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OFFICE OF THE ASSISTANT SECRETARY
(INSTALLATIONS AND ENVIRONMENT)
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WASHINGTON, D.C. 20350-1000

JAN 16 2004

Water Docket
U.S. Environmental Protection Agency
Mailcode 4101T
1200 Pennsylvania Ave., NW
Washington, DC 20460
Attention: Docket ID No. OW-2003-0025

SUBJECT: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) PERMIT REQUIREMENTS FOR MUNICIPAL WASTEWATER
TREATMENT DISCHARGES DURING WET WEATHER CONDITIONS; 68 FR
63042; 7 NOVEMBER 2003; DOCKET NUMBER OW-2003-0025

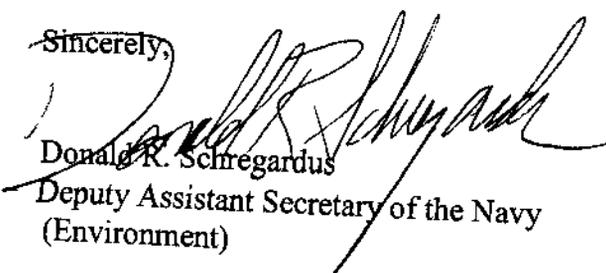
Dear Sir/Madam:

The Department of Defense (DoD) Clean Water Act Services Steering Committee, which represents the Departments of the Navy, Air Force, and Army, as well as several other Defense components and agencies, has reviewed the proposed policy regarding NPDES permit requirements for treatment plants in publicly owned treatment works (POTWs) under peak wet weather flow conditions (i.e., blending policy).

In general, DoD supports EPA's blending policy. However, we offer the following attached comments for consideration: (1) clarify whether the blending policy applies to Federally Owned Treatments Works (FOTWs) or provide FOTWs additional guidance regarding pre-authorized wet weather condition discharges consistent with the blending policy; (2) define the term, "fully utilized"; (3) exclude an explicit requirement to disinfect blended effluent before discharge; and, (4) consider manufacturers' product specifications and recommendations and pertinent industry operation and maintenance practices to determine proper collection system maintenance.

Thank you for providing an opportunity to comment on this proposed policy. If you have any questions, our point of contact for this issue is Mr. Scott Trembly at (202) 685-9315, or email tracey.trembly@navy.mil.

Sincerely,


Donald R. Schregardus

Deputy Assistant Secretary of the Navy
(Environment)

Department of Defense (DoD) Clean Water Act Services Steering Committee (CWASSC)

**Comments on the
Proposed National Pollutant Discharge Elimination System (NPDES) Permit Requirements for
Municipal Wastewater Treatment Discharges During Wet Weather Conditions
68 FR 63042 (7 November 2003)**

General Comment on Proposed Policy

Clarify applicability of the blending policy to Federally Owned Treatment Works (FOTWs), such as those located at DoD installations.

Comment: The proposed policy is unclear on whether it applies to FOTWs in the same manner as it applies to Publicly Owned Treatment Works (POTWs).

Discussion: Several NPDES regulations regulate FOTWs and POTWs similarly given the following similarities between the two types of treatment works: 1) they both receive predominantly domestic wastewater, 2) they both provide physical and/or biological treatment, and 3) they both discharge effluent to waters of the United States. Because FOTWs and POTWs are similar, they face the same issues with respect to wet weather discharges. Therefore, we believe that the Environmental Protection Agency (EPA) should apply the same blending policy to both. If the blending policy does not cover FOTWs, EPA should provide guidance to FOTWs and the States regarding the appropriateness of requesting and receiving NPDES permit conditions that authorize wet weather condition discharges consistent with the blending policy and EPA's interpretation of the bypass provision at 40 CFR § 122.41(m).

Recommendation: Clarify that FOTWs are considered the same as POTWs for purposes of the blending policy.

Reference: Section III, page 63049

DoD Response to EPA Requested Comments on the Proposed Policy

1. Define the term “fully utilized” in Principle 4 of the blending policy.

Comment: EPA should define the term “fully utilized” because there are varying interpretations of the term within the regulated community.

Discussion: Given the varying interpretations within the regulated community regarding the term “fully utilized,” the blending policy would benefit from a flexible definition that enabled POTWs to identify whether capacity of treatment and storage units is “fully utilized.” For example, a difference between unit design capacity and a manufacturer's recommended operating capacity may create unnecessary ambiguity regarding the appropriateness of routing flow around the biological or advanced treatment unit. If, however, the policy defined the term “fully utilized” as a percentage of a biological or advanced treatment unit manufacturer's recommended operating capacity, it would provide a standardized approach for identifying when the capacity of treatment and storage units is “fully utilized.” This would also provide individual POTWs the flexibility to consider the specific

design of their treatment and storage unit in deciding whether to route flow around the biological or advanced treatment unit.

Recommendation: Define the term “fully utilized” as a percentage of a biological or advanced treatment unit manufacturer’s recommended operating capacity.

Reference: Section III.4, page 63049, relative to “issue” (2) on page 63050

2. Do not explicitly require disinfection of blended effluent before discharge.

Comment: An explicit requirement to disinfect blended effluent before discharge is premature and would, therefore, create an unreasonable cost burden. NPDES permits contain a number of monitoring requirements to ensure that permittees comply with the water quality-based effluent limitations.

Discussion: NPDES permits establish myriad monitoring and reporting requirements, the scope and frequency of which are sufficient to ensure compliance with applicable water quality-based effluent limitations. These enforceable requirements (and other blending policy prerequisites expressed in Principle 5) yield data representative of the final blended discharge. Expressly requiring POTWs to disinfect blended effluent before discharge is premature without monitoring data that either demonstrates that the blended effluent complies with existing water quality-based effluent limitations or supports the necessity for developing alternative flow routing scenarios and/or water quality-based effluent limitations associated with blended flow.

Recommendation: Do not explicitly require disinfection of blended effluent before discharge unless monitoring demonstrates that disinfection is necessary for compliance with applicable water quality-based effluent limitations.

Reference: Section III.5 relative to “issue” (3), page 63050

3. Clarify “proper” collection system operation and maintenance.

Comment: The blending policy is unclear as to what constitutes “proper” collection system operation and maintenance.

Discussion: Collection system operation and maintenance varies with infrastructure design and construction materials, and operation maintenance requirements also vary by geographic region and specific site conditions. Manufacturer’s product specifications and maintenance recommendations and pertinent industry operation and maintenance standards (i.e., best management practices) are site-specific, flexible criteria for determining collection system “proper operation and maintenance.” These criteria may also be used as an asset management performance component for any Capacity Management, Operation and Maintenance (CMOM) program for the collection system.

Recommendation: The blending policy should establish manufacturer’s product specifications and maintenance recommendations along with pertinent industry operation and maintenance standards as criteria for evaluating whether a collection system receives “proper operation and maintenance.”

Reference: Section III. 6 relative to “issue” (4), page 63050