black Rail, Piping Plover, Greenback Cutthroat Trout, Pallid Sturgeon, Monarch Butterfly, or Ute Ladies'- tresses within the action area. Furthermore, all of these species are terrestrial species except the Pallid Sturgeon (which prefer deeper rivers with moderate to swift currents) and the Greenback Cutthroat Trout.

The Mexican Spotted Owl has critical habitat in the action area. The Mexican spotted owl is found in mixed-conifer forests, Madrean pine-oak forests, and rocky canyons. Nesting habitat is typically in areas with complex forest structure or rocky canyons and contains mature or old growth stands which are uneven-aged, multistoried, and have high canopy closure. In the northern portion of the range (southern Utah and Colorado), most nests are in caves or on cliff ledges in steep-walled canyons. Elsewhere, the majority of nests are in Douglas-fir trees. Since there are multiple MS4 discharge outfalls located throughout FC in this type of terrain/critical habitat, EPA's determination for this species is "may affect, but is not likely to adversely affect."

EPA's determination for four affected species is "may affect, but is not likely to adversely affect" and "no effect" for other five species (Table 5).

During public notice, a copy of the draft Permit and this Statement of Basis was sent to the FWS requesting concurrence with EPA's finding that reissuance of this NPDES Permit "may affect, but is not likely to adversely affect" the species listed above and "no effect" the species listed above.

10. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS

Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470(f) requires that federal agencies consider the effects of federal undertakings on historic properties. In its initial application for MS4 permit coverage in 2003, FC, working with State Historic Preservation Officers (SHPOs), certified that stormwater discharges and discharge-related activities from the FC MS4 would not affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior. FC is required to evaluate the potential effects of every new construction project through a formal impact analysis. These analyses require that all new projects are designed and maintained such that properties listed or eligible for listing on the National Register of Historic Places are not affected.

During public notice of the Permit, Colorado's State Historic Preservation Office (SHPO) was notified as an interested party to ensure that historic properties are not negatively affected by the conditions of the Permit.

11. 401 CERTIFICATION CONDITIONS

Colorado is the Clean Water Act (CWA) Section 401 certifying authority for the Permit, and Colorado provided the following conditions in their Section 401 certification to EPA on September 30, 2024.

"**I. 401 Water Quality Certification Additional Effluent Limits and Monitoring Requirements for EPA Permit No. COR0042001**

A. Condition #1

1.Applicable State Water Quality Standards and State Law

Water quality standards applicable to Segment COARMA04a, found in 5 CCR 1002-31 (Basic Standards) and 5 CCR 1002-32 (Arkansas River Basin). Permitting requirements are found in 5 CCR 1002-61 (Colorado Discharge Permit System Regulations).

2.Additional Permit Conditions: Add the following effluent limits and monitoring requirements:

a. Inventory of potential *E. coli* sources. The permittee shall identify potentially significant sources of *E. coli* attributable to human activity within the MS4 that drains to Wildhorse Creek segment COARMA04A. The permittee must report the identified potential sources of *E. coli* within the Annual Report due April 1, 2026.

b. Within the drainage area of COARMA04A, the following applies to new development and redevelopment construction projects disturbing equal to or greater than one acre and including projects less than one acre that are part of a larger common plan of development or sale:
   i. As part of the design review process, the permittee must identify any new MS4 outfalls[1] from the MS4 that convey to Wildhorse Creek segment COARMA0A and must establish a sampling location that is representative of discharges through the outfall(s). This is preparatory to sampling but does not require commencement of sampling.
   ii. In addition to meeting the design standards in permit Part 2.5.9, the permittee must ensure the installation of permanent control measures that are designed to reduce *E. coli*

[1] 5 CCR 1002-61 Section 61.2(64). Within this provision only, "MS4 outfall" means a "point source", at the point where a municipal separate storm sewer discharges to state waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other state waters and are used to convey state waters. Within this provision only, "point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. "Point Source" does not include irrigation return flow. [See 5 CCR 1002-61 Section 61.2(64) and 61.2(75) as of 7/15/2024.

for at least 20% of the covered development project. Any control measures that meet this requirement must also comply with permit Parts 2.5.1-2.5.8 and 2.5.11.

iii. Conditions 2.b.i and ii do not apply to sites with land disturbance to undeveloped land (land with no human-made structures such as buildings or pavement) that will remain undeveloped after the site achieves final stabilization.

3. Rationale for Additional Conditions: The MS4 area includes portions that drain to Wildhorse Creek within Segment 04A of the Middle Arkansas River Sub-basin, Arkansas River Basin (COARMA04A), found in the Classifications and Numeric Standards for the Arkansas River Basin (Regulation 32). Segment 04A is Use Protected and is classified for the following beneficial uses: Aquatic Life, Class 2 Warm; Recreation Class E; and Agriculture.

The receiving water is listed as impaired due to *E. coli*. The division developed a Total Maximum Daily Load (TMDL) for the segment COARMA04A and it was approved by EPA on October 24, 2018. Additional effluent limits and monitoring requirements are needed in order to ensure that the permitted discharge is consistent with the methods and assumptions of the TMDL such that it does not cause or contribute to an exceedance of a water quality standard. The permit also needs to include as required under both state and federal law "required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity." Reg. 61.8(4)(d); 40 C.F.R. § 122.48(b).

The portion of the MS4 within the drainage basin of Segment COARMA04A is included in the calculation for the load allocation; however, the TMDL does not provide a WLA for the Fort Carson MS4. At the time of permit development, this area of the MS4 was undeveloped and lacked stormwater infrastructure. Because of the undeveloped nature of the MS4 area draining to COARMA04, it is still unlikely to be a significant source of *E. coli*; therefore no additional requirements are necessary at this time to control *E. coli* associated with MS4 discharges. The permit must ensure that future development during the permit term does not result in discharges that are inconsistent with the TMDL, which is based on no new development in the Fort Carson MS4 permit area. To mitigate the water quality impacts of the draft permit certification, the division identified above the conditions under which the 401 certification is approvable:

- **Condition 2.a** requires the permittee to inventory potentially significant sources of human induced *E. coli*. These potentially significant sources must be reported to EPA in the next Annual Report. This provides EPA with information to determine whether the existing permit terms are sufficient to address *E. coli* discharges from the MS4 or whether the permit must be reopened to include additional requirements.

- **Condition 2.b.i** ensures that in the event of future new development/redevelopment, monitoring can be performed to determine if there are increases in *E. coli* concentration in the headwaters of Wildhorse Creek.

- **Condition 2.b.ii** provides additional safeguards to mitigate *E. coli* associated with future development, and these are necessary to control *E. coli* in discharges to a level equivalent to the assumption in the TMDL of no new development in the Fort Carson MS4 permit area. Prior to

allowing for increased development, the permittee must plan for control measures that remove *E. coli* from a portion of the project site.

• **Condition 2.b.iii.** The area of Ft. Carson through which Wild Horse Creek travels is largely undeveloped except for limited infrastructure for soldier training. None of the existing infrastructure has *E. coli* sources associated with it and is not considered development in the context of a MS4 system. Condition 2.b.iii therefore excludes from the requirements listed in i and ii land disturbance to undeveloped land (land with no human-made structures such as buildings or pavement) that will remain undeveloped.

Without condition 2.b.ii, post construction management for new development/ redevelopment is triggered by development of one acre or more, or less than an acre but part of a larger common plan of development. Condition 2.b.ii further mitigates *E. coli* that may be contributed by the MS4 with a requirement for the selection and implementation of control measures that target *E. coli* for 20% of the project area. This is similar to a requirement within the City of Denver's MS4 permit (COS0000001) issued December 31, 2020 where the division established that control measures targeting 20% of the development project area for *E. coli* treatment is practicable. The control measures in condition 2.b.ii are additional permit design standards and must undergo the same level of scrutiny during the review process as required in Part 2.5.9. As a result, condition 2.b.ii extends the safeguards of the post construction management review and approval process to encompass control measures that target *E. coli* within the Wildhorse Creek watershed.

Condition 2.b.iii is added in response to permittee comments on the nature of existing infrastructure and the lack of permanent development and *E. coli* sources."

EPA has added the above 401 certification conditions to Section 3.2 (*E. Coli* Source Inventory and New Outfall Identification) of the Permit verbatim (minus changes in enumeration).

12. MISCELLANEOUS

The effective date of the Permit is January 1, 2025 and the Permit expiration date is December 31, 2029. This NPDES Permit shall be effective for a fixed term not to exceed 5 years.

Permit written by: Amy Maybach, 8WD-CWW, 303-312-7014, September 2023

ADDENDUM:

AGENCY CONSULTATIONS

On May 13, 2024, the FWS concurred with EPA's conclusion that the Permit reissuance "may affect but is not likely to adversely affect" listed species.

NEIGHBORING JURISDICTIONS

EPA conducted a neighboring jurisdiction analysis of water resources located downstream from the Facility and outside the boundaries of the State of Colorado, in accordance with 40 CFR § 121.13. On November 7, 2024, the EPA permit signatory made a negative "may affect" determination for the authorized discharges from the Facility in the neighboring jurisdiction of Kansas. The EPA documented the factors considered in this determination in the administrative record for this Permit.

PUBLIC NOTICE AND RESPONSE TO COMMENTS:

EPA received joint comments from the Department of Defense on April 26, 2024, for three DOD MS4 permits (Fort Carson, Peterson Space Force Base, and Air Force Academy). Below are the comments and response to comments:

Comment 1. Overall - Update permit references to Peterson Air Force Base, Peterson AFB, PAFB, to Peterson reflect the current name of Peterson Space Force Base, Peterson SFB, PSFB.

EPA Response: EPA made this name change to the Peterson Space Force Base Permit and Statement of Basis. This comment is not appliable to the FC Permit. EPA has made no changes in response to this comment to FC's Permit.

Comment 2. Paragraph 2.2.6.1 and 2.2.6.5: Maintaining a detailed list of all public outreach and education dates and 2.2.6.5 activities across the installation (2.2.6.1) is an onerous new administrative burden on its own, made more so by the new requirement for "up-to-date tracking" (2.2.6.5). Request removal of these provisions, to align with the Buckley SFB permit and to avoid this administrative drain on resources that exceeds its commensurate environmental benefit.

EPA Response: EPA has removed Part 2.2.6.4 (A description of the rationale for how public outreach is provided to the target audience(s) and Part 2.2.6.5 (Up-to-date tracking of the public education and outreach provided to the target audience(s)), and changed the language in Part 2.2.6.1 from "…list of dates and activities meeting….." to "…schedule for meeting the requirements…." to be consistent with the Buckley Space Force Base (SFB) permit.

Comment 3. Paragraph 2.3.5: Request changing the requirement from investigating illicit discharges within two business days of detection to five business days. This allows more flexibility for staff, while still being more stringent than the existing permit requirement. Investigating illicit discharges quickly is a priority for the installations, but having more time accommodates personnel absences due to leave as well as to fulfil other job responsibilities away from the permitted facility. This is of particular concern

at Peterson SFB, where the Water PM is also the Water PM for Cheyenne Mountain Space Force Station (CMSFS) and divides their time each week between the two installations.

EPA Response: EPA considered this request and declined to change the response time in Part 2.3.5 from two business days to five business days due to resource constraints. The proposed language is consistent with other MS4 permits such as the Buckley SFB. The requirement in Part 2.3.5 is two business days so investigations would not be required during non-business days such as weekends. EPA has made no changes in response to this comment.

Comment 4. Paragraph 2.4.5 and subparts: This section is redundant to the Construction General Permit (CGP), which is up for reissuance during these MS4 permit terms. Recommend removing the subparts and changing 2.4.5 to read "Appropriate control measures must be selected, designed, installed, implemented, and maintained to minimize all potential pollutants, such as but not limited to sediment, construction site waste, trash, discarded building materials, concrete truck washout, chemicals, sanitary waste, and contaminated soils in discharges to the MS4. Specific control measures must be implemented as required by, and in compliance with, the EPA General Permit for Discharges from Construction Activities. Control measures are also required for non-stormwater discharges not covered under the EPA General Permit for Discharges from Construction Activities that may contribute pollutants to the MS4, including construction dewatering and wash water." This will ensure that should the CGP be updated, there are no issues of conflicting or inconsistent requirements that may needlessly increase the burdens of MS4 oversight and construction compliance.

EPA Response: EPA considered this request and declined to make the changes requested. The language is consistent with other MS4 permits such as the Buckley SFB. EPA has made no changes in response to this comment. The Permittee of the MS4 is required to have an oversight role related to construction project sites within the MS4. FC may or may not be considered an "federal operator" under EPA's General Permit for Discharges from Construction Activities (CGP) and therefore, may or may not be required to obtain their own CGP coverage for a particular construction project. This MS4 permit and the CGP are separate permits and are not required to be aligned as the roles and responsibilities are significantly different (i.e., oversight role vs. construction operator, respectively).

Comment 5. Paragraph 2.4.6.1: DoD has concerns about the administrative burden of documenting official approval of construction Stormwater Pollution Prevention Plans (SWPPPs). Request the language be revised to read as follows to reflect that the MS4 does ensure SWPPP CGP compliance without requiring formal SWPPP approval and documentation from MS4 staff: "Initial SWPPP Review: The Permittee must review site plans and SWPPPs for **all** applicable construction activities prior to the start of construction activities. If they do not meet the requirements in EPA General Permit for Discharges from Construction Activities, the Permittee shall notify appropriate personnel that land disturbing activities may not be commenced at the site."

EPA Response: EPA considered this request and declined to make the changes requested. The language is consistent with other MS4 permits such as the Buckley SFB. Documenting SWPPP approval/disapproval is a necessary function to show the outcome of SWPPP review and can be

accomplished in one or more ways in conjunction with SWPPP review, as determined most expedient by the Permittee. EPA has made no changes in response to this comment.

Comment 6. Paragraph 2.4.6.1.1 through 2.4.6.1.8 and subparts: These sections and sub-bullets are related to Comment #5 above and are through redundant to the Construction General Permit (CGP), which is up for reissuance during these MS4 permit terms. Recommend deleting the sub-sections to 2.4.6.1 and relying on the proposed revisions to the language in 2.4.6.1 (Comment #5) regarding CGP compliance to ensure that should the CGP be updated, there are no issues of conflicting or inconsistent requirements that may needlessly increase the burdens of MS4 oversight and construction compliance.

EPA Response: EPA considered this request and declined to make the changes requested. The language is consistent with other MS4 permits such as the Buckley SFB. EPA has made no changes in response to this comment. The Permittee of the MS4 is required to have an oversight role related to construction project sites within the MS4. FC may or may not be considered an "federal operator" under EPA's General Permit for Discharges from Construction Activities (CGP) and therefore, may or may not be required to obtain their own CGP coverage for a particular construction project. This MS4 permit and the CGP are separate permits and are not required to be aligned as the roles and responsibilities are significantly different (i.e., oversight role vs. construction operator, respectively).

Comment 7. Paragraph 2.4.6.3.1: Request revision from inspection every 45 days to quarterly inspections which is a more feasible timeline, particularly when many construction projects are occurring simultaneously. Presumably the 45-day timeframe is based on the Colorado Non-standard MS4 permit, but that permit allows for many exceptions to the 45-day timeframe, including for non-active construction sites in winter and to accommodate staff vacancies/absences. If a full change from 45 days to quarterly is not acceptable, request the addition of the reasonable exceptions language from the Colorado permit to allow for the same exceptions to the 45-day requirement.

EPA Response: As requested, EPA has added a new part (Part 2.4.6.3.1.1) from the Colorado Non-standard MS4 permit which states:

"Routine inspections do not apply to sites:
Individual Homes in a Residential Subdivision-Finished Home: Inspections are not required for a residential lot that has been conveyed to a homeowner ("a finished home") when all of the following criteria have been met: 1) The lot has been sold to the homeowner(s) for private residential use, 2) The lot has less than one acre of disturbed area, 3) All construction activity associated with grading the lot and building the home is completed, 4) A certificate of occupancy (or equivalent) has been issued to the homeowner, 5) The Permittee has documented that the lot is subject to this exclusion and 6) The residential development site must have a Permittee-approved site plan and still be inspected by the Permittee if there are observations or reports of discharges of sediment from disturbed areas.

Individual Homes in a Residential Subdivision-Unfinished Home: Inspections are not required for a residential lot with an unfinished home when all of the following criteria have been met: 1) The lot has less than one acre of disturbed area, 2) The Permittee has documented that the lot is

subject to this exclusion, and 3) The residential development site must have a Permittee-approved site plan and still be inspected by the Permittee if there are observations or reports of discharges of sediment from disturbed areas.

Winter Conditions: Inspections are not required at sites where construction activities are temporarily halted, snow cover exists over the entire site for an extended period and melting conditions posing a risk of surface erosion do not exist. This exclusion is applicable only during the period where melting conditions do not exist. Other required minimum inspection frequencies remain applicable but do not include the days during which this exclusion applies. The following information must be documented for this exclusion: dates when snow cover occurred, date when construction activities ceased, and date melting conditions began."

Comment 8. Paragraph 2.5: Request the addition of a sub-provision to this section identical to the one in the Buckley SFB permit language, to more clearly reflect that these requirements are only for contracts initiated after the permit effective date (as is also helpfully clarified in 2.5.11.1): "Compliance Schedule: Construction projects already planned prior to the permit effective date are not subject to the Post-Construction Stormwater Control Measure Design Standards in the Part 2.5.9. These projects must still comply with the requirements of the previous permit issued in 2015. Projects planned after the effective date of the permit have a grace period of two years to comply with Part 2.5.9 to accommodate personnel training."

EPA Response: EPA agrees with this request and added the following language to be consistent with the Buckley SFB permit:

To Section 2.5.1., EPA added "See 2.5.9.3 Compliance Schedules for existing projects."

EPA added Part 2.5.9.3 "Compliance Schedule: Construction projects already planned prior to the Permit effective date are not subject to the Post-Construction Stormwater Control Measure Design Standards in Part 2.5.9. These projects must still comply with the requirements of the previous permit issued in 2016. Projects planned after the effective date of the Permit have a grace period of two years to comply with Part 2.5.9 to accommodate personnel training."

Comment 9. Paragraph 2.5.8: Request modification of the language to make it clear that only newly installed control measures need to comply with the new permit, as the language currently reads it could be misinterpreted to mean that previously installed control measures also need to meet the new permit requirements. Suggested revising the first sentence to read: "Inspect at a minimum, annually, all Control Measures planned and installed during the permit term for the purpose of meeting the Control Measure Design Standards defined in Part 2.5.9 and New Development Planning Procedures for Specific Industrial Activities defined in Part 2.5.10 to ensure that they are being maintained in a manner which meets their intended design."

EPA Response: EPA agrees to revising for clarification that only newly installed control measures need to comply with the new permit requirements. EPA has changed Part 2.5.8 to "Inspect at a minimum, annually, all Control Measures planned and installed during the Permit term for the purpose of meeting the Control Measure Design Standards defined…."

Comment 10. Paragraph 2.6.11: Request removal of this provision as redundant to outreach and education requirements in 2.2.

EPA Response: EPA agrees with this request and has removed Part 2.6.11 regarding outreach to laboratory employees.

Comment 11. Paragraph 2.6.13: Request removal of this inspection protocol provision as redundant to inspection requirements throughout the permit and to avoid confusion. Inclusion of this language in 2.6 can be misinterpreted as requiring establishment of a new inspection protocol in addition to those already required elsewhere in the permit, which does not appear to be the intent.

EPA Response: EPA considered this request and declined to remove Part 2.6.13, as this is consistent with other permits such as the Buckley SFB. Rather, EPA suggests that the Permittee use existing inspection protocols established elsewhere in the Permit to avoid confusion. EPA has made no changes in response to this comment. Due to other changes, Part 2.6.13 of the draft Permit has become Part 2.6.12 of the final Permit.