

COOPERATIVE AGREEMENT
BETWEEN
DEPARTMENT OF DEFENSE
AND
ENVIRONMENTAL PROTECTION AGENCY
CONCERNING
CHESAPEAKE BAY ACTIVITIES

PREFACE

1. The Chesapeake Bay is a national treasure and a resource of worldwide significance. Its ecological, economic, and cultural importance is felt far beyond its waters and the communities that line its shores. In recent decades, however, the Bay has suffered serious declines in quality and productivity.
2. The 1987 Chesapeake Bay Agreement between the Environmental Protection Agency (EPA), representing the Federal government, the District of Columbia, the State of Maryland, the Commonwealths of Pennsylvania and Virginia, and the Chesapeake Bay Commission, established a policy to reverse this decline, and a framework for continued cooperative efforts to restore and protect the Chesapeake Bay. It contains goals and priority commitments to achieve these objectives for living resources; water quality; population growth and development; public information, education and participation; public access; and governance.
3. The Department of Defense (DoD) continues its ongoing commitment to protect the environment and the natural resources which have been entrusted to its care, while at the same time accomplishing its primary mission of national defense.
4. DoD maintains over 60 installations in the Chesapeake Bay drainage basin, encompassing approximately 350,000 acres. Recognizing its role as a major Federal user of the land and waters of the Chesapeake Bay region, DoD completed a water quality assessment study to determine the relative impact of its activities on the water quality and living resources of this important estuary.
5. EPA has regulatory responsibility for the control and abatement of pollution in areas of air, water, solid waste, toxic substances, pesticides, noise, and radiation. This includes setting and enforcing environmental standards; conducting research on the

- cause, effect, control, and prevention of environmental problems; and assisting State and local cooperators.
6. EPA, in conjunction with federal, State and local cooperators, has been conducting studies, environmental surveys and assessments and developing strategies for improving and restoring the Chesapeake Bay.
 7. DoD and EPA share a mutual interest in restoring and protecting the Chesapeake Bay. The actions carried out under this Agreement will strengthen coordination, increase understanding and action on key environmental issues, and reduce duplication of resources and expertise.
 8. Therefore, DoD and EPA agree to cooperate to implement the goals and objectives of the Chesapeake Bay Agreement.

PURPOSE

This Cooperative Agreement establishes a policy of coordination and cooperation between DoD and EPA on Chesapeake Bay activities, consistent with the goals, objectives, and commitments of the 1987 Chesapeake Bay Agreement. It supersedes the September 13, 1984 Joint Resolution between DoD and EPA on pollution abatement in the Chesapeake Bay.

AUTHORITY

1. Executive Order 12088 directs each Executive Agency responsible for compliance with pollution control standards to take necessary actions for prevention, control, and abatement of environmental pollution from activities under its control.
2. EPA has statutory authority (e.g. Section 117, Clean Water Act as Amended) to develop increased Federal participation in cooperative Chesapeake Bay activities. These efforts are supported and encouraged by DoD.
3. Nothing in this Agreement diminishes or expands the administrative authority of each agency in execution of its statutory requirements. The Agreement is intended to facilitate those authorities through cooperative means.

DEFINITIONS

"Exceptions list" and "significant noncompliance (SNC)" as they are defined and used in this agreement are terms that apply to compliance under the requirements of the federal National Pollution Discharge Elimination System (NPDES) program.

The EPA Exceptions List is an internal tracking mechanism used by EPA to track facilities that are chronic noncompliers. It is based on a compilation of major NPDES permit holders that have been in significant noncompliance for two consecutive quarters or more. The Exceptions List is developed quarterly by EPA Region III based on the Quarterly Noncompliance Report (QNCR).

"Major NPDES Permit Holder" is generally defined as a facility that discharges 1 million gallons per day (MGD) or more of wastewater or is rated at 80 or above on the EPA Major Industrial Rating Scale for NPDES Facilities.

significant Noncompliance (SNC): For purposes of determining SNC, any and all violations which meet the criteria listed in 40 CFR, Section 123.45 for Category I noncompliance and some of the criteria for Category II noncompliance are to be considered in SNC. For a detailed explanation of Category I and II, and SNC refer to 40 CFR, Section 123.45 and to Appendix I of the Guidance for Preparation of Quarterly and Semi-Annual Noncompliance Reports in the Enforcement Management System Guide (September 1989).

RESPONSIBILITIES

IT IS AGREED THAT:

A. The Environmental Protection Agency will:

1. Support DoD membership on the Federal Agencies Coordinating Committee, Implementation Committee, and other Agreement entities as appropriate.
2. Coordinate with DoD concerning the development of programs, technical policies, regulations, guidelines, training, research, demonstrations and pollution prevention initiatives relative to the Chesapeake Bay Program.

3. In cooperation with the delegated States, act to insure the issuance or reissuance of all major and other significant DoD National Pollution Discharge Elimination System (NPDES) permits in the Chesapeake Bay region. These permits will contain requirements (including reducing or eliminating toxic pollutants) appropriate to insure the protection of the waters of the Chesapeake Bay.
4. Provide on-site evaluations of specified programs to DoD installations in the Chesapeake Bay region upon request. EPA and delegated states will inspect DoD facilities for compliance in accordance with appropriate Federal, State and local environmental statutes and regulations. EPA will ensure that annual inspections are conducted by EPA or delegated States for all major NPDES permittees in the Chesapeake Bay Region and that findings are provided to the inspected facility on a timely basis.
5. Provide DoD with technical advice and assistance on controlling nonpoint and other water pollution resources, tidal and nontidal wetlands protection and enhancement, and shoreline protection. Facilitate cooperation with the Soil Conservation Service, the Forest Service, the Fish and Wildlife Service, and the Geological Service in these activities. Technical publications on these subjects will be made available to DoD installations in the Chesapeake Bay region upon request.
6. Conduct annual workshops for all federal facility coordinators and managers in the Chesapeake Bay region. Facilitate DoD participation in EPA on-site operator training Programs for wastewater treatment plant operators pursuant to Section 104(g) of the Clean Water Act.
7. Provide access to data in the Chesapeake Bay Program's (CBP) computerized data files. EPA further agrees to provide DoD with appropriate training and assistance in the use of the computer facility to promote DoD's contributions to the Bay's restoration efforts.
8. Provide copies of all documents prepared under the CBP to the Office of the Deputy Assistant Secretary of Defense for Environment, to the Headquarters

offices of the Military Services, and to all DoD installations in the Chesapeake Bay region.

9. Meet with DoD at least annually to review progress and activities in implementing this Agreement and to discuss the compliance status of DoD facilities in the Chesapeake Bay Region.
10. Assist the Military Services and DoD installations in developing their public information programs on Chesapeake Bay issues.
11. Coordinate SARA Title III requirements with Federal facilities in the Chesapeake Bay basin as called for in the basin-wide Toxics Reduction Strategy.

B. The Department of Defense will:

Participation

1. Continue to actively participate in the Chesapeake Bay Program (CBP) through central coordination of all related activities. The designated representative of the Secretary of Defense will represent the interests of DoD on the Implementation Committee.
 - (a) DoD will provide annually an updated list of Commanders' addresses and telephone numbers for all facilities listed in attachment C.
 - (b) DoD representatives will also actively participate on the Federal Agencies Committee and other subcommittees or work groups as appropriate.
 - (c) DoD installations will enhance internal communications on the Chesapeake Bay cleanup program by actively promoting knowledge of and participation in CBP restoration efforts.
 - (d) DoD installations will cooperate with state, regional, local and other Federal agencies through the CBP and other coordination mechanisms to identify separate and joint opportunities for Bay restoration activities. DoD will evaluate its programs with other agencies on a continuing basis to improve

effectiveness of Chesapeake Bay activities within its existing programs of natural resource conservation and environmental quality management.

- (e) DoD installations will ensure that their wastewater treatment plant operators will receive adequate training and proper certifications through EPA/State On-site operator Training Programs or other means as appropriate.
2. Support achieving goals and commitments made in Nutrient, Toxics, and Conventional Pollutant Control Strategies, including coordination with EPA regarding SARA Title III requirements for federal facilities in the basin.

Planning

3. Develop, and review annually, implementation plans for all installations identified in DoD's water quality assessment study as having a significant impact potential on the Chesapeake Bay consistent with the Chesapeake Bay Federal Facilities Strategy. (Appendix A and B). Ensure such plans integrate other environmental planning requirements provided for under this Agreement. Provide copies of plans to EPA and affected states upon request.
4. Integrate at all facilities listed in Appendix C CBP goals and concerns into DoD's existing integrated natural resources management plans and practices, including:
 - (a) Implement best management practices (BMPs) for nonpoint source pollution control on leased farmland, commercial forest land, and on all other DoD lands.
 - (b) Remove impediments to passage of migratory fishes in the Chesapeake Bay watershed.
 - (c) Identify, protect, enhance, restore, and create wetlands.
 - (d) Cooperate with other agencies to identify and protect existing submerged aquatic vegetation (SAV) beds.

- (e) Control sediment and erosion at Defense construction sites.
 - (f) Control shoreline erosion and sedimentation.
 - (g) Maintain integrated pest management (IPM) practices for all pest control operations on DoD lands.
 - (h) Maintain and enhance waterfowl and wildlife habitat.
5. (a) Incorporate the practice of pollution prevention into the policies, program procedures and operations of DoD's Chesapeake Bay facilities policies, program procedures and operations of DoD's Chesapeake Bay facilities through implementation of an environmental management hierarchy which emphasizes pollution prevention through source reduction first and then environmentally-sound recycling of materials that cannot be reduced, avoided or eliminated.
- (b) Select a DoD installation within the Chesapeake Bay Region to serve as a model community to demonstrate how pollution prevention techniques can be combined into an integrated pollution prevention plan.
6. Identify environmental projects (e.g. evaluation of biological nutrient removal techniques or the use of wetlands as nutrient reduction methods, testing of stormwater runoff control techniques, shoreline erosion control measures, agricultural practices on outlease areas) as potential demonstration projects for EPA or State programs.
7. Design, locate, and construct new development in a manner that will minimize its impact on the Chesapeake Bay and its tributaries, and in consonance with the President's goal of no net loss of wetlands.
8. Ensure that DoD projects and activities at facilities listed in Appendix B do not conflict with policies, standards and activities in the States' Nonpoint Source Management Programs

pursuant to the Federal consistency provision in Section 319 of the Clean Water Act.

Funding

9. Ensure funding is obtained by the most expeditious means possible for pollution abatement and prevention projects and studies needed for those facilities on the EPA Exceptions List or in significant noncompliance or whenever necessary to meet final effluent limits.
 - (a) Review and fund major pollution abatement project design, construction, operation, prevention, and maintenance management practices to ensure their effectiveness in protecting the Chesapeake Bay and its tributaries.
 - (b) Give appropriate consideration to other pollution abatement and prevention projects and to natural resources management projects required to meet the objectives of this Agreement.
 - (c) Make maximum use of the OMB Circular A-106 process to integrate compliance objectives, funding and coordination with EPA.

Audits and Inspections

10. Conduct periodic multi-media environmental audits (as defined by EPA) at all major (Appendix A) DoD facilities in the Chesapeake Bay Region on a regular ongoing basis and make the results and audit findings available to EPA and the states. Audits will be conducted in a manner consistent with the EPA Generic Protocol for Environmental Audits at Federal Facilities.
11. Take all appropriate actions necessary to ensure compliance with all provisions of NPDES permits, with special attention to effluent limits, all chemical and/or biological toxics monitoring programs and pretreatment requirements. Ensure that all Discharge Monitoring Reports required by NPDES permits are complete and submitted to EPA within the time frame required by the permit.

12. Continue to provide information to EPA or the States necessary to issue or reissue all major National Pollutant Discharge Elimination System (NPDES) wastewater discharge permits.
13. Ensure future water quality monitoring results are in a form compatible with the CBP's data base, and forward results to appropriate offices on a timely basis.
14. Meet with EPA at least annually to report on progress and activities in implementing this agreement and to discuss the compliance status of DoD facilities.

DELEGATION

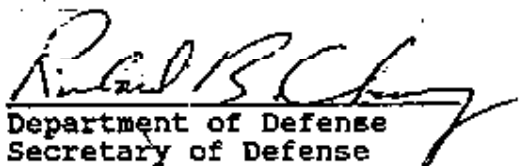
Authorized representatives of EPA and DoD may enter into supplemental agreements within the scope of this document.

MODIFICATION AND TERMINATION

This Agreement may be modified or amended upon request of either party and the concurrence of the other. The Agreement may be terminated with 60-day notice of either party.

IMPLEMENTATION

This Agreement becomes effective when signed by both parties and shall remain in effect until modified or terminated.


Department of Defense
Secretary of Defense


Environmental Protection Agency
Administrator

Date: 4/20/90

Date: April 20, 1990

APPENDIX A

DoD Installations in the Chesapeake Bay Region
with NPDES permits 1.0 MGD or greater.

Aberdeen Proving Ground (Aberdeen and Edgewood Areas), MD
Army Corps of Engineers Washington Aqueduct-Dalecarlia Plant, DC
David W. Taylor NSRDC - Annapolis, MD
Fort Detrick, MD
Fort Eustis, VA
Fort George G. Meade, MD
Letterkenny Army Depot, PA
Naval Air Station/Naval Air Test Center - Patuxent River, MD
Naval Base - Norfolk, VA
Naval Base Supply Center - Norfolk, VA
Naval Ordnance Station - Indian Head, MD
Naval Shipyard - Norfolk, VA
Naval Surface Weapons Center - White Oak, MD
U.S. Marine Corps - Quantico, VA

APPENDIX B

DoD Installations in the Chesapeake Bay Region
with a Significant Impact Potential
on the Bay's Water Quality

Aberdeen Proving Ground (Aberdeen and Edgewood Areas)
Allegheny Ballistics Lab
Andrews Air Force Base
Defense General Supply Center - Richmond
Fort Belvoir
Fort Eustis
Fort George G. Meade
Harry Diamond Lab - Blossom Point
Langley Air Force Base
Letterkenny Army Depot
Naval Air Station - Oceana
Naval Air Station/ Naval Air Test Center - Patuxent River
Naval Amphibious Base - Little Creek
Naval Ordnance Station - Indian Head
Naval Shipyard - Norfolk
Naval Supply Center - Cheatham Annex
Naval Supply Center - Craney Island
Naval Supply Center - Yorktown
Naval Surface Weapons Center - Dahlgren
Naval Surface Weapons Center - White Oak
Naval Weapons Station - Yorktown
Navy Ships Part Control Center - Mechanicsburg
Sewells Point Navy Complex (Naval Station, Naval Air Station,
Naval Aviation Depot, Public Works Center, Supply
Center)
U.S. Marine Corps - Quantico
Vint Hill Farms Station

APPENDIX C

DOD Installations in the Chesapeake Bay Region

AIR FORCE

Andrews Air Force Base, Andrews AFB, MD
Bolling Air Force Base, Washington, DC
Brandywine RDV Site, Brandywine, MD
Davidsonville RDV Site, Davidsonville, MD
Langley Air Force Base, Hampton, VA

ARMY

Aberdeen Proving Ground Complex, Aberdeen, MD
Aberdeen Proving Ground, Aberdeen, MD
Aberdeen Proving Ground, Edgewood, MD
Cameron Station, Alexandria, VA
Carlisle Barracks, Carlisle, PA
Fort A.P. Hill, Bowling Green, VA
Fort Belvoir, Fort Belvoir, VA
Fort Detrick, Frederick, MD
Fort Eustis, Newport News, VA
Fort Lee, Fort Lee, VA
Fort McNair, Washington, DC
Fort Meade, Fort Meade, MD
Fort Monroe, Fort Monroe, VA
Fort Myer, Arlington, VA
Fort Ritchie, Fort Ritchie, MD
Fort Stony, Virginia Beach, VA
Harry Diamond Lab-Adelphi, MD
Harry Diamond Labs-Blossom Point, MD
Harry Diamond Labs-Woodbridge, Woodbridge, VA
Letterkenny Army Depot, Chambersburg, PA
New Cumberland Army Depot, New Cumberland, PA
Vint Hill Farms Station, Warrenton, VA
Walter Reed Army Medical Center, Silver Spring, MD

DEFENSE LOGISTICS AGENCY

Defense General Supply Center, Richmond, VA

NAVY

Allegheny Ballistics Lab-Plant L. Rocket Center, WV
David W. Taylor NSRDC-Annapolis, Annapolis, MD
David W. Taylor NSRDC-Bethesda, Bethesda, MD
Sewell's Point Navy Complex, Norfolk, VA
Naval Aviation Depot, Norfolk, VA
Naval Air Station-Norfolk, Norfolk, VA

Naval Station-Norfolk, Norfolk, VA
Naval Supply Center-Norfolk, Norfolk, VA
Public Works Center-Norfolk, Norfolk, VA
Naval Air Station-Oceana, Virginia Beach, VA
Naval Air Station, Patuxent River Complex, Lexington Park, MD
Naval Air Station, Lexington Park, MD
Naval Air Test Center, Lexington Park, MD
Naval Air Station-Solomons Annex, Solomons, MD
Naval Amphibious Base-Little Creek, Norfolk, VA
Naval Communications Unit, Cheltenham, MD
Naval Electronic Systems Engineering Activity, St. Inigoes, MD
Naval Medical Command-National Capital Region, Bethesda, MD
Naval Observatory, Washington, DC
Naval Ordnance Station, Indian Head, MD
Naval Radio Station-Sugar Grove, Sugar Grove, WV
Naval Radio Transmitter Facility, Annapolis, MD
Naval Research Lab, Washington, DC
Naval Research Lab-Chesapeake Bay Detachment, Randle Cliff Beach,
MD
Naval Shipyard-Norfolk, Portsmouth, VA
Naval Station-Annapolis, Annapolis, MD
Naval Supply Center-Cheatham Annex, Williamsburg, VA
Naval Supply Center-Craney Island, Portsmouth, VA
Naval Supply Center-Yorktown, Yorktown, VA
Naval Surface Weapons Center-Dahlgren, Dahlgren, VA
Naval Surface Weapons Center-White Oak, Silver Spring, MD
Naval Weapons Station, Yorktown, VA
Navy Ships Parts Control Center, Mechanicsburg, PA
St. Juliens Creek Annex, Portsmouth, VA
U.S. Marine Corps-Quantico, Quantico, VA
U.S. Naval Academy, Annapolis, MD
U.S. Naval Academy Farm, Gambrills, MD
Washington Navy Yard, Washington, DC

