

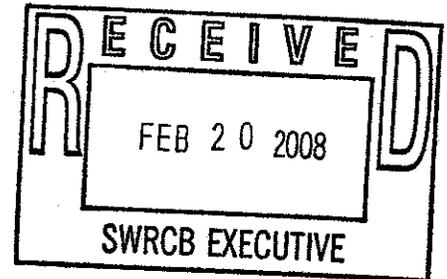


DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
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SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:
5090
Ser N40VTC.ce/0070
February 20, 2008

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

Subject: NPDES Compliance Schedule Policy



Dear Ms Townsend:

I am writing as the deputy Department of Defense (DoD) Regional Environmental Coordinator (REC) for Federal Region 9 on behalf of all the United States military services in California to include the Army, Marine Corps, Navy, Air Force and the Coast Guard in regard to the proposed policy implementing compliance schedules in NPDES permits. The proposal authorizes compliance schedules to ease the burden of complying with new water quality control mechanisms integrated in NPDES permit renewals.

Currently, the scope of this policy, according to paragraphs 2.b. and 2.c., appears to exclude from consideration for compliance schedules any permit regulating toxic pollutants, which could include storm water discharge permits. I would like to emphasize that storm water discharges, including storm water discharges from point sources regulated by NPDES permits, should be specifically recognized and included for compliance schedule consideration when a new, revised, or newly interpreted water quality standard is being considered by the Regional or State Water Board.

When the State Water Board created the "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California" (SIP), it specifically excluded storm water discharges from the SIP. Storm water discharges, even those containing toxic chemicals, are not subject to the California Toxics Rule implemented through the SIP. Therefore, the scope and applicability of this proposed policy for compliance schedules should clarify that storm water discharges regulated by NPDES permit will also be eligible for compliance schedule consideration and not excluded

simply because the storm water discharge may contain chemicals/elements identified in the CTR.

Further, interim numeric limitations for a pollutant should only be applied to non-storm water discharges. Specifically, paragraph 6.b. should be revised to indicate that the Water Board would establish interim numeric limitations only on waste discharges and shall not apply interim numeric limitations to storm water discharges resulting from industrial, construction, or municipal sources.

We request that these technical issues be addressed in the proposed policy.

If there are questions, my point of contact is Michael Huber at (619) 532-2303 and at michael.huber@navy.mil.

Respectfully,



C. L. STATHOS

By direction