



DEPARTMENT OF THE NAVY
COMMANDER
NAVY REGION MID-ATLANTIC
1510 GILBERT ST.
NORFOLK, VA 23511-2737

IN REPLY REFER TO:
5090
EVN40/05/RE429

NOV 16 2015

Department of Environmental Protection
Bureau of Point and Non-Point Source Management
Rachel Carson State Office Building
Post Office Box 874
Harrisburg, PA 17205-8774

Ladies and Gentlemen:

**SUBJECT: DEPARTMENT OF DEFENSE (DOD) COMMENTS ON THE PUBLIC NOTICE
OF A DRAFT NPDES GENERAL PERMIT FOR STORMWATER
DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY (PAG-03)**

As the Department of Defense (DoD) Regional Environmental Coordinator (REC) for U.S. Environmental Protection Agency (EPA) Region 3 and on behalf of the military services, the Commander, Navy Region Mid-Atlantic is responsible for coordinating responses to environmental policies and regulatory matters of interest. We appreciate the opportunity to provide comments for your consideration on the reissuance of the subject permit. Our comments are enclosed.

If you have any questions, my points of contact are Lieutenant Commander Mary Pohanka, JAGC, USN, at E-Mail mary.pohanka@navy.mil or (757) 322-2938 and Mr. William Bullard, Senior Water Program Manager, at (757) 341-0429 or william.bullard1@navy.mil.

Sincerely,

A handwritten signature in black ink that reads "Sean S. Heaney".

SEAN S. HEANEY
Director
Environmental Compliance
By direction of the Commander

Enclosure

Copy to: U.S. Army REC, Region I (Mr. Kevin Kennedy)
U.S. Air Force REC, Regions I, III (Mr. Ron Joyner)

DOD COMMENTS ON THE PUBLIC NOTICE OF DRAFT NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY (PAG-03)

Part C.V.C. states that “if a discrete discharge point for sampling stormwater is not in place, the permittee shall install structure(s) necessary to facilitate representative stormwater sampling at an accessible location prior to the stormwater entering surface waters”. In addition, “a permittee with sheet flow discharges shall install an inlet box or equivalent to collect representative stormwater runoff for sampling purposes”.

Comment: Under the CWA, EPA and authorized states were given authority to issue NPDES permits for discharges of pollutants to navigable waters from point sources. The CWA, and this draft permit define a point source as any “discernible, confined and discrete conveyance ... “. The PAG-03 definition also equates point sources to outfalls in the definition: “Point source (Outfall)”. Part C.V.A. of this permit requires the permittee to conduct monitoring of its stormwater discharges at representative outfalls. Sheet flow across a land surface and discharge to surface water in an unconsolidated/unchannelized fashion is not a point source discharge. Part C.V.C. contradicts Part C.V.A. by apparently requiring sampling/monitoring of a non-point source discharge to surface water. In addition, it is unclear how the sampling data would be used. The benchmarks and discharge limitations specified in the permit apply to outfall discharges. We are unaware of any federal or state law that would authorize the Commonwealth to require an NPDES permittee to create an outfall/point source discharge where one did not exist.

Recommendation: Remove Part C.V.C. from the permit or encourage voluntary sampling of sheet flow runoff.