VOLUME 20

"WASTEWATER AND STORMWATER MANAGEMENT"

SUMMARY OF VOLUME 20 CHANGES

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(b) Part 122 of Tile 40, Code of Federal Regulations (40 CFR 122)
(c) 40 CFR 125
(d) SECNAV M-5210.1
(e) United States Civil Service Commission, "Federal Personnel Manual, FPM Supplement 271-1: Development of Qualification Standards," subchapters 3-4, "License and Credentials", 1969
(f) 40 CFR 136
(g) 40 CFR 403
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(i) 40 CFR 130
(j) 40 CFR 116
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(l) 42 U.S.C. 6901
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(o) 40 CFR 261
(p) Public Law 102-386, "Federal Facilities Compliance Act," October 6, 1992
(q) 40 U.S.C. §133
(r) DUSD Memorandum, "Perchlorate Release Management Policy," April 22, 2009
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(t) Public Law 110-140, "Energy Independence and Security Act," December 19, 2007
(u) DoN, "Department of the Navy Low Impact Development (LID) Policy for Storm Water Management," November 19, 2007
(v) Office of the Under Secretary of Defense, "DoD Implementation of Storm Water Requirements under Section 438 of the Energy Independence and Security Act (EISA)," January 19, 2010
(w) Unified Facilities Criteria (UFC) 3-210-10, "Low Impact Development," July 1, 2015
(x) EPA, "Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices," December 2007
(y) EPA, "Storm Water Management For Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices," September 1992
(z) EPA, "Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices," September 1992
(aa) EPA, "Guidance Manual for the Preparation of NPDES Permit Applications for Stormwater Discharges Associated with Industrial Activity," EPA-505/8-91-002, April 1991
(ab) 40 CFR 445
(ac) EPA, "Guidance Manual for Developing Best Management Practices (BMP)," October 1993
(ad) 40 CFR 258
(ae) EPA, "Nonpoint Source Watershed Workshop," EPA/625/4-91/027, September 1991
(af) EPA, "Guide to Nonpoint Source Pollution Control", EPA/811/1987, July 6, 1987
(ag) 40 CFR 257

(ah) 40 CFR 503
(ai) 40 CFR 146
(aj) EPA, "Guide to Septage Treatment and Disposal," EPA/625/R-94/002, September 1994
(ak) EPA, "Handbook: Septage Treatment and Disposal," EPA-625/6-84-009, October 1984
(al) 42 U.S.C. 300f
(an) 40 CFR 145
(ao) 40 CFR 147-148
(ap) EPA, "A Review of Sources of Ground-water Contamination from Light Industry, Technical Assistance Document," EPA 440/6-90-005, May 1990
(aq) EPA, "A Groundwater Information Tracking System with Statistical Analysis Capability," EPA/625/11-91/002, 1992
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VOLUME 20: CHAPTER 1

"SCOPE"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for compliance with federal water pollution control requirements for wastewater and stormwater programs. Volume 16 of this Order discusses specific provisions for preventing and controlling surface and ground water pollution and for the protection of drinking water supplies. For information on the planning, prevention, and control of water pollution from oil discharges and hazardous substance (HS) releases see Volume 7 of this Order.

0102 APPLICABILITY

See Volume 1 paragraph 0102.

0103 BACKGROUND

Marine Corps operations that are regulated through the wastewater and stormwater program include the following:

010301. Domestic or industrial wastewater discharged directly to receiving waters or through an on-installation Marine Corps Owned Treatment Works.

010302. Domestic or industrial wastewater discharged to an off-installation Publically Owned Treatment Works (POTW) or to a treatment plant of another Department of Defense (DoD) activity.

010303. Stormwater runoff associated with municipal, industrial, or construction activities discharged to receiving waters.

010304. Range operations resulting in nonpoint source pollution.

010305. Agricultural, silvicultural, and grazing operations, including outleases, that contribute to polluted runoff or ground water contamination.

010306. Sewage sludge generation, processing, use, and disposal practices.

010307. Facilities involved in the transfer, storage, and transportation of petroleum, oil, and lubricants that, because of their location, could reasonably be expected to cause substantial harm to the environment by discharging into navigable waters or on the adjacent shoreline.

010308. Hazardous material storage areas and other regulated storage areas where runoff is likely to occur.

VOLUME 20: CHAPTER 2

"AUTHORITY"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

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020101. Water Quality Act of 1965 (Public Law 89-234), Water Quality Improvement Act of 1970 (Public Law 91-224), Federal Water Pollution Control Act of 1972, as amended by Clean Water Act of 1977 (33 United States Code (U.S.C.) 1251 et seq.), Water Quality Act of 1987 (Public Law 100-4).

020102. Oil Pollution Act of 1990 (Public Law 101-380, 33 U.S.C. 2701 et seq.).

020103. Safe Drinking Water Act of 1974 (42 U.S.C. 300f et seq.).

020104. Rivers and Harbors Act of 1899 (33 U.S.C. 407 et seq.).

020105. Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq.).

020106. Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. 1451 et seq.).

020107. Federal Facilities Compliance Act.

020108. Solid Waste Disposal Act of 1965, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.).

0202 EXECUTIVE ORDERS

E.O. 12088, “Federal Compliance with Pollution Control Standards,” October 13, 1978.

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VOLUME 20: CHAPTER 3

"REQUIREMENTS"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

Marine Corps installations in the United States will comply with all substantive and procedural wastewater and stormwater regulations established by the U.S. Environmental Protection Agency (EPA) or those states that have been granted primary enforcement responsibility. These requirements include federal, state, interstate, and local laws, E.O.s, and regulations respecting the control and abatement of water pollution such as load reduction requirements resulting from the development of total maximum daily loads (TMDLs) for impaired water bodies.

030101. Statutory Requirements

Sections 1251 et seq. of Title 33, United States Code (33 U.S.C. 1251 et seq.) (also known and referred to in this Order as "Clean Water Act," (CWA) as amended) (Reference (a)) requires compliance by federal installations with all requirements, substantive and procedural, that are applicable to point and nonpoint sources of water pollution. These requirements include federal, state, interstate, and local laws and regulations with respect to the control and abatement of water pollution. Reference (a) makes it illegal for any Marine Corps installation to discharge any pollutant, other than when such discharge is in compliance with effluent standards, treatment technology requirements, or other procedural requirements. Marine Corps facilities shall comply in the same manner, and to the same extent, as any nongovernmental entity.

030102. Regulatory Requirements

A. Applicable requirements include federal, state, and local regulations governing water quality. The remainder of this chapter summarizes many of the significant federal regulations pertaining to wastewater and stormwater.

B. Authorized EPA, state, or other regulatory officials who have presented proper credentials shall be allowed to enter Marine Corps facilities at reasonable times to examine or copy records, inspect facilities and monitor equipment, and sample any wastewater or stormwater which the activity is required to monitor. Designated representatives of the Commanding General or Commanding Officer (CG/CO) should accompany the officials during these site visits.

030103. Department of Defense (DoD) Requirements

DoD has established the Department of the Navy (DON) as the DoD Executive Agent for implementation of Reference (a).

0302 POINT SOURCE CONTROL

030201. Discharge Permits

A. Part 122 of Tile 40, Code of Federal Regulations (40 CFR 122) (Reference (b)) and 40 CFR 125 (Reference (c)) require National Pollutant Discharge Elimination System (NPDES) permits for all point source discharges into waters of the United States. Discharges shall comply with all terms and conditions of EPA, state, and locally issued permits.

B. For Marine Corps installations with discharge points located in states that have not been authorized to administer all or parts of Reference (a) programs, NPDES permits shall be requested from, and issued by, EPA. If a state has a separate water pollution permit program, Marine Corps installations shall, when required, obtain a state permit as well as an EPA permit for point sources regulated in accordance with that program.

C. For all discharge points located in states that have EPA-approved NPDES programs, permit applications shall be filed with, and issued by, the appropriate state agency.

D. In accordance with Reference (a), an NPDES permit term may not exceed 5 years. Any discharge that will continue after its discharge permit expires shall be re-permitted prior to the expiration date of the current permit. A new permit application shall be submitted to the permitting agency no later than 180 days prior to discharge (if a new discharger) or the permit expiration date (if already an NPDES permit holder). For projects involving construction activities, an NPDES permit application for stormwater discharges shall be submitted at least 90 days prior to the start of construction. In the case of complex permits, such applications should be filed well in advance of the 180-day (or 90-day) requirement. To meet these deadlines, installations shall allow sufficient time to collect the required information and prepare the application.

E. All permit applications and required reports shall be prepared in the format prescribed by the permitting agency.

F. Any monitoring records, including all original strip chart recordings for continuous monitoring, instrumentation and calibration, maintenance records, and laboratory test results pursuant to sampling, shall be retained per SECNAV M-5210.1 (Reference (d)) from the time of sampling at the installation where monitoring is performed, if not otherwise prescribed.

G. The owner of a treatment plant that continually fails to meet its discharge permit limits can be subject to Enforcement Actions (EAs) by the permitting agency and to citizen suits filed in a United States court.

H. Job descriptions for Marine Corps wastewater treatment plant and collection system operators shall require a state certification or license, or the ability to obtain and maintain a certification or license as a condition of employment at all facilities where state certification requirements apply, as stipulated in United States Civil Service Commission, “Federal Personnel Manual, FPM Supplement 271-1: Development of Qualification Standards,” subchapters 3-4, "License and Credentials", 1969 (Reference (e)) and as required by the governing permitting agency’s regulations.

I. The Commandant of the Marine Corps Facilities and Services Division (CMC (LF))/Marine Corps Installations Command, Facilities Division ((MCICOM) (GF)) supports funding for annual refresher training for all plant and collection system operators, especially for safety-related

courses. Training sources include EPA, state environmental and health departments, local colleges and universities, extension courses, and private firms.

J. Marine Corps laboratories performing wastewater and stormwater analyses shall be certified pursuant to applicable regulations of the federal, state, or local permitting authority, if required. Appropriate chain of custody procedures will be used to track samples collected for analysis. 40 CFR 136 (Reference (f)) contains EPA test procedures for analyzing water pollutants.

030202. Industrial Wastewater Treatment and Direct Discharge Requirements

A. Marine Corps Owned Industrial Wastewater Treatment Plants (IWTPs) and other industrial-based activities with direct discharge into receiving waters shall obtain and comply with NPDES permits.

B. Direct discharges to receiving waters from oil/water separators (OWSs) shall be permitted, monitored, and reported pursuant to the NPDES program. The preferred method for the wash rack effluent is using a washwater recycling unit (a Pollution Prevention (P2) technology). Wash racks should be constructed to divert/prevent entry of rainwater and stormwater run-on. Where the installation of recycling equipment is not practical, wash rack discharges should be valved to OWSs (which discharge to the sanitary sewer) when aircraft or vehicles are being washed and valved to the stormwater system at all other times so that stormwater runoff does not overload the sanitary sewer system. Oil transfer and storage facility discharges should be directed through an appropriate structural treatment/best management practice prior to release. Marine Corps installations should contact their state and local regulatory agencies for information on regulations and standards applicable to OWSs.

1. Do not install any new OWSs until all alternatives have been evaluated (see Multiservice OWS Guidance Document, SFIM-AEC-EQ-CR-200010).

2. Implement P2 principles and use Best Management Practices (BMPs) to minimize the requirements for OWSs (Multiservice OWS Guidance Document, SFIM-AEC-EQ-CR-200010).

C. When new NPDES permit standards are promulgated, Marine Corps-Owned IWTPs and other industrial activity dischargers may not be able to comply automatically with the new standards. If the discharger determines it cannot meet the new standard, it shall begin to upgrade its treatment processes to meet the deadline for compliance with the new standards. If the discharger cannot meet the required compliance date, it should negotiate a new date in a Consent Order with the appropriate regulatory agency.

D. The installation and operation of Marine Corps-owned wastewater treatment and disposal facilities are authorized whenever a POTW or other alternatives are not available or cost-effective.

E. The Marine Corps encourages wastewater and stormwater reclamation for reuse; this option should be studied during planning for the construction of new wastewater facilities or for renovation, expansion, or the upgrading of existing facilities. Reuse options pertain to

industrial wastewater recycling, aquifer recharge, constructed wetlands, wildlife habitat mitigation or enhancement; to the irrigation of parade decks, athletic fields, golf courses, forests and tree lines, and garrison and residential landscaping; and to outleased areas used for agriculture, silviculture, or grazing.

030203. Discharge to a Federally Owned Treatment Works (FOTW)

A. Wastewater discharges to an FOTW will meet all applicable general and categorical pretreatment standards contained in 40 CFR 403 (Reference (g)) and 40 CFR 405-471 (Reference (h)), as appropriate. After the effective date of any new pretreatment standards for toxic substances, affected sources will comply within the timeframe designated by the appropriate agency.

B. If necessary, an FOTW can impose limitations more stringent than the categorical pretreatment standards on industrial activities which discharge to it in order to prevent interference with treatment plant operations, to prevent pass-through of pollutants to receiving waters, to prevent sewage sludge contamination, to prevent workers from being exposed to health hazards, and to prevent a violation of the FOTW's NPDES permit. The repeated inability of an FOTW to meet its discharge permit limits, due to an industrial activity's failure to pretreat its waste, can result in EAs against both the FOTW and the industrial activity.

C. Industrial activities discharging to an FOTW will notify the FOTW operator of any substantial change in quantity or type of pollutants discharged and of any spills, releases, or slug loads of any substance which could adversely impact the FOTW, its personnel, or the effluent discharged from the treatment works.

D. FOTWs discharging to waters of the United States shall be designed, constructed, operated, and maintained to comply with all effluent limitations as prescribed by discharge/NPDES permits.

030204. Discharge to Publically Owned Treatment Works (POTWs)

A. The use of a regional or municipal POTW is the preferred method for wastewater collection, treatment, and disposal whenever an analysis of life-cycle costs and environmental impacts indicates that the use of a POTW is more economical and environmentally beneficial than constructing/upgrading and operating an FOTW. Economic components used in the analysis should include any capital cost contributions to the POTW for a prorated share of system capacity; continuing user fees and surcharges; pretreatment costs; FOTW capital; operation and maintenance costs, including expenses for permit fees, monitoring, utilities, equipment repair and replacement; solids handling and disposal; chemical usage; and personnel staffing, training, and certification. The environmental analysis should include surface and ground water quality and quantity issues, threatened and endangered species impacts, and archaeological, cultural, and natural resources issues.

B. Discharges to a POTW shall meet all applicable general and categorical pretreatment standards contained in References (g) and (h), as appropriate. After the effective date of any new pretreatment standards for toxic substances, affected sources shall comply within the timeframe designated by the permitting authority. EPA published regulations, effective November

2005, that streamline and clarify various provisions of the General Pretreatment Regulations for existing and new sources of pollution codified in Reference (g). In general, the rule reduces the regulatory burden on both industrial users and state/POTW control authorities without adversely affecting environmental protection.

C. A POTW controls discharges received from Marine Corps installations or activities through local ordinances, sewer use contracts, and/or discharge permits. These control mechanisms often require the user to monitor its industrial discharges into the sewer, to pretreat certain categories of wastes, to notify the treatment plant of substantial changes to the quantity or quality of the influent, and to take other administrative or procedural actions as necessary.

D. Dischargers to a POTW usually pay user fees commensurate with the waste load contributed. New sources to such systems may also be required to share in the capital costs for increasing the capacity of the POTW's collection, treatment, and disposal facilities.

E. Pursuant to Reference (a), states have established certain areas for which a regional approach to wastewater treatment is necessary. Such areas have developed management plans, per section 208 of Reference (a), that detail collection and treatment works requirements, timetables for accomplishment of the plan, and requirements for individual participants (40 CFR 130 (Reference (i))) addresses such wastewater and stormwater plans). Since approved plans are binding on Marine Corps installations within the region, it is imperative that close liaison be established with these planning organizations.

030205. Hazardous Pollutant Discharges

A. In 40 CFR 116 (Reference (j)), EPA identifies a list of HSs regulated pursuant to Reference (a). 40 CFR 117 (Reference (k)) presents the reportable quantities for releases of these HSs. Volume 9 of this Order discusses prevention of HS discharges that may result from accidental spills on land or into waters of the United States.

B. Hazardous waste (HW) may be introduced into a treatment facility only if the facility has a specific treatment, storage, and disposal permit, pursuant to 42 U.S.C. 6901 et seq. (also known and referred to in this Order as “Resource Conservation and Recovery Act,” (RCRA) as amended) (Reference (l)), or a "permit by rule." Pursuant to section 60 of 40 CFR 270 (Reference (m)), a POTW that accepts HW for treatment shall have an NPDES permit, comply with the conditions of its NPDES permit, and, as listed in section 60(c)(3) of 40 CFR 260 (Reference (n)), comply with regulations related to the manifest system. As stated in section 3023(b) of Reference (l), it is unlawful to introduce any HW into an FOTW.

C. POTWs have a "domestic sewage exclusion" 40 CFR 261 (Reference (o)), section (a)(1)) that allows domestic sewage and any mixture of domestic sewage and other wastes, including HWs, that pass through a sewer system to a POTW to be excluded from the definition of a solid waste and, thus, exempt from regulation pursuant to Reference (l). However, the exclusion rule does not provide for the uncontrolled discharge of HWs to a POTW. Note that states can impose stricter requirements. Therefore, installations shall confirm with their state HW authority on HW discharge regulations.

D. To ensure similar treatment for both POTWs and FOTWs, section 108 of Public Law 102-386, "Federal Facilities Compliance Act" (Reference (p)) added a new section 3023, "Federally Owned Treatment Works," to Reference (l) that includes a similar but conditional "domestic sewage exclusion" for FOTWs in section 3023 (a) (1-4) of Reference (l). For solid or dissolved materials entering an FOTW to be exempt from regulations pursuant to Reference (l) as it pertains to the "domestic sewage exclusion," they shall meet at least one of the following criteria:

1. Materials shall be subject to a pretreatment standard pursuant to section 307 of Reference (a) (provided the source is in compliance with established pretreatment standards).

2. Materials not currently covered by a pretreatment standard shall be subject to (and in compliance with) an EPA-promulgated pretreatment standard that would be applicable before 6 October 1999 (provided EPA has promulgated a schedule for establishing such a standard).

3. Materials not covered by either of the above criteria shall be treated in accordance with the applicable land disposal restriction treatment standards pursuant to Reference (l).

4. The generator source is a household generator or a conditionally exempt small quantity generator generating less than 100 kilograms (kg) of HW, or less than 1 kg of acutely HW, per month.

E. Marine Corps policy directs the reduction or elimination of wastewater treatment and disposal needs through a P2 program. This program should examine and implement wastewater and stormwater volume and pollutant reductions through process changes, materials substitution, cooling water recycling, water conservation practices and equipment, wastewater reclamation and reuse, and wastewater collection system maintenance and renovation to decrease ground water infiltration and stormwater inflow. Installations shall ensure that the Environmental Management Hierarchy (EMH) is employed, P2 alternatives are evaluated, and life-cycle cost impacts are assessed, in evaluating and selecting projects that address compliance requirements. 40 U.S.C. §133 (Reference (q)) establishes the following order of preference for the EMH:

1. Source reduction.

2. Recycling.

3. Treatment.

4. Disposal.

030206. Perchlorate Monitoring

A. Marine Corps installations that use perchlorate during the maintenance, processing, recycling, or demilitarization of military munitions shall sample for perchlorate at permitted wastewater discharge points. Sampling shall be conducted semi-annually and, if possible, in conjunction with effluent sampling already conducted under the applicable permit to each point source. Installations with confirmed results indicating perchlorate levels above 15 parts per billion in effluent discharges, or above the state or Local Regulatory levels if more stringent than DoD's value, shall notify CMC (LF)/MCICOM (GF) for further action. Installations may cease sampling after two

consecutive semi-annual samples are below 15 parts per billion. Sample results are to be reported to the permitting regulatory authority if it is required by the NPDES permit or state regulations. Refer to DUSD Memorandum, "Perchlorate Release Management Policy," April 22, 2009 (Reference (r)) and HQMC Memorandum, "Distribution of DoD Perchlorate Release Management Policy," January 6, 2010 (Reference (s)), for further guidance on testing and sampling.

B. DoD and Marine Corps perchlorate sampling requirements shall not diminish any existing wastewater discharge permit requirements established by EPA or state regulatory authorities.

030207. Stormwater Discharges

A. The 1987 amendments to Reference (a) established greater regulation of stormwater discharges; the implementing regulations in section 26 of Reference (b) became effective in December 1990. The NPDES stormwater program regulates stormwater discharges from three potential sources: municipal separate storm sewer systems (MS4s), construction activities, and industrial activities. Federally operated storm sewer systems are defined as MS4s. Most stormwater discharges are considered point sources, and operators of these sources shall check with the permitting authority if an NPDES permit is required before they can discharge.

1. MS4s. Polluted stormwater runoff is commonly transported through MS4s, from which it is often discharged untreated into local water bodies. Reference (a)'s Phase I regulations, pursuant to the stormwater program, issued in 1990, require medium and large cities or certain counties with populations of 100,000 or more to obtain NPDES permit coverage for their stormwater discharges. Phase II regulations, issued in 1999, require regulated small MS4s in urbanized areas, as well as small MS4s outside the urbanized areas that are designated by the permitting authority, to obtain NPDES permit coverage for their stormwater discharges, according to Reference (a). Generally, Phase I MS4s are covered by individual permits and Phase II MS4s are covered by a general permit.

2. Construction Activities. As of 10 March 2003, construction activities disturbing one or more acres need an NPDES permit. At a minimum, these permits require development of a site-specific stormwater pollution prevention plan (SWPPP), covering both the construction and the post-construction phases of the project. Where EPA is the permitting authority, operators shall meet the requirements of EPA's Construction General Permit.

3. Industrial Activities. Operators of industrial facilities falling into 10 categories listed by EPA in its stormwater regulation need an NPDES permit if the stormwater is discharged directly into surface water or an MS4. The NPDES program includes an industrial stormwater permitting component that covers 29 industrial sectors that require authorization pursuant to an NPDES industrial stormwater permit for stormwater discharges. For industrial facilities located in areas where EPA is the permitting authority, coverage is available under the Multi-Sector General Permit, latest version. The Multi-Sector General Permit regulations specify steps that facility operators shall take prior to becoming eligible for permit coverage. The regulations also include effluent limits; monitoring, inspection, and reporting requirements; and corrective action requirements. Some states may require facility operators obtain specific credentials or certifications.

B. Most states are authorized to implement their own NPDES stormwater program and stormwater permitting programs. EPA remains the permitting authority in a few states, territories, and on most tribal lands. For these areas, EPA provides oversight and issues stormwater permits. The Construction General Permit and Multi-Sector General Permit apply only in areas where EPA is the permitting authority.

C. Installations should coordinate with regional EPA offices and cognizant state regulatory agencies to access the applicability of NPDES General or Individual Permit procedures.

1. General Permits. These permits are intended to cover the majority of stormwater discharges associated with an industrial activity. Dischargers seeking to be covered by a general permit shall file a NOI with the appropriate permitting authority. The NOI requirements for the general permit usually address only general information and typically do not require the collection of monitoring data. Section 28 of Reference (b) provides information regarding general permit NOI filing requirements. Where EPA is the permitting authority, construction activities disturbing one or more acres of land shall meet the requirements of EPA's Construction General Permit. Also, the Multi-Sector General Permit provides coverage for industrial facilities located in areas where EPA still remains the NPDES permit authority.

2. Individual Permits. Operators of facilities with stormwater discharges associated with industrial activity that do not obtain coverage under a general permit, or are not eligible for a general permit, shall submit an individual permit application. Stormwater discharges that cannot be authorized by general permits include those with existing effluent guideline limitations for stormwater; with an existing NPDES individual or general permit for stormwater discharges; or which are, or may reasonably be expected to be, contributing to a violation of a water quality standard. Section 26(c) of Reference (b) specifies EPA's individual stormwater permit application procedures and information requirements for stormwater discharges associated with industrial activity and stormwater discharges associated with small construction activity. Applications shall be submitted 180 days before the discharge begins or 90 days before the construction activity is due to begin. State regulations generally parallel those of EPA in requiring a permit application to be filed with the appropriate permitting authority.

D. On 19 December 2007, Public Law 110-140, “Energy Independence and Security Act,” (Reference (t)) was signed into law. This new law includes a provision that requires projects involving a federal facility with a footprint that exceeds 5,000 square feet (ft2) to “use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow." In addition, the DON, “Low Impact Development (LID) Policy for Storm Water Management,” November 19, 2007, (Reference (u)) directs the Marine Corps to meet a goal of no net increase in stormwater volume and sediment or nutrient loading from major renovation (i.e., exceeding $5 M) and major construction projects (i.e., exceeding $1 M) beginning in fiscal year 2011. DoD also implemented stormwater requirements pursuant to EISA of 2007, Section 438, using LID techniques, as outlined in Office of the Under Secretary of Defense, “DoD Implementation of Storm Water Requirements under Section 438 of the Energy Independence and Security Act (EISA),” January 19, 2010 (Reference (v)) policy. HQMC (LF)/MCICOM (GF) issues an annual data call in November to obtain information on Marine Corps LID projects that are designed by agencies other than Naval Facilities Engineering Command

(NAVFAC) (including USMC) in order to support Deputy Assistant Secretary of the Navy (DASN) and DoD Strategic Sustainability Performance Plan (SSPP) inquiries. Projects, not tracked by eProject, are reported by installations into the Environmental Management (EM) Portal and, once compiled, Office of the Secretary of Defense uses the data as part of the SSPP.

E. Reference (u), regarding treatment and control of stormwater directs the Marine Corps to consider LID in the design for all projects that have a stormwater management element. LID will be implemented in complying with Reference (a) and the NPDES permit program, as well as all applicable federal and state requirements for sustainable development. In those infrequent situations where LID is not appropriate given the characteristics of the site, the Marine Corps is authorized to establish a waiver process that, if used, would include regional engineer level review and approval (contact Headquarters, Marine Corps, Facilities Division (HQMC (LF))/Marine Corps Installation Command, Facilities Division ((MCICOM) (GF-5)) for further information).

F. The Marine Corps shall plan, program, and budget to meet the requirements of these policies. These policies require LID to be considered in the design for all projects that have a stormwater element. LID techniques offer a suite of BMPs that maintain or restore predevelopment hydrology and mitigate the adverse effects of construction projects on water quality by cost effectively reducing the volume and pollutant loading of stormwater before it reaches the receiving water bodies. Unified Facilities Criteria 3-210-10, "Low Impact Development," July 1, 2015 (Reference (w)) provides current guidance on LID techniques. Additionally, EPA, "Reducing Stormwater Costs through Low Impact Development Strategies and Practices," December 2007 (Reference (x)) provides information on the costs and benefits of using LID strategies and practices to help protect and restore water quality.

G. Industrial activities and facilities that can contaminate stormwater, and to which these regulations apply, may occur on Marine Corps installations. These activities and facilities include HW treatment, storage, and disposal facilities; scrap and waste material processing and recycling facilities; landfills; sewage sludge land application sites; petroleum bulk oil stations and terminals; airfields; wastewater treatment plants with a design capacity of 1,000,000 gallons per day or greater; and construction activities.

H. Installations discharging to an MS4 serving a population of 100,000 or more shall submit notification information to the operator of the municipal storm sewer system.

I. In general, EPA and state stormwater discharge permit regulations require the permittee to:

1. File a permit application or Notice of Intent (NOI).

2. Determine if any non-stormwater discharges occur. Certain non-stormwater discharges are authorized, such as water from fire-fighting activities, hydrant flushing, street cleaning, air-conditioning and compressor condensates, and lawn watering. For other non-stormwater discharges, the discharger shall develop a list of illicit discharges discovered and submit it to the regulatory agency. The agency determines which discharges may be permitted and under what conditions. Any discharges that cannot be permitted shall be eliminated. Coordination with federal and state regulatory agencies is essential to determine applicable requirements.

3. Prepare and implement a SWPPP. The SWPPP's objectives should be to identify pollution sources potentially affecting stormwater discharge quality and to describe and implement practices to minimize and control pollutants from the industrial facility. The process for developing a SWPPP includes the following four steps:

a. Formation of a qualified SWPPP team.

b. Assessment of potential stormwater pollution sources.

c. Selection and implementation of appropriate BMPs and controls.

d. Periodic examination of the plan's effectiveness.

4. Further information is provided in EPA, “Storm Water Management For Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices,” September 1992 (Reference (y)) and EPA, “Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices,” September 1992 (Reference (z)).

5. As required by the NPDES permit, monitor the discharges, report the results to the permitting authority, and maintain required records pursuant to Reference (d).

6. Comply with any effluent limits placed within the permit.

J. The EPA, “Guidance Manual for the Preparation of NPDES Permit Applications for Stormwater Discharges Associated with Industrial Activity,” EPA-505/8-91-002, April 1991 (Reference (aa)) provides an overview of the permitting process and information regarding the permit application requirements.

030208. Stormwater Charges

Section 1323 of Reference (a) requires federal entities to pay "reasonable service charges," to include any reasonable, nondiscriminatory fee, charge, or assessment to state and local authorities to pay or reimburse the costs of managing stormwater from federal property or facilities. The stormwater management costs that may be reimbursed include the full range of costs attributable to collecting stormwater, reducing pollutants in stormwater, and reducing the volume and rate of stormwater discharge. Installations are encouraged to contact their local counsel if they receive stormwater charges from local regulators. This will begin the process of evaluating whether the charges are legally payable. Localities structure stormwater charges differently, and not all stormwater charges are payable according to federal law, and DoD and DON guidance. Marine Corps installation legal and environmental technical staff shall perform a detailed analysis of the stormwater charge to evaluate whether it is payable based on several criteria. To be payable, a stormwater service charge shall meet all of the following criteria:

A. Relate to the control and abatement of water pollution.

B. Be reasonable.

C. Be nondiscriminatory.

D. Be based on a fair approximation of the proportionate contribution of the property or facility to stormwater pollution.

E. Be measured in terms of quantities of pollutants, or volume or rate of stormwater discharge or runoff from the property or facility.

F. Be used to pay or reimburse the costs associated with any stormwater management program (whether associated with a separate storm sewer system or a sewer system that manages a combination of stormwater and sanitary waste).

G. May include the full range of programmatic and structural costs attributable to collecting stormwater, reducing pollutants in stormwater, and reducing the volume and rate of stormwater discharge.

H. Following a detailed analysis of the charge, which may include discussions with state or local regulators, counsel will make a final recommendation concerning payment or non-payment of the stormwater charge.

030209. Waste Disposal Sites

A. Collected stormwater runoff from waste disposal sites, such as landfills, sewage sludge monofills, and land application sites, is regulated under an NPDES permit as noted in paragraph 030306.

B. Leachate from waste disposal sites shall be tested for the hazardous characteristics listed in Reference (l) to determine which disposal method can be used. Landfill leachates have been found to contain high concentrations of toxic organic compounds, metals, and conventional and nonconventional pollutants.

1. Hazardous leachate shall be treated or disposed of in accordance with federal and state regulatory requirements (see Volume 9 of this Order).

2. Direct discharges of nonhazardous leachate to receiving waters shall be permitted under the NPDES. The permitting authority will develop treatment and permit requirements for leachate discharged to receiving waters depending upon the quantity and nature of the leachate and its potential impact on the environment.

C. In 2000, EPA published its final "Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category," Reference (f) and 40 CFR 445 (Reference (ab)). Regulations pursuant to Reference (l) establish disposal criteria and operation and design standards for landfills but do not address the discharge of landfill wastewater to surface waters or to POTWs. Therefore, EPA set effluent guidelines pursuant to Reference (a) for this industry to limit the amount of pollutants discharged into waters of the United States. The final effluent guideline regulation only applies to landfills that discharge wastewater directly into receiving waters. It does not apply to landfills that discharge

wastewater into POTWs or FOTWs. Based on comments on the proposed rule and further analysis by EPA, it was concluded that national pretreatment standards are not necessary for landfills.

030210. Non- National Pollutant Discharge Elimination System (NPDES) Discharge Permits

A. Domestic and industrial wastewaters and stormwater may be disposed of in a non-discharging manner. Examples of such instances are evaporation/transpiration ponds, leach fields, spreading basins, and land application systems.

B. Such discharges are not regulated under the NPDES program, but are normally regulated under a state permit program, such as California's "Waste Discharge Requirements." These state permits usually contain limitations and conditions similar to those in NPDES permits, such as monitoring, reporting, and recordkeeping requirements; flow restrictions; and pollutant limits. Noncompliance with these state permit conditions is subject to enforcement action by the permitting authority.

0303 NONPOINT SOURCE CONTROL

030301. Regulatory Citation

Reference (i) specifies requirements for nonpoint source management programs. These regulations incorporate requirements per section 208 of Reference (a) for development of area-wide waste treatment management plans. They also include requirements per section 319 of Reference (a) for states to establish nonpoint source pollution management programs through wastewater and stormwater plans. Federal consistency provisions also authorize states to review federal activities for consistency with state nonpoint source programs.

030302. State Water Quality Management (WQM) Plan

The plan shall describe the non-regulatory and regulatory programs, activities, and BMPs selected to control nonpoint source pollution where necessary to protect or achieve approved water body uses. The plan shall identify BMPs to be employed to reduce specific types of nonpoint source pollution, identify programs to implement the BMPs, develop a schedule with annual milestones for implementing the BMPs, certify that the state has adequate legal authority for administering and enforcing the program, and identify sources of assistance and funding.

030303. Contributors to Nonpoint Source Pollution

A. Most nonpoint source pollution results from unchannelled runoff of stormwater, snowmelt, or irrigation. This runoff picks up contaminants from tilled land, urban and suburban areas, improperly managed construction sites, timber harvest areas, mine drainage, and other disturbed areas.

B. At Marine Corps installations, nonpoint sources include agricultural, silvicultural, and grazing operations (including outleases); firing and training range operations; construction sites; industrial activities without discrete point source conveyances; parking lot and

roof runoff; and runoff from lawn maintenance activities, such as fertilizer and herbicide applications, in residential and other garrison areas.

030304. Discharge Permits

EPA and the states do not require discharge permits for nonpoint sources of pollution.

030305. Best Management Practices (BMPs)

A. Where required by states, installations shall implement BMPs to control nonpoint source pollution. If not required, installations should implement BMPs as resources allow.

B. BMPs, which can be implemented to reduce nonpoint source pollution, include, but are not limited to, the following (see also EPA, "Guidance Manual for Developing Best Management Practices (BMP)," October 1993 (Reference (ac))):

1. P2, such as performing maintenance and storing materials under cover.

2. Wet and dry stormwater detention and retention ponds with sedimentation manholes and inverted elbows to trap sediments and floatable items.

3. Constructed wetlands.

4. Grassed swales.

5. Forest buffers from 50 to 100 feet wide along streams.

6. Fabric screens and hay bales at construction sites to reduce erosion and trap sediments prior to discharge.

C. Stormwater from Military Construction projects that increase impervious surfaces shall be managed in accordance with state regulations and engineering practices that control the quantity and quality of stormwater runoff. EISA Section 438 will be triggered for projects that increase impervious surfaces greater than 5,000 square feet.

D. Lease terms for agricultural, silvicultural, and grazing operations shall include requirements for implementing BMPs for pesticide, fertilizer, and erosion controls to reduce contaminated runoff.

030306. Municipal Solid Waste Landfills

A. To prevent surface water contamination, section 27(a) of 40 CFR 258 (Reference (ad)) requires that runoff from the active portion of the landfill unit not cause a discharge of pollutants into waters of the United States, including wetlands, which violates any requirements of Reference (a), including NPDES requirements.

B. Similarly, section 27(b) of Reference (ad) prohibits any discharge of a nonpoint source of pollution to waters of the United States, including wetlands, which violates any requirement of an area-wide or state-wide WQM plan that has been approved pursuant to section 208 or 319 of Reference (a), as amended.

C. If stormwater runoff and uncontrolled leachate discharges to surface waters occur, they shall be controlled by an NPDES permit.

030307. Training

CMC (LF)/MCICOM (GF) supports funding for annual refresher training for all stormwater operators, especially for safety-related courses. Training sources include EPA, state environmental and health departments, local colleges and universities, extension courses, and private firms.

030308. Reference

EPA publications, EPA, "Nonpoint Source Watershed Workshop," EPA/625/4-91/027, September 1991 (Reference (ae)) and EPA, "Guide to Nonpoint Source Pollution Control," EPA/811/1987, July 6, 1987 (Reference (af)), provide in-depth information for developing and implementing nonpoint source pollution control projects.

0304 WATERSHED MANAGEMENT

030401. General

Installations should apply a watershed approach when evaluating the impact of their overall activities on the quality of area water resources and address water impacts by reducing pollutant discharges. A watershed approach is an integrated holistic management strategy that addresses the condition of land areas within the entire watershed. It ensures non-point sources as well as point sources of pollution are addressed. Navy water program managers should consult other media experts (e.g., natural resources; RCRA; Comprehensive Environmental Response, Compensation, and Liability Act; air) to fully implement the watershed approach.

030402. Impaired Waters

Installations that discharge pollutants to or near impaired waters should get involved as early as possible in the state or local process that leads to the identification of impaired waters and the development of TMDLs. Even those installations with only a potential to discharge pollutants to an impaired water body should participate as stakeholders in the process. Participation should occur early in the TMDL process, including, when practicable, before the state or other authority approves or creates a schedule for establishing the applicable TMDL.

0305 SEPTAGE TREATMENT AND DISPOSAL

030501. Regulatory Citations

A. The EPA regulations define domestic septage as "either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage." Septage that does not meet this definition shall be handled and disposed of in accordance with 40 CFR 257 (Reference (ag)).

B. Marine Corps installations may select their own preferred method of septage disposal. If land disposal is selected, the installation or its contractor shall adhere to the requirements in 40 CFR 503 (Reference (ah)).

030502. Septic Tank Management

The EPA regulations for underground injection control (UIC) in 40 CFR 146 (Reference (ai)) apply to septic tanks and cesspools that are Class V wells by virtue of their drain fields. They contain requirements for construction, operating, monitoring, and reporting.

A. Marine Corps installations with septic tanks will ensure that these tanks do not contaminate adjacent surface waters or ground waters.

B. A periodic inspection program shall be developed to determine when pumping is required and if any structural defects, such as broken baffles or cracked pipes, exist. The recommended frequency is every 4 to 5 years.

C. New septage systems may also require state or/or county approval and permitting.

030503. References

A. EPA, “Guide to Septage Treatment and Disposal,” EPA/625/R-94/002, September 1994 (Reference (aj)) provides concise, practical information on septic tank management and the handling, treatment, and disposal of septage.

B. The EPA, “Handbook: Septage Treatment and Disposal,” EPA-625/6-84-009, October 1984 (Reference (ak)), presents a review of available design, performance, operation and maintenance, cost, and energy information pertaining to receiving, treatment, and disposal of septage.

0306 GROUND WATER PROTECTION

030601. General

Another goal of programs that regulate point and nonpoint sources of water pollution is to prevent ground water contamination from those sources. Discharges to ground water shall meet applicable requirements of 42 U.S.C. 300f et seq. (also known and referred to in this Order as “Safe Drinking Water Act”) (Reference (al)), state and local implementing requirements, and applicable permit conditions. Specifically, the WQM plans, UIC Program, and Wellhead Protection (WHP) Program ensure that ground water sources for drinking water are protected from contamination. Volume 18 of this Order provides information regarding ground water protection requirements

applicable to the UIC Program (pursuant to Reference (al)), WHP Program, and Underground Storage Tanks.

030602. State WQM Plans

A. State WQM plans identify and develop programs to control ground water pollution resulting from disposal of pollutants on land or in subsurface excavations. States can require installations to monitor ground water around landfills, leaking underground storage tank sites, firing ranges, wastewater oxidation and percolation ponds, septic tank leach fields, fire training pits that use waste fuel, HW storage sites, etc.

B. States may issue Non-NPDES-discharge permits with pollutant limits intended to protect underlying aquifers from contaminants contained in the discharge using the state WQM plan as the basis for the permit limitations.

030603. Underground Injection Control (UIC) Program

A. 40 CFR 144 (Reference (am)), 40 CFR 145 (Reference (an)), (ai), and 40 CFR 147-148 (Reference (ao)) contain the UIC program regulations. Volume 16 of this Order summarizes these regulations and highlights important requirements.

B. Marine Corps installations will inventory all Class V wells to determine whether pollutants are discharged into underlying aquifers. Class V wells include certain septic system wells and cesspools, stormwater drainage wells, and dry wells used for waste disposal, such as those found in motor pools. To continue to operate these wells under the "authorized by rule," Reference (am), the installation shall submit to the permitting authority an inventory of all wells located on the installation and shall construct, operate, and close Class V wells in a manner that protects underground sources of drinking water as stated in UIC program requirements. In 1999, EPA added new requirements for large-capacity cesspools and motor vehicle waste disposal wells. The Class V Rule prohibits new large-capacity cesspools and new motor vehicle waste disposal wells nationwide. The rule also phased out existing cesspools nationwide by April 2005. Operators of existing motor vehicle wells in regulated areas shall either close their wells or obtain a permit.

C. Underground injection of wastes will be used only as a last resort at Marine Corps installations after all other disposal alternatives have been considered and rejected as unfeasible. Any underground injection well, including those within Class V, will be operated in compliance with the UIC program and applicable permits. Underground injection of treated domestic wastewater to control salt water intrusion near the ocean may be acceptable and feasible, in accordance with local and state regulations.

030604. Wellhead Protection (WHP) Program

A. Reference (al) mandates this locally administered program to protect community drinking water wells and well fields from contamination sources. Volume 16 of this Order summarizes these regulations and highlights important requirements.

B. An installation which derives its potable water from on-installation wells should survey its agricultural, commercial, industrial, residential, and other activities to identify and locate operations with the potential to release pollutants into the underlying ground water.

030605. Technical Assistance

A. The EPA, "A Review of Sources of Groundwater Contamination from Light Industry," EPA 440/6-90-005, May 1990 (Reference (ap)), addresses the potential impacts of contamination from light industrial activities on WHP areas. Light industry sectors covered by this document and found at Marine Corps installations include metal products and machinery, scrap material recycling, transportation equipment maintenance, automotive and truck repair, and highway de-icing.

B. EPA, "A Groundwater Information Tracking System with Statistical Analysis Capability," EPA/625/11-91/002, 1992 (Reference (aq)) provides software and instructions to implement a comprehensive database system designed to store, analyze, and report data generated during ground water monitoring programs required by Reference (l), 40 CFR 268 (Reference (ar)), and Reference (al).

0307 SEWAGE SLUDGE USE OR DISPOSAL

030701. General

A. The preferred method of sewage sludge disposal is the beneficial use at land application sites, as regulated pursuant to Reference (ai). This method requires the effective pretreatment of industrial wastes, including proper management of OWSs, to prevent contamination of sewage sludge. An effective monitoring program is also necessary to ensure compliance with subpart B requirements.

B. If sewage sludge is transported off site for disposal, the installation will ensure that the disposal agent acts in accordance with applicable regulations and permits.

030702. Regulatory Citations

A. The EPA regulations in Reference (ar) provide standards for the land disposal of sewage sludge determined to be hazardous pursuant to Reference (o).

B. The EPA regulations in Reference (ad) provide the requirements for disposal of sewage sludge in a municipal solid waste landfill facility.

C. The EPA regulations in 40 CFR 240 (Reference (as)) provide the requirements under which sewage sludge may be co-fired in an incinerator with other wastes.

D. The EPA regulations in Reference (ah) provide the standards for the use and disposal of nonhazardous sewage sludge. These standards apply to the following:

1. Any installation that prepares sewage sludge, applies sewage sludge to land, or fires it in a sewage sludge incinerator, and to the owner/operator of a surface disposal site.

2. Any sewage sludge applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator.

3. The exit gas from a sewage sludge incinerator stack.

4. The land where sewage sludge is applied, a surface disposal site, and a sewage sludge incinerator.

E. The EPA regulations in Reference (ai) provide the standards for the disposal of nonhazardous sewage sludge on land when the sewage sludge is not disposed through a practice regulated pursuant to Reference (ah).

030703. Permit Requirements

A. Reference (ah) sets national standards for management and disposal of sewage sludge. The rule is designed to protect human health and the environment when sewage sludge is beneficially applied to the land, placed in a surface disposal site, or incinerated. Generally, POTW/FOTW sewage sludge disposal requirements are incorporated into NPDES permits. If, however, they are not, regulations pursuant to Reference (ah) are self-implementing in most cases. This means that the rule will generally be fully enforceable, even in the absence of a permit. In addition, all installations shall comply with applicable federal, state and local sewage sludge disposal requirements. Marine Corps facilities shall take all reasonable measures to beneficially dispose of sludge. Beneficial disposal includes a number of land application methods and composting.

B. An FOTW shall submit an NPDES permit application to comply with the provisions of Reference (ah).

C. For the operation of a sewage sludge incinerator, an application for a permit pursuant to 42 U.S.C. 7401 et seq. (also known and referred to in this Order as "Clean Air Act," as amended) (Reference (at)) shall be submitted to the appropriate permitting authority.

030704. Land Application Requirements

A. Land application includes the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil so that it can condition the soil or fertilize crops or vegetation.

B. Marine Corps installations that apply bulk sewage sludge to the land, prepare sewage sludge for application to land off site, sell or give away sewage sludge or a sewage sludge-derived product in a bag or other container, or apply domestic septage to the land shall comply with the requirements in subpart B of Reference (ah). These requirements include adherence to pollutant ceiling concentrations, cumulative and annual pollutant loading rates, and monthly average pollutant concentrations; management practices; operational standards for pathogens and vector attraction reduction; and monitoring, recordkeeping, and reporting, depending on the quality of the sludge.

030705. Surface Disposal

A. Surface disposal involves the disposal of sewage sludge in an active sewage sludge unit. It does not include the treatment or storage of sewage sludge on land in preparation for ultimate use or disposal.

B. If the same sewage sludge is stored at a site for more than 2 years, the permitting authority can determine that the storage site has become an active sewage sludge unit unless the installation can explain extenuating circumstances for delaying disposal.

C. Marine Corps installations that dispose of sewage sludge at an active sewage sludge unit shall comply with the requirements in subpart C of Reference (ah). These requirements include proper location of an active sewage sludge unit; submission of closure and post-closure plans 180 days prior to closure of the unit; sewage sludge pollutant concentrations; management practices; operational standards for pathogens and vector attraction reduction; and monitoring, recordkeeping, and reporting.

030706. Pathogens and Vector Attraction Reduction

The EPA regulations in subpart D of Reference (ah) provide the following requirements for pathogen and vector attraction reduction in sewage sludge:

A. Requirements for sewage sludge are classified Class A or Class B with respect to pathogens.

B. Site restrictions for land on which Class B sewage sludge is applied.

C. Pathogen requirements for domestic septage applied to agricultural land, forest, or a reclamation site.

D. Alternative vector attraction reduction requirements for sewage sludge that is applied to the land or placed on a surface disposal site.

030707. Incineration

A. Marine Corps installations that fire sewage sludge in a sewage sludge incinerator shall comply with the requirements in subpart E of Reference (ah). These requirements include adherence to national emission standards for beryllium and mercury in subparts C and E of 40 CFR 61 (Reference (au)), respectively; pollutant limits for arsenic, cadmium, chromium, lead, and nickel as calculated by the appropriate equations in subpart 43 of Reference (ah); air dispersion modeling and performance testing requirements; operational standards for total hydrocarbons or carbon monoxide; management practices; and monitoring, recordkeeping, and reporting requirements.

B. Compliance with pathogen and vector attraction reduction requirements is not required for facilities that fire sewage sludge in a sewage sludge incinerator.

0308 DREDGE AND FILL OPERATIONS

030801. Permits

A. Section 404 of Reference (a) deals with the placement of dredged or fill material into waters of the United States. The 404 permit program is administered jointly by EPA and the United States Army Corps of Engineers (USACE). USACE handles the issuance of permits and determines whether a particular plot of land is a wetland or water of the United States. Installations intending to construct a dam, dike, dock, pier, or other structure, or to dredge, fill, or otherwise alter or modify navigable waters or wetlands shall apply to the USACE district engineer or authorized state agency for an individual permit, unless the discharge is allowed under a nationwide or regional general permit.

B. Section 404 regulatory citations:

1. EPA and USACE regulations in 40 CFR 230 (Reference (av)) and 33 CFR 320 (Reference (aw)), respectively, explain the basis of the dredge and fill permit system.

2. 33 CFR 321 (Reference (ax)) explains regulations for a USACE permit to construct a dam or dike.

3. 33 CFR 322 (Reference (ay)) contains regulations for a USACE permit for structures or work in or affecting waters of the United States.

4. 33 CFR 323 (Reference (az)) sets forth regulations for a USACE permit to discharge dredged or fill material in waters of the United States.

5. 33 CFR 325 (Reference (ba)) specifies application requirements for individual USACE permits.

6. 33 CFR 330 (Reference (bb)) contains regulations regarding general nationwide permits.

7. 40 CFR 233 (Reference (bc)) provides procedures on state permit programs regulated by EPA for discharge of dredged or fill material.

C. If the district engineer determines that a water quality certification for the proposed activity is necessary pursuant to section 401 of Reference (a), the district engineer will inform the installation of this requirement. The installation shall obtain a state certificate indicating that the activity complies with applicable state effluent limitations, water quality related effluent limitations and standards, water quality implementation plans, and toxic effluent limitations. If the state includes any monitoring requirements, these shall be forwarded to the USACE district engineer for consideration with the permit application.

D. An installation that is located within a state operating in accordance with an approved coastal zone management program shall ensure that the proposed activity is consistent with the state coastal zone management program per 16 U.S.C. §§1451-1464 (also known and referred to in this Order as “Coastal Zone Management Act”)(Reference (bd)). If the proposed activity is not consistent with the state program in accordance with Reference (bd), the district engineer cannot make a decision on the permit application until the installation and the state have implemented the procedures specified in Reference (bd) for resolving their disagreements.

E. USACE and states with EPA-approved dredging control programs may issue a general permit applicable for five years to categories of similar actions that will cause minimal environmental effects either singularly or cumulatively. The general permit may be issued on a state, regional, or national basis. Projects covered by a general permit do not require individual permits, although some additional individual requirements, such as revocation or modification for specific activities due to adverse environmental impact, may be applied by USACE or states on a case-by-case basis.

F. Marine Corps installations proposing to undertake any action requiring a USACE permit shall apply to the USACE District Engineer for the district in which the proposed activity is to be conducted. The installation may request assistance in preparing and submitting the permit application. Whenever a potential requirement for a USACE permit pursuant to this section is identified, initiate consultation with the CMC (LF)/MCICOM (GF).

G. An analysis per 42 U.S.C. 4321 et seq. (also known and referred to in this Order as "National Environmental Policy Act")(Reference (be)) shall be conducted for any actions that will require an individual permit for dredge and fill activities or the loss of wetlands. Because this process is complex and lengthy, it shall be initiated well in advance of developing and filing the permit applications. Further information on the process per Reference (be) is provided in Volume 12 of this Order.

H. A permit for maintenance dredging will include an expiration date that will not extend more than 10 years from the issue date. A request for renewal from USACE shall be filed with the cognizant District Engineer at least 1 year before expiration.

I. Support may be requested, on a cost-reimbursable basis, to prepare or assist in the preparation of an EA/Environmental Impact Statement (EIS) for projects requiring a USACE permit.

030802. Permit Exemptions

A. Section 404(f) of Reference (a) provides that certain discharges generally do not need a 404 permit, including several activities that are part of normal, ongoing farming, ranching, and silviculture activities (e.g., plowing, seeding, cultivating, and harvesting).

B. For federal construction projects specifically authorized by Congress for which an EIS has been written and submitted to Congress, section 404(r) of Reference (a) states, "The discharge of dredged or fill material as part of the construction of a federal project specifically authorized by Congress, whether prior to or on or after the date of enactment of this subsection, is not prohibited by or otherwise subject to regulation under this section, or a state program approved under this section, or section 301(a) or 402 of Reference (a) (except for effluent standards or prohibitions under section 307), if information on the effects of such discharge, including consideration of the guidelines developed in accordance with subsection (b)(1) of this section, is included in an EIS for such project pursuant to Reference (be) and such EIS has been submitted to Congress before the actual discharge of dredged or fill material in connection with the construction of such project and prior to either authorization of such project or an appropriation of funds for each construction."

030803. Discharges of Dredged or Fill Material

A. Discharges of dredged or fill material into waters under USACE jurisdiction shall comply with federal regulations and the terms of the individual or general permit issued for that activity.

B. Discharges into waters under the jurisdiction of states with approved dredging control programs shall comply with applicable state permits and discharge regulations, including state fee schedules.

C. Disposal site selection may entail field sampling and analyses. An elutriate and bioassay test may be required to determine if the proposed dredged materials should be classified as polluted or unpolluted. Other surveys, including site monitoring, may be required at disposal sites before, during, and after discharge of the dredged or fill material.

030804. In-water Construction

USACE and some states require a permit for any in-water construction. Facilities proposing in-water construction shall obtain applicable permits prior to award of construction contracts and comply with all permit conditions.

030805. Disposal Sites

A. Early planning for dredge spoil disposal site selection, preparation, and use is essential to avoid unnecessary costs and delays.

B. Existing disposal sites, approved by USACE, should be used wherever possible. Proposed new disposal sites should be identified and reported to the cognizant USACE district engineer for evaluation and approval 2 to 3 years before project initiation.

C. If a land disposal site is proposed, consideration shall be given to the liquid runoff and leaching potential of undesirable chemical constituents and to any NPDES permit requirements. Requests for revalidation of existing permits for maintenance dredging and disposal shall be received by USACE at least 6 months prior to expiration of the permit.

0309 OCEAN DISPOSAL

Except in emergency situations (e.g., jet fuel dumped from aircraft to safeguard life), ocean dumping may be authorized only on a case-by-case basis by EPA. Requests for such authorization shall be accompanied by an EA (see Volume 12 of this Order). Full compliance with EPA regulations, 40 CFR 220 (Reference (bf)), 40 CFR 221 (Reference (bg)), 40 CFR 222 (Reference (bh)), 40 CFR 227 (Reference (bi)), 40 CFR 224 (Reference (bj)), 40 CFR 228 (Reference (bk)), 40 CFR 223 (Reference (bl)), 40 CFR 225 (Reference (bm)), 40 CFR 226 (Reference (bn)), and 40 CFR 229 (Reference (bo)) is required.

030901. Prohibited Disposal

Ocean disposal of other than dredged material, including any materials collected from Marine Corps installations or units, is prohibited by 33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq. (also known and referred to in this Order as "Marine Protection Research and Sanctuaries Act," as amended)(Reference (bp)) unless authorized by an EPA permit.

030902. Permits

A. No permit may be issued for ocean disposal of biological, chemical, and radiological warfare agents; high level radioactive waste; or medical waste.

B. Pursuant to section 102 of Reference (bp), EPA is the authority for issuing all permits for the transportation from the United States, or for the transportation from outside continental United States Marine Corps installations, of any material for the purpose of dumping it in ocean waters at locations where the EPA Administrator determines such dumping will not unreasonably degrade or endanger human health or the marine environment.

C. Pursuant to section 103 of Reference (bp), USACE is the authority for issuing all permits for the transportation of dredged material that will be disposed of in ocean waters. Installations intending to transport or contract for the transportation of dredged material for ocean disposal shall apply to the USACE district engineer for an individual permit. EPA Regional Administrators have the authority to review, approve/disapprove, or propose conditions upon dredged material permits for ocean dumping. The EPA regulations for reviewing USACE permits for dredged materials are specified in 40 CFR 255 (Reference (bq)).

D. Regulatory Citations:

1. EPA and USACE regulations in References (bf) and 33 CFR 324 (Reference (br)), respectively, explain the basis of the ocean disposal permit systems.

2. Reference (ba) specifies application requirements for individual USACE ocean disposal permits.

3. Reference (bg) contains EPA permit application requirements.

4. Reference (bh) sets forth EPA regulations pertaining to approval of ocean dumping permit applications.

5. Reference (bi) provides EPA regulations pertaining to evaluation of permit applications for the ocean dumping of material.

E. Permit applications shall be accompanied by an EA that includes an examination of the environmental impact criteria set forth in subpart B of Reference (bi).

030903. Reporting and Recordkeeping

Reference (bj) requires permittees to maintain appropriate records and to submit periodic reports to the EPA Administrator, as defined in the permit.

0310 COASTAL ZONE MANAGEMENT ACT (CZMA) CONSISTENCY DETERMINATIONS

Marine Corps installations shall review proposed actions to identify those that directly affect the coastal zone. For all activities affecting the coastal zone, installations shall provide a consistency determination to the appropriate state agency at least 90 days prior to final approval for the activity.

031001. Regulatory Citation

Pursuant to the National Oceanic and Atmospheric Administration regulations in Reference (bj), Marine Corps actions affecting the coastal zone shall be as consistent as possible with approved state management plans, unless such consistency is prohibited based upon requirements of existing laws applicable to the installation and the mission of the Marine Corps. Actions affecting the coastal zone include those that take place outside the coastal zone but affect any land or water use or natural resource within the coastal zone.

031002. Consistency Determination

The consistency determination may employ any format as long as it complies with the requirements contained in subpart C of 15 CFR 930 (Reference (bs)). A consistency determination shall be prepared for the following:

A. Development projects within the coastal zone subpart 33 of Reference (bs).

B. Non-development projects within the coastal zone that may affect the coastal zone.

C. Installation- or unit-sponsored actions taking place outside the coastal zone but which may impact the coastal zone.

VOLUME 20: CHAPTER 4

"RESPONSIBILITIES"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Provide information and advice to installation commanders and tenants regarding proposed and final rules and regulations pertaining to wastewater and stormwater, and uniformly apply Marine Corps policy as set forth in the Order.

040102. Assist installations in resolving disputes with federal, state, local, and foreign regulatory agencies, as required.

040103. Conduct special environmental compliance and protection studies with regard to wastewater and stormwater to assist in establishing policy or initiating actions.

040104. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with federal, state, and local regulatory agencies with regard to water quality regulations.

040105. Track Marine Corps progress toward meeting established water quality goals.

0402 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies. Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps Training and Education Command installations, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0403 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps Installations and COMMARFORRES shall:

040301. Identify and submit to the CMC (LF)/MCICOM (GF) project documentation and funding requests for wastewater and stormwater facilities that are required to maintain compliance with applicable existing and emerging regulations and permits. Coordinate review of funding requirements between Environmental and Facilities offices to ensure appropriate alignment of resources based on project scope. Program and budget for personnel, equipment, materials, training, and monitoring required to comply with wastewater and stormwater requirements. Pay appropriate federal, state, and local fees. Ensure that the EMH is employed, P2 alternatives are

evaluated, and life-cycle cost impacts are assessed in evaluating and selecting projects that address compliance requirements.

040302. Ensure that all required federal, state, and local permits are applied for and obtained. Sign certifications and permit applications, as required, for construction of all wastewater and stormwater projects.

040303. Ensure that an installation or station order is written to implement the specifications of this Volume. This requirement can be accomplished either by writing a comprehensive installation order to implement all of this Order or by writing a separate installation order to implement the contents of this Volume alone.

040304. Identify applicable effluent limitations, new toxic pollutant effluent standards, pretreatment standards, wastewater discharge problems associated with solid waste disposal sites, and nonpoint source requirements pursuant to regional plans of section 208 of Reference (a).

040305. Coordinate the review of all projects for the construction of new or upgraded treatment works with the appropriate EPA, state, and regional offices to ensure early identification of discharge permit conditions and limits, siting restrictions, innovative treatment alternatives, wastewater reclamation criteria, and sewage sludge use or disposal options.

040306. Use innovative treatment technology where technically and economically feasible in the designs for the construction of new, or the upgrading of existing, wastewater treatment plants.

040307. Ensure that management programs and controls exist to comply with applicable regulations; permit limits; and monitoring, recordkeeping, and reporting requirements for wastewater and stormwater discharges from point and nonpoint sources.

040308. Identify training and certification needs for operators of treatment and collection system facilities, and allocate needed resources.

040309. Use municipal or regional stormwater and wastewater collection and disposal systems to the maximum extent feasible.

040310. Maintain a liaison with USACE and state or area-wide planning organizations to ensure that Marine Corps interests are considered during regional wastewater treatment planning or to facilitate dredge/fill projects.

040311. If responsible for operation of a FOTW:

A. Notify the cognizant permitting agency of any changes in wastewater input to the treatment plant that may affect the ability of the plant to comply with applicable requirements.

B. Operate and maintain the collection system, treatment works, and effluent discharge facilities to ensure compliance with applicable permit requirements.

040312. Provide the resources for monitoring, sampling, and testing, as well as for maintaining and demonstrating compliance with permit and pretreatment requirements; maintain records of all monitoring information.

040313. Identify P2 measures, devices, systems, and procedures to reduce the total generation of wastewater volume and pollutants.

040314. Ensure that adequate access to wastewater generating and treatment facilities is provided to EPA, state, and local pollution control authorities for the purpose of waste stream sampling and the inspection of operations and records.

040315. Ensure that coordination occurs, as appropriate, with the Safety Office in matters relating to wastewater discharges, sewage sludge use or disposal, dredge and fill operations and, petroleum, oil, and lubricants management.

0404 COMMANDERS RESPONSIBLE FOR DISCHARGES TO FOTWS AND POTWS

Commanders responsible for discharges to FOTWs and POTWs shall:

040401. Comply with all applicable pretreatment requirements. This includes providing the necessary resources for monitoring, sampling, recordkeeping, and reporting.

040402. Implement procedures to notify operators of treatment works receiving Marine Corps discharges of any changes in discharges or of accidental pollutant discharges.

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VOLUME 20: APPENDIX A

"FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES"

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APPENDIX A
FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES

1 FEDERAL STATUTES

a. Water Quality Act of 1965, Public Law 89-234; Water Quality Improvement Act of 1970, Public Law 91-224; Federal Water Pollution Control Act of 1972, as amended by Clean Water Act of 1977, 33 U.S.C. 1251 et seq.; Water Quality Act of 1987, Public Law 100-4

(1) The Water Quality Act provides federal assistance for the establishment and enforcement of jurisdictional water quality standards for surface waters. It was amended in 1970 by the Water Quality Improvement Act to prohibit releases of oil and sewage into navigable waters. The FWPCA made the EPA responsible for setting nationwide effluent standards on an industry-by-industry basis. This Act provided effluent and water quality standards, and instituted a permit system for the regulation of oxygen-demanding pollutant discharges. In 1977, the CWA Amendments refocused the enforcement tools of the FWPCA on the control of toxics. The CWA amended the permit system, which is now the NPDES, a nationwide permit program administered by the EPA. The CWA was amended in 1987 to include the regulation of stormwater runoff and to strengthen enforcement mechanisms. The intent of the CWA is to restore and protect the integrity of the Nation's waters by controlling discharges of pollutants, including oil and HS spills, into those waters.

(2) The CWA identifies the following two national goals:

(a) To eliminate the introduction of pollutants into waters of the United States.

(b) To develop water quality which protects and propagates fish, shellfish, and wildlife and provides for recreation in and on the water.

(3) To attain these goals, the EPA has identified conventional, nonconventional, and toxic pollutants and the degrees of technology that must be applied to remove these pollutants from point and nonpoint sources of wastewater. Point source discharge requirements are implemented through the NPDES, or through state programs that have been authorized by the EPA. Nonpoint source discharges are regulated through state WQM wastewater/stormwater programs. The CWA also authorizes the EPA to promulgate pretreatment standards for industrial sources discharging effluents to POTWs.

(4) Important statutory requirements of the CWA are summarized as follows:

(a) Section 208 requires the preparation of area-wide waste treatment management plans. These plans must contain alternatives for waste treatment management and must apply to all wastes generated within the area involved.

(b) Section 301 provides that the discharge of any pollutant by any person (including federal installations) into waters of the United States is unlawful without a discharge permit and adherence to any permit requirements.

(c) Section 302 establishes requirements for the development of water quality-related effluent limitations. These limits are calculated for a particular section of a receiving water and applied to one or more point sources by inclusion in an NPDES permit. These limits are more stringent than general water quality standards or categorical industry effluent limits.

(d) Section 303 requires states to develop and revise water quality standards and implementation plans for interstate and intrastate waters. These standards are used to determine effluent discharge limits in NPDES permits.

(e) Section 304(l) requires states to develop a list of impaired waters due to point source discharges of toxic pollutants and a determination of which point sources are responsible for the discharges. This section requires the imposition of an Individual Control Strategy for the toxic pollutant(s) within the NPDES permit in order to reduce the concentration of the toxic pollutant(s), which would enable the receiving water to meet its designated water quality standard.

(f) Section 306 requires the development of National Standards of Performance for new and existing sources of industrial wastewater from specified industrial categories. Categories relevant to Marine Corps operations include electroplating, metal finishing, metal products and machinery, landfill leachate and incinerators, waste treatment, transportation equipment cleaning, and industrial laundries.

(g) Section 307 establishes a list of toxic pollutants and requires the development of effluent and pretreatment standards for those pollutants.

(h) Section 308 establishes the EPA's right to enter and inspect any facility subject to the CWA provisions. It also specifies requirements for permittees to monitor discharges and to establish and maintain appropriate records and reports.

(i) Section 309 provides for federal enforcement of the CWA, to include filing of Notices of Violation, issuing compliance orders, and bringing civil suits in United States District Courts against violators. This section also specifies criminal penalties of up to $25,000 per day and/or 1 year imprisonment for negligent violations; up to $50,000 per day and/or 3 years imprisonment for knowing violations; and up to $250,000 per day and/or 15 years imprisonment for an individual or up to $1,000,000 for an organization that knowingly endangers human life or causes serious bodily injury. Until a complete sovereign immunity waiver similar to that contained in the FFCA is placed into the CWA by Congress, Marine Corps policy specifies that penalties levied under the CWA will not be paid.

(j) Section 311 addresses oil and HS liability. It requires the development of a National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The NCP provides the organizational structure and procedures for preparing for, and responding to, oil discharges and releases of HSs, contaminants, and pollutants. This section further provides that the President (and installation commanders as duly appointed representatives) act on behalf of the United States to

recover all costs for restoring or replacing natural resources damaged by such discharges and releases.

(k) Section 313(a) states that federal agencies, their facilities, and personnel are subject to, and must comply with, all federal, state, and local requirements, administrative authority, process, and sanctions respecting the control and abatement of water pollution. It exempts federal personnel from personal liability for civil penalties arising from performing official duties and limits the liability of the United States to only "civil penalties arising under federal law or imposed by a state or local court to enforce an order or the process of such court." The President may exempt any effluent source of any federal installation from CWA compliance if he determines it is in the express interest of the United States to do so; however, no exemption may be granted from requirements promulgated for categorical industries under section 306 and toxic pollutants under section 307.

(l) Section 319 requires states to establish nonpoint source pollution management programs. These management programs must identify the BMP for reducing specific types of nonpoint source pollution, identifying programs to implement the BMPs, developing a schedule with annual milestones for implementing the BMPs, certifying that the state has adequate legal authority for administering and enforcing the program, and identifying sources of assistance and funding.

(m) Section 401 requires that any applicant for a federal license or permit to conduct an activity that may result in a discharge to navigable waters must provide to the permitting agency a certification from the state in which the discharge will originate that any such discharges will comply with applicable CWA provisions. The applicant must provide an opportunity for the certifying state or agency to review the manner in which the facility will operate to ensure that effluent limits will not be violated.

(n) Section 402 establishes the NPDES permit program to control water quality from point source dischargers. Point sources must obtain a discharge permit from the proper authority, usually from the EPA- or state agency. NPDES permits set limits on the amount of various pollutants that a source can discharge to waters of the United States in a given time.

(o) Section 403 establishes ocean discharge criteria and requires that discharges to the territorial seas, contiguous zones, and oceans comply with regulatory requirements above and beyond those specifically required of a typical NPDES permit.

(p) Section 404 establishes requirements for the issuance of permits by the USACE for discharges of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (e.g., dams and levees), infrastructure development (e.g., highways and airports), and mining projects.

(q) Section 504 provides authority to the EPA to bring suit in United States District Courts to immediately restrain any person (including federal facilities) from causing or contributing to a discharge alleged to imminently and substantially endanger human health or welfare.

(r) Section 505 provides for citizen suits against any person (including the United States) who allegedly is violating an effluent standard or an order issued by the EPA or a state with respect to such a standard or limitation.

b. Oil Pollution Act of 1990, 33 U.S.C. 2701 et seq.

(1) This Act prohibits harmful discharges of oil and HSs into waters of the United States or discharges which may affect natural resources owned or managed by the United States.

(2) The OPA requires owners or operators of tank vessels and facilities to develop and submit appropriate FRPs (see Volume 7 of this Order) because their locations might cause substantial harm by discharging oil or HSs into the environment.

c. Safe Drinking Water Act of 1974, 42 U.S.C. 300(f) et seq.

(1) This Act and its amendments prescribe treatment and distribution control strategies for abating the contamination of drinking water. For more information on drinking water systems and conservation, refer to Volume 16 of this Order.

(2) Part C of the Safe Water Drinking Act prescribes the protection of underground sources of drinking water. It establishes three groundwater protection programs for which the states should assume the primary responsibility. These programs are:

(a) The Underground Injection Control (UIC) Program

The purpose of this program is to regulate the injection of fluids into underground strata which could affect groundwater supplies.

(b) The Sole Source Aquifer Program

The purpose of this program is to designate and protect aquifers which are the sole or principal source of drinking water for an area and which, if contaminated, would create a significant hazard to public health.

(c) The WHP Program

The purpose of this program is for states to protect wellhead areas from contaminants which may have an adverse effect on the health of persons using wells for drinking water within that area.

d. Rivers and Harbors Act of 1899, 33 U.S.C. 407 et seq.

This Act, commonly referred to as the Refuse Act, provides authority to the United States Army Corps of Engineers to issue or deny permits for the construction of dams, dikes, or other structures in or affecting navigable waters of the United States.

e. Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq.

(1) This Act, also known as the Ocean Dumping Act, restricts the dumping of all types of materials which would adversely affect human health and welfare or the marine environment, originating from within and outside the United States, into ocean waters. It further prohibits ocean disposal of biological, chemical, and radiological warfare agents, high-level radioactive waste, and medical waste.

(2) The Act establishes a system for the issuance of permits by the EPA, under section 102, and by the USACE, under section 103, for ocean disposal of dredged materials. Section 104 contains conditions for permits issued by the EPA and the USACE. Section 104B of the Marine Protection, Research and Sanctuaries Act banned ocean disposal of sewage sludge or industrial waste after 31 December 1991.

f. Coastal Zone Management Act (CZMA) of 1972, 16 U.S.C. 1451 et seq.

(1) The CZMA plays a significant role in wastewater/stormwater, particularly with regard to nonpoint source pollution. State coastal zone management programs approved under the CZMA incorporate flood control, sediment control, grading control, and stormwater runoff control statutes. Under the CZMA, a federal action that affects any land, water use, or natural resource of the coastal zone must be accomplished as consistently as possible with the enforceable policies of the approved state management programs (15 CFR 930.32). This requirement applies to activities conducted within or outside the coastal zone if there are impacts in the coastal zone.

(2) These state programs must be considered when addressing water pollution impacts of Marine Corps projects. Assistance in determining compliance requirements in specific situations may be requested from the CMC (LF).

(3) In their coastal zone management program, states must list activities which directly affect the coastal zone and, therefore, require a consistency determination. Installations should review this list to identify activities applicable to their installation which are likely to require a consistency determination.

g. Federal Facilities Compliance Act (FFCA)

The FFCA was passed in 1992 to enable the EPA and states to bring civil action against federal agencies for violations of certain actions relating to the RCRA. Federal agencies having jurisdiction over a solid waste facility or disposal site, or engaged in the management of solid or HW are subject to all applicable federal, state, and local laws, regulations, and ordinances addressing solid and hazardous waste. Thus, they are obligated to pay fines and penalties assessed by states.

h. Solid Waste Disposal Act of 1965, as amended by the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.

(1) This Act prescribes technical requirements for preventing leachate migration from solid or HW disposal sites to groundwater.

(2) Section 3023, as implemented under the FFCA, defines and regulates FOTWs, which include Marine Corps domestic wastewater treatment plants. This section prohibits introducing any HW into an FOTW, specifies conditions under which an FOTW without a RCRA permit may receive industrial wastewaters, and discusses enforcement procedures.

(3) Section 7003 provides authority to the EPA to bring suit in United States District Court to immediately restrain any person (including federal facilities) from causing or contributing to a discharge alleged to imminently and substantially endanger human health or the environment.

2 EXECUTIVE ORDERS

E.O. 12088, "Federal Compliance with Pollution Control Standards," October 13, 1978. This E.O. replaces E.O. 11507 and directs federal agencies to comply with applicable federal, state, local, and host nation environmental laws and regulations. The E.O. also requires the head of each Executive agency to ensure that sufficient funds for compliance with applicable pollution control standards are requested in the agency budget.