



Department of Energy
Washington, DC

October 3, 2003

Mr. Patrick Bradley
U.S. Environmental Protection Agency
EPA East Building (MC4203M)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Mr. Bradley:

The U.S. Department of Energy (DOE) has reviewed the Environmental Protection Agency (EPA) "Draft Watershed-based National Pollutant Discharge Elimination System (NPDES) Permitting Implementation Guidance." The Department commends EPA on its effort to further describe the concept of and the process for watershed-based permitting under the NPDES permit program. The guidance does help DOE facilities understand the process and some of the potential coordination and integration issues involved. However, DOE has specific comments based on field experience. The comments are as follows:

1. Most DOE sites are subject to storm water industrial or construction permits, and information obtained from these programs would be useful under all six steps of the proposed permitting process, in particular step 3, which is "Assess Water Quality Conditions of the Watershed; Collect and Analyze Data for Permit Development." This guidance could suggest measures to: (1) incorporate resources and information already available from the nationwide storm water permitting programs; (2) make certain that this new program does not conflict or duplicate efforts and requirements already in place under the storm water programs (e.g., existing sampling and reporting requirements); and (3) ensure consistency of any limits or requirements set by the two programs. Efforts should be made to avoid permittees being subjected to unnecessary compliance costs. In particular, large entities with activities in multiple watersheds, such as state transportation agencies, could be subjected to burdensome or conflicting requirements (as mentioned on the top of page 30 of the guidance) if close attention is not paid to avoiding overlap of these programs.
2. Regarding watershed based permitting, an area of concern is the unique situation of a land-based (having a definable watershed) permittee/operation with an offshore discharge. DOE recommends that EPA provide clarification on whether two permits would be issued, one for the defined watershed-based NPDES permit and another for the strictly offshore (ocean discharge criteria-based) discharge.

These two comments identify possible overlaps or conflicts among requirements of different programs, and jurisdictional issues that must be considered as EPA continues to

define the watershed-based NPDES permit program. The Department hopes that EPA will continue the dialogue and review process. DOE would be willing to assist EPA in its efforts to adequately address issues regarding watershed-based NPDES permitting.

Questions regarding these comments can be addressed to Lois Thompson on my staff at (202) 586-9581 or e-mail lois.thompson@eh.doe.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Wallo". The signature is fluid and cursive, with the first letter of the first name being a large, stylized capital 'A'.

Andrew Wallo
Director
Office of Air, Water and Radiation
Protection Policy and Guidance