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OFFICE OF THE ASSISTANT SECRETARY
(INSTALLATIONS AND ENVIRONMENT)
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OCT 14 2003

Mr. Patrick Bradley
U.S. Environmental Protection Agency
EPA East Building (MC 4203M)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

SUBJECT: NOTICE OF AVAILABILITY; DRAFT WATERSHED-BASED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITTING IMPLEMENTATION GUIDANCE; 68 FR 51011; 25 AUGUST 2003

Dear Mr. Bradley:

The Department of Defense (DoD) Clean Water Act Services Steering Committee (CWASSC), which represents the Departments of the Navy, Air Force, and Army, as well as several other Defense components and agencies, has reviewed the subject guidance on implementing watershed-based permitting under the Clean Water Act. We offer the following comments for consideration:

- a) 303(d) List and TMDLs, page 5, in the right block, 2nd paragraph. DoD recommends that, for clarification and information purposes, EPA add “, which is prepared biennially” at the end of the sentence, “States must develop TMDLs for impaired waters on the 303(d) list.” The revised sentence would state, “States must develop TMDLs for impaired waters on the 303(d) list, which is prepared biennially.”
- b) Nonpoint Source Management Program Section 319, page 6, 1st full paragraph, line 2. The statement, “Nonpoint source pollution is runoff from diffuse sources such as...construction... that are not required to obtain NPDES permit coverage.” may confuse readers. DoD recommends that EPA revise this sentence to clarify that only “non-channeled runoff” from diffuse sources is excluded from NPDES permit coverage. This revision should alert readers to the continued need to determine whether runoff (e.g., stormwater runoff) from certain diffuse sources, such as certain construction activities and urban areas, is point or nonpoint source pollution and whether an NPDES permit may be required. The revised sentence would state, “Nonpoint source pollution is non-channeled runoff from diffuse sources such as....”
- c) Definition of Watershed, page 8, in the right block. DoD recommends that the definition of “watershed” be revised to indicate that: (a) the runoff is to a specific point on a stream, river, lake, etc.; and (b) a watershed may be composed of several smaller watersheds. In addition, the language, “all of the water that is under it or” should be revised.

Explanation: The guidance states that “A watershed ... goes into a common waterway....” This implies that runoff entering a single waterway at multiple entry points constitutes a single watershed. Generally, watersheds contribute runoff to a specific point in a waterway. Thus, a single waterway may have multiple watersheds contributing to it, unless, of course, it originates from a single source.

The definition of “watershed” in the guidance also includes “all of the water that is under it or.” A watershed may be traced on topographic maps, and it is separated from other adjacent watersheds by surface features, such as divides and ridges. A common assumption is that groundwater movement conforms to the surface divides, but in truth, groundwater can travel long distances from one watershed to another (sometimes miles away) before it drains into a waterway. Thus, not all water within a watershed may drain into one waterway.

- d) Hydrologic unit code (HUC), page 8, in the right block, 2nd paragraph. DoD recommends that the acronym “HUC” be spelled out, as the acronym is being used for the first time.
- e) Point Source Dischargers, page 10, in the right block, “Where Do I Fit in?” subsection “If you are a point source, you can.” DoD recommends making available the option for a point source discharger to “Request that the NPDES permitting authority utilize the watershed-based approach if it has not been considered.”
- f) DoD as an NPDES Stakeholder, page 12, in the right block, “Types of Stakeholder Involvement in Watershed-Based NPDES Permitting.” DoD recommends that the guidance identify the Department of Defense as an NPDES Stakeholder and a federal land manager.

Thank you for providing an opportunity to comment on this guidance. If you have any questions, our point of contact is Mr. Scott Trembly, 202/685-9315.

Sincerely,



Donald R. Schregardus
Deputy Assistant Secretary of the Navy
(Environment)

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